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3rd OF A CENTURY ISSUE

# VARIETY

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VOL. 133. NO. 4

NEW YORK, WEDNESDAY, JANUARY 4, 1939

## AWARDS

WON BY THE LUX RADIO THEATRE

1938

N. Y. WORLD-TELEGRAM ANNUAL POLL OF RADIO EDITORS  
(for best dramatic program)

1936

MOTION PICTURE DAILY POLL OF RADIO EDITORS  
(for best dramatic program and best Hollywood program)

N. Y. WORLD-TELEGRAM ANNUAL POLL OF RADIO EDITORS  
(for best dramatic program)

RADIO GUIDE MEDAL OF MERIT

1937

ANNUAL POLL OF HEARST RADIO EDITORS  
(for best dramatic program)

MOTION PICTURE DAILY POLL OF RADIO EDITORS  
(for best dramatic program and best Hollywood program)

WOMEN'S NATIONAL RADIO COMMITTEE  
(for best dramatic program)

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1934-13  
Jan. Mar. 1939  
134

# Thank You Hollywood

GREAT REACTION... country's critics and an audience that grows apace! Across the continent, experts say, and more men around the loudspeakers in the years of its existence, the Lux Radio Theatre has acquired a radio audience the drama is known.

The American public's interest in the stage and its Hollywood itself has been realized by the Lux Radio Theatre. With its producers, writers, and actors work in a full dramatic program that not only presents "the play," but brings to the entire country something of the fascinating aura that surrounds the drama.

We owe a debt of gratitude to the performers, producers, writers, executives and the many others behind the scenes in Hollywood who have made all of this possible. It is our sincere intention to keep the public the most dramatic program on the air, but we cannot do this only by continued co-operation with the least in the entertainment world. We are confident that this constant co-operation will result in the most dramatic program on the air.

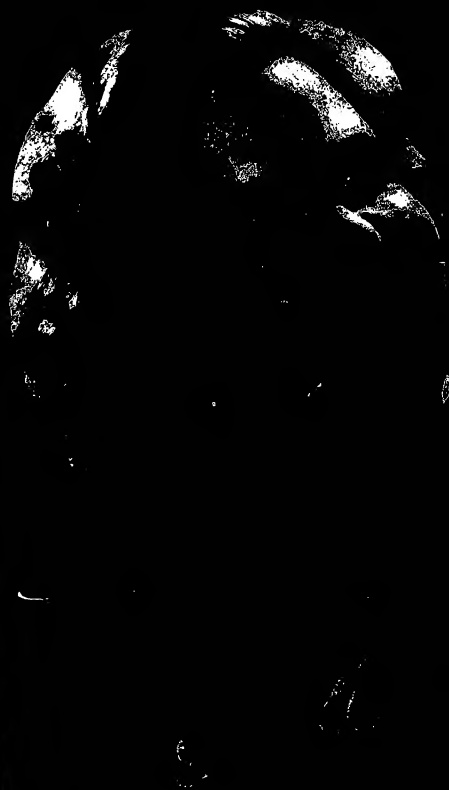
## LUX RADIO THEATRE

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# VARIETY

Vol. 133 No. 4

NEW YORK, WEDNESDAY, JANUARY 4, 1939

204 PAGES

THE WHITE HOUSE  
WASHINGTON

December 7, 1938

My dear Mr. Silverman:

The years that have passed since Variety first saw the light of day have witnessed many and striking changes in the amusement business. The files of your paper must therefore be a gold mine of history to those interested in the evolution and development of the art of amusement since the turn of the century. In extending hearty congratulations upon the completion of a third of a century of publication by Variety may I express the hope that your publication may go forward with progress to ever greater achievements in the years that lie ahead.

Very sincerely yours,



Mr. Sid Silverman,  
Publisher and Editor,  
VARIETY,  
154 West 46th Street,  
New York, N.Y.

## RKO REORG OK SET FOR THURS.

Confirmation of the RKO reorganization plan is all set for Jan. 5 (Thursday). This was practically made certain last Thursday (29) at the hearing before N. Y. Federal Judge William Bondy who announced that he thought the plan fair and equitable to all concerned and that he was ready to sign it in the 'near future.' The court might have placed his okay on the papers at that time had not Col. Hamilton C. Rickaby, counsel for the Atlas Corp., chief proponent of the plan, introduced an amendment to the Rockefeller Center's part in the reorganization.

Rickaby's recommendation would eliminate the agreement between the Center and RKO in relation to the operation of the Music Hall and the Rockefeller Center theatre. It would also reduce the Center's participation in the new shares of the company to the extent of \$5,000,000, and would cut its common shares in the new company from 500,000 to 415,000. No objection was raised at the hearing to this amendment to the plan.

However, Judge Bondy fixed Thursday to hear any final argument on the plan. He explained the delay in confirmation by saying that he wanted to make sure as to the technical consents and to avoid all possibility of a reversal. Meanwhile, Rickaby was directed to draw up the technical form order which Judge Bondy will sign in confirming the plan.

At least two groups will appeal from the confirmation of the plan. These are Nathan Rosenberg, representing H. Cassel & Co., holders of \$175,000 of debentures, and John S. Over, on behalf of Ernest W. Stirn, of Milwaukee, holder of 1,234 shares of common stock who insists he is the only legitimate stockholder entitled to file protests or to have a say in the reorganization.

## Pan Will Rogers Mural In P.O. as Too Theatrical

Claremore, Okla., Jan. 1.

Will Rogers mural in the new Claremore postoffice has been put on the griddle by local citizens who state the painting is un-lifelike and not true to the Rogers character as known to Claremore. The mural is a Federal Art Project, painted by Randall Davey, of Santa Fe, N. M.

According to Morton Harrison, treasurer of the Will Rogers commission, the mural cost 'just \$1,018 too much.' Government is reported to have paid \$1,020 to Davey for the work.

Complained that the characters include an orchestra and two many show people, and failed to capture Rogers' life as Claremore saw it. Davey states he attempted to show Rogers in all his various activities and not just as a cowboy.

## THIRD OF A CENTURY

There was show business in Greece when Rome wasn't even a split week. Clear traces of professional, organized entertainment go back 3,000-4,000 years. Against which the paltry 33 years which this special issue celebrates is just a spot announcement. But with a difference; for between 1905 and 1938, which years coincide with the publication life of **VARIETY**, there have been more radical changes in show business than in all the rest of theatrical history.

These changes have been in the direction of mechanization, starting with the threading of strips of celluloid into an apparatus throwing a beam of light on a screen and now reaching a staggering feat of electronics whereby images are rescrumbled off the air and projected simultaneously in the home with the spoken word. In the process has emerged a kind of entertainment in which a whole array of special techniques and trained craftsmanship must be coordinated to produce the final result. Show business has therefore necessarily and inevitably become big business. Yet this is but a fraction of the social, political and economic implications of what has happened and is happening in the entertainment field. **VARIETY** in its columns for the past third of a century has unfolded, week by week, the history of this growth and change. But the past is merely an overture to the future. The drama of the business of drama becomes more complex.

Mechanization (films, radio and potentially television) bring show business ever closer to the man on the street. On the other hand entertainment for its own sake has now been supplanted and supplemented by entertainment for the sake of selling soap, improving public relations, winning elections, pressuring the government or the people. It is getting so that it is hard to tell where the showman and the business man separate. They're becoming more and more the same guy.

What bankers, sponsors, business men generally are slow to see in its true importance is the absolute reliance of all entertainment upon personality. Cameras are precision tools that can be made in factories; ditto microphones, transmitting antenna, the chemical apparatus of colors, and so on. But personality cannot be turned out or processed on a factory assembly belt basis. This is what makes entertainment impossible to standardize. Personality is unpredictable in its manifestations, longevity, timeliness. Entertainment embraces the personality of actors, singers, comedians who are seen and heard, the personality of an author in his craftsmanship, a composer

in his melody, a director in his deft touches, a designer in his sets.

Television, for example, is faced with an entertainment problem compared to which the engineering job is a snap. Far from opening easy new frontiers of public amusement, television merely complicates the old problem of personality. Electronics may also, as predicted, one day make the tonal harmonics of the old masters seem primitive and simple, but one thing is certain: the inventors won't be able to write or play this super-music of the dim future. Experience from 1905 to 1939 clearly shows that. However refined or wonderful the tools of entertainment become, they always just add up to a frame, stage, setting or distribution system for personality.

Business system too easily becomes the tail that wags the production dog. Blockbooking in films, for example, is a business man's device for fool-proofing the danger of losses on showmanship. System is not a complete triumph, for it tends to be maintained by penalizing the money-makers to protect the money-losers. It clogs the natural affinity of sock personality and sock boxoffice earnings by leveling off the good with the bad. It's an effort to deny 'inspiration' and exalt 'efficiency.' At the moment it is not all that's wrong with the film industry but it's probably a big clue.

Or take radio which is notoriously a borrower rather than a creator of entertainment. Its masterminds sense and fear the hazards of personality while appreciating the values. Radio's way out of this 'gamble' of possible loss is to pay peak premium prices for guaranteed favorites and to sidestep any creative experimenting. The importance of personality becomes almost psychopathic with the big sponsors. Expediency justifies the five-figure system and even turns out to be cheap. Meanwhile the miracle of broadcasting, as such, is by now, no attraction in itself. Personality is what counts. Similarly, few theatres any longer boast of the particular sound system.

All of which makes the news that makes **VARIETY**. Of this paper it may still be said it sells news to its readers and white space to its advertisers. And, to paraphrase a statement in the first issue, Dec. 16, 1905, it looks forward to the 51st anniversary edition to decide whether a non-osculatory trade paper is a good idea.

**VARIETY** has one or two fixed editorial ideas. It tries hard to be newsy, not very hard to be grammatical, dislikes censorship in any form and under any auspices, and listens regularly to 'Information Please.'

The next 33 years will be even harder.

## U. S. and Italy Both Adamant On Pix Walkout; Others May Follow

With both the Italian government and the major American picture companies standing firm regarding distribution in Italy, any new development or change of front is not expected to be revealed until some time in January. Italy's government film monopoly was scheduled to become effective as of Jan. 1, 1939. The four U. S. major companies maintaining distribution setups in Italy were shutting and withdrawing, according to latest information from overseas last Dec. 31, while the other four major distributors (Universal, RKO, Columbia and United Artists) were reported sticking with the other majors on the theory that they were being forced out of Italy.

Industry looks on Italy's move to put foreign picture distribution in the hands of E. N. I. C. government film monopoly, as being a test case which involves virtually the entire distribution alignment of American companies in Europe. Which not only explains the importance attached to the Italian situation but also why the industry has urged a solid front on the part of majors.

Representatives of foreign departments in New York believe that if Italy triumphs in the present move to nationalize all distribution, other countries in Europe will follow suit. It is no secret that other nations

have been watching developments closely because they see an opportunity to chisel in on American film profits.

American major companies have maintained that they are being forced from Italy, since elimination of percentage deals, outright flat rental buys and complete domination of distribution situation would take the profit out of operation for U. S. distributors and cut them off from having any individual or private say on their own product.

### Meagre Film Choice

Now appears here that American companies will withdraw all distribution of their films in this country. Great Britain may do the same and France is not enthusiastic over the Italian film monopoly plan effective the first of this year.

This leaves only German and scattered European films for Italian theatregoers. Exhibitors predict it will be a slim 1939 unless some American product comes through.

### Laurel Sued by No. 4

Los Angeles, Jan. 1. Vera Milana, Laurel, Russian dancer and fourth wife of Stan Laurel, filed suit for separate maintenance of \$1,500 a month. Basis of complaint was extreme cruelty.

## Jas. Cruze Again Suing His Daughter on Deeds

Los Angeles, Jan. 1.

James Cruze filed a second suit against his daughter, Julie Jane Cruze, demanding the return of deeds for \$150,000 worth of real estate.

Recently Miss Cruze won a decision in suit for the same property. This time her father asks the court to appoint a guardian for her.

## Newsreel Cavalcade

Moving into line on the patriotic cycle, arrangements have been completed by RKO under which Pathe News will turn out a feature which will take the past 20 years as a background and attempts to illustrate the trend toward the future. RKO will release.

Given the tentative title of 'United We Stand,' the scenario for the newsreel picture is now being prepared by staff writers of Pathe News. It is hoped to have the feature ready for release some time in February.

## Silverstone, Farnol West

Murray Silverstone and Lynn Farnol to the Coast Friday (6) on new product campaigns.

Both return to New York after annual stockholders' meeting in Hollywood, Jan. 12.

## 5TH AVE. SHOPS' NEWSREEL IDEA

After publicizing Fifth Avenue as being the shopping center of the world in connection with the forthcoming World's Fair in New York City, newsreels have been handed a slap in the face by a group of Fifth Avenue shops. Editors of the newsreels have received a blunt warning that Uptown Retail Guild would not permit photographing of merchandise unless the reels give direct credit to the store whose goods appear in the film.

In the notice to the executives of the reels, warning note points to the fact that such credit was received from fashion magazines and fashion pages after a similar resolution was passed about a year ago. Reaction among the film editors, however, is that if the Fifth Avenue shops insist on credits, they will be ignored by newsreels in the future. That has been their attitude with hotels and certain stores that previously insisted on screen credit before allowing their model or gowns to be photographed. They believe that such stipulations hinder 'freedom of the reels' and make them commercial propositions, whereas exhibitors pay for newsreel entertainment and not screen ads.

Newsreel editorial staffs often give credit to prominent establishments when it fits into the screen story. But they contend that the matter of whether or not any mention is given should be left strictly to the editors.

Note warning the newsreels was signed by John B. Swinney, managing director of the Uptown Retail Guild, which listed Bergdorf Goodman, Hattie Carnegie, J. P. Morgan, Saks Fifth Ave., Bonwit Teller, DePenna, Milgrim and the Tailored Woman, as stores involved in the resolution passed by the directors.

## N. Y. Fair's Trailer Town for Visitors

Part of the housing situation for visitors to the New York World's Fair was solved last week when it was revealed that a giant trailer town, capable of handling 5,000 people and more than 1,200 trailers daily, was assured. Corporation representing an investment of \$1,500,000, called Trailer Town, Inc., is handling the project which will be located near the Whitestone bridge, now nearing completion.

Camp proposition is headed by Harry Rich Mooney. It will have all necessary facilities and will be virtually a complete community by itself. Ely J. Kahn, architect for Ford, will handle designing with World's Fair type of architecture carried into effect.

## Donlevy's Brit. Veto

Hollywood, Jan. 1.

Brian Donlevy turned down a \$25,000 one-picture deal with Mayflower Films in London.

Actor is slated for a featured role in 'Beau Geste' at Paramount.

## ARRIVALS

Mr. and Mrs. Erwin Piscator, Irving Asher, D'Oyly Carte Co., Marilyn Green, Sydney Granville, Marjorie Eyre, John Dean, Leslie Eynon, Evelyn Gardiner, Darrell Hancock, Richard Walker, William Summer, Margery Abbott, John Dudley, Helen Roberts, Viola Wilson, Isadore Godfrey, Nadia Boulanger, Alexander Omansky, Dr. H. J. Er-langer.

## N. Y. to L. A.

Herb Crooker.  
Robert Emmett  
Lynn Farnol.  
Patsy Kelly.  
Ritz Bros.  
Murray Silverstone.

## L. A. to N. Y.

Bruce Cabot.  
James Cagney.  
James R. Grainger.  
Tom Harrington.  
Edwin Knopf.  
Nate Schenber.  
Robert Sinclair.

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# ROONEY '38 B. O. CHAMPION

## HOW STARS RATE AROUND THE GLOBE

**World's Market Boxoffice Leaders Differ from Domestic Grosses (U. S. and Canada)—Still Loyal to Old Faves**

### STRONG ALSO-RANS

By Mike Weear

The greatest money stars at the boxoffices around the world during 1938 (excluding domestic market of U. S. and Canada), in order of drawing ability, were:

1. Clark Gable.
2. Greta Garbo.
3. Gary Cooper.
4. Paul Muni.
5. Shirley Temple.
6. Jeanette MacDonald.
7. Charles Boyer.
8. Deanna Durbin.
9. Errol Flynn.
10. Claudette Colbert.

List represents stellar players who attracted the most business in the countries outside of the domestic field. It indicates stars who got the top money at the world's boxoffices.

VARIETY correspondents all over the globe surveyed their respective countries for a cross-section of the 10 best. Besides this data, the stars' boxoffice business as disclosed by the home-office reports on their films during the past 12 months, is the basis of the ratings. In a number of countries this meant that product released in U. S. after July 1 figured little or not at all in business reports, because many nations are that far behind American releasing schedule.

Standing was obtained by lining up local popularity against the business obtained in various sections of the world. While one star may be an ace boxoffice attraction for a particular company in some country, the actual amount of revenue might be negligible compared with the total foreign business enjoyed by a rival company in the same nation.

Past year's list of boxoffice champions is pertinent in its consistency, with six winners appearing in the first 10 in 1937. Newcomers are Charles Boyer, Deanna Durbin, Errol Flynn, and Claudette Colbert, while those crowded from the 1937 compilation are the Fred Astaire-Ginger Rogers team, Marlene Dietrich, Robert Taylor, and William Powell-Myrna Loy team. Even though illness kept Powell from making new films (one rated a mack in the foreign territory), old popularity of this combo and their older co-starring efforts nearly enabled them to get into the money again.

Rise of Clark Gable from No. 3 to the ace spot is attributed to the consistent draw of 'Test Pilot' a 'Too Hot to Handle,' plus returns still coming in on 'San Francisco.' Salesmen were inclined to rate the heavyweight grosses coming in on 'Too Hot' as a major test of the star's drawing power because the story itself was regarded below standard.

Greta Garbo continues in second place because foreign audiences went for 'Conquest' and 'Camille,' even though the former was not regarded as especially strong in domestic field. Revenues of these productions further attested to the fact that screen patrons in foreign lands are slow in breaking away from old favorites, once they are firmly entrenched.

Gary Cooper slipped from leadership to No. 3 because he had only one feature on which there was heavy response outside the U. S.—'Bluebeard's Eighth Wife.' 'Marco Polo,' besides running into bans in Italy and China, was comparatively lukewarm in foreign territories. His

(Continued from page 3)

## Top Money Directors

Henry King  
Michael Curtiz  
George B. Seitz  
Jack Conway  
W. S. Van Dyke  
Frank Capra  
Victor Fleming

## HICKS ABROAD ON PAR DISTRIB

John W. Hicks, Jr., head of Paramount's foreign department, sails for England today (Wednesday) where he will resume his contacting of important distribution centers on the continent. Hicks served as head of Paramount's operating company in Great Britain until David Rose was named permanent head. This work and other matters concerning the British situation occupied most of his time on his recent visit to Europe.

Now that the Great Britain setup is adjusted, Hicks will be able to devote more attention to other situations in Europe. He plans to be gone six or eight weeks this time.

## LOEW STOCKHOLDERS' DECISION DUE IN FEB.

Decision in the Loew's stockholders' accounting will not be handed down by N. Y. Supreme Court Justice Louis A. Valente for at least six weeks and possibly two months, it was authoritatively learned last week. It is understood the Court is not inclined to rush the matter, holding that whatever decision is reached, it will not necessarily affect the new contracts scheduled for the first of the year.

Should the defendants lose, the contract would become void. If they win, the agreements become retroactive and payments of salaries and bonuses would start from the first of this year. It is understood briefs have been filed with Justice Valente as requested, and they are in possession of the judge.

## M. Shubert Leaves WB

Hollywood, Jan. 1. Milton Shubert resigned as associate producer at Warners and leaves the lot at the completion of his two pictures, now practically finished.

Aside from a vacation at Sun Valley, Idaho, Shubert has no immediate plans.

## '38 Top Pix Grossers

'Snow White' (Disney-RKO)  
'Alexander's Ragtime Band' (20th)  
'Test Pilot' (Metro)  
'Chicago' (20th)  
'Hurricane' (Goldwyn-UA)  
'Robin Hood' (WB)  
'Marie Antoinette' (Metro)  
'Love Finds Andy Hardy' (Metro)

## 'TIME' MARCHES INTO FEATURES

Hollywood, Jan. 1. March of Time goes into full-length feature production early this year, with the number of features to be determined by the success of the first venture, on which Sheridan Gibney is working.

Louis de Rochemont, producer-publisher, announced the new policy here after conferences with Gibney, Walter Wanger, Frank Capra, Walt Disney, Fred Quimby, J. R. McDonough and Howard Benedict. First feature, budgeted at \$250,000, is for RKO-Radio release.

## ANALYSIS OF TOP FILMS AND STARS

**Temple Leads Femmes—**  
'Snow White' Top Pic with \$6,500,000—King Foremost 'Money' Director—Autry No. 1 Western Star

### NEW WICKET RATINGS

By Arthur Ungar

Hollywood, Jan. 1. It's another youngster who, by leaps and bounds during the past year, working in 10 pictures at Metro and one outside pic at Republic, became the boxoffice champion as to draw power in 1938. Mickey Rooney, elevated to stardom by Metro, leads the entire contingent on his lot, including Clark Gable, Robert Taylor, Norma Shearer, Greta Garbo and the other stars who have been outstanding in exhib value for years. Young Rooney, with those 'Judge Hardy' repeaters, 'Boys Town' and various other pictures he was put into during the year, became hotter than a firecracker during the final six months of the year.

The femme contingent is again headed by Shirley Temple, who with her output reduced from four to three on the year, managed to still hold that b. o. power so far as the world market is concerned.

With the passing of time many of the stellar names of the past 10 years are beginning to recede in value, newer blood is usual coming to the fore. Metro, 20th-Fox and Warners pushed plenty of the newer crowd to the foreground while, in other instances, several stars who had faded from the horizon made a comeback fight. Most outstanding was Janet Gaynor, who gives indications of again possessing drawing quality.

Productions released during 1938 saw an unusual number of remakes, both in the top money and program brackets. Studios just did not seem to show an unusual desire to experiment with new material when they could fall back on picture property which had proved itself in the past.

### Series Pix Potent

Then, too, on the year, the series pictures became rather important factors. Metro hit best with its 'Eardy Family' series; 20th-Fox continues its 'Charlie Chan' and 'Jonas Family,' also adding the 'Mr. Moto' series; Paramount has its 'Bulldog Drummonds,' Columbia is starting a 'Blondie' group, with RKO having started its 'Annabell,' but dropping out after the second, due to loss of Jack Oakie. Likely that in an endeavor to get rid of the 'B' stigma, many of the companies will expand on the series, figuring them of potent draw value the same way as the exhibs did the weekly serials in the early silent days.

The western and outdoor picture became quite a factor also during the year with many of the stars in this realm outdrawing a great many of the dramatic lunkies of the same company program. Also noticeable on programs of the indie companies, as well as some of the majors, was that a great many stars and important featured players of three to five years ago are being used to balance casts of the medium-priced pictures.

No. 1 boxoffice winner for the year is Walt Disney's 'Snow White and the Seven Dwarfs,' which, on worldwide distribution, will hit around the \$6,500,000 mark. Runner-up, 'Alexander's Ragtime Band,' has proved itself a tornado at the international boxoffice. 'Test Pilot' with Clark Gable, Myrna Loy and Spencer Tracy came next. 'Chicago' ranked close alongside of it and 'Hurricane' released late in 1937, is proving to be a great worldwide b. o. magnet. Containing relatively

(Continued on page 10)

## British Films and the American Market

By Arthur Dent

London, Dec. 20. My innumerable friendly contacts with the U. S. A. and the sympathetic receptions I have always enjoyed there, encourage me to talk frankly through the columns of VARIETY. I hope I shall not receive from America any parcels that explode when the string is untied.

It may surprise, but it probably won't interest New York and Hollywood, to have to remember that the basis of commercial film was laid in Britain when William Friese Greene patented his camera and projector and exhibited a film of Hyde Park Corner in 1890, and from that year until the Great War, British and American production stood on equal terms. Will Barker, Cecil Hepworth, Colonel Bromhead and Sir William Jury were all working hard about the time when American production moved to Hollywood from New York.

Simon and Harry Rowson were putting the big names of English literature and stage on the screen around the time when Adolph Zukor founded 'Famous Players,' another British Company of pre-war days—prophetically named London Films, (not Korda's present outfit) made 'The Prisoner of Zenda' and 'Rupert of Hentzau.' Both company and films died.

The war put a brake on production in England and America went ahead and stayed there. The war over, there were isolated pictures from C. M. Woolf and Herbert Wilcox, among others, but the Stoll Studios were the only producing organization of any size in the country. It was not until 1926 that the Eclair Studios were started as the first serious effort to reestablish film production in England.

I know that readers of this article have started to say 'so what?' This is the 'what.' Britain as a production source is in the running again and wants a better share of the American market than it has at present and the obstacles are very much those that existed in England prior to the Films Act of 1928, known commonly as the 'Quota Law.'

Main benefits to British films under the law were the establishment of a restricted booking period and the ban on block booking. Before, major American companies had the market practically sewn up with yearly contracts sold on a roster of titles and star names, whereas from 1928 onwards the home product began to compete on an entertainment value basis. A period of steady progress followed until Alexander Korda scored his deserved success with

'Henry VIII.' The grosses of that picture became almost legendary in the minds of promoters and investors in the mushroom companies that sprang up after 1934. The genius son that helped the fungus to flourish was our old friend, the Films Act of 1928, which unfortunately was interpreted by some promoters to bestow a 'heads I win—tails you lose' chance on the British film producer. Production costs and salaries got beyond the telephone numbers stage and began to look like the calculations of an astronomer.

Some of those budgets started gloriously, but two years saw the majority expiring with a faint hiss as the last of the hot air escaped. Soon after the pre-boom producers resumed work on sane lines and some good product has resulted; the earnings in England on a successful picture will still pay well for a moderately priced production. The big picture with a six-figure budget in sterling requires a profitable American exploitation before it can show a profit, but relatively few British pictures have achieved that. Until they do further progress is difficult.

One of the main obstacles against that progress sounds almost like a line from a crazy comedy, but like all good comedy has a ring of truth in it....

'British films do not get bigger and better because they do not get American distribution; and they do not get American distribution because they do not get bigger and better.'

Viewed more closely, the situation shows that British films in America have to compete against something more than the quality of the Hollywood product. The key theatres are controlled by the major distributors and mutual booking keeps those theatres well supplied with product. To make a booking in the key spots an independent picture has to be not merely good, but an absolute world-beater. In these circumstances, only isolated British pictures get, at rare intervals, substantial revenue from American distribution and no British producer can afford to produce big

budget productions continuously in the problematic hope of American revenue.

**Blind and Block Booking**  
Again blind and block booking fills theatre date books very swiftly and the picking up of odd dates would keep no distributor alive if his picture cost real money. Further British pictures, being regarded as 'foreign' product sold by a national distributor, are subject to a special cancellation clause on exhibitors contracts which carves a big difference into the figures of contracts sold and billings for matured exhibitions.

Also, the day and date release system, though admirable enough for the major firms with its world coverage of publicity on a given date, puts the American film streets ahead of a British film in prominence in the public mind and is consequently valuable to the smaller theatres by reason of its established publicity.

British films lack this asset. Admittedly, the American exhibitor naturally prefers American product and can give very cogent reasons for doing so; also Britain has sinned in the past in sending to the U. S. A. and boosting heavily the wrong type of picture, technically good but unsuitable for Americans in theme and treatment.

There are points, however, where the British films will repay a good break from American distributors and here they are. Today, Britain has had considerable experience in production and an increasing stream of good product is issuing from the major studios. It is a definite fact that some of these pictures are ringing the bell with the British public which has been brought up for years on a film diet never less than 75% American. It is reasonable to suppose that these pictures should find some favor with American audiences.

Film quiz shows that American producers are seeking to do something more than make pictures on the established axioms of production. I suggest that a British picture of the right type in American schedules would add flavor to the staple fare and tickle the jaded appetite of the ticket buyer. Such a picture handled nationally by a big distributor without discrimination in cancellation clauses, would mean money for all parties.

**Quotes Kennedy**  
I would like to quote your recent extremely popular ambassador to England, Joseph P. Kennedy, who

(Continued on page 30)

## Deadline Jan. 1

This edition went to press Jan. 1.

Early deadline, because of the holiday's mechanical problems and the size of this issue, omits certain standard departments this week.

## \$1,000,000 IN 1938 FOR PHILLY'S NEW BLDG.

Philadelphia, Jan. 1.

Philly had a good average year during 1938 for building and complete remodeling. It was below 1937, but builders and equipment men here agreed that it was more than satisfactory from their standpoint in view of the general condition of the film industry. Total spent for erection of new houses and remodeling of old ones was just about \$1,000,000.

Nine new houses went up, adding 6,700 seats to the city's total, and 10 houses were renovated, representing about 10,000 seats. The latter brought about a rise of approximately 30% in equipment sales over the year before.

Among the more important of the new houses which were opened are the Alden, operated by Charles Goldfine, 800 seats; the Chetani, operated by Lewen Pitor and Charles Segall, 920 seats; Lane, Warner house, 700 seats; Crest, operated by Leo Posel, 900 seats; Adelphi, operated by Affiliated Theatres Circuit, 700 seats; and the Senate, Harrisburg, operated by Jay Emanuel, 700 seats.

Biggest of those given a thorough remodeling and modernizing job were the Tioza, Segall-Pizor operated, 1,400 seats; the Byrd, operated by Ward Greenfield, 1,800 seats; and the Stonehenge, operated by Charles Klang, 1,400 seats.

### Kinney's Fourth in Charlotte

Charlotte, N. C., Jan. 1. Plans for the new 800-seat picture theatre to be erected in a Charlotte suburb by the North Carolina Theatres, Inc., filed. Scheduled to be completed by April 1. To be named the Dilworth, it will be fourth house operated here by H. F. Kinney.

## LIPSTONE VICE MORROS AS PAR'S MUSIC HEAD

Succeeding Boris Morros as music head at the Paramount studio, following latter's recent resignation, Louis Lipstone has resigned from Balaban & Katz in Chicago and is now on the Coast to take up his new duties.

Lipstone has been with B&K for 21 years. He started as an orchestra director and in later years took charge of all presentations production for B&K. On resigning he was in charge of all entertainment enterprises for the circuit formerly handled by A. J. Balaban.

Replacing Lipstone as booking manager of Balaban & Katz will be Max Turner, Chicago vaude actor. Dave Wallerstein and Nate Platt will sit in on respective vaude houses, Chicago and State Lake. Wallerstein also okaying Great State bookings.

### Cantor Settles U. S. Tax

Surrender of Eddie Cantor, film comedian, to the long arm of the U. S. Internal Revenue Bureau was announced Thursday (28) as Cantor agreed to kick in an additional \$3,253 on income taxes of the Solax Holding Corp.

As transferee of the corporation, comedy star had been assessed \$15,381 in penalties and income and excess profit taxes.

### Hays Meet Today (Wed.)

Adjourned session of the December quarterly meeting of the Hays office directors will be held today (Wednesday). Will Hays, head of Motion Picture Producers & Distributors Assoc., who went to Sullivan, Ind., his former home, for Christmas, returned last Thursday (29) in order to be present for this directors' meeting.

Hays plans to go to the Coast about Jan. 15 on his regular winter visit.

### FAIRBANKS, ASHER SAIL

London, Jan. 1.

Douglas Fairbanks and Irving Asher sailed for New York Dec. 30. On the same boat were Doris Keane, Vera Bergman, Alexander Brailowsky and Arthur Rubenstein.

# NEW FACES OF 1938

By Jack Jungmeyer

Hollywood, Jan. 1.

Youth crowded into the star and near-star brackets in such numbers and with such boxoffice significance that their collective success was the outstanding feature of player achievement during 1938.

Scoring the greatest individual triumph was Mickey Rooney, Metro's self-assured and gifted adolescent, who clinched his stardom in a series of consistently impressive performances—"Love Finds Andy Hardy," "Out West with the Hardys," "Boys Town," "Stablemates"—and whose dominant share in "Love Finds Andy Hardy" made that picture probably the most influential upon film trends during the season.

Born to show biz and earning his right to high place in it by his own efforts and through no freak, young Rooney seems to have weathered the usually difficult period between boyhood and young manhood in pictures, with his phiz still raw from his first shave. He's proved himself a top money maker, a delight to exhibitors, a pride to his studio and a splendid trouper, in the good graces of his fellow thespians.

On the same lot, two other juve proms passed through what will probably be their most difficult year in the adolescent transition, to stellar rating. Judy Garland, already well established as an exceptionally talented youngster, was given top billing. She, too, profited by her role in "Love Finds Andy Hardy," and had several noteworthy additional credits. Freddie Bartholomew added to his consistently applauded acting honors while he added almost a half foot to his now galling height. For these two there seems no break ahead, thanks to personal intelligence and careful handling.

Jane Withers deservedly made the stellar status as a consistent entertainer and money maker for 20th-Fox, also a product of wise handling, while the prodigious Shirley Temple, 20th-Fox's b. o. ace, saw her own and the rapidly increasing juvenile competition on all sides.

The rise to box office prominence of the so-called Dead End Kids was phenomenal. Identified by their aggregate title, rather than individual names, Billy Halop, Huntz Hall, Bobby Jordan, Leo B. Gorcey, Gabriel Dell and Bernard Punsley impressed themselves definitely as top feature caliber from their introduction to films in Samuel Goldwyn's screening of the Sidney Kingsley play, through Warners' "Crime School," Universal's "Little Tough Guys" to the Warners' smash hit, "Angels with Dirty Faces," together with several other pictures in which several or all appeared. The composite performance, because of casting to established reputations, is pretty well standardized along the line of tough hoodlums, but has been kept so vivid and vital as to escape monotony by repetition.

Tommy Kelly and Ann Gillis were elevated to top levels in short order for performances in David O. Selznick's "Adventures of Tom Sawyer." It was young Kelly's film bow.

Jackie Cooper moved from "White Banners," an impressive role, into star rating at Universal in the forthcoming Boy Scout serial, "The Eagle Scout."

Terry Kilburn, diminutive son of a London cabby, made quick headway toward prominence in Metro's "Lord Jeff," after being a radio protégé of Eddie Cantor, and followed with outstanding enactments in "A Christmas Carol" and "Sweethearts."

### Good Story Breaks

The kids profited, in general, by better stories than the grown-ups, and, as a rule, better direction and production preparation. Also, the demand upon youngsters coming into films now is for genuine skill as well as charm, and not mere cuteness or prettiness. To survive the climb to stardom they must have the stuff.

In the adult ranks the most sensational success for new faces was scored by Edgar Bergen with his little alter-ego, Charlie McCarthy, in Universal's John M. Stahl production, "Let's Get Out of This Country," following their film debut in Samuel Goldwyn's "Follies." Bergen and McCarthy looked as good as they listened to the customers, already thoroughly primed by the radio. That, and the good script deal Bergen got in his rich role in "Introduction" was enough.

On the distaff side, Hedy LaMarr got the heavy rave of critics and the star accolade by Walter Warner in "Algiers" for her romantic allure with Charles Boyer. Her first bid for attention—almost too much attention for the censors—came with her decorously nude display in the much ballyhooed import, "Extase" ("Ecstasy"). Extent of her histrionic abilities still has to be demonstrated, but as a glamour girl there is no question in the executive mind of Metro, which has her under contract and is grooming her for its first line of b. o. shock troops.

Danielle Darrieux was new to this country, although a confirmed star in her native France, when she made the stellar grade with ease in Universal's "The Rage of Paris." She will be seen again during the coming year as a Universal contractee.

Miliza Korjus, Hungarian songster, imported on strength of her voice without having been seen by Metro, was more or less delicately induced to lose some 80 pounds before the producers had her face the cameras in "The Great Waltz." She scored vocally, but is likened to Mae West in her technique and physique.

Richard Greene, British stage leading man, imported by Darryl F. Zanuck on cable call for "Four Men and a Prayer," moved up fast at 20th-Fox to co-star billing with Sonja Henie in "My Lucky Star" and carried on in John Ford's "Submarine Patrol." Studio's great hopes for his future, he has diligently met all but the slightest trace of his English diction and has a heavy schedule for this year.

John Garfield at Warners copped a hit in "Four Daughters" as the cynical young musician. He was recruited from the stage, has a distinguished style, a vigorous manner and resourcefulness which Warners

expects to capitalize with his star rating during the coming year.

Louis Hayward, seen advantageously with Miss Darrieux in "Rage of Paris," and previously in several RKO pictures, registered a decided hit in Edward Small's "Duke of West Point" to give him a new rating and top billing in forthcoming Small productions for United Artists.

Beb Hope made the grade at Paramount in "Thanks for the Memory," having displayed a decided flair for light, romantic comedy in several pairings with Shirley Ross after initial appearance in "Big Broadcast" last year.

Marie Wilson is to be starred this year at Warners after coming to the verge of it in "Boy Meets Girl," result of a careful buildup.

Ritz Bros. were officially rated stars at 20th-Fox in "Kentucky Moonshine" and "Straight, Place and Show," although the faces have been around and in evidence for some time at that studio.

Paramount's glamorous Dorothy Lamour moved into the star bracket after "Span of the North," which gave her a straight acting role with George Raft, following a number of sarong-wrapped parts topped by her emergence to prominence in Samuel Goldwyn's "Hurricane." Jon Hall also won high acclaim in "Hurricane," which advanced him to current assignment in star billing for the title role in Alexander Korda's forthcoming "Thief of Bagdad."

Priscilla Lane demonstrated her ability so well in Warners' "Four Daughters" that she took top billing, above Wayne Morris, in "Brother Rat" and is to have choice assignments during 1939.

Nancy Kelly, who has the femme lead with Tyrone Power in 20th-Fox's "Jesse James," is being heavily touted by Darryl Zanuck. Former child star, now 18, has gone through a radio and stage interval. She showcased with Richard Greene in "Submarine Patrol," and is considered to have unusual skill and maturity for her years.

Ellen Drew came from a candy store to Paramount's stock company some 18 months ago. Scoring with Bing Crosby in "Sing, You Sinners," she is considered one of Paramount's brightest prospects for important roles in 1939. Frank Lloyd was impressed and gave her an important spot with Ronald Colman in "If I Were King."

Robert Preston is playing second male lead in Cecil B. DeMille's "Union Pacific" (Par) as result of his showing in "King of Alcatraz," to which he came cold from Pasadena Playhouse, and also in "Illegal Traffic" and "Disbarred."

### More Prospects

Patricia Morrison is another young player regarded with favor at Paramount and looks like its best bet among the coming-uppers for the new year. She was recruited from Broadway after appearance in "Two Rascals," and will be seen first in "Persons in Hiding," then in the Bob Burns picture, "I'm from Missouri."

Jeffrey Lynn, another who profited by "Four Daughters," is a fair-haired boy at Warners. They are working out an important schedule for the comparative newcomer who has shown exceptional promise.

Tried out in Metro's "Good News" broadcast, Ruth Hussey commanded attention in "Rich Man, Poor Girl." She has the advantage of a radio-trained voice and works in a manner suggestive of Myrna Loy. Studio has announced it will groom her for important status.

Ann Rutherford, talented and attractive, got her breaks in the Hardy family pictures as she is popular with audiences. She had a part in "Benefits Forged" and a good assignment in "Dramatic Studio."

Dennis O'Keefe is another Metro protégé who has taken good advantage of his opportunities to show flair for comedy drama and leading man qualities, following debut in "Bad Man of Brimstone."

In the sagebrush realm, Roy Rogers, Republic newcomer given an excellent original chance, made good with a bang-and-a-gallop in "Under Western Stars." Warbling cowboy has star rating.

John Payne, who moved over to Warners from Paramount, advantaged himself in "Garden of the Moon" and clicked in "Wings of the Navy," a capable and resourceful actor being groomed for importance.

Lloyd Nolan, while not a newcomer, had his opportunity to make new headway when he was substituted for George Raft, as latter stepped out of "St. Louis Blues" and as result was slated for program of other important assignments.

Helen Farrish and Constance Moore have made notable progress at Universal. Miss Farrish, elevated from stock to the Deanna Durbin star, "Mad About Music," showed to advantage in "Little Tough Guy" and will be seen in the next Durbin picture, "Three Smart Girls Grow Up," as one of the trio. Miss Moore, 18, a songstress from Texas, has been elevated to lead through five pictures, including the Collegiate series entries, "Freshman Year" and "Swing That Cheer." Joy Hodge also has progressed substantially at Universal, getting her best break as second femme lead with Constance Bennett in "Service de Luxe."

Others who attracted attention during a year that was kind and opportune for newcomers to the higher evaluations are Andrea Leeds, DeLoyle Kent, Lucille Ball, Joan Fontaine, Ann Miller, Whitney Bourne, Eleanor Hansen, Donald McBride, Frances Mercer, Kay Sutton, Richard Fiske, Jane Woodworth, Jack Carson, Lynn Bari, Jean Rogers, Robert Kellard, Evelyn Keyes, Donald O'Connor, Louise Campbell, Lana Turner, Ann Morrison, Arleen Whelan.

Those who survived and moved ahead are to be considered more highly complimented and rewarded for ability and definite promise, since 1938 was a year of heavy purging of studio player lists, especially for those moving into the better coin levels, because of threat of reduced income and mounting expenses to producers, with its resultant impatience for dubious talent.

## See Par's Final Quarter Equal To Rest of the Yr.

The final (4th) quarter for Paramount and its subsidiaries, some of which are wholly owned, others in part, will equal or go slightly over the earnings shown for the combined three prior quarters of 1938 from Jan. 1 to Oct. 1, it is reported. For this period a net of around \$1,700,000 was shown. Poorest of the earlier quarters was the third.

Announcement of the fourth quarter's earnings for the three months ending Dec. 31 will probably be made at a board meeting some time in January. This meeting may be held about the middle of the month, it is said, rather than on the last Thursday of each month when regular sessions are held.

Vast improvement has been shown by Paramount on the fourth quarter not only in film product and rental returns but also in the theatres, with business in latter for the final quarter running only around 5% behind the same quarter in '37.

In order to get in the earnings of many theatre subsidiaries in which the parent company participates, the subsid and Paramount h.o. executives on the various boards, have been busy toward the end of the year declaring dividends where they were justified by the business shown.

W-T's \$105,844

Sydney, Dec. 15.

Williamson-Tait's net profit for the year ending June 30 ran to \$105,844. Previous fiscal year's net profit totaled \$109,844.

B. & D.'s \$350 Net Profit

London, Dec. 20.

British & Dominion Film Corp., owners of Pinewood Studios, has issued its annual report, showing a net profit of \$350 against a loss of nearly \$30,000 in 1937 and \$500,000 in 1938.

A new company with a total share and debenture capital of \$8,000,000 is being formed to amalgamate Pinewood and Denham studios. The share capital will be \$3,750,000 divided equally between the two interests, and there will also be \$4,250,000 of first mortgage debenture stock.

## REP'S FIVE BIG 'UNS WILL COST \$2,500,000

Hollywood, Jan. 1.

Starting this week, Republic launches a program of five anniversary special releases representing an investment of more than \$2,500,000. First is "Wagons Westward," a \$750,000-budgeted, rolling Thursday (5).

Others to follow as rapidly as possible are "Doctors Don't Tell," bracketed at \$750,000, and "Two Years Before the Mast," "One Woman's Army" and "Swingtime," each rated at better than \$500,000.

### 'U. P.' Preview First

Pic in Mormon Temple

Hollywood, Jan. 1.

First full length feature to be shown in the Mormon Tabernacle, Salt Lake City, is C. B. DeMille's "Union Pacific," slated for a special preview there about April 1.

J. Grant, president of the church, is anxiously awaiting the showing for railroad, state and city officials.

### Studio Contracts

Hollywood, Jan. 1.

Al Duffy inked scripting ticket at Columbia.

20th-Fox renewed Arthur Arthur's writer pact.

Joseph Schildkraut drew a new ticket at 20th-Fox.

Laraine Johnson signed to player contract at Metro.

Warners renewed Bobby Jordan's pact.

Frederic Tozere, actor, signed by Warners.

Paramount handed Shirley Logan a player contract.

20th-Fox lifted options on the Brewster Twins.

June Gale's player option lifted by 20th-Fox.

Gale P. signed player ticket at Warners.

# SHOW BUSINESS 33 YEARS AGO

By Epes W. Sargent

Thirty-three years is a long time on any calendar. It is a third-of-a-century, nearly half man's allotted threescore and ten, and the age of VARIETY, which first saw the light Dec. 16, 1905 in an office in the Knickerbocker Theatre Bldg., Broadway at 38th street.

The paper was founded on an idea, an ideal, a grudge and \$1,500. The money did not last very long. The grudge faded with the years, but the idea was sound, as was also the ideal—the absolutely impartial recounting of all the news, regardless of whose toes were trodden upon. That ideal has persisted until this day and is the cornerstone on which the success of VARIETY was built. There have been times when, following that ideal, it cost advertising patronage, but these have not been many. They have probably been more in pursuance of that policy brought real regret to Sime, but the following of the policy, as exemplified in the first issue of the paper, was almost a religion with him. Generally it worked out beneficially in the long run, as all sound policies must.

The grudge was against William Eugene Lewis, editor of the N. Y. Morning Telegraph, who had fired Sime with the advice that he never would get anywhere unless he learned to conform his writings to the dictates of advertising.

## The Old N. Y. Clipper

There was no paper particularly catering to the then large vaudeville element. The N. Y. Clipper, the most formidable opposition in point of circulation, was still being brought out in the same format that had served since its foundation. It had no sense of news value. It carried no headed items. The most important vaudeville news was carried in a department with the single column head, "Vaudeville and Minstrels." It might run three or four columns under this single heading; or, if the exigencies of makeup required, it might be split to fill out the bottoms of columns. But always with the standard head. And the most important news of the week, Glutz, has been found sandwiched between such items as "Sadie Glutz has just completed five successful weeks on the Cus Sun time" and "Ed Gillette lost one of his dogs last week." There was not the slightest effort to build up an item to accord with its importance.

The reviews were pallid and inoffensive. There was no constructive criticism; merely a recital of the acts listed with such favorable comment as could be applied. Poor acts were glossed over. To criticize might be to lose a \$5 or \$10 ad in the anniversary issue. And that was unthinkable.

The Dramatic Mirror used headed items, but without full coverage and the reviews were more critical. The Telegraph did a little better, but vaudeville was largely neglected or left unimpaired except from an advertising revenue point of view. Blakeley Hall had lost control of the sheet and Lewis made no particular effort to keep up the old standards.

## B'way Shows Still on B'way

It was a vastly different show world that the windows of VARIETY looked out upon that December day. Broadway shows were still on Broadway, for the picture theatres had not yet grown so great they could chase the drama down the side streets and vaudeville up the alley. The Clipper of even date with the first issue of VARIETY listed 438 vaudeville acts, and probably did not get them all. Of these perhaps 20% were traveling stock companies, generally referred to as "rep shows," hippodromes, lesser magicians and the like. There were about 100 major road shows, playing the first class houses. First class houses were those charging not less than \$1 top. Most of them got \$1.50, which was regarded as the road limit in price except for the most extraordinary attractions.

In addition there were 80 musical troupes listed, 12 minstrel companies, and in the summer there were sometimes as many as 90 circuses of all sizes. In the season Archie L. Shepard toured six picture outfits, staging the pictures with sound effects and giving a 90-minute to two hour show. Lyman Howe also had one of two touring companies, but did not list his route.

Chicago had 10 major theatres and about 15 more played the lesser road combinations. Philadelphia and Boston had eight each and Washington, Pittsburgh, Cincinnati and San Francisco boasted six each. Even the smaller towns had at least one theatre playing the top attractions and had no trouble keeping the houses lighted for a 35-40 week season.

## 25 Legits Then

In New York there were 25 legitimate houses playing top attraction of Broadway. Twelve of the attractions included Fritz Scheff, Forbes Robertson, Grace George, Blanche Walsh, Mrs. Fiske, Maude Adams and Amelia Bingham. Most of the theatres were on Broadway and still below 42d street for, although Oscar Hammerstein had broken down the invisible barrier supposed to extend along that cross street, there were only the New York and Criterion, which had formed the ill-fated Olympia; his Cincinnati and San Francisco houses, and the smaller theatres that played the home of musicals, but now came over to vaudeville; the Hudson, and the Belasco, also Hammerstein-built, which was originally known as the Republic and which was in 42d street, just back of the Victoria. Only recently Klaw & Erlanger had opened their New Amsterdam and Liberty across the street, and there was, of course, the long standing American, now given over to road combinations. Broadway theatres mostly charged \$1.50, though now and then upped to \$2 when they thought they could get it.

## Vaudeville Tops

Vaudeville was at the top of the pile, with Hammerstein's Victoria the leader. Percy G. Wills had the Colonial and Alhambra, Keith's Union Sq., Proctor's 23rd, 58th St., Fifth Ave. and 125th St., Hurlig & Semons, Pastors, and, by courtesy, the Atlantic Garden, though this latter was properly a beer hall. In Brooklyn there were Williams' Orpheum, Hyde & Behman's Adams St., Keeney's, the Amphion, the Imperial (former Montauk), East New York, and Gotham, the last two lesser houses owned by Williams. In the summer there were the Brighton Beach Strand, the Brighton Beach enclosure, at Rockaway, all playing standard acts. Also in the summer there were the Hammerstein, New York, Madison Sq. and Metropolitan roof gardens; the latter in the Bronx. The Casino Roof, daddy of them all, was in disuse. It did not have the capacity to permit it to fight the Hammerstein and New York roofs.

For burlesque there were the Dewey, Gotham, Circle, Miner's Bowers and 8th Ave.

Following the first White Rat strike the Keith booking office had gone on the downbeat. F. F. Proctor had withdrawn and so had many of the top attractions, who did not relish the idea of being denied headline attractions merely because these had played for the opposition in New York. The result was that from a formidable setup, the Keith office was down to its own houses in Boston, Provi-

dence, Pawtucket, New York, Philadelphia and Cleveland (Prospect); Grand Opera House, Pittsburgh; Chase's, Washington; Kernan's, Baltimore; the Shea houses in Buffalo and Toronto, the James Moore theatres in Rochester, Detroit and Portland, Me.; the Park, Worcester, and the Grand Opera House, Detroit. Of these only about half a dozen could pay full salaries. Only one, the Union Square, was in New York.

## Bill Morris' Booking Array

On the other hand William Morris was advertising 12 weeks in New York without a repeat. His string included the Williams houses, the Orpheum, Colonial, Alhambra, Novelty, Gotham and Bergen Beach, a summer booking; Fox theatres in New Haven, Hartford, Worcester, Springfield, Waterbury, Bridgeport, Scranton, Wilkes-Barre, the Proctor string, including the 23rd St., 58th St., 125th St., Fifth Ave., all in New York, and houses in Troy, Albany and Newark, Wilmer & Vincent's Utica, Reading and Allentown, and a half a dozen smaller spots, not to mention some summer bookings. Morris was a great hand to develop new spots. Some of them lasted, some did not, but it was worth the effort.

When Klaw & Erlanger moved its offices to the New Amsterdam, Morris quit his old office at 6 West 28th street to move into his former quarters at 1440 Broadway. Later in the year he was to open a Chicago office with Jesse L. Lasky in charge.

There were innumerable small agents and in the issue of March 17, 1906, the Commissioner of Licenses announced that vaudeville agents would take out licenses by May 1, or he would come and get them. This grew to be an annual gag, but this year (1938) it looks as though Commissioner Moss is about to get somewhere. None of his predecessors ever did.

Early in the new year VARIETY carried a brief announcement to the effect that J. Austin Fynes had resigned as general manager of the Proctor. This occasioned little comment from those in the know, for it was no secret that relations were strained. It was inevitable that a break should come. It was merely the expected happening. But that innocent appearing news item was to be the first of a series of stories with wide-fung consequences. It was the opening paragraph in a chapter that rewrote the history of vaudeville. The next item announced that B. F. Keith had acquired the lease of the 58th street theatre, Proctor's flagship.

Fynes, smarting under his treatment by Proctor, tipped Keith off that the lease was due for renewal. He stood in pretty solidly with the Gilsey Estate, owners of the property, and aided Keith in getting the lease. Proctor had given the matter little thought. The Gilsey Estate at a proper time would probably send over the new lease for his signature. He was badly taken aback when, one evening, one of the service staff brought the information that Keith and Fynes were sitting in the Gilsey box. Under the terms of the lease the box at the left hand side of the stage was perpetually reserved for the use of the Gilsey family and its friends. Proctor lost no time in hurrying to welcome his unwelcome guests and receive the bad news.

## Keith and Proctor

There was little love lost between Keith and Proctor, though Proctor's attitude was rather neutral. He merely disliked Keith on general principles. On the other hand Keith had a very active hatred for Proctor who had brought the Keith idea of continuous vaudeville into New York a year or so ahead of him. This dislike was increased when Proctor took Fynes from Keith's Union Sq. to be his general manager, and Fynes fed the flames by taking over a number of Keith-trained acts from Keith's Union Sq. theatre.

When the Booking Office was in process of formation in Boston, Proctor declined to come over, and the supporting managers insisted that Keith go to New York. It took a couple of days to whip him into line and just when the matter was adjusted Fynes took Fred Watson away from Keith. Watson was the piano-orchestra of the Boston house, but actually a headliner in his own right. He was as popular with Boston patrons as Mike Berman was with the New York crowd, with the difference that Watson appealed with straight selections. He could rag it with the best of them, but Boston preferred the more popular classics, and many went to Keith's more to hear him play than to see the acts.

When Keith learned of the kidnapping, they had to sit on his head to quiet him. It was the final straw. Now the two managers were sitting in the same box and making a pretense of friendship. The situation which Fynes hugely enjoyed. Inside of a week it was "Fred" and "Ben" between Keith and Proctor. The latter went down the bay in Keith's yacht and Keith went up the Hudson in the Proctor auto. The upshot was the merging of the two interests, which was announced in the issue of May 19, 1906. Later on when Proctor sued to dissolve the Maine corporation, Fynes was his most valuable witness. Fynes confided to friends that he helped Proctor shed sheer contradiction of what he had done to him. He expected Proctor to be trimmed. He wanted him to be trimmed. But he did not anticipate the thorough skinning to which Proctor was subjected.

In the same issue announcing the formation of the Keith & Proctor Co., it was announced that Sylvester Z. Poli had joined the Keith Booking office. Poli had recently grown ambitious. Starting with an upstairs house in New Haven, he had entered Broadway without apparent objection from Keith. He had built a handsome new theatre in New Haven and had taken over houses in half a dozen New England towns in addition to slopping over into Scranton and Wilkes-Barre. He had put the roof on the new New Haven house without mortgage or lien, but it had left him short of ready cash. He had experienced no difficulty in obtaining loans, for his reputation was without apparent question. He expected the banks closed to him. The Keith people had visited every bank and warned it that it would build in opposition to Poli in every town. There was but one thing to do—and Poli had to do it.

This double defection removed 16 houses from the William Morris agency. It was a body blow, but Morris took it in stride. He arranged with the Shuberts to take over some of the houses for Sunday shows, and put a week's show into others. The latter experiment was short lived and eventually the Sunday shows were also cut out as unprofitable, but he kept his acts working until he could open up new spots.

Meanwhile, Keith was making overtures to Percy G. Williams, but that showman was not easy to handle. He had the top hand still, and wanted to run his shows his own way. There were numerous conferences, but no deal was chilled when Williams demanded a cut on the booking office commissions.

In the spring there were numerous conferences among the Keith faction, the Western Vaudeville Assn. and Klaw & Erlanger, who were sitting up and taking notice of vaude-

vile. The conferences amounted to nothing, largely due to the influence of Max Anderson, of Cincinnati, who was interested with the Shuberts in certain ventures. There was a later result, however, when the Keith people effected a deal with the western men. This gave them a combined total of about 100 houses of which about half could pay good, if not top salaries.

The Western Assn. included the Orpheum houses in San Francisco, Los Angeles, New Orleans, Kansas City and Omaha. In Chicago they had the Chicago Opera House, the Olympic and Haymarket. Other operations were Orpheum, Denver; Orpheum, Minneapolis; Columbia, Cincinnati; Columbia, St. Louis; Grand Opera House, Indianapolis; the John D. Hopkins houses in Louisville and Memphis, and a lot of smaller fry.

Percy Williams took the war into the enemy's camp by entering Boston, taking over the Music Hall, which had been operated by a realtor named Allen. It was considerable of a shock to Keith, who long had regarded Boston as his private property. He did not so much mind Allen, who was a local man, but Williams promised more active opposition. It was one of the factors which later on resulted in the sale of the Williams interests to the Keith office.

## Opposition

Opposition promised to develop from another direction, Mark A. Luescher, who had followed Fynes as Proctor's general manager, gave up his position and effected a combination with Felix Isman and Harry A. Levy, both of Philadelphia. It was announced that a circuit would be formed with houses in Pittsburgh, Newark, Syracuse, Rochester, Buffalo, Cleveland, Baltimore and Washington. Offices were opened in New York, but the sole result was a brief season at Alhambra's, Baltimore. With the aid of William Morris, Luescher offered stronger bills than Keith was able to afford to meet, but the townsmen were not used to going to Alhambra's for their vaudeville shows, so they didn't go, and the venture closed in just two months.

It was in this year that Luescher put into effect William Hammerstein's dream of a mystery act. It was Hammerstein's idea to bill the "Countess X." Luescher sent to Paris a local dancer known as La Belle Daizie bringing her back as "Le Domino Rouge." She wore a red mask off the stage as well as on, and quite a little interest was whipped up. She was expected to headline for the Metropolitan Opera ballet. She grew tired of the continual masking after a time and gave it up. Luescher sold the title to a burlesque manager, who did not do much with it. Incidentally she was Mrs. Luescher.

Clifford C. Fischer, then American manager for H. B. Marinelli, the French agent (originally Marinelli was an American juggler), announced his determination to go it alone. Originally his idea had been to go to the Hippodrome as booking man for Thompson & Dunsby, but complications arose and he broadened his scope. As events proved, he did right well by himself in making the change.

J. Austin Fynes bobbed up in another direction. Always interested in real estate on the side, he moved in on the motion picture shows. He formed the International Amusement & Realty Co. and the Nicolette Amus. Co., his idea being to develop houses to be sold as going concerns.

## Picture Shows

Picture shows were no novelty to New York. A few years before half a dozen had blossomed almost overnight; crude stumps in vacant stores, with a program running about 45 minutes. Originally they were able to obtain only short lengths, running up to around 300 feet, but the success of "The Great Train Robbery" had changed production methods, and films now ran from 800 to 1,000 feet. The investment called for a projection machine, a screen and some folding chairs. Sometimes an automatic piano was used for a ballyhoo. If the spot did not prove profitable it was a simple matter to move to another location. The admission was uniformly 10c. The original handful had increased to 200 or 300 and some exhibitors were considering raising the admission to a dime.

Fynes spotted his locations carefully, made a more permanent installation with cheap veneer opera chairs instead of the folding camp chairs, got the house going and sold out. In one of his more ambitious spottings he spent \$1,500 in making over the structure, an old church, got his investment back the first couple of weeks and sold out, the purchase price being clear velvet. Picture shows took a sudden spurt. It did not all happen in VARIETY's initial year, but it got its impetus then. It was some years before the picture theatres invaded the theatre section, but Paramount took over the old Victoria, rebuilding the house as cheaper than fixing up Oscar Hammerstein's rather peculiar building ideas and renaming the spot the Rialto. It was the head of the camel entering the tent. In a few years pictures were the main attraction.

Another development of the year was the initiation by the Music Publishers Assn. of a movement to secure an amendment to the Copyright law giving royalties on the performances on mechanical devices. That went over and eventually led to the formation of the American Society of Composers, Authors and Publishers, though the latter did not become active until 15 or 20 years later, but it was all an indication of the many changes the business was to see initiated in the year which saw the birth of VARIETY.

## 12 Hour Benefit Show

This was the year of the San Francisco fire and a benefit for the sufferers was staged at the Metropolitan Opera house. It commenced at 11:30 a.m. and ran without a hitch for 12 hours and 20 minutes. Harry Leonhardt was the stage manager and almost every act in New York put in an appearance, for San Francisco enjoyed a warm spot in the actors' hearts those days, when it was one of the liveliest cities in the country.

It was in this year, too, that Harry Thaw shot Stanford White on the Madison Sq. roof garden. Walter Fluessner, a vaudeville agent, had taken over the roof for what was practically a burlesque show. In the usual course of events it would have closed the first week, but the opening night of "Mlle. Champaagne" was the closing night of Stanford White's career.

After the crowd had been herded downstairs Lionel Lawrence, the stage manager, looked around for Plimmer and found him in a dark corner with his tears streaming down his face. He had put all of his coin into the venture and now it was as good as closed. To the contrary people thronged the roof nightly. It was in this show that Maude Fulton made her New York bow and scored a hit.

VARIETY ended the year with an anniversary number of 64 pages, with special stories by Bert Green, James J. Morton, Mel Bern, Konrad Zernhor, Harry Mountford, Walter deFreese (Vesta Tilley's husband), Tom Nast, Fred Niblo, Guy Houdini, Fred Mozart, Ernest Hogan, Charles Robinson, Guy Rawson, L. Lawrence Webber, Will D. Cobb, Miss Dazile, Charles Leonard Fletcher, Al Filson and Jack Norworth.

# Big \$602,658 Award Vs. Metro On 'Lety Lynton' Pic May Force Sharp Revision of Copyright Law

In an opinion confirming the report of Special Master Gordon Auchincloss in the Edward Sheldon-Margaret Ayer Barnes plagiarism suit against Metro concerning 'Lety Lynton,' Judge Vincent L. Leibold in U. S. district court entered judgment against Metro and affiliated corporations for a total of \$602,658. An income tax claim of \$100,000 to which Metro took exception was disallowed by Judge Leibold. Metro will appeal from the finding, having retained John W. Davis as counsel for this move. Appeal can only be on the extent of the damages, and not against the proved plagiarism.

The judgment of \$602,658 includes award of \$532,153 to Sheldon and Mrs. Barnes, authors of the play, 'Dishonored Lady,' which it was held was infringed by 'Lety Lynton,' \$5,000 in counsel fees to O'Brien, Raftery & Driscoll, attorneys for the complainants, and \$15,905 as fees to Special Master Auchincloss. The award made in the case carries interest at the rate of about 6 1/2% a day.

In his finding, Judge Leibold modified the figure slightly, holding that the profits made by Metro on 'Lety Lynton' totaled \$532,153, instead of \$587,000, as found by the special master. The court also held that each corporation identified by Metro is liable for its own profits. But that since Metro-Goldwyn-Mayer Distributing Corp. and Culver Export Corp. are merely agents of Metro, the latter is jointly liable for them.

'Lety Lynton,' released in 1932, grossed \$1,655,269, while the cost of production and distribution totaled \$1,067,644. It was assertedly based on a novel of the same name written by Mrs. Belloc Lowndes and based on the same theme, rights to which were bought for \$3,500.

## Leibold's Opinion

Judge Leibold makes an interesting note concerning damages permitted under the copyright laws, and adds, 'In my opinion, the punitive and unjust to award all the net profits of 'Lety Lynton' to the complainants in this case; yet under the wording of the Copyright Act as interpreted by the decisions of the appellate courts, I can do nothing else.'

He also said, 'Evidence from experts and other sources was presented to establish that the maximum average contribution of a play such as 'Dishonored Lady' to the moving picture, 'Lety Lynton,' could not possibly amount to more than 10% of the net domestic profits of the picture.'

It is possible that Judge Leibold's opinion in the 'Lety Lynton' case may lead to changes in the law, as he indicated that 'if we are to avoid instances of grotesque injustice, then we must adopt some working rule similar to that employed in patent infringement cases.'

In elaboration of his opposition to the basis of the award Judge Leibold wrote: 'If the complainants get all the profits of the picture, they are receiving the profits of Joan Crawford and Robert Montgomery made for the picture by their dramatic talent and the drawing power of their reputations as motion picture stars. The direction of the picture and the technical skill required in its production had a large part in the accumulation of profits.' The award could be justly set at 25% of the profits.

Of the amount awarded, Metro must pay \$307,665; Loew's, \$84,210, and Culver Export, \$140,278.

Award handed down in the 'Lety Lynton' case recalls the sock that the same film company got in 1933 as result of the slander action which the Prince and Princess Tzousoport brought in connection with the picture, 'Rasputin.' The judgment in that instance amounted to \$250,000 and, until the 'Lety Lynton' award, rated as the record sum received in a damage suit, either copyright or tort, from any film company. The Russian twosome had charged that incidents depicted in the picture did personal injuries to their names and reputations.

Since this libel award, film companies have been prefacing all pictures with a title disclaiming 'any similarity to persons living or dead.'



PETE SMITH

"I feel that the only short subjects aside from Disney cartoons, that are better than FitzPatrick Travel talks, are Pete Smith's Specialties."

(Signed) James A. Fitz Patrick.

## FAIRS, EAST AND WEST, VERY PICTURE-MINDED

Although 'Cavalcade of America,' historical feature which is being made under the supervision of the Hays office, is the main industry gesture to the New York World's Fair, it will be far from the only motion picture on exhibition at the fair next year.

One of the first features to be set for production will be 'I'll Tell the World,' being made by Macfadden Publications, for showing in its exhibit in the Communications building. It goes before the cameras on the Coast some time next month. Herb Crocker, manager of Macfadden's fair exhibit, wrote the story, and will produce. Lynn Shores directs. Patricia Murray the femme lead.

Jed Prouty, Betty Ross Clarke, Frank Albertson, Ethelreda Leopold and the Mauch Twins already have been signed.

The world's fair itself is picture-minded and will finish cutting on its two-reel, non-theatrical short, before the end of the year. Picture gives concise pictorial outline of what has been accomplished thus far at the expo, showing the fair to be about 60% finished. Film will be shown gratis throughout the world.

'Cavalcade of America' will give a graphic story of the highlights in American history as the industry's exhibit at the New York exposition. It will be shown in the Federal Bldg. at the fair under the auspices of the U. S. Commission.

Material was secured from 211 features and 24 shorts. It will be in 15 main episodes, outline of which was made by Dr. James T. Shotwell, director of economics and history of the Carnegie Endowment for International Peace, at the request of Will Hays.

Another pictorial history, which will stress the development of the west, is being made for similar exhibition at the 1939 San Francisco fair.

## Le Roy's 'Oz' at Fair

Mervyn LeRoy completed negotiations to operate a 'Wizard of Oz' concession with 116 midwinters at the New York World's Fair.

Entire Minchkin Village set, now in use on the Metro lot, will be shipped in sections to Flushing.

## NO CUT, 20TH DROPS 18 WRITERS; ECONOMY

Hollywood, Jan. 1. 20th-Fox is letting options on 18 writers lapse, in line with its economy program.

Most scribes were dropped for refusal to waive a pay hike called for in their contracts, 20th offered remuneration at present coin.

# FILM PRODUCTION TRENDS

By Jack Jungmeyer

Hollywood, Jan. 1.

It is obvious—and none knows it better than the showman—that popular preference for particular kinds of pictures is not definitely calculable to anything like a dependable degree. If it were otherwise, picture making would be a golden cinch and exhibition a bonanza.

Purveyors of screen entertainment have been trying to dope out the problems of seasonal and sectional likes and dislikes ever since the first flicker begot the nation's fourth largest industry.

The bulk of the product, the several hundred annual run-of-the-mine features, must necessarily please the steady stream of customers at least mildly to maintain the fairly stable production and prosperity level of the industry. But these more or less standardized staples of the business—the bread and butter items in the film ladder—are not first in the minds of producer and exhibitor when they indulge their box-office dreams. There must be some magic yet unconjured, some will-o'-the-wisp not yet quite identified or captured, by which the public might be constantly beguiled to flood the tills; by which the majority of pictures might bring smash returns. If only the secret of seasonal preference could be anticipated, or shrewdly moulded, so that the entertainment wares would coincide with the primary interests, the practical or romantic hungers of the ticket-buying masses, what a swell world this would be as viewed through the lobby wickets.

Every year, in its film business records of outstanding successes or floperos, has some answer to the b.o. yearnings and conjectures. The year 1938 had its positive indications. And because it was a season of more careful and selective film shopping by the customers, the verdict of actual preference was more clearly defined than in several preceding years of undulating b.o. The record, viewed in perspective, is of value to producer and exhibitor in as much as its indications will carry over into the coming season as to the present amusement and contentment of the populace.

'Snow White,' Walt Disney's long shot, now thoroughly extolled and well beyond the \$4,000,000 gross, with the dwarfs still beating a pleasant work song on the cash registers, was the fabulous wonder of the year. This astonishing fairy tale didn't necessarily indicate an entertainment trend, but it proved how rich the pickings still may be in the field of genuine novelty, the innovation also has heart appeal. 'Snow White' was a surprise, an animated, feature-length cartoon, which, the industry predicted, would be of mild and limited interest only; a jolt and a challenge to the industry's creative brains. Only reason why it wasn't followed up by a flood of similar cartoon features, merely on the basis of its astonishing grosses, was that elaborate animations of this kind are so staggeringly expensive to make.

The Disney masterpiece will find its echoes in the coming year. It has unquestionably exercised a stimulating effect on the proposed production of plastic animations in 'The Lost Atlantis' and other scheduled fantasies reminiscent of the pioneer, 'The Lost World,' of the silents.

## The Family Series

One of the genuinely significant b.o. demonstrations, soundly confirmed during the past year, is the popularity of the series pictures with their sustained group characters, especially the family series topped by Metro's 'Judge Hardy' domestic group and 20th-Fox 'Jones Family.' Both these repeaters scored notable successes in 1938. 'Love Finds Andy Hardy' taking the laurels for Metro; the Jones' 'Down on the Farm' hitting for 20th-Fox. Metro repeated its Hardy par with 'Out West With the Hardys,' and 20th with the Jones Family in Hollywood.' Having gone through a process of trial and improvement for the past two years, these productions have found the groove for sustained popularity and a public demand still far from any indicated decline. Their essence is intimate, human commonplace, presented from the mellow, humorous angle, paralleling the average customer's own domestic experiences. Reception of 'Love Finds Andy Hardy' brought attempted emulation in several studios.

The 'Hopalong Cassidy' pictures which Harry Sherman produces for Paramount, in the series category since they play the same top names throughout, continued their popularity level during the year. Twentieth-Fox's 'Charlie Chan's' interrupted by the death of Warner Oland during their decidedly profitable and widely distributed offering late in the fall with Sidney Toler in the title role. The same studio's 'Mr. Moto' series has been coming along steadily as runner-up to the Chans. Warners has a comfortable profit-maker in the 'Torchy Blane' series.

## WB's Patriotic Shorts

Warners also has settled its patriotic Technicolor shorts into the series category, projecting at least two for release during the next few months in a new four-reel length. 'The Declaration of Independence,' a two-reeler, brought in over \$100,000 in rentals. Based on the reception of the patriotic briefs, studio in the coming year will launch another similar series dealing with the heroic figures of both the Americas.

Universal launched its Collegiate series with 'The First Year' as initial of four pictures in the group. Monogram, following the popular trend, is starting a 'Talisman' series. Universal's 'Little Tough Guys in Society' and a third coming up, U's 'Crime Club' pictures, are of the same ilk.

With the public having offered definite proof of preference for the repeaters, provided they like the characters and the pictures are well made, 20th-Fox and Warners have each been experimenting with still other

series during the year. These are still more or less in the trial stage, although the Sports feature at 20th seems to have caught on and Warners' 'Secret Service' is considered to have promise.

## Berlin's 'Alexander'

Among the individual money makers of the season 20th-Fox's 'Alexander's Ragtime Band' was, next to 'Snow White,' the smash entry. Hit of this picture was all the more phenomenal because it triumphed in a season which quite definitely saw the general run of filmicals on the downbeat. 'Alexander' was not, in the ordinary sense, a filmical, being a romantic, musical drama, but it had to overcome the waning popular interest in films featuring music.

Growing popular indifference to the stereotyped comedy or comedy with music is attributed to the monotonous repetition of same basic formula, with frothy fripperies unequal to task of sustaining or properly supplementing the ear appeal of a few evanescent songs. 'Ragtime,' Irving Berlin's song cavalcade, drove straight to the heart of vast audiences with its legitimate sentiment and nostalgic wallops. Darryl F. Zanuck will attempt to repeat with another comedy coming up, and several other studios have projected musical offerings which will be governed somewhat by the Berlin pattern, but a new approach to the film musical drama seems necessary to garner satisfactory returns.

There were positive indications, especially during the latter part of the season, that public taste was again turning more strongly toward vigorous, tough drama, both emotional and action type. Outstanding examples in winning b.o. approval were 'Old Chicago,' 'Angels with Dirty Faces,' 'Alcatraz Island,' 'Buccaneer,' 'Hurricane,' 'Jezebel,' 'Algiers,' 'Marie Antoinette,' 'Spawn of the North,' 'Boys Town,' 'Test Pilot,' 'Sisters' and 'Four Daughters.'

In the romantic drama classification the public singled out for notable approval 'If I Were King' and 'Robin Hood.'

## End of Screwballs

Credible preference was more toward the legitimate, credible behavior and character manifestation type, with the screwball concoctions going out after a long cycle. Topping was Columbia's Frank Capra production, 'You Can't Take It With You.' While that has its many features, it is essentially a morality play couched in comic sugar-coating—a satiric preachment. In the same category, as to substance and merit in production, is David O. Selznick's 'The Young in Heart.' They represent the trend. And here again, the homely comedy stressed in the Hardys and Jones Family is pertinent. So also is the essential comedy in the Deanna Durbin starrers from Universal, pictures in a class by themselves and with rising b.o. strength as shown in 'Mad About Music' and 'That Certain Age.'

An astonishing thing, based on a freak or hunch shown in a Beverly Hills theatre—astonishing to producers and exhibitors—is the b.o. clean-up of reissues of Universal's 'Frankenstein' and 'Dracula,' played all over the country as a twin bill. Horror pix were presumably dead. But a double dose of the goosefleshers brought the thrill-hungry customers in hordes. Universal has practically had a patent on this type of chiller over many years. They were discarded when the 'Bride of Frankenstein' regime reigned. Now, the strength of the surprise business done by the double reissue, U is hustling into production with 'The Son of Frankenstein.'

Horror is one of the basic passions about which the picture biz has been more or less in doubt as to how it may be catered to. Apparently its b.o. possibilities have been overlooked for the past few years.

## Crimers in Vogue Again

Pictures dealing with crime and prison continue to keep a strong appeal, despite the seasonal handicaps thrown against them. Warners, specializing in prison yarns, chiefly through the Bryan Foy unit, and having had several outstanding successes in this classification at comparatively low cost, are preparing to carry on into the new year with more of the same kind. Released during 1938 from this studio were 'Over the Wall,' 'Crime School,' 'Alcatraz Island,' 'Girls on Probation,' with 'Blackwell Island' coming up. Columbia also released a number of prison pictures, made by Larry Darmour, for profitable showing in their budget class, as did RKO. Latter had 'Reformatory,' 'Crime Ring,' 'Penitentiary,' 'Women in Prison,' 'Condemned Women,' while Paramount made 'Prison Farm,' Universal 'Prison Break,' and Republic 'Prison Nurse,' with Monogram also in on the prison cycle.

The tough kids, stemming from stage and film versions of 'Dead End,' had a big inning this past year and look like they're going to provide a degree of b.o. favor during the coming months. Warners features its 'Dead End Kids,' and Universal's 'Little Tough Guys.' Well behaved youth, needing no reformation, seem to be in eclipse in the current film vogues.

## Growing Corallers

Westerners seem to be running more and more to guitar strumming and vocalizing dude cowpokes, with the passing (regrettably to the older school of rootin'-tootin' action addicts) of the tougher and perhaps homelier hordes of the saddle. Women audiences for the sagebrushers have, however, picked up materially since the cowboys turned troubador, as producers of westerns are quick to note and capitalize.

So far, the paid picture market, especially Universal's 'Flash Gordon,' and Republic's 'Lone Ranger,' and there will be an increase of cliffhangers this year.

There was no lack of support for the good pictures in any classification during the past year, but many of the hits, sporadic, didn't necessarily indicate or fall into any definite production trend.

## Bell Labs Increase

Albany, Jan. 1. Bell Telephone Laboratories, Inc., has increased its capital stock from \$100,000 to \$5,000,000. Papers were filed with the Secretary of State at Albany by J. W. Farrell, New York City. Organization tax and filing fee totaled \$2,475, one of the largest recently noted.

## Murray's Legit

Pittsburgh, Jan. 1. Ken Murray, playing Stanley here, will most likely go into vaude comedy, 'Take A Bow,' which tried out recently in Boston as 'Flying Ginzburgs.' Comic also has another picture to make for U under a new deal.

## WB Execs Powwow West

Gradwell L. Sears, S. E. Morris Sam Schneider, Carl Leserman and Mort Blumenstock leave New York for a powwow with H. M. Warner, Hal Wallis and Jack L. Warner at the WB studio. Final details of the full '39-40 season lineup of pictures will be gone into.

# The Year In Pictures

By Roy Chartier

Investigation of the record reveals that the past year has been notable for troublesome developments in the picture industry but, in retrospect, it appears to have been no more disturbing than most former years though perhaps differing somewhat in the character of the problems which arose. Cost troubles, economic difficulties, legislative nervousness, business uneasiness, administrative alarm and other factors of one form or another, borne by the calendars of the past, are not new, but as in the past they must be met whether by new or old means of approach.

Every year has brought forth things that frighten, just as 1938 was the unhappy harbinger of the U. S. anti-trust suit against all major producer-distributors.

It is incontrovertible that the Government suit, production permit, distributor dilemmas, exhibitor disruptions, foreign fear and a miscellaneous collection of problems concomitant to these represent undisguised scares at the moment. That the best efforts of the industry must be put forth to parry with them goes without saying.

Improvement in public, political and trade relations, sadly lacking for an industry which has blindly and indifferently disregarded the value of such relations, may be a step in the right direction. The fact that the industry has been able to turn upon three principal pillars of activity, each with its relation to the other, and each with its distinct problems. These are production, distribution and exhibition.

**Production, Lifeblood of the Biz, a Big Worry**  
The lifeblood of an industry which, it is said, represents an investment of more than \$2,500,000,000 and, in the United States alone, reaches a market of over 80,000,000 consumers—the perishable, fragile ribbons of show that go all over the world in tin cans—flows from a source, mainly Hollywood, which suffers from all sorts of cardiac convulsions. If it isn't one kind of attack, it's another, and doctors, on the ground as well as those called in from home offices, banking circles or elsewhere, are on the job regularly to watch the patient. This year they are more concerned than ever over the state of the blood pressure, the causes of the heartburn or the nature of excesses indulged, latterly in most cases the money eaten.

Manufacturing, under conditions that apply to no other form of product, several hundred feature pictures yearly, the expense for each ranges from less than \$100,000 to over \$2,000,000. The \$1,000,000 picture may show a profit of anywhere from 10 to 100% when it has gone to market or it may show a loss of the same range or greater. The same holds true for the \$100,000 picture and no one, to this day, has been able to figure out which type of picture represents the best business judgment in the long run nor why there should be such great variance in the negative costs of pictures of comparable value as viewed on paper and as demonstrated at the boxoffice.

One thing the bankers have strained to understand, against basic business principles they have been taught, is why \$500,000 is spent on a picture when the likely market potentialities for it suggest a return of less than this amount; why \$1,000,000 should be chanced when for that picture the gamble for a profit is not clearly and safely with the producer; nor why between \$2,000,000 and \$3,000,000 should be placed on the same roulette wheel. In no other business does the manufacturer take the same chance of overshooting his market.

A member of the New York banking fraternity, unaccustomed to a long-shot way of considering business adventure, pointed out recently that if a picture made, possibly in the east, at \$200,000, and, although this picture wasn't a gen of rare cut, if it grossed \$300,000, to show a good return on the investment, possible even for a 'dog', then this was good business practice. The same picture, made in Hollywood at perhaps \$500,000 and still grossing only \$300,000, would, in this man's justifiable opinion, be bad business practice.

**Exhibitor Does All Right, But—**  
The books for the past year show that too many pictures, though making money for the middle-man (the exhibitor), have not been worth the cost to the producer. Inference is drawn is that the exhibitor is the better business man. If he can take a cluck, pay what that cluck deserves in film rental and come out showing a profit, though small, he is operating correctly, but if the proper rental, which he returns to the producer is not enough to also provide a profit for the latter, then he, the producer, has suffered bad business balance.

In too many instances there is no doubt that pictures have made money from the source they are supposed to make it—the public—but after negative, sales, printing and advertising costs have been written off, against pictures brought in has resulted in a loss. This occurs not only for the so-called 'B' product but also for the \$1,000,000 pictures. The pictures themselves have not been flops; they have merely been too costly to the maker.

There are instances in all probability where an exhibitor is getting an edge on rentals, enabling him to show a profit out of ratio to the chances for the producer to show gain, but on the whole there is for more rentals is predicated on costs that may be as much out of line as the theatre's normal ability to reap profit against such inflated rentals. Any marked increase in rentals, to offset careless investment in manufacture or waste, would be tantamount to expecting that the exhibitor relinquish the basis for marginal profit, suggested by his own market potentialities, on which he operates. He can't get any more from—nor afford to pay more for—pictures of comparative grossing value, whether one costs \$500,000, another \$1,000,000 and a third \$1,500,000. If they all are of the same quality and brought in, as an exhibitor views it, he should pay no larger rental for one than for the others.

That the mistakes of the producer should not be visited upon the exhibitor, nor for that matter upon the public, is incontestable as a matter of good business procedure. That the producer, regardless of whether he is guilty of wanton waste, bad judgment or lavish laxity, should put his own house in order, is equally irrefutable.

**Budgets**  
The men who stand guard over the film factories and those engaged in manufacture are presumably making an effort to correct the faults that lie at the source, hence the talk to cut. Since the pudding is in the eating, it remains to be seen what economies will be effected to meet present market conditions, including the restricted income from foreign buyers of film. Almost anyone familiar with production and what goes on in that branch will attest to charges of fantastic spending that still exists and suggest, that if pictures must cost so much as they do, there is something wrong somewhere along the line.

There are certain fixed costs in production which are undebatable, including union labor which has impressively increased the negative bills against pictures. However, this

represents a minority portion of the money spent in manufacture. The economy must be effected elsewhere if pictures are to have a fair chance of earning a profit on the investment they represent. There isn't any trouble with the distribution departments, nor with the exhibitors, nor with the public. The trouble lies with a tendency to put too much money into a product than its market, though big as it is, will warrant.

At a recent board meeting at the Motion Picture Producers & Distributors of America, Inc., in New York, which Harry M. Warner, Harry Cohn, Joseph M. Schenck and others came east to attend, a stern warning was sounded that picture costs must be controlled. From all exterior signs, that's as far as the warning has gone. Not a single studio has made a move the scope of which would impress the trade.

For the 1938-39 season, it has been estimated officially that about \$168,000,000 will be spent by the major producers in turning out the year's supply of film. A total of around 450 features has been announced for the season, 20 of them in color.

## \$2,800,000 for 'Antoinette'

So far the highest investment in any single feature for the 1938-39 season is the \$2,800,000 assertedly spent in making 'Marie Antoinette'. When cost of distribution and printing is added to that, it will virtually be necessary to bankrupt most exhibitors in order to get enough money back to show a profit. On the year there will probably be between 35 and 40 pictures costing \$1,000,000 or more to make. Unless they are worth what they're costing, and the \$500,000 films are also worth what they're eating up, bankruptcy will be no word for it.

Producing pictures isn't like manufacturing automobiles, where carbon copies figure, but just as styles change frequently in that field so do they change in pictures. During the past year, producers thus have sought to avoid styles that are getting tiresome. They are also weeding out supervisors, directors and artists who aren't seemingly earning their pay but through are dropped by one studio many usually show up in another.

The average producer has a childish reluctance about letting some people go for fear a competitor will grab them and do something with them. Sometimes this happens, but not often. Whenever it does, there has been something wrong somewhere. More talent in various branches of production has been stubbornly retained, despite the results obtained, than in any other business.

Changes in the taste of the candy that pours out of Hollywood have included a very definite trend away from screwball comedies during the past year. This occurred early in the spring when a deluge of this type of picture finally started keeping people out of the theatres with some very worthwhile comedies in this class going down to ignominious defeat at the boxoffice.

## Bread 'n' Butter Pies

Along with a determination by Hollywood that it must get out better 'B's', the family type of picture, sometimes called bread 'n' butter entertainment, came into prominence. Wall street immediately approved of this type of picture due largely to the low cost. Various series have led to further experiment in this direction. Serials, meantime, have begun to indicate a revival of popularity to the extent that some of the larger chains and branch offices are beginning to begin to begin to use them. This use is partly due to improvement in the type of series being put out by the lesser companies.

Clam bake musicals went into sharp decline this year but a good musical will always do business. At the same time, music has started creeping into westerns in a important manner to lend them a somewhat different flavor.

Before the 1938-39 programs were set up last spring it became evident that the public appetite was ripe for more pictures of the spectacle, outdoor type, including those of an historical or biographical type. 'Zola', the season before, had been voted the best of the year by the Academy and numerous specialties or spectacles or had outshined the business expected of them in contrast to the disappointing showings made by the screwball comedies, clam bake musicals and drawing room dramas. Hence, the change in raw materials at the factories.

## More Cycles and Trends

There was a flurry, too, over cartoon features and their possibilities following the tremendous success of Disney's 'Snow White' but after the dust had cleared away only one company, outside of Disney who is continuing in the field, decided to try its hand at the actorless drama. Paramount's Max Fleischer has not advanced far on the project but the plan still stands to turn out a full-length pen-and-ink. Similarly, 'Alexander's Ragtime Band', second only to 'Snow White' as the best rental-getter of the year, made the producing fraternity cavalcade-minded. It is yet to be seen how far this interest will extend.

The past year has seen attempts to cash in on Dewey's warfare against organized crime in New York much to the prosecutor's dislike but on film it hasn't paid so well, although the gangster picture has weathered the storms generally with fair success. Stories flavored with horse racing or pugilism have also flourished, and the hard-boiled and the poor-girl-rich-boy theme remains an occasional weakness, even if, as dated as the player piano. Apparently the screen wamp has vanished also. 'Angel', Dietrich's last for Paramount, at \$200,000 for this picture, settled the argument, if there was any.

Kid pictures have not done so well as in 1937 and other years but Mickey Rooney has been built into doughty boxoffice material by being well cast in the 'Judge Hardy' series plus 'Boys Town' and 'Stablemates'. The technique in building up Rooney has differed from that employed for Shirley Temple, Jane Withers and others.

Newspapermen screen cycle portrayed the business in a light that is calculated to do the industry no good with the average editor. In a recent tour of the industry the best to discuss pictures with editors, a representative of the Motion Pictures Are Your Greatest Entertainment campaign was astonished to learn how much the average Horace Greeley resented the manner in which newspaper life was Hollywood-handled.

## Distribution Problems

The sales branch of pictures, representing costly operation but entailing expense on the whole that is more easily justified than that which is incurred in Hollywood, is always in the middle—between the producer and the retailer—with the result that it is constantly struggling between two forces.

They are forces generally which have small appreciation of the distributor's problems.

Many are the worthless pictures that able salesmen have been able to dispose of, getting the producer some profit or reducing the loss that otherwise might have been sustained, and many are the instances where the exhibitor, a chronic squawker, has demanded adjustments whether justified or not. Trying to please the producer and the exhibitor at the same time makes the lot of the distributor a singularly tough one.

In selling pictures the distributor is selling promises. They are not his promises, but the promises made his department by the factory, where anything can happen during a year ahead, and where nearly everything does in the course of things. However, when the promises made to the exhibitor upon which contracts and terms therein are based, are not fulfilled, it is the distributor who must bear the brunt of the complaint. He may be compelled to make adjustments, permit cancellations or be forced to make peace with his accounts in some manner or other that is likely to affect his books for the season and, thus, lay him open to burning attack from above in his own company.

Many cases in industry history where a sales head has had to resign, or has been forced out because he couldn't make a silk purse out of a sow's ear in terms of rentals. Advertising and publicity men have also been subjected to blame because exploitation and merchandising, no matter how far it has been extended, failed to do the same thing.

The bankers and other outsiders in picture companies, as well as the presidents, v.p.s and producing heads who have been reared in it, seldom consider the problems of selling or the difficult relations existing between the seller and the buyer.

## The Doughty Salesman

Give a \$100-a-week salesman a car, a portfolio full of promises he himself hardly relies upon, and a flock of instructions on merchandising the new season's product, subject to all sorts of home office approval, and the gentleman is going forth on one of the toughest of missions. He is bearing the lion in his den, but, armed doubtfully to resist him, stalks in dauntlessly to do battle.

No matter what has happened during the past year, he is going to have to parry plenty of objections raised against pictures in general and no doubt his in particular, sold with the same glowing promises which the salesman agent has under his arm. He has been ordered to get higher rentals—was there ever a year when the sales force wasn't told that?

He has to get more play for the picture, preferred dating, a deal on the shorts and trailers, if carried, and other things. He takes it on the chin handsomely, checking his pride somewhere else, restrains himself as best he can when he and his company are called bad names, and many times wines or dines the exhibitor far beyond what his expense account will allow in order to land a contract.

Since they have to face the facts and fight hard for what they get, as well as acquire the technique of a Philadelphia lawyer in mastering the highly-complicated provisions embodied in contracts and exhibitor relations, it is no wonder that so many men have come up through the sales branch to occupy key positions in the industry. Two such men are company presidents today, Sidney R. Kent and George J. Schaefer. Murray Silverstone, without that title as yet, virtually runs United Artists. He also came up through distribution. James R. Grainger was elected president of Republic's distribution branch early in 1938, and Al Lichtman is assistant to Nicholas M. Schenck, president of Loew's. Others in major companies within a stone's throw of the top administrative offices, are now v.p.s as well as board members and may get there, among them Neil F. Agnew and Ned E. Depinet.

It has always taken a salesman to sell pictures but not always a producer to get into the production branch. This may account for the fact that fewer persons, through politics or otherwise, get into sales and that there are fewer vacancies in that branch, with the majority doing the job or through ability moving forward in their department. There are more promotions from within in sales—an admirable policy and one that selling forces admire—than in any other field of industry activity.

## Need for Reforms

This policy will probably continue, but in other ways in the face of exhibitor agitation, the Government's anti-trust suit, State theatre divorce moves and scattered civil actions, the distributor realizes that 'the old order changeth, yields its place to new; the times they are a-changing, and the change must be slow in order to be healthy, no matter if the tendency is to hurry. Nearly every change that the world—or the industry—has witnessed has been slowly, almost imperceptibly wrought. Even if the U. S. Government, down to the smallest independent exhibitor, is howling for a maximum of action and reform, it might be considered safer in the long run to change the old order of thought and procedure by evolutionary rather than by revolutionary methods. Otherwise the advantages to some and the disadvantages to others might be too pronounced.

Remembering this, it would be desirable that the reforms which are justified in producer-distributor and exhibitor relations be achieved carefully, while reforms that are confiscatory, dangerous, interminable or impractical be avoided just as carefully. Thus, it's desirable that the pendulum sway in a smaller arc.

The distributor has much to lose and so has the exhibitor, as well as anyone, including stockholders, landlords, creditors interested in either or both, if the new order over which much agitation is being waged, is not created with complete appreciation for all the elements involved, and with a sense of restraint which takes into consideration the potential losses as well as the potential benefits.

There is no gainsaying that many evils exist which should have been corrected before, nor that the signs of the storm which have broken could have been seen. The picture industry, however, not unlike others of great strength and high investment doing business over the world, is not alone in the abuses with which it has been charged. Although indifferent to the warning signals, it is a gigantic business which now is becoming a little frightened over the measures that are being brought to force it to correct alleged wrongs. Some may be real, some may be fancied, but time will settle that.

The Government suit, filed last summer, is drastic in many particulars as well as very upsetting at this time. Among other things it declares the complete divorce of production and distribution from the ownership or control of theatres. This feature affects five major companies, Paramount, 20th-Fox, Loew's, RKO and Warners.

Another summer blow was the failure of distributors to (Continued on page 48)

# Top Films and Stars

(Continued from page 5)

little dialog, it hit well over the \$1,200,000 mark in all-around take. 'Robin Hood' and 'Marie Antoinette' also are headed for over the \$4,000,000 mark in world boxoffice.

Many pictures turned out late in the year are headed for important money, especially 'Angels with Dirty Faces' and 'Boys Town.' However, they will do far better in the domestic than the foreign market. 'Sweethearts,' released on the tail end of '38, gives indications of being potent b. o. in 1939. 'Gunga Di,' also slated for January release, may also be an unusually heavy world-wide coingetter during the new year.

## King 'Money' Director

On the directorial end Henry King gets the plum for coin pictures, with 'Chicago' and 'Alexander's Ragtime Band,' both for 20th Century-Fox. Michael Curtiz is also in the money, having turned out four at Warners, besides having remade and finished a number of pictures started by other directors for which he did not get screen credit. His pictures of the year were 'Robin Hood,' 'Angels with Dirty Faces,' 'Four Daughters,' and 'Four's a Crowd.'

George Seitz also proved a most profitable coin procurer for Metro with the 'Hardy' series. This group of pictures gives indications of healthy returns on the company production investment, with two of them headed for better than the \$2,000,000 mark. Seitz also made another, 'Yellow Jack,' starring Bob Montgomery.

Jack Conway, another consistent money director at Metro, ranks next for having turned out 'Too Hot to Handle' and 'Yank at Oxford.' Alongside of them come three others: 'Woody Van Dyke,' who made 'Marie Antoinette' and 'Sweethearts'; Frank Capra, whose 'You Can't Take It With You' ranks as an unusually important grosser on the year, and Victor Fleming, who made 'Test Pilot' as well as having 'Treasure Island,' which he megaredirected by Metro.

Pictures turned out during the year were below the 1937 total, as up to Dec. 1 about 100 less features had been recorded than the previous year. In proportion, however, there were plenty of the \$1,000,000-plus pictures turned out, top cost going for Metro's 'Marie Antoinette,' at around \$3,000,000. That company, as usual, had quite a large number which hit over the \$1,000,000 mark, such as 'Girl of the Golden West,' 'Test Pilot,' 'Too Hot to Handle,' 'Mannequin,' 'The Citadel,' 'Great Waltz' and 'Yank at Oxford.'

## Heavy Sugar Cargo

Heavy priced group running in excess of the \$1,000,000 mark at 20th-Fox had 'Alexander's Ragtime Band,' 'Chicago,' 'Suez' and 'Submarine Patrol,' as well as a couple of expensive Sonja Henie pictures.

Warners, in that category, had 'Hollywood Hotel,' 'Jezebel,' 'Robin Hood,' 'Gold Is Where You Find It' and 'The Sisters.'

Paramount camp came forth with 'Spawn of the North,' 'If I Were King,' 'Buccaneer,' 'Bluebeard's Eighth Wife,' 'The Texans,' 'Big Broadcast of 1938' and 'Men with Wings' as its higher-bracket product, with latter costing around \$2,000,000. Universal ran up \$1,250,000 on its 'Letter of Introduction,' and bordered the \$1,000,000 mark with 'Rage of Paris,' 'Mad About Music' and 'That Certain Age.'

Columbia had just one, 'You Can't Take It With You,' which hit around \$1,500,000, while RKO, in the \$1,000,000 bracket, had 'Having Wonderful Time,' 'Cafecree,' 'Radio City Revels' and 'Bringing Up Baby.' For United Artists release, Sam Goldwyn turned out 'Cowboy and the Lady,' Hal Roach, on his first for UA, 'There Goes My Heart,' laid out a little better than \$1,000,000, and Schickel's international close to that figure with 'Adventures of Tom Sawyer.'

## Few Musicals

Musicals were very much on the downbeat on the year with indications that during 1939 there will be still fewer. Metro, of course, will stick to its specialty, 20th-Fox may do one or two, with Warners figuring on abandoning them, and other companies including Paramount and RKO possibly doing one each.

Pretty much of the costume, period and fantastic in production will be eliminated with the new year. Another thing also to be abandoned will be the endeavors by ambitious producers to make those 'Academy award' productions. Pictures will and must be made for the boxoffice, and not for vanity. Producers who want the approba-

tion of the industry at large must make 'em commercially artistic in the future.

Down to earth and biographical yarns will be pretty much the trend in 1939, with topical subject matter being injected as circumstances warrant. With the intent of the industry to ignore the foreign dictation as to what not to make, it is quite likely that considerable story matter which has been shelved due to fears of diplomatic disfavor will be brushed off. A number of the companies will do quite a bit of salvaging in this way. Also with the trend to economize, much story material that has been worked on and left by the wayside will be put into work to appease the budgeteers.

## With An Eye to the B. O.

Plenty of attention will be paid to the wants of the theatre operators. With Universal having proved itself, through the operation of the Blumberg-Fox-Work combination; Metro having found its own way through the liaison work done by Al Lichtman; George J. Schaeffer coming into the guidance of production from distribution for RKO, and Y. Frank Freeman lending his hand at Paramount, it seems quite obvious that the diplomatic wishes will be the keynote for 1939-40 production. Likelihood is that more reliable boxoffice fodder will be turned out than has been since the advent of dialog pictures.

Another progressive move that has been making its making will make itself strongly in the bringing into the top production ranks players, writers and directors who have been groomed in the 'B' division at a number of the studios for the past few years. Metro and 20th-Fox have taken the best strides in this direction during the past two years with the other companies planning on setting aside funds for experimentation and training of new blood in these divisions of the creative end of the industry.

Hollywood, though it is reluctant to admit it, knows that it must prepare itself for the fading out of established elements in the creative division, some of it through arbitrary cost, others through vanishing interest on the part of the public, and still others on account of inability to raise its stead must be replacement of new and reliable talent that can keep the motion picture on an entertainment level that will provide encouraging financial returns.

The independent producers, such as Republic, Monogram and Grand National, with ambitious programs for the year, are making themselves more important here than ever in the past, and many of the majors have been watching their product and personnel with a view to availing themselves of the top calibre talent.

## Ritter Crowds Autrey

In the western field, where musicals still are the important and potent coin elements, Gene Autrey still leads his field although Tex Ritter is coming along in fast strides. Republic has another star in that sphere, Roy Rogers, whom it is grooming for stellar b. o. George O'Brien and Richard Dix are more than holding their own in the outdoor action stuff with the Harry Sherman 'Hop-a-Long Cassidy's,' starring Bill Boyd, being jumped in production budgets as well as earnings. Paramount has taken Buck Jones into its fold also, for action stuff. Metro is going in for action-ers to be turned out by Nat Levine, budgeted around the \$175,000-\$200,000 mark. Columbia is doing one on Larry Darmour's Jack Holt pics and the Charlie Starrett westerns.

## Many Freelancers

There still are the great number of freelance players who do not appear in the studio records as to b. o. value, unless they have made a number of pictures during a year at an individual plant. Many of these people are stars of yesteryear and potent in giving importance to productions both as to name value and performance. Then, too, there is the large contingent of players who get the two and three day hits and parts in pictures. These people earn important money running from \$100 to \$500 a day, but are neither publicized nor billed. There are at least 2,000 who gain screen credit this way.

## Metro Continues With

### Top Roster of Stars

Metro again continues to lead as far as important personalities in the star and featured brackets are concerned. The policy during the past



AL GOODMAN  
A Happy New Year  
to All My Friends

two years has been to nurse along important talent and then to use it in spots most beneficial to company and individuals. During the past year two youngsters have been added to the star roster—Mickey Rooney and Judy Garland. Rooney proved to

## METRO

### Stars

MICKY ROONEY  
CLARK GABLE  
SPENCER TRACY  
MYRNA LOY  
ROBERT TAYLOR  
NORMA SHEARER  
JOAN CRAWFORD  
JEANETTE MACDONALD  
WALLACE BEERY  
NELSON EDDY  
GRETA GARBO  
LIONEL BARRYMORE  
ROBERT MONTGOMERY  
LUIS RAINER  
JUDY GARLAND  
FREDDIE BARTHOLOMEW  
MARGARET SULLAVAN  
ROBERT DONAT  
ROSALIND RUSSELL  
\*ELEANOR POWELL  
\*WILLIAM POWELL  
\*HELEN HAYES  
\*HEDY LAMARR  
\*MAX BROOS.

\*No pictures starring these people released during 1938 by Metro.

### Featured

Lew Ayres  
Melvyn Douglas  
Robert Young  
Virginia Bruce  
James Stewart  
Lewis Stone  
Maureen O'Sullivan  
Dennis O'Keefe  
Frank Morgan  
Walter Pidgeon  
Florence Rice  
Fay Holden  
Cecilia Parker  
Buddy Ebsen  
Reginald Owen  
Ray Middleton  
Bernard Gardner  
Una Merkel  
Virginia Weidler  
Rita Johnson  
Sara Haden  
Ray Bolger  
Mary Howard  
Lynne Carver  
Franchot Tone  
Charley Grapewin  
Miliza Korjus  
Guy Kibbee  
Henry Hull  
George Murphy  
John Beal  
Ann Rutherford  
\*Robert Benchley  
Josephine Hutchinson  
Ruth Hussey  
Robert Morley  
Edna May Oliver  
Gale Sondergaard  
Sophie Tucker  
Stanley Morner  
Janet Beecher  
Madge Evans  
Billie Burke  
Hona Massey  
Jo Ann Sayers  
Lana Turner  
Anthony Allen  
Virginia Gray  
\*Fanny Brice  
Allan Jones  
\*Johnny Weissmuller

†Featured in Metro shorts.

\*Not used in any 1938 releases by Metro.

be the sensation of the organization, going far ahead of the expectations of the company execs who have had Rooney head the list of stars at the studio.

Result was that on the year Rooney topped the list of stars at the studio.

### Gable Still a Draw

Clark Gable, though in two pictures on the year, still manages to be in the vanguard of the other established stars at the plant. William Powell, who headed the contingent last year, teamed with Myrna Loy, individually, does not figure as a '38 coin-getter. Reason, of course, was illness which kept him off the screen during the period.

Spencer Tracy galloped ahead on the b. o. draught angle from last year, with Myrna Loy heading the femme contingent. She took the laurels away from Jeanette MacDonald, the topper last year. Miss MacDonald only has one pic to her credit this year, which accounts for her dip. Robert Taylor, though given fitting material, did not make the b. o. impression that studio had expected, as is shown in the improved rating of Spencer Tracy over him. Norma Shearer had just one, 'Marie Antoinette,' while Joan Crawford appeared to have waned a bit at the b. o., mostly in the key centers. Wallace Beery showed strong improvement with the product he had as his vehicles, and indications are that with proper cast he may hit the 'first five' category in the coming year. Greta Garbo, though not a strong factor in this country, still holds the 'strength abroad' and is virtually the most potent coin-getter for the company, per picture, outside of the American market.

Louis Rainer, even though owner of an 'Oscar,' did not seem to prove a magnet with those who purchase their entertainment through the wicket. Her type of pictures on the year, so far as entertainment was concerned, did not bring about a great deal of audience enthusiasm. Lionel Barrymore, the old warhorse, was impressed into service amply, and, though not an outstanding magnet with the buyers, always proves to be potent enough to attract attention to the pictures he works in. Studio has ambitious plans for Judy Garland on the new season, and it's expected that the youngster will climb to a dominant spot within the next year.

Freddie Bartholomew is rather hard to fit with material currently. Studio had him doing plunk of personal appearance work of late. Margaret Sullavan, new acquisition to the starring contingent, will need plenty of sales pressure to set her up in the foreground. Her value proved quite negligible on the year, as did that of Rosalind Russell, who has been in the top billing fold for past couple of years. Robert Montgomery, though going strong in performance, does not seem to get much response from the b. o. angle.

### Stars Without Pictures

Eleanor Powell, who was well up on the list with William Powell last year, does not figure at all in 1938 due to being out of pictures. Her last was 'Rosalie,' made in 1937. Hedy Lamarr, added to the stellar contingent after a loanout to Walter Wanger for 'Algiers,' did not face the camera. Helen Hayes, though on the starring sled again, had no picture on the year and Max Baer, who again returned to the Metro fold, were in same spot.

Another new member of the Metro group leads the featured contingent. Lew Ayres, who first came to the fore at Universal in 'All's Quiet on the Western Front,' appears to be the outstanding player in this contingent, with indications that he will return to stardom within the course of the year. Melvyn Douglas, featured at this lot and starred at Columbia, is next fave for b. o. purposes, with Robert Young, a relative older in the outfit, also moving up fast in value, and likely to find himself in the star ranks.

Virginia Bruce heads the femme featured group, and may find herself topmouthing cast this the next year. James Stewart, who led the feature column last year, did not impress as strongly for a repeat. Lewis Stone, veteran star, is still a very new potent factor in casts and on the support end of a marquee. Maureen O'Sullivan proved to be

the second choice among the femmes, being frequently used in important pictures. Dennis O'Keefe, a newcomer, is moving along fast, as well as Walter Pidgeon, another newcomer on the lot, who has had numerous important assignments during the year.

The group of players who were mainly used for musicals and revues did not get much in production assignments with result that their b. o. value for the year remained almost negligible.

There was considerable acquisition of new blood in the feature group on the year that will undoubtedly show itself impressively during the next 12 months. One of them, Miliza Korjus, who made her debut in 'Great Waltz,' Metro calculates to figure potentially in time.

A great number of the featured players, as the star roster seemed not reach proportions of billing in production on the year, being primarily used for the company's weekly radio show. Topper of this contingent is Fanny Brice, who had no pic assignment, but is qualified as an outstanding ether asset. Also missing from the screen were Allan Jones, featured chanter, and Johnny Weissmuller.

## Shirley Temple No. 1

### B.O. Star at 20th-Fox

Shirley Temple continued to be the outstanding asset at the b. o. during '38 for 20th-Fox. Though there were only three releases for the year, her individual draw value proves tops. The youngster's blood were the real money producers, as Tyrone Power forged ahead with tremendous strides and Alice Faye proved another outstander as far as the revenue on her pics was concerned; performance in 'Chicago' and 'Alexander' the standouts.

### Skates None Too Sharp

Jane Withers also was a most wholesome contributor with her series of homey pictures. Sonja Henie, though doing okay earlier in year, sort of receded with her last picture of the year. Warner Baxter continued to hold his own, while Loretta Young, who rated among the toppers the year previous, was not so forte this semester. Warner Oland, who had starred in the 'Charli Chan' series, was well up in front at the time of his death. Another series star quite potent is Peter Lorre in the 'Mr. Moto' group. Rita Brown, on their own proved okay, with Don Ameche giving indications of increasing b. o. strength in the forthcoming year. William Powell and Faye Allen each did a solo for the studio as well as the Bionnes. The Quints qudos are not as interesting with continuation of their growth in life as were the earlier ones, however.

Gracie Fields, whose strength in England is tremendous, will possibly get an American following if type of pictures continue along lines of her last. Annabella and Simone Simon were stridently washouts on the star list.

Featured division of this studio is being greatly strengthened with indications that number of those now in growing stages will wind up the year by being given lines of top in marquee value during the new year. Gloria Stuart, who has starred for several years at Universal, proved the outstanding in the featured division.

### Haley Tops Division

Jack Haley, aided by his radio work, forged to the fore, and tops the male group of featured players. Plenty of strength is obvious with such players as Adolphe Menjou, Jack O'Connell, Victor Kerkow and Herbert Marshall, each in for one of the program. Tony Martin did not fare as well at b. o. as one might figure with his radio draught, but likely that during this year his assignments will be tailored for a b. o. buildup. Several new ones in the great contingent are Barnie Barnes, Richard Greene, David Niven, Nancy Kelly, Arlene Whelan and Jean Rogers. These are being carefully placed with purpose of building them to the heights.

Slam Summerville continues to be potent as far as draw power with fans concerned. Brian Donlevy, who forged ahead very quickly, stood in important position before starting his freelance career. Others who can be rated of unusual consequence in important castings include Jed Prouty in the 'Jones Family' series; Joan Davis, John Carradine, Claire Trevor, Michael Whalen, Arthur Hatcher, Key Luke and Phyllis Brooks. As the Zanuck studio is always on the lookout for new blood, there is also a fadeout process going on in feature division. This year such players as Jean Her-

sholt, June Lang, Louise Hovick and Bill Robinson disappeared from the contract group, but, well established, they are freelancing successfully.

In perusing the list of featured players here many of those who are just listed will undoubtedly next year be in the upper brackets of the company's coin-getters.

## 20TH-FOX

### Stars

**SHIRLEY TEMPLE**  
**TYRONE POWER**  
**ALICE FAYE**  
**JANE WITHERS**  
**SONJA HENIE**  
**WARNER BAXTER**  
**LORETTA YOUNG**  
**\*WARNER OLAND**  
**PETER LORRE**  
**RITZ BROS.**  
**WILLIAM POWELL**  
**DON AMECHE**  
**DIONNE QUINIS**  
**GRACIE FIELDS**  
**ANNABELLA**  
**FRED ALLEN**  
**SIMONE SIMON**

\*Deceased.

### Featured

**Gloria Stuart**  
**Jack Haley**  
**Alphie Menjou**  
**Victor McLaglen**  
**Joan Davis**  
**Herbert Marshall**  
**Jack Oakie**  
**Tony Martin**  
**Richard Greene**  
**Slim Summerville**  
**Brian Donlevy**  
**Jan Hersholt**  
**Jean Fronty**  
**Blonde Barnes**  
**Joan Davis**  
**David Niven**  
**John Carradine**  
**Arthur Treacher**  
**Claire Trevor**  
**Michael Whalen**  
**Nancy Kelly**  
**Cesar Romero**  
**Marjorie Weaver**  
**Phyllis Brooks**  
**Rochelle Hudson**  
**June Lang**  
**Key Luke**  
**Ethel Merman**  
**Bill Robinson**  
**Joseph Schildkraut**  
**Borrah Mineyitch**  
**Helen Westley**  
**Leah Ray**  
**Arlene Whelan**  
**Louise Hovick**  
**Sidney Toler**  
**Spring Byington**  
**Wally Vernon**  
**Paul Hurst**  
**Dixie Dunbar**  
**Douglas Scott**  
**Florence Roberts**  
**Douglas Fowley**  
**George Sanders**  
**J. Edward Bromberg**  
**George Barbier**  
**Jane Darwell**  
**Chick Chandler**  
**Robert Allen**  
**Lon Chaney, Jr.**  
**Ruth Terry**  
**Sidney Blackmer**  
**Jean Rogers**  
**Sidney Fields**  
**Lynn Bari**  
**Eddie Collins**  
**George Ernest**  
**Joan Gale**  
**Pauline Moore**  
**Paul McVey**  
**Sig Ruman**  
**Ossie Massen**  
**Joan Castle**

## Colbert, Gary Cooper

### Set Paramount Pace

Paramount, with a rather small star contingent, had as its leader Claudette Colbert, with Gary Cooper heading the male contingent here as well as for Sam Goldwyn. Bing Crosby came up considerably in rating, breaking about even with Jack Benny. Ronald Colman, in a one-pic deal, ranks high, while Dorothy Lamour, inducted into the star fold, proved rather important in draw value. Mae West had one pic on the sked and it became evident that her magnetism had faded considerably as had that of Harold Lloyd, who also made one on the year. George Raft still has considerable domestic draught and is reckoned as quite important in the foreign markets. William Boyd, who is starred in the Harry Sherman actioners, proved himself very



**JACK OTTERSON**  
ART DIRECTOR

Completes three years in April at New Universal Studio with "Three Smart Girls," "Mad About Music," "Letter of Introduction," "That Certain Age" and "Rage of Paris" to his credit.

Now working on "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up" and "Son of Frankenstein."

potent in the nabes and hinterland. Bob Burns, a new star on the list, shows evidence of unusual value, with Ray Milland and Bob Hope, also new in the star division, making few impressions with fans and exhibs. The Burns and Allen combo coasted along nicely during the year, but will be missing as a team in future productions, with Miss Allen continuing for one on her own. Fredric March had just one on the lot, "The Buccaneer," with Sylvia Sidney likewise doing one on the year, made in the east. Gladys Swarthout did not register strongly and fades from the new year group of stars, as does Joan Bennett. Anna May Wong starred in the B's coming from the Harold Hurley division, and did not prove important at all. Isa Miranda, recent importation, did not face cameras for the year's releases and likewise Irene Dunne, Carole Lombard, Barbara Stanwyck and Don Ameche, all of the latter having one-pic commitments. Frances Farmer, busy with her New York legit career, did not find time to do any cinematic work, either. Buck Jones, recently added to the Paramount fold, will get first of his under way early in 1939.

Lynn Overman, in stock for number of years, proved to be the outstander in the featured group. He was used aptly in important pictures during the year. J. Carroll Naish, getting plenty of workout, also came next, with Martha Raye heading the femme contingent.

### Players to Be Watched

Edward Arnold, in for solo, rated excellently, with John Barrymore, though without his star designation, still proving a valuable asset to the numerous productions he worked in. Shirley Ross progressed nicely, with Akim Tamiroff coming strongly to the fore in a couple of important assignments on the year. Another newcomer to the fold giving signs of impressive rating is Louise Campbell, who graduated from the "Drummond" series to femme lead in "Men With Wings." Studio plans on sending her quickly to important stellar rating.

Balance of the featured group is the standard supporting type, utilized considerably because of their box-office teaser aide. In this aggregation are Randolph Scott, Basil Rathbone, John Boles, Charles Butterworth, Gene Raymond, Porter Hall, Charles Bickford, Madeleine Carroll, Roscoe Karns, Elizabeth Patterson, Mary Carlisle, Gene Raymond, Gail Patrick, Ben Blue, Edmund Lowe. Yacht Club Boys, Tito Guizar, Heather Angel, Colin Tapley, Cecil Cunningham, Henry Fonda, Mary Boland, Judith Barrett, Harvey Stephens, Douglas Dumbrille, Barlowe Borland, Benny Baker, Bert Roach, Claire Dodd, William Henry, Grace Bradley and Harriett Hillard.

Paramount, during the past few months, also rid itself of a lot of the feature and stock players, and indications are that more will vanish from the horizon within the next few months. In the meantime studio has garnered large crop of youthful talent of both sexes and will make a strong effort to enhance their sales value through spotting in important productions. Studio feels that with its limitation on star material it must speedily develop new blood to click with the exhibs in the next few years.

## PARAMOUNT

### Stars

**CLAUDETTE COLBERT**  
**GARY COOPER**  
**BING CROSBY**  
**JACK BENNY**  
**RONALD COLMAN**  
**DOROTHY LAMOUR**  
**MAE WEST**  
**BOB BURNS**  
**GEORGE RAFT**  
**WILLIAM BOYD**  
**HAROLD LLOYD**  
**W. C. FIELDS**  
**FRED MACMURRAY**  
**BOB HOPE**  
**RAY MILLAND**  
**GEORGE BURNS—GRACIE ALLEN**

**FREDERIC MARCH**  
**SYLVIA SIDNEY**  
**GLADYS SWARTHOUT**  
**JOAN BENNETT**  
**ANNA MAY WONG**  
**SHIRLEY ROSS**  
**\*IRENE DUNNE**  
**\*CAROLE LOMBARD**  
**\*BARBARA STANWYCK**  
**\*DON AMECHE**  
**\*ISA MIRANDA**  
**\*FRANCES FARMER**  
**\*BUCK JONES**

\*Made no pictures for 1938 release by Paramount.

### Featured

**Lynn Overman**  
**J. Carroll Naish**  
**Martha Raye**  
**Edward Arnold**  
**Lilyan Hays**  
**John Barrymore**  
**Shirley Ross**  
**Akim Tamiroff**  
**Edward Everett Horton**  
**Frances Dee**  
**Louise Campbell**  
**Randolph Scott**  
**Basil Rathbone**  
**John Boles**  
**Charles Butterworth**  
**Mary Livingston**  
**Gene Raymond**  
**Porter Hall**  
**Charles Bickford**  
**Charles Ruggles**  
**Madeleine Carroll**  
**William Frawley**  
**Elizabeth Patterson**  
**Mary Carlisle**  
**Roscoe Karns**  
**Ben Blue**  
**Henry Fonda**  
**Eleanor Whitney**  
**Edmund Lowe**  
**Betty Grable**  
**Yacht Club Boys**  
**Tito Guizar**  
**Anthony Quinn**  
**Glenda Farrell**  
**Lily Erikson**  
**Benny Baker**  
**Douglas Dumbrille**  
**Gail Patrick**  
**John Howard**  
**Francis Gaal**  
**Heather Angel**  
**Mary Boland**  
**Colin Tapley**  
**Archie Twitchell**  
**Russell Hayden**  
**George Hayes**  
**Rufe Davis**  
**Judith Barrett**  
**Ellen Drew**  
**Cecil Cunningham**  
**Barlowe Borland**  
**Larry Crabbe**  
**Harvey Stephens**  
**Ian Keith**  
**Lucien Littlefield**  
**Jackie Coogan**  
**Claire Dodd**  
**Dorothy Howe**  
**Edgar Kennedy**  
**Donald O'Connor**  
**Evelyn Keyes**  
**Marie Burton**  
**Billy Cook**  
**Dolores Casey**  
**Johnny Downs**  
**Harriett Hillard**  
**Joyce Matthews**  
**Billy Lee**  
**Louise Platt**  
**Irene Hervey**  
**William Henry**  
**Bert Walters**  
**Fred Fisher**  
**Pat Wilder**  
**Grace Bradley**  
**Francis MacDonald**  
**Florence George**  
**Sheila Darcy**

rating of the previous year. Paul Muni continued to hold the second spot in the Warner fold, as well as taking away the male draw value from Flynn.

### Cagney Starts Climb

James Cagney, back in the fold, follows Flynn in value and should get a couple more pics like "Angels With Dirty Faces" he will retain his former top ranking. Another back in the fold is Edward G. Robinson, who is rated on par with Cagney. Pat O'Brien, though obviously very popular with exhibs, had no immense productions, being coupled with others, so therefore he rates behind the other two.

Wayne Morris, newly added to the star roster, made an exceptionally fine showing. He eclipsed Dick Powell who, at end of 1938, obtained a first place decree from the Warner lot. Humphrey Bogart,

## WARNER BROS.-F.N.

### Stars

**BETTE DAVIS**  
**PAUL MUNI**  
**ERROL FLYNN**  
**JAMES CAGNEY**  
**EDWARD G. ROBINSON**  
**PAT O'BRIEN**  
**WAYNE MORRIS**  
**DICK POWELL**  
**HUMPHREY BOGART**  
**GEORGE BRENT**  
**OLIVIA DE HAVILLAND**  
**KAY FRANCIS**  
**ANITA LOUISE**  
**\*MIRIAM HOPKINS**

\*Not used in 1938 releases.

### Featured

**John Garfield**  
**Dead End Kids**  
**Priscilla Lane**  
**Frank McHugh**  
**Allen Jenkins**  
**Hugh Herbert**  
**John Payne**  
**Joan Blondell**  
**Donald Crisp**  
**Ann Sheridan**  
**Glenda Farrell**  
**Rosemary Lane**  
**Bonita Granville**  
**Ronald Reagan**  
**Jeffrey Lynn**  
**John Littel**  
**Eddie Albert**  
**Claude Rains**  
**Gale Page**  
**Lola Lane**  
**Margaret Lindsay**  
**Jane Wyman**  
**Marie Wilson**  
**Fay Bainter**  
**Jane Bryan**  
**Janet Chapman**  
**Jerry Colona**  
**James Stephenson**  
**Dick Foy**  
**Johnny Davis**  
**Melville Cooper**  
**Penny Singleton**  
**Gale Sondergaard**  
**Hugh O'Connell**  
**Barton MacLane**  
**Lana Turner**  
**Mabel Todd**  
**Dick Purcell**  
**Ian Hunter**  
**Gloria Dickson**  
**Henry O'Neill**  
**Veda Ann Borg**  
**Isabel Jeans**  
**Patric Knowles**  
**Anderson Lawlor**  
**Marla Blanton**  
**Gloria Bondell**

for type of pictures in which he is used, showed up in splendid style, proving of more value than George Brent, Olivia de Havilland and Kay Francis, the latter another fadeout after long and profitable service to the company.

Anita Louise, also listed in the star group, did not seem to radiate strongly so has disappeared from the WB roster. Another on the list for one picture, Miriam Hopkins, made no release on the year.

John Garfield and the Dead End Kids, newcomers into the fold, are the trailblazers of the featured contingent. Studio has great faith in Garfield's future and likely that this recruit from Broadway legit will be among the starring contingent when the 1939-40 product announcement is made.

Priscilla Lane, one of the three Lane sisters, is leader of the femme group on the featured list, with her sister, Rosemary, down on the rating and the other sister, Lola, though more experienced in screen work, out of the lineup. Frank McHugh and Allen Jenkins, WB vets, are still up there, as is Hugh Herbert, who left to pursue a freelance career. Studio has considerable faith in ability of John Payne, re-

cently added, and who, should the studio decide to make anything musical, will substitute in lead roles formerly assigned to Dick Powell.

### Fushing Three Femmes

Ann Sheridan, a new ingenue, is being groomed for potent billing as well as Bryan, who has had a couple of tryouts under her belt for the year. Marie Wilson also is highly thought of by the front office, desirous of pushing her to the fore but having a hard task obtaining suitable material for her. Joan Blondell's b.o. strength did not appear potent this year with result she decided to try elsewhere, for her 1939 screen labors. There are plenty of established stellar players in the contingent, who with performance and marquee value, always prove desirable for theatre releases. In this group are Donald Crisp, Claude Rains, Margaret Lindsay, John Littel, Fay Bainter, Melville Cooper, Patric Knowles and Gale Sondergaard.

Studio also has quite a bit of new talent which, though of little b.o. consequence, may break out and become marquee assets during 1939.

## Ginger Rogers Heads

### Starring List at RKO

Though it had plenty of star commitments, both under term contract, and for individual pictures, RKO had nothing sensational during the year in production and, as its main marquee asset depended on Ginger Rogers' production, Fred Astaire had just one that was released on the year with Miss Rogers, while she had two others tucked away under her b.o. belt. Cary Grant and Irene Dunne, on one-pic deals,

## RKO-RADIO

### Stars

**GINGER ROGERS**  
**FRED ASTAIRE**  
**CARY GRANT**  
**JACK OAKIE**  
**IRENE DUNNE**  
**MARK BROS.**  
**JOE FENNER**  
**GEORGE O'BRIEN**  
**KATHARINE HEPBURN**  
**BARBARA STANWYCK**  
**RICHARD DIX**  
**LUCILLE BALL**  
**DOUGLAS FAIRBANKS, Jr.**  
**BOBBY BREEN**  
**\*JOHN BOLES**  
**\*BOB BURNS**  
**\*EDDIE CANTOR**  
**\*CLAUDETTE COLBERT**  
**\*DOUGLAS CORRIEN**  
**\*VICTOR MCLAGLEN**  
**\*BURGESS MEREDITH**

\*Made no pictures for 1938 release.

### Featured

**Ann Shirley**  
**Sally Eilers**  
**Freston Foster**  
**Chester Morris**  
**Ruby Keeler**  
**Milton Berle**  
**Victor Moore**  
**Joan Fontaine**  
**Ann Sothern**  
**Edward Ellis**  
**Ann Miller**  
**Parkyakarkas**  
**James Ellison**  
**Louise Hayward**  
**Helen Broderick**  
**Allen Lane**  
**Paul Guilfoyle**  
**Donald McBride**  
**Sam Levene**  
**Jack Carson**  
**Lee Bowman**  
**Richard Lane**  
**Jack Arnold**  
**Lyle Patrick**  
**William Bourn**  
**Billy Gilbert**  
**Walter Abel**  
**Bradley Page**  
**Vicki Lester**  
**Bruce Cabot**  
**Rita Oshman**  
**Irene Dare**  
**Thelma Leeds**  
**Joan Woodbury**  
**Kay Sutton**  
**Frances Mercer**  
**Leona Roberts**  
**June Travis**

proved to be very potent for the company, as was Jack Oakie, who has left the fold.

While Eros, with one, were okay; O'Brien proved to be more profitable to the company than Katharine Hepburn, who has vanished from RKO listing. Barbara Stanwyck, (Continued on page 22)

## Bette Davis the No. 1

### Star at Warner Plant

Bette Davis, was the fair haired child on the Warner Bros.-F.N. National roster. She took the top honors away from Errol Flynn, who changed places with her on the

# L. A. Mighty Despite Racing And Football; 'Sweethearts' Heading For Smash, More 'Pyg' H.O.s Assured

Los Angeles, Jan. 1. Big takes for locals. This despite opening of Santa Anita race track on Saturday. Tournament of Roses parade and Rose Bowl game at Pasadena. All first runs staged midnight show. Saturday, at upped prices. Town's leader is easily 'Sweethearts', single billed at State and Chinese.

**Current Pix; Last Week's Estimates**  
Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Down Town (WB)** (1,800; 30-40-55-65)—'Going Places' (WB) and 'Devil's Island' (WB). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Four Star (F-WC-UA)** (900; 40-55)—'Pygmalion' (M-G) (2d wk). Momentum of initial week's \$8,000 should keep it in top spot going for six to eight stanzas.

**Hollywood (WB)** (2,756; 30-40-55-65)—'Going Places' (WB) and 'Devil's Island' (WB). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Orpheum (Bway)** (2,280; 25-30-35-40)—'Sharpshooters' (20th) and vaude. One of the strongest shows of the season and looks sweet. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Pantages (Pan)** (2,812; 30-40-55)—'That Woman Again' (Col) and 'Newsboys' Home' (U). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Paramount (Par)** (3,595; 30-40-55)—'Artists and Models' (Par) and stage show. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**RKO (2,872; 30-40-55)—'That Woman Again' (Col) and 'Newsboys' Home' (U). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.**

**State (Loew-Fox)** (2,414; 30-40-55-75)—'Sweethearts' (M-G). Holiday biz has house topping 'Alexander's Ragtime Band' and sweet gross in stage. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (F-WC)** (2,100; 30-40-55)—'Widys' (M-G) and 'Christmas Carol' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Wilshire (F-WC)** (2,286; 30-40-55-65)—'West with Hardys' (M-G) and 'Christmas Carol' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

## BUFF BRISK; 'WOMAN,' 'KY,' 'SWEETHEARTS' OK

Buffalo, Jan. 1. New Year's sellout midnight performances sent this week's grosses skyrocketing. All houses are being held by strong holiday attractions and a cold New Year's weekend is driving up the grosses to peak figures. 'Sweethearts' is showing extraordinary strength, with 'That Woman' also clicking and 'Kentucky' running strong.

**Current Pix; Last Week's Estimates**  
Buffalo (Shea) (3,500; 30-35-55)—'Sweethearts' (M-G). Looks great. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Century (Shea)** (3,000; 25-35)—'Going Places' (WB) and 'Devil's Island' (WB). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Great Lakes (Shea)** (3,000; 30-50)—'Kentucky' (20th). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Hipp (Shea)** (2,100; 25-40)—'Trade Winds' (UA). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Lafayette (Ind.)** (3,300; 25-35)—'That Woman Again' (Col). Another natural. Should click. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

## Port. Celluloid Spells Coin; 'Sweethearts' H. O.

Portland, Ore., Jan. 1. 'Sweethearts' in its second week at Parker's is a big winner that will hold longer. Another money maker is 'Dawn Patrol' at the Hamrick-Evergreen Paramount.

**Current Pix; Last Week's Estimates**  
Broadway (M-G) (2,000; 30-35-40)—'Trade Winds' (UA) and 'Girls

on Probation' (WB). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Orpheum (Hamrick-Evergreen)** (1,800; 30-35-40)—'Kentucky' (20th) and 'Next Time Marry' (RKO). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Paramount (Hamrick-Evergreen)** (3,000; 30-35-40)—'Dawn Patrol' (WB) and 'Blondie' (Col) (2d wk). First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Rivolt (Indie)** (1,100; 20-25)—'Algi's' (UA) and 'Speed to Burn' (20th) (reissues). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (Hamrick-Evergreen)** (1,000; 30-40-55)—'Sweethearts' (M-G) (2d wk). Will hold longer. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

## 'KY.' AND VAUDE BEST BET, DETROIT

Detroit, Jan. 1. Plenty of good product, aided by New Year's Eve and extra holiday price-sked, brightens film row here currently. Top coin-getter should be the Fox, with 'Kentucky' and 'That Woman' returning to head stage show following smash two-week sesh at same spot last spring.

**Current Pix; Last Week's Estimates**  
Adams (Balaban) (1,700; 30-40)—'Up River' (20th) and 'That Woman' (Col). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Fox (Indie)** (5,000; 30-40-55)—'Kentucky' (20th) plus Tony Martin-Lola Lane topping vaude. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Michigan (United Detroit)** (4,000; 30-40-75)—'Artists and Models' (WB) and 'Comet Over Broadway' (WB). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**United Artists (United Detroit)** (2,000; 30-40-65)—'Sweethearts' (M-G). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

**Palms-Stat (United Detroit)** (3,000; 30-40-50)—'Dawn Patrol' (WB) (2d run) and 'Mysterious Rider' (Par). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.



**JOHN CARRADINE**  
After an exciting part in 20th Century-Fox's "Jean James," the versatile thespian just completed a still more interesting role in Walter Wanger's "Stage Coach," both attractions being readied for release early in the new year.

## K. C. Product Strong Enough to Drive Out Duals and Vaudeville

Kansas City, Jan. 1. Film attractions in the strong side, and general drawing power improved over last week. 'Sweethearts', at the Midland, one of the few films of the year considered strong enough to take the week solo, as only about half a dozen throughout the year have played single in this big house. Film doing itself justice, giving house one of its bigger weeks. Looks to lead the town.

Newman likewise is okay with 'Artists and Models' and heading toward one of its fairer figures. 'Kentucky' day and date in the Esquire and Uptown, broke in couple of days early, with Wednesday opening. Certain of a few extended days, and may stay on for a couple of weeks. Nine days at least.

Theatre row returns to its usual single stage show at the Tower after some flesh competition from the Newman during December. Frankie Masters and Joy Hedges making a dual headliner at the Tower this week.

Last week failed to live up to expectations, figures being noticeably under anticipations in general. 'Current Pix; Last Week's Estimates' Esquire and Uptown (Fox Midwest) (820 and 1,200; 10-25-40)—'Kentucky' (20th) day and date on early Wednesday opening. Giving good account of itself. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

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Fenn (Loew-UEA) (3,000; 25-35-50)—'Sweethearts' (M-G). Solo here in strict contrast to usual policy. Healthy start looks to hold. Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

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# Weather, Competish, Lack of Sock Product Put Damper on Mpls.

## 'DUKE,' 'TRADE WINDS' AUGUR WELL, LINCOLN

Lincoln, Jan. 1. With midnight shows helping on New Year's eve, film biz spurts into 1939 on a tail wind. Expected to lag after the two-day holiday, but is sufficient to give all houses a good currency flow.

'Trade Winds' looks better than average at the Stuart, while 'Artists and Models' is the Lincoln's strong point. 'Duke of West Point' having three good opening days, for a nice week's prospect.

**Current Pix; Last Week's Estimates**  
Lincoln (NTL-Noble) (1,600; 10-25-35)—'Artists and Models' (Par) and 'Sturm' (U). Last week \$10,000. First week \$10,000. Second week \$10,000. Third week \$10,000. Fourth week \$10,000. Fifth week \$10,000. Sixth week \$10,000. Seventh week \$10,000. Eighth week \$10,000. Ninth week \$10,000. Tenth week \$10,000.

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# New State-Lake Policy With 'Crime' Strong in Chi; 'Honeymoon,' 'Tarnished Angel' Also Clicky

Chicago, Jan. 1. With the New Year's eve session at a dollar straight in nearly all the loop houses the downtown spots had a foundation of beaucoup coin on the week. And plus the weight of the best general week in the year, the total grosses at all the places are sufficient to mean plenty of profits all down the line.

Not much to choose from on the picture angle, with 'Paris Honeymoon' rating as the only picture with an noteworthy boxoffice ability in its own. Other major theatres, such as the Oriental, State-Lake and Palace, are relying almost completely on their stage lineups.

Also only one holdover though 'Artists and Models' moved into Garrick following a meek week in Chicago. 'Trade Winds' continues in the Roosevelt. While 'Shining Hour' wound up in the United Artists, with 'Sweethearts' succeeding Sat. (31). Apollo same day opened 'Dramatic School.'

Palace, insisting on its position as the traditional vaudeville spot of the town, came through with a special line-up of talent for the New Year's eve midnight show, adding the acts to the regular bill and sold the ensemble on its traditional reserved seat set-up for the special show.

**Current Pix: Last Week's Estimates**  
Apollo (B&K) (1,200; 25-35-65-75)—'Dramatic School' (M-G) opened Saturday (31). Last week, 'Snow White' (RKO) \$5,200, good.

Chicago (B&K) (4,000; 25-35-75-75)—'Paris Honeymoon' (Par) and stage show. Powerful but aided by those buck-top shows on New Year's eve. Last week 'Artists and Models' (B&K) \$2,600, mild.

Garrick (B&K) (900; 25-35-65-75)—'Artists and Models' (Par) hitting rapid pace. Last week 'Say French' (Par) and 'Gangster's Boy' (Mon) meek \$4,800.

Oriental (Jones) (2,200; 25-35-40)—'Tarnished Angel' (RKO) and vaude. Show lines up as a house-built unit currently. In the zoom with everything else. Last week 'Sisters of Nurse' (U) managed okay \$16,200.

Palace (RKO) (2,500; 25-35-65-75)—'Up River' (20th) and vaude. With special New Year's eve reserved seats gets into the respectable figures. Last week 'Mad' \$14,100 for 'Spring Madness' (M-G).

Roosevelt (B&K) (1,500; 25-35-65-75)—'Trade Winds' (UA) (2d wk). Brilliant showing after fine \$13,400 last week.

State-Lake (B&K) (2,700; 25-35-40)—'Crime Takes Holiday' (U) and vaude. House has caught on with its eight-act policy at low-priced prices. Will continue 'Eat, Drink and Be Merry' (U) for next week. Last week, for six days, 'Confessions' (Par) got house away in great style with \$14,000.

United Artists (B&K-UA) (1,700; 25-35-75)—'Sweethearts' (M-G) opened here Saturday (31). Should peak on New Year's session. Last week was off at \$8,000 on second week of 'Shining Hour' (M-G).

## 'ANGELS' H.O. PACING FOR B'KLYN RECORD

Brooklyn, Jan. 1. Splendid lineup of talent on stages and first rate film attractions will give downtown deluxers whooping grosses for New Year's week. Sokeo biz at every theatre, with 'Fabian' Paramount ahead of everyone else and likely to set new record. Paramount holding 'Angels with Dirty Faces' second week, and 'The Great Dictator' magnificent gross. Strand with George Jessel on stage and 'Adventure in Sahara' on screen also strong. Fabian Fox ships with 'Artists and Models Abroad.'

**Current Pix: Last Week's Estimates**  
Albee (3,74; 25-35-50)—'Thanks for Everything' (20th) and 'Sharpshooters' (20th). Last week, 'Up River' (20th) and 'Annabel' (RKO), \$16,000, good.

Par (4,089; 25-50)—'Artists and Models' (Par) and 'Secrets of Nurse' (U). Last week, 'Heart of North' (WB) and 'CIPHER Bureau' (GN). Okay \$16,000.

Met (4,618; 25-50)—'Cowboy and Lady' (UA) and 'Last Warning' (WB). Last week, 'The Great Dictator' (GN) and 'Strange Faces' (U), \$17,000, good.

Paramount (4,126; 25-35-50)—'Angels' (WB) and 'Down on Farm' (20th) (2d week) and 'The Great Dictator' (GN) (2d week), this pair drew wonderful \$27,800.

Strand (2,870; 25-50)—'Adventure in Sahara' (Col) and vaude with George Jessel heading bill. Last week 'Shadows Over Shanghai' (GN) and vaude, \$14,500, okay.

## PROV. GROSSES PERK WITH GOOD PRODUCT

Providence, Jan. 1. Increased biz at all stands has main stemmers smiling after seasonal Xmas week drop. State closing late-show trial period on Monday. Tuesday period helped draw late parties and may be resumed later. Blackstone on Albee stage for week's run.

**Current Pix: Last Week's Estimates**  
Albee (RKO) (2,200; 25-35-50)—'Newsboys' Home' (U) and Blackstone on stage. Last week 'That Woman Again' (Col) and 'Peck's Bad Boy' (RKO), so-so \$5,000.

Carlton (Fay-Loew) (1,400; 25-35-50)—'Brother Rat' (WB) and 'Nancy Drew' (WB) (2d run). Last week, 'Goes My Heart' (UA) and 'Spy Ring' (Col) (2d run) had heart-failure with \$2,500.

Fay's (Indie) (2,000; 25-35-40)—'Up River' (20th) and vaude. Last week, 'Freshman Year' (U) and 'Bowie's' unit on stage slugged to fair \$5,000.

State (Loew) (3,200; 25-35-50)—'Sweethearts' (M-G). Last week, 'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G), whooping \$12,500.

Majestic (Fay) (2,300; 25-35-50)—'Thanks for Everything' (20th) and 'Sharpshooters' (20th). Last week, 'Brother Rat' (WB) and 'Nancy Drew' (WB) surprised with swell \$8,500.

Strand (Indie) (2,200; 25-35-50)—'Paris Honeymoon' (Par) and 'Storm Over Bengal' (Rep). Last week, 'Artists Models' (Par) and 'In Old Mexico' (Par) proved pushover for swell \$9,000.

## HUB B.O.S HOT, H.O.S LOOM STRONG

Boston, Jan. 1. Film b.o.s responding well to the holiday rush, with 'Out West with the Hardangs' and 'Up the River' very hefty gross at Loew's Orpheum and State.

'Thanks for Everything' looks good at the Memorial, and 'Paris Honeymoon' medium at the Met. 'Key West' and 'Up the River', dualed, playing both the Met and the Paramount New Year's Eve. Other houses will offer their current bills. Advance on holiday eve shows very good all over town.

**Current Pix: Last Week's Estimates**  
Boston (RKO) (3,200; 20-30-40)—'Freshman Year' (U) and 'Juvenile Court' (Col) plus vaude, for four days; 'Suez' (20th) and 'Man Remember' (RKO) (2d runs) without vaude, three days. Last week 'Crime Holiday' (Col) and 'Little Adventures' (Col), plus vaude, good \$10,000.

Fenway (M&P) (1,332; 25-35-40-55)—'Artists and Models' (Par) and 'Tom Sawyer' (Par) (2d run). Last week 'Sub Patrol' (20th) and 'Thanks for Memory' (Par), \$7,000.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'Thanks for Everything' (20th) and 'Last Warning' (U). Last week 'Goes My Heart' (UA), nine days, okay \$22,000.

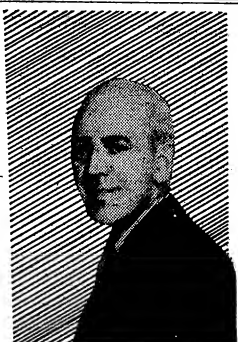
Metropolitan (M&P) (4,367; 25-35-40-55)—'Paris Honeymoon' (Par) and 'Storm Over Bengal' (Rep), with 'Kentucky' (20th) for midnight show. Last week 'Artists and Models' (Par) and 'Tom Sawyer' (Par), \$14,000.

Orpheum (Loew) (2,900; 25-35-40-55)—'West with Hardys' (M-G) and 'Dr. Kidnare' (M-G) (2d wk). Tally for 11-day run, including New Year's Eve will be in vicinity of \$28,500, socko.

Paramount (M&P) (1,797; 25-35-40-55)—'Artists and Models' (Par) and 'Tom Sawyer' (Par) (2d run) with 'Kentucky' (20th) for midnight special. Last week 'Sub Patrol' (20th) and 'Thanks for Memory' (Par) (2d run), adequate \$10,000.

Scollay (M&P) (2,538; 25-35-40-50)—'Sub Patrol' (20th) and 'Thanks for Memory' (Par) (2d run). Last week 'Farm' (20th) (3d run), tepid \$6,000.

State (Loew) (3,600; 25-35-40-55)—'West with Hardys' (M-G) and 'Dr. Kidnare' (M-G). Held over for four extra days, including midnight show. For 11 days about \$19,000, very big.



JIMMY McHUGH  
Composer

Best wishes to all of my friends and an especial greeting to those with whom I was associated during 1938-1939 in Deanna Durbin's 'Mad About Music' ('I LOVE TO WHISTLE'); Deanna Durbin's 'That Certain Age' ('MY OWN'); and Alice Faye's 'You're a Sweetheart' ('YOU'RE A SWEETHEART').

## NICE PRODUCT, UPPED PRICES, PHILLY

Philadelphia, Jan. 1. With two extra performances at well-titled prices all along the line, the fairly strong product aggregate figure hung up this city without a doubt register tops for the year. Extra midnight performances were given on both Saturday and Sunday nights, playing as in past years to mobs on their feet in almost all houses. Tap in 75-cent top houses was pushed to 88 cents from 7 p. m. on both nights, with the vaudeville Earle, which ordinarily gets a maximum of 68 cents, getting shoved up to 99 cents.

**Current Pix: Last Week's Estimates**  
Aldine (WB) (1,303 42-57-68-75-86)—'Duke of West Point' (UA). Opened on Saturday (31) to catch holiday biz, which gave 'Trade Winds' (UA) extra days on its second lap. Latter reached fair \$11,000 for the nine days.

Boyd (WB) (37-57-68-75-86)—'Sweethearts' (M-G) (2d wk). Aided by pleasant w. of m., after being given an initial draft by the critx that got it off for \$23,000 last session.

Earle (WB) (2,758; 25-37-42-68-75-99)—'Girl Downstairs' (M-G) and Ken Murray, Lionel Stander, Eleanor Whitney and Gene Austin on stage. Strong show in town this week, with two extra on Saturday and Sunday. Last week, Ritz Brothers paining and 'Swing, Sister' (U), sockeroo \$31,000 for six days, plus \$3,000 extra at State week.

Fox (WB) (2,432; 37-57-68-75-86)—'Kentucky' (20th). Last week, 'Thanks for Everything' (20th), with Ferdinand (RKO) (2d wk), failed to show much strength at \$13,000.

Karlton (WB) (1,068; 37-42-57-68-75)—'Thanks for Everything' (20th) and Ferdinand (RKO) (2d wk). Last week 'Kentucky' (20th) and 'Kentucky' (20th), not bad at \$4,100.

Keith's (WB) (1,870; 37-42-57-68-75)—'Trade Winds' (UA) (2d wk). Opened on Saturday (31) to catch holiday biz. 'West with Hardys' (M-G) (2d run), fair \$4,200 following two weeks at the Stanley.

Stanley (WB) (2,916; 37-57-68-75-86)—'Dawn Patrol' (WB) (2d wk). Got \$19,200 in the initial take-off.

Stanton (WB) (1,457; 26-42-57-68)—'Devil's Island' (WB). Saturday opening (31) last week, 'Spy Ring' (Col) punko \$3,900.

## 'SWEETHEARTS' LOOKS SWEET IN BALTIMORE

Baltimore, Jan. 1. Quite a decided spurt here this week-end, indicating a brighter turn on recent spoty going. Nice line-up of product and extra late shows by all downtowners, all helping. 'Sweethearts' started them coming early and continued constant pace, pointing to biggest take for Loew's Century in recent weeks. Strong stage lineup pushing combo Hipp to front with 'There's That Woman Again.'

**Current Pix: Last Week's Estimates**  
Century (Loew's UA) (3,000; 15-25-35-40-55)—'Sweethearts' (M-G) and Ken Whitmer stage presentation. Looked like they were heating here in months. Last week, 'Cowboy and Lady' (UA) and stage show held a steady pace to \$11,300.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55-66)—'There's That Woman Again' (Col) leaning on extra strong

# 'Topper' Looks to Top 'Xmas Carol's' \$107,000; Extra Shows, Upped Scales Boom B'way; Whiteman-Heart' Big

When the figures for New Year's week are in, it is expected they will compare favorably with the same holiday stanza a year ago, in spite of the fact that the majority of the Broadway theatres held over their Christmas shows. Last year all houses but one ushered in fresh pictures for the New Year crowds.

Receiving an unprecedently heavy play between Christmas and New Year's eve, with business starting the street on Tuesday, Wednesday, Thursday and Friday (27-28-29-30), virtually all houses ended their Xmas weeks strong and started out on the New Year lap in smash fashion. In view of the upped prices for New Year's eve, with most of the larger first runs at \$1.50 top, and the scheduling of extra shows, most managers found that the pictures held over started better on their current (2d) week than on the first (Yuletide) sessions.

The only theatres not increasing prices Saturday night (31) were the Music Hall, where the orchestra price is \$96 and the balcony \$1.65 was not disturbed; the Rivoli, where the top is 99c, and the Cap, which gets 98c, orch and \$1.25 for loges. In all houses midnight shows were scheduled with the price of business to determine how far into the morning they would grind, while in others very late complete stage and screen shows were given. The Paramount, Strand and State went to a new high of seven complete stage shows. State scheduled its last complete program at 1:30 a. m., while the Par and Strand set 2 a. m. as the time for the final show, with screenings of the picture to continue after that as long as business warranted.

Crowds from out of town have been larger than anticipated, which, together with kids relieved of school chores, brought continuous lobby holdouts during the entire past week. The estimate on New Year's travel in and out of the city was that it would run about 10% higher than last year. An advantage this year was that Christmas and New Year's provided a three-day weekend at the titled scales.

The only 'A' first run to change shows for the New Year stanza is the Music Hall, which brought in 'Topper' (WB) (2d wk) and is pacing briskly. 'Topper' will beat the showing made by 'Christmas Carol' over the first of the holidays, latter having finished powerfully at \$107,000.

'Ride a Crooked Mile,' which entered the Criterion, a secondary first run Thursday (29), and two reissues, 'Black Cat' and 'Dark House,' at the Alhambra, are the only other new shows, except at the second-run State. They are up against very tough competition, especially from stage-show houses, which always get the biggest portion of the out-of-town play.

Of the two leading straight film first-runs that also must face this oppositional angle, Capitol and Rivoli, the latter is, however, overcoming the handicap of its usual style. Having brought in 'Beachcomber' Xmas eve (24), the Rivoli went to \$38,000, terrific, on the first week and should equal or surpass that figure for the second week.

'Sweethearts,' at the Capitol, mounted a pretty good \$30,000 over Christmas and is pacing satisfactorily on the holdover, although taking a back seat to the smaller Rivoli, as well as the Boxer. The new Paramount, which also held their shows. The Globe, with 'Lady Vanishes,' a stout business-getter for this small 'B' first run, is also on the holdover.

All these holdovers are very strong. 'Kentucky' went to \$55,100 over Christmas week at the Roxy after a very slow start, while 'Dawn Patrol,' with Abe Lincoln, which left the gate much faster at the Strand, finished the Yuletide lap at over \$50,000, smash business. But for having opened two days ahead of Christmas (27), it is doing very briskly, over New Year's there

vaude layout featuring 'Gang Busters' and 'Jule Pickets' and 'Red Station.' Last week, 'Christmas Carol' (M-G) and Benny Davis unit, \$12,200.

'Keith's' (Schamberger) (2,460; 15-25-35-40-55)—'Artists and Models' (Par) (2d wk). Same film not so for last week at \$4,300.

New (Mechanic) (1,558; 15-25-35-55)—'Kentucky' (20th). Opened Tues, 27 and catching on after good reception by critx.

Stanley (WB) (3,250; 15-25-35-40-55)—'Dawn Patrol' (WB). Last week, 'Goin' Places' (WB) fell down badly to \$4,400.

is a chance this figure may be hit or bettered.

Paramount got a fine \$47,000 over Christmas with 'Artists and Models Abroad' and Glen Gray Casa Loma band. With business toward the end of the week making a powerful pace, plus seven shows for New Year's eve, predictions were that this figure would be substantially increased on the holdover.

The second-run State, which never holds over Christmas shows, pushed forward to a smart \$28,000 over that holiday with 'Out West with Hardys' and a vaude bill, including Dinty Doyle and Jane Pickets. For New Year's it brought in 'Young in Heart' and Paul Whiteman Thursday morning (29). This show is likewise strong.

**Current Pix: Last Week's Estimates**

Astor (1,012; 25-40-55-65)—'Pygmalion' (M-G) (4th week). Hit over \$15,000 last week with aid of the extra show. Best showing to date, and continues strongly. Remains indefinitely.

Capitol (4,520; 25-35-55-65-125)—'Sweethearts' (M-G) (2d-film week). Severe competition and lack of wide interest in the picture, one down to what amounts to fairly good showing; last week over Christmas it went over \$30,000.

Criterion (1,662; 25-40-55)—'Ride a Crooked Mile' (Par). Opened here Thursday (29) and did well for what will probably add up to a much better than average week. In ahead 'Blondie' (Col) floundered badly, less than \$5,500.

Globe (1,274; 25-40-55)—'Lady Vanishes' (20th) (2d week). Started holdover week Saturday (31) in time for the New Year's push after snarling more than \$10,000 over the Christmas stanza. If business does not fall off sharply at the end of this week, it may be held a third.

Palace (1,700; 25-35-55)—'Angels with Dirty Faces' (WB) (2d run) and 'Annabel Takes Tour' (RKO) (1st run). Duale and long grindings. Average and will probably go eight days, with new show coming in Thursday (31). In ahead, 'Brother Rat' (WB) (2d run) and 'While New York Sleeps' (WB) (1st run), \$7,500, only fair.

Paramount (3,684; 25-35-55-85-99)—'Artists and Models' (Par) and on stage, Glen Gray band, Andrews Sisters and 'The Great Dictator' (GN). Pulled 'em in over Christmas, and a fine \$47,000 and will beat that considerably over New Year's week, with new show coming in Thursday (31). Duale and long grindings. New show of 'Zaza' (Par) and Benny Goodman for Wednesday (4).

Radio City Music Hall (5,880; 40-60-84-99-145)—'Topper' (WB) (2d wk) (UA) and 'Dark House' (WB) (2d wk) stoutly Thursday (29) and are certain to beat the smash \$107,000 run up over Christmas by 'Christmas Carol' (M-G) and a two-part Yuletide stage show, which, usually, is a second week. 'Topper' will probably go a second week.

Rialto (750; 25-40-55)—'Black Cat' (U) and 'Dark House' (U) (reissues) over the holidays. In ahead, 'Heart of North' (WB) held it for nine days, getting good \$9,000.

Rivoli (2,092; 25-35-75-85-90)—'Beachcomber' (Par) (2d week). British-made Laughton starrer went to \$36,000, very big, over Christmas week and started on holdover Saturday night (31). Chances are good it will top this figure over New Year's, one angle being that people, including out-of-towners, are willing into the stage show spots first, will then get around to this picture. It will be held a third week under plans.

Roxy (5,836; 25-40-55-75)—'Kentucky' (20th) and stage show (2d-film week). Inaugurated holdover very steadily after forging through to fancy \$55,100 over the first of the two Yuletide holidays. Will not be held third week.

Strand (2,767; 25-35-75)—'Dawn Patrol' (WB) and Abe Lyman band (2d-film week). A strong New Year's week will see the smash business of over \$50,000 scored over Christmas, nearly all the house can accommodate and close to the record under the stage show policy here set Thursday week by 'Angels' and Ted Lewis, \$51,800. New year stanza for 'Patrol' and Lyman with seven shows Sat. (31) and a scale of \$1.50 top, might equal or better this figure, however, over the week.

State (4,500; 25-35-75)—'Young in Heart' (UA) (2d run) and Paul Whiteman. Off Thursday (29) for an excellent week. Last week the house went over earlier expectations to get \$29,000, very good, with 'Hardys' (M-G) and Dinty Doyle, Jané Pickets and others on stage.

ZAZA (WITH SONGS)

Hollywood, Dec. 29. Paramount release of Albert Levin production. Stars Claudette Colbert; directed by Herbert Marshall and screen-played by George Cukor. Screenplay by Zee M. Ziff, from play by Paul Green. Charles Simon. Songs by Frederick Hollander and Frank Loesser. Asst. director, Hal Walker; editor, George Cukor; special effects by Gordon Jennings; editor, Edward Dmytryk. Running time, 97 min. Released at Westwood Village, Dec. 28, 1938. Running time, 97 min.

Zee M. Ziff. Claudette Colbert. Dufréne. Herbert Marshall. Cukor. George Cukor. Asst. director, Hal Walker. Editor, George Cukor. Special effects by Gordon Jennings. Editor, Edward Dmytryk. Running time, 97 min. Released at Westwood Village, Dec. 28, 1938. Running time, 97 min.

"Zaza" has always been an actor-proof role, whether on stage or screen. Original play produced by David Belasco made Mrs. Leslie Carter famous; first film version turned out by Paramount in 1915 gave impetus to Pauline Frederick's screen rating; and remake in 1923 did the same for Gloria Swanson. Claudette Colbert takes advantage of these basic opportunities to provide a most vivid, vital and realistic characterization, a performance that ranks with the tops of the season.

At the boxoffice "Zaza" will hit solid business in the keys, and roll on that momentum through the sub-sequents for profitable returns. Basically, it's a great attraction for the women with a strong theme of lover's sacrifice.

In the latest presentation of the play, first time as a talker, Paramount has retained basic fundamentals of the original, but adapted it to the modern age. The treatment of the early 1900 story to freshen it up materially, without retaining the uniqueness and flavor of the original settings.

Zaza is a mischievous and flirtatious vaudeville teamed with Bert Lahr in small time bookings in France. Forcing introduction with Herbert Marshall, pair fall in love and launch an affair that goes far in innuendo and action as the Hays code allows. After quitting the act, Zaza discovers Marshall is married, and gives him up to finally become the hit of Paris. In the meantime, she is present at her opening. Zaza sings a song of parting for him to know all is over between them.

Claudette Colbert hits the peak of her career in "Zaza" with a scintillating portrayal of the frivolous and tempestuous Zaza. Her coy flirtation with Marshall, and later dramatic passages in giving him up to go on to success, and her tempered characterization that greatly increases entertaining factors of the picture.

Marshall capably handles the role of the husband who falls in love with Zaza, but is greatly overshadowed by Bert Lahr. Helen Westley and Constance Collier. Lahr, in his first dramatic film role, is a perfect foil as Zaza's partner and confidant. He will undoubtedly be called on for straight parts in the future. Miss Westley and Miss Collier also gain attention in prominent character roles.

Little Ann Todd, in brief sequence with Miss Colbert, gives a sparkling performance in handling a most important passage in stock exchange. Others in supporting cast were nicely fitted to their respective roles, and excellently spotted.

The two songs are by Frederick Hollander and Frank Loesser. "My Darling," sung by Miss Colbert, has a good chance of gaining pop and radio attention. "Zaza" is used as an early comedy number by Lahr and Miss Colbert.

Production has been mounted with all-around excellence. Sets and costumes carry plenty of eye-appeal, and the dance numbers fitted nicely into the action. The photography, Charles Lang, Jr., is highly meritorious, and Miss Colbert's closeups are spot achievements in the camera art. Special photographic effects by Gordon Jennings are particularly fine.

Director George Cukor presents all of the fine flavor and dramatic intensity of the original play, adding dignity and humaneness in his guidance. Picture is well directed, interesting, though at a slow but even tempo. Play does not lend itself to fast-paced picture technique, and Cukor wisely steers away from trying to make such a radical change.

The controversial "can-can" dance, which was vetoed by the Hays office during production, is neatly cut, although a few brief shots have been allowed.

"Zaza" is geared for good boxoffice returns, and should easily outstrip popularity of its film predecessors.

TITLE CHANGES

"The Lone Wolf" wound up as "The Lone Wolf Spy Hunt" at Columbia. "Boy Trouble" is release title for Paramount's "Two Weeks for Pay," starring "The Three Musketeers" and the Mounties as tags for Shirley Temple starrer at 20th-Fox.

Topper Takes a Trip

United Artists release of Hal Roach-Milton H. Bren production. Stars Constance Bennett, Billie Burke, Alan Mowbray, Franklin Pangborn, Verree Teasdale, Alexander D'Arcy, Dick Cuthbert, and others. From novel of same name by Thorne Smith; adaptation, screenplay and story by Paul Verrier. Director, Norman Z. McLeod. Photography, Norbert Brodine and Roy Seawright. At R. K. M. Jan. 1, 1939. Running time, 80 min.

Constance Bennett, Billie Burke, Alan Mowbray, Franklin Pangborn, Verree Teasdale, Alexander D'Arcy, Dick Cuthbert, and others. From novel of same name by Thorne Smith; adaptation, screenplay and story by Paul Verrier. Director, Norman Z. McLeod. Photography, Norbert Brodine and Roy Seawright. At R. K. M. Jan. 1, 1939. Running time, 80 min.

A delightful, very entertaining comedy built around several of the characters who appeared in "Topper," the sequel, and so well produced by the Hal Roach plant as to suggest that a cycle based on "Topper's" experiences should be in order. The picture is a gem, and the invisible characters around him, with attendant trick photography and film technique would no doubt be a big research lab, and then is broken both by opposition of the lab and the death of his wife, Valerie Hobson. Small kid, George Breese, is a joy to watch, and a juvenile hall, when he escapes with his dog. Pooch winds up in the hands of the dog-catcher, Stanley Fields, is gassed, and then comes the experiment which includes Stevens' rehabilitation as well.

Every performance is plodding, colorless, and it's a pic much longer to the audience than its accredited running time would indicate. Represents small hit possibility. Barn.

Constance Bennett, Roland Young, Billie Burke, Alan Mowbray were in the cast of "Topper," turned out by Roach for Metro in 1937. In that picture Cary Grant appeared opposite Miss Bennett. "Topper" is his return to the screen, and after drinking spree, were killed in an auto accident and then returned to life with a determination to do a good deed. Their experiences directed them towards a henpecked bank president (Young) whose troubles mounted as they appeared in the flesh or disappeared into ether.

As "Topper Takes a Trip" opens the scene of Cary Grant and Miss Bennett's auto accident, and their respective experiences directed them towards a henpecked bank president (Young) whose troubles mounted as they appeared in the flesh or disappeared into ether.

Young, as Topper, is in court trying to offer a dubious defense in a divorce case Billie Burke has brought against him because he had a woman (Miss Bennett) who was the "astral body" of "Topper" as the sequel gets under way. Thereafter, with the action shifting to Europe, where Miss Burke is to meet her divorcee, the living spirit of Miss Bennett and Skippy remain to keep him company although he doesn't want them to help him. Miss Bennett is still trying to do is reconcile Young and Miss Burke. After much hilarity and many very amusing sequences, she succeeds.

The dialog is as much a credit to Ed. Morey as the photography is to a feather in the cap for Norbert Brodine and Roy Seawright, latter handling special effects. Lines handled by Young are brilliant and never overdone. Those given Miss Burke are of a wacky, dumb-Dora flavor, but exceedingly clever. One of the beauties of the production is that pantomime takes care of much of the footage, with just the proper but pungent amount of dialog to suit for story-telling and comedy purposes.

Mowbray again plays "Topper's" butler, and a little scene he has with Verree Teasdale is a pip. Franklin Pangborn plays a hotel manager, while the Alexander D'Arcy is the money-mad baron. Char.

LIFE RETURNS

Reliant Pictures production and release. Features Dr. Robert E. Cornish, Onslow Stevens, George Brenkton, Lois Wilson, Eugene Freneke. Screenplay and adaptation, Arthur French. Director, Eugene Freneke. James Hogan; camera, Robert Plank; editor, Harry Marker. At Universal, Lincoln, Jan. 1, 1939. Running time, 82 min.

Dr. Robert E. Cornish, Onslow Stevens, George Brenkton, Lois Wilson, Eugene Freneke, James Hogan, Robert Plank, Harry Marker, At Universal, Lincoln, Jan. 1, 1939. Running time, 82 min.

Miniature Reviews

"Zaza" (Par). Fine production with hefty women-appeal. Good boxoffice indicator. R. K. M. Jan. 1, 1939. Running time, 97 min.

"Topper Takes a Trip" (UA). Dandy comedy sequel to "Topper," made by Roach for Metro release in 1937. Can't miss at the b.o.

perment, films were taken of the event to preserve a record of the amazing achievement and working with him at that time were Mario Margutti, William Black, Ralph Celmar and Roderick Krida, who appear in the film.

Leading up to the event is a story having Cornish, Lois Wilson and Onslow Stevens hopped up in the hope that they will some day perform this experiment while in college. Stevens breaks the threesome, and to a big research lab, and then is broken both by opposition of the lab and the death of his wife, Valerie Hobson. Small kid, George Breese, is a joy to watch, and a juvenile hall, when he escapes with his dog. Pooch winds up in the hands of the dog-catcher, Stanley Fields, is gassed, and then comes the experiment which includes Stevens' rehabilitation as well.

Every performance is plodding, colorless, and it's a pic much longer to the audience than its accredited running time would indicate. Represents small hit possibility. Barn.

COME ON, RANGERS

Republic release of Charles E. Ford production. Stars Roy Rogers, Mary Hart, Jeff. Directed by Joe Kane. Original story by Gerald Graefy and Jack Donald. Screenplay by Gerald Graefy and Jack Donald. Director, Joe Kane. Editor, Edward Dmytryk. Running time, 70 min.

Fairly ambitious effort for a western. Script has a few concessions to adults in the audience, production is adequate and the playing is acceptable. "Come On, Rangers" is no occasion for a celebration, but it's above average for the breed. Excellent for juve matinees and even passable for lower-billing in the dusk.

Story sticks to the fundamentals of action, basic emotions and clear-cut characterization. Deals with the wholesale knavery that is supposed to have broken out in Texas after the Rangers were disbanded. The state's admission to the union. Detail of U. S. cavalry, being unfamiliar with the locale, is stylized by guerrilla tactics and police intrigue. But when an ex-Ranger's brother was bumped off, retribution was in motion and there was gunfire and thwarted villainy all over Texas.

As the demon hero, Roy Rogers looks like a hard-boiled cowboy satirically and slings a mean sage-brush baritone, but he scarcely ever goes through the motions of acting. Mary Hart has the part of the one daughter, and she fills the modest acting requirements. Raymond Hatton is a colorful scout, while J. Farrell MacDonald and Purvis Blum are the two main parts and Bruce MacFarlane fills out the part of the admirably restrained suitor who doesn't get the girl. Joe Kane's direction stresses the action and maintains authenticity. Hobe.

La Signora di Montecarlo

"(The Lady of Monte Carlo)" (ITALIAN-MADE)

E.N.C. release of Continental production. Stars Dita Parlo, Fosco Giachetti, Harry B. Brown. Directed by Gianfranco Parlo. Screenplay by Mario Soldati. At Barberis, Jan. 1, 1939. Running time, 82 min.

"Lady of Monte Carlo," who functions as a crook's accomplice, is really an adventuresome with a heart of gold and an unexpressed desire to go straight. Her desire is realized when she meets an old admirer and realizes he still loves her and she cares for him. Fact that the old lady has been the victim of her latest scheme in Monte Carlo affords some difficulty, but in the end both the victim and his brother forgive her erring ways, and the evil ends with a flourish.

NEIGHBORS (POLISH-MADE) (WITH SONGS)

Best Films release. Stars Helen Gross. Directed by Leon Trystan. Original, J. Trystan. Screenplay by Joseph Tunkel; art direction, Jerek Rogni and Stephan Norjia. Songs, Henry W. W. 1938. Running time, 80 min.

"Neighbors" (Polish-MADE) (WITH SONGS). Best Films release. Stars Helen Gross. Directed by Leon Trystan. Original, J. Trystan. Screenplay by Joseph Tunkel; art direction, Jerek Rogni and Stephan Norjia. Songs, Henry W. W. 1938. Running time, 80 min.

Every attempt is made to bring the story up to date, plot being laid in New York, although made in Europe, and leading man a radio announcer or orchestra leader who succeeds in wedding the classic music art to present-day jazz type of radio program. Love works wonders even to uniting both lyric musings into a joint music to keep an idea that is cleverly worked out in best musical taste.

Tale is one of comical mixup between a pair of lovers, swain getting identity of his lady love mixed up with a girl who is a radio announcer, the radio commentator and musician, has an impoverished boy friend, determined to marry a dowry, no matter which girl goes with it, and also another considering to the mixup. He spends most of his time fighting with his landlady, uncle of his sweetheart, both being musicians, but of different schools. The complicated plot keeps the young pair apart forever, but love, "Humoresque," and a masked costume ball, with Henry impersonating with Mae West at her worst, keeps things moving to a happy end.

Though starred, Helen Gross plays second fiddle to E. Bodo, as Henry, latter getting more than half the action and lines. She fills the romantic comedy parts required by script, but needs additional histrionic training and a reduced figure. Other characters are passable, but two bucolic gentlemen in comedy roles would never be missed, though it's chiefly the script writer and director's fault.

Interior settings are fairly well dressed and in good taste, the ballroom background especially appealing. Hollywood standard of production seldom static, but cutting 15 minutes from the production would make it an even better production.

Little Flower of Jesus

"(Saint Therese of Lisieux)" (FRENCH-MADE)

Sunray Films, Sunray production and release. Features Sunray Bourdard. Directed by Jean L. B. Produced and photographed by Jean L. B. Music by Carmelle. Cast: Sunray Bourdard, Suzanne Christy, Andre Marney, Jane Dulos, Nicolas Maillo, Colette Dubois, Lionel Salm.

(French production; with dubbed English Dialog)

Kindest thing to be said about "The Little Flower" is that it is a non-professional effort and, consequently, can't be judged from usual trade standards. Possibly it might attract Catholic church group, but it is so far behind "Glory of Faith," another French production in which this great effort fails, that this is highly dubious. Difficult to believe that even church members will appreciate the superficial acting, absurd treatment, bad dubbing, sound and all-around mediocrity of "Flower."

This French-made film is turned out, undoubtedly, with sincerity of purpose, but the result is a test of audience patience. It shows a conglomerate group of amateur-appearing actors, and a series of thespians mouthing American words, some times even with their mouths closed. Aside from the crude sets, reminiscent of early American film vintage, the whole story is told together in a haphazard manner, with shots of cathedral interiors, burning candles and storm clouds alternated with prosaic interior happenings.

Crucial in the opening, which might have been a highlight, is unfortunately recorded. Photography is foggy, dim or blurred excepting for a few outdoor distance shots. Even the English dubbing and editing has not made the picture any more fulfilling its mission in telling the story of "the little flower." Wear.

LE MIOCHE (40 Little Mothers)

National Film release of Agular production. Stars Lucien Baroux, Madeleine Robinson, Little Philippe. Directed by Jean L. B. Screenplay by Joseph Tunkel; art direction, Jerek Rogni and Stephan Norjia. Songs, Henry W. W. 1938. Running time, 80 min.

"Le Mioche" (40 Little Mothers). National Film release of Agular production. Stars Lucien Baroux, Madeleine Robinson, Little Philippe. Directed by Jean L. B. Screenplay by Joseph Tunkel; art direction, Jerek Rogni and Stephan Norjia. Songs, Henry W. W. 1938. Running time, 80 min.

The French seem to have an uncanny but sure knack of touching the heartstrings with their emotional or romantic delineation of fundamental humanity and this one, while not of tremendous importance, is a good example of what will please feminine fans. "Le Mioche" is faintly reminiscent of "Maedchen in Uniform," but without the sex-psychosis angle.

Picture is handicapped by a slow beginning and needs judicious pruning and tightening. Jagged cutting has been resorted to unfortunately in those spots in order to shorten lengthy colloquy which proved difficult to follow.

On the whole, it is a tasteful well-directed comedy; without a single naughty sequence, despite its Gallic origin. It is a picture for women and men who remember what it is to be a parent. Simple, sentimental, tender and charming, it is a laugh-getter all the way through, and ends with a happy ending for the young men who remember what it is to be a parent. Simple, sentimental, tender and charming, it is a laugh-getter all the way through, and ends with a happy ending for the young men who remember what it is to be a parent.

Direction by Leonide Boguy is sensitively handled and discloses a sure knowledge of adolescent behavior. Acting honors are divided between Lucien Baroux, who plays the bewildered professor, with an unexpected foundling on his hands, and Little Philippe, "Little Philippe," of much promise.

Madeleine Robinson also does a fine job, applying proper restraint in the role of the deserted mother, forcing her to share her child on his father's doorstep.

Story deals with a lovable, honest professor, a commercial failure, but still full of faith and homey philosophy about getting on in life, no matter how miserable. A foundling is dumped on his doorstep. Instead of turning it over to an orphanage, he starts to raise the child, and is forced to take the child with him to a new job as teacher in a swank finishing school for "jeune filles," with strict regulations as to moral behavior and guidance.

Prosper Martin's problem is how to hold his job and at the same time secretly take care of the moppet. His rebellious daughter, who is the secret and intend to expose him. Prosper makes an emotional appeal on what it means to be a foundling in a cruel world and the girls, their maternal instincts, help him over the job of mothering the child.

Balance of the picture is one round of hilarious sequences with the girls staging a side show of their own and all are expelled. "The fight is finally won, Prosper is begged to stay on at the school and the infant's mother shows up just in time to be reconciled to her offspring.

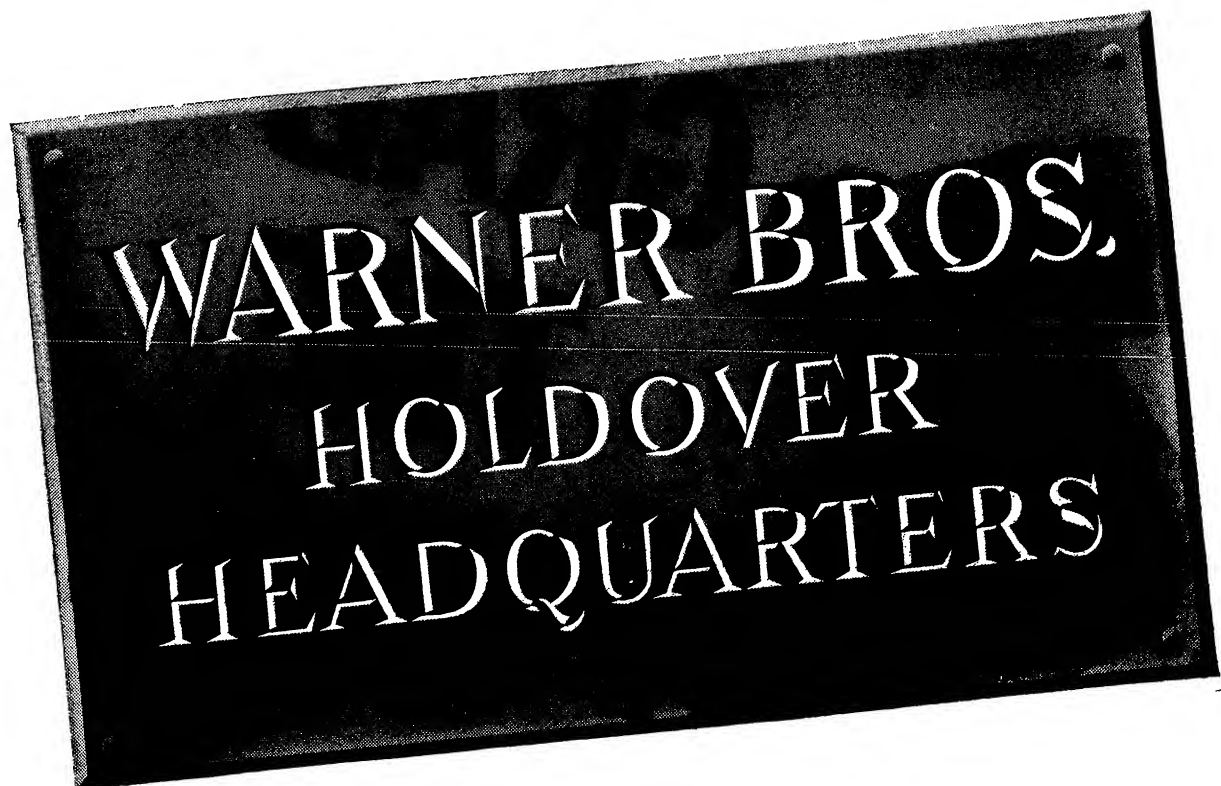
English titles are intelligently done, making the picture easy to follow, without any extensive knowledge of French. "Flower's" appeal is not necessarily limited to Catholic and neighborhood houses, but should prove entertaining for all types of fans. Remake possibilities are also good. Camera work is really good to excellent, particularly in exterior composition.

FUOCHI D'ARTIFICIO

"(Fireworks)" (ITALIAN-MADE)

ENIC release of Roma, Dec. 20. Stars Amedeo Nazzari, Vanna Vanni. Directed by Gianfranco Righelli. From original play by Gianfranco Righelli. At Barberis, At Barberis, Rome. Running time, 82 min.

Film distinguishes itself for the ugliness of its women. At least two of the actresses, Vanna Vanni and Jean L. B., are one of Italy's best leg players, is sacrificed in a small part that gives him little opportunity. Mario Forelli almost steals the picture, as the character of the aristocrat. The latter than marries the prince's daughter, who has plenty of money herself.



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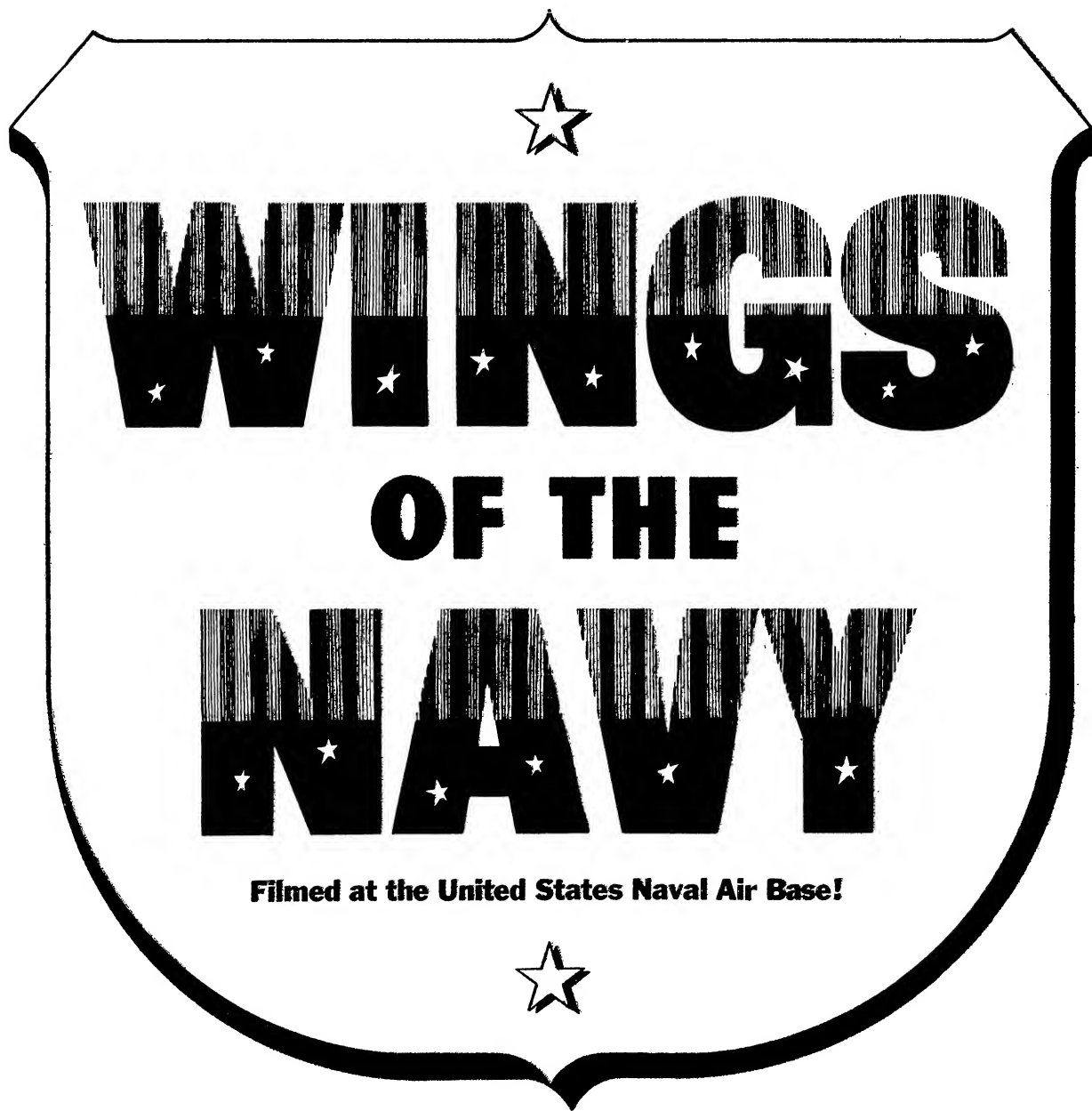
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# CAGNEY



AS THE

# OKLAHOMA



# KID

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**"THE OKLAHOMA KID"**  
with **HUMPHREY BOGART**  
**ROSEMARY LANE** • Donald Crisp  
Directed by **LLOYD BACON** • Screen Play by  
Warren Duff, Robert Buckner and Edward E.  
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**IS CAGNEY AT HIS BOX-OFFICE BEST!**



## STUDY THIS FACE!

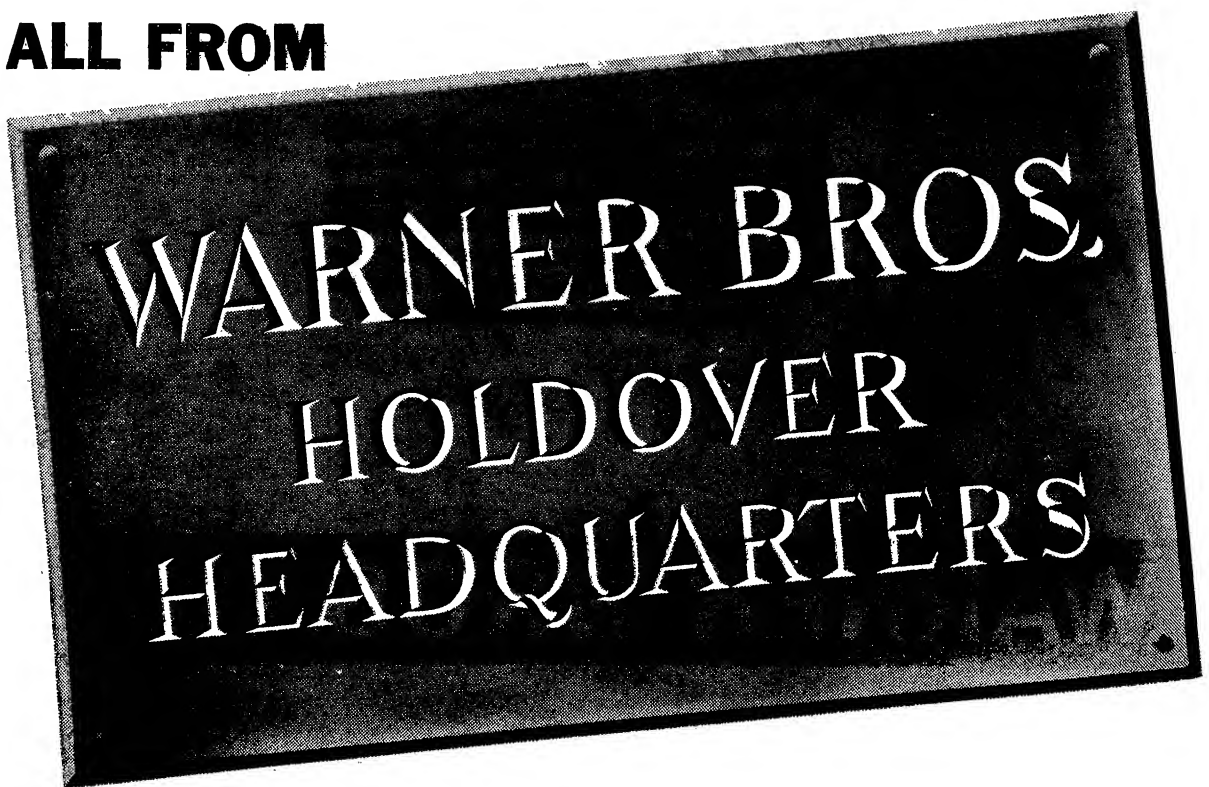
You'll never forget it. For here are forever written the ecstasy and pain of woman loved and loving. Here is the face of Bette Davis in her supreme dramatic triumph, "Dark Victory." Here is the screen's most gifted actress in a role which is destined to win for her another Academy Award. Here, with "Dark Victory", is established a blazing new pinnacle of screen perfection.

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And for Easter-Time the attraction awaited since 'Zola'—**PAUL MUNI** and **BETTE DAVIS** in **JUAREZ** with, as supporting stars, John Garfield and Brian Aherne, and more than 75 speaking parts. This, man, is *product*!

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WARNER BROS.  
HOLDOVER  
HEADQUARTERS

## EX-VARIETY MUGG

By Claude Binyon

My seven-year stretch on VARIETY ended in 1931, but somewhere upon it remains the mark of the mugg. I have worked diligently in Hollywood as a scenario writer with a tweed coat and a pipe and two swimming pools, specializing in sophisticated comedy, but the whole setup creates as much illusion as a torn backdrop. Jack Benny says the two swimming pools are ruining an otherwise classy routine.

There is something about VARIETY. In San Francisco, for instance, I was present for a sneak preview, staying at a sweet hotel and giving out interviews with a tired look. An afternoon at the races had been arranged and finally I found myself being whisked to the track in a black limousine between Wesley Ruggles and a lady in furs.

"Originally you're from the east, I presume," said the lady.

"Oh, yes."

"I, too," said the lady.

"Obviously."

"The west is crude, but it has a certain charm," she said.

"A certain charm," I admitted.

"There was a lull. 'What,' she asked, 'did you do in New York?'"

"A theatrical paper," I said, "VARIETY."

"You old poop," said the lady. "Don't you remember me?"

"I thought of her name. 'Oh, yeah,' I said, 'you bumped off your angel.'"

"That's me," she said.

"You're still pretty," I said, "but you were a lousy ingenue."

"I wasn't lousy," she said. "I plain stunk."

Other disheartening little things crop up. There was the recent night at Grace Hayes' night club near Hollywood. I was attending with an actor who mentioned that we might be introduced and wondered if I objected. I didn't. In time I met Miss Hayes. She smiled.

"I remember that name from VARIETY," she said.

"I'm not there any more," I said.

"That's too bad," said Miss Hayes. The actor was introduced and I wasn't.

And the time our production unit missed the whistle and gave birth to a lemon. The notices were as a sour as the picture and our little group was holding its vindictive post-mortem.

"Who do those critics know?" snapped the director. "Thirty bucks a week and trying to tell us about the picture business."

"Those guys!" I said. "A nickel a dozen."

"They're sore because we didn't advertise," said the producer. "I could tell you a case—"

He broke off, looking at me. "Say," he said, "weren't you on VARIETY?"

"A long time ago," I said.

"The director stared at me. 'Would you wait outside?,' asked the producer."

"But I wrote the picture!" I protested. "I'm with you fellows."

"Would you wait outside?," said the producer firmly. And he did.

At studios I have posed for publicity stills, by appointment with the photographer, and again there is that something. There was the time I was to be photographed at work in my office. I spent an extra half hour at home preparing, achieving that look of careless quality that goes with the writer born. My suit was rumpled not too much, my suit was expensive and my pipe was large.

The photographer was impressed when he entered my office.

"This is an unusual assignment for me, sir," he said. "I haven't made pictures of writers."

"I teamed with Wesley Ruggles, the director," I said. "We've made five hit pictures in a row."

"Then that's it, sir," said the photographer. "That's why."

"We have done surprisingly well," I said, puffing at my pipe.

"Un—now, if you'll just sit at that typewriter, Mr.—"

"Binyon," I supplied.

The photographer wrinkled his forehead. "Binyon," he said to himself.

"What's the matter?"

"Are you the Binyon that worked on VARIETY, sir?"

"Well, yes."

The photographer heaved a sigh.

"The off that, trick coat," he said, "and we'll do some gag stills—" he looked me over—"Fat," he added.

Just Declassé

I have other setbacks. Not long ago the little wench and I entertained an actor and his wife at dinner. Afterward we were mellowing

over our brandies and I had decided that this was a friend to be a pal. In short order he was looking through my scrap book. Suddenly he straightened.

"I didn't know you were on VARIETY," he said slowly.

"That's the wrong book," I said in a hurry. "The other book doesn't have what I wrote—it's just about me."

"Here's something you wrote about me," said the actor. "Reviewing me in a picture. I remember it—because it set me back three years."

"How about another brandy?," I asked.

"I don't want brandy," said the actor. "I want my hat."

"I'm not on VARIETY now," I pleaded. "I'm in the picture business, the same as you."

"I want my hat."

Later that night the little wench turned to stare at me as she put her hair in pins. "They're never coming back," she said.

"I can't help it."

"His wife was sweet."

"He was a swell guy."

"Then why can't we have friends," she asked, "like other people?"

"Kid," I said, "do you remember New York, with that smelly little apartment over the chop-suey joint on Broadway, and me catching shows while you cried over a stuffed crab at midnight?"

"I cried because I was alone."

"That's it," I said. "We're still alone."

"The trouble with you," said the little wench, "is that you've held both ends of the stick."

"What do you mean by that?," I asked.

"Simply," said the little wench,

"I cried because I was alone."

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## Top Films and Stars

(Continued from page 11)

though having no outsiders to lean on, proved okay, as did Richard Dix, with his action stuff. Studio has added Lucille Ball to the star contingent but, currently, nothing important has developed. Bobby Breen, who is a Principal Pictures (Sol Lasker) star, releasing through RKO, was rather a weak element in providing revenue or draw value for product at the theatres.

Studio had contracts with seven other stars who have not been used for 1938 release, though two of them are now in pix just finishing production. They are Douglas ('Wrong Way') Corrigan and Victor MacLaglen. Those who will see service during 1939 in the unused group are Eddie Cantor, Claudette Colbert, Bob Burns, Burgess Meredith and John Bo's.

Studio featured group here comprises players who have done many chores at other plants during the year. Studio actually has no terrifically important player of b.o. value for its 1938 rating. Topping the contingent is Ann Shirley; then comes Sally Eilers, who also managed to keep busy at Universal and Republic. Preston Foster is another busy craftsman elsewhere, as is Chester Morris, who is used sparsely by Columbia. Ruby Keeler, who rates next, had just one on the season, while Victor Moore, Ann Sothern and Milton Berle are currently out of the fold.

Others listed here have their value, but from the manner in which development took place at the studio during the year nothing happened to prove them of use to help sell pictures with top marquee billing.

### Grant-Dunne, Jean Arthur Rank 1-2 on the Col. Lot

Columbia, whose top stars are all in on single pic deals, has as its outstanding the Cary Grant-Irene Dunne combination, with Jean Arthur running them a close second. Others who came over on pic deals to rank as draw value include Edward Arnold, Lionel Barrymore, James Stewart, Edward G. Robinson and Katharine Hepburn.

Joe E. Brown, under the Dave Loew wing, made two that were released by the company. Jack Holt, who is under the Larry Darmour wing with Columbia release, is very

## COLUMBIA

### Stars

CARY GRANT — IRENE DUNNE  
JEAN ARTHUR  
EDWARD ARNOLD  
LIONEL BARRYMORE  
JAMES STEWART  
JOE E. BROWN  
EDWARD G. ROBINSON  
JACK HOLT  
KATHARINE HEPBURN  
BUCK JONES  
CHARLES STARRETT  
EDITH FELLOWS  
GLORIA STUART — LANNY ROSS

### Featured

Melvyn Douglas  
Ralph Bellamy  
Walter Connolly  
Leo Carrillo  
Jean Blondell  
Richard Arlen  
Jimmy Durante  
Mary Astor  
Francis Lederer  
Raymond Walburn  
Jacqueline Wells  
Frances Drake  
Three Stooges  
Gene Morgan  
Rita Hayworth  
Iris Meredith  
Jack Lunden  
Robert Paige  
Marc Lawrence  
Richard Curtis  
Don Terry  
Eleanor Stewart  
Ann Doran  
Joan Perry  
Charles Farrell  
Penny Singleton  
Arthur Lake  
Donald Grayson

potent with his action stuff, as was Buck Jones, who made a few distributed by this company for Howard Lang. Charles Starrett, company's own western star, is proving a money-maker, too. Edith Fellows

starred here also, but not importantly, as did the Gloria Stuart-Lanny Ross combo, which made one.

Heading feature group here was Melvyn Douglas, who splits his acting time between here and at Metro, with Ralph Bellamy, who also gets around other places, and Walter Connolly coming next.

Columbia used plenty of important and top coin featured players from round the colony for individual assignments, such as Leo Carrillo, Joan Blondell, Richard Arlen, Jimmy Durante, Mary Astor, Francis Lederer, Three Stooges, Raymond Walburn and Frances Drake.

Possibly an important co-starring team will be developed with Arthur Lake, a silent day juve star, and Penny Singleton, who will be used in a series of 'Blondie' pictures. Other featured players in main were just cast fillers, but not of selling value to the exhibs.

### UA's 17 Included 10

#### Made-in-America Films

United Artists, with 17 pictures released, of which 10 were domestic, and with four producers turning out this product, is listed individually by producers who turned out the American product. Sam Goldwyn had three that he delivered

## UNITED ARTISTS (Samuel Goldwyn)

### Stars

GARY COOPER  
MERLE OBERON  
SIGRID GURIE  
ZORINA

### Featured

EDGAR BERGEN  
WALTER BRENNAN  
ADOLPHE MENJOU  
RITZ BROS.  
BASIL RATHBONE  
ANN SHIRLEY  
JOEL MCCREA  
JOHN MOLES  
JOHN HALL  
PHIL LAMAR  
HUMPHREY BOGART  
MARY ASTOR  
IDA LUPINO  
C. AUBREY SMITH  
JACKIE MORAN  
ELLA LOGAN

## Walter Wanger

### Stars

FREDRIC MARCH  
CHARLES BOYER  
JOAN BENNETT  
HENRY FONDA  
MADELINE CARROLL  
JOEL MCCREA  
SIGRID GURIE

### Featured

Leo Carrillo  
Joseph Calleia  
Gene Lockhart  
John Halliday  
Maria Shelton  
Alan Marshall

## Selznick-International

### Stars

JANET GAYNOR  
DOUGLAS FAIRBANKS, JR.

### Featured

Roland Young  
Paulette Goddard  
Tommy Kelly  
Ann Gillis  
Walter Brennan  
May Robson

## Hal Roach

### Stars

FREDRIC MARCH  
VIRGINIA BRUCE

### Featured

Patsy Kelly  
Alan Mowbray

ered, Walter Wanger turned out four, David O. Selznick two, and Hal Roach one. Edward Small, newly added to the fold, had 'Duke of West Point' released on Dec. 30, so it is not included in this group rating.

### Cooper, Tinsley Goldwyns

Goldwyn, of course, as his age had Gary Cooper, who was way more powerful in draw than the other stars, such as Merle Oberon, Sigrid Gurie and Zorina. In his

featured group for value were Edgar Bergen ('Charlie McCarthy'), Walter Brennan, Adolphe Menjou, Basil Rathbone, John Hops, Phil Baker, Joel McCrea and Jon Hall. Walter Wanger, making a quartet of pictures, had as his big coin asset Fredric March, with Charles Boyer next and Joan Bennett first of the females. Henry Fonda was just a step in front of Madeleine Carroll and Hedy LaMar, whom Wanger had borrowed from Metro, and Sigrid Gurie, drafted from Goldwyn.

Featured players under his banner who were included included Leo Carrillo, Joseph Calleia, John Halliday, Gene Lockhart, Maria Shelton and Alan Marshall.

Hal Roach had on his starring side just two, Fredric March and Virginia Bruce, latter on loan from Metro. In featured division importance were Tommy Kelly and Alan Mowbray. For 1938 Roach will have Oliver Hardy and Harry Langdon as a new team, and Constance Bennett to add to the star group, with Roland Young and Brian Aherne in the featured layout.

David O. Selznick had as his star tops on the year Janet Gaynor and Douglas Fairbanks, Jr. In the featured division were Roland Young, Paulette Goddard, Tommy Kelly, Ann Gillis, May Robson and Walter Brennan.

### Deanna Durbin by Far

#### Ranks Tops at Universal

Universal had as its main b. o. backbone for the year Deanna Durbin, who is plenty of value to this company. Edgar Bergen helped much also as marquee value in 'Letter of Introduction', with Danielle Darrieux, the recent acquisition to the roster, though not a domestic money-getter on this one, helping out plenty on the foreign market to establish prestige for herself and the company. U. as Columbia, depends a good deal on potent outside talent, and for marquee embellishment had

## UNIVERSAL

### Stars

DEANNA DURBIN  
EDGAR BERGEN  
DANIELLE DARRIEUX  
DOUGLAS FAIRBANKS, JR.  
VICTOR MACLAGLEN  
SALLY EILERS  
PRESTON FOSTER  
ANDREA LEEDS  
RANDOLPH SCOTT  
WARREN WILLIAM  
CONSTANCE BENNETT  
BARTON MACLANE  
GAIL PATRICK  
HOPE HAMPTON

### Featured

Mischa Auer  
Jackie Cooper  
Herbert Marshall  
Adolphe Menjou  
Joel McCrea  
Nan Grey  
Melvyn Douglas  
Glenda Farrell  
Charles E. Horton  
Kent Taylor  
Edmund Lowe  
Alice Brady  
Dorothea Kent  
Andy Devine  
William Gargan  
Robert Wilcox  
Neah Beery, Jr.  
Frank Jenks  
Wendy Barrie  
Paul Kelly  
Mary Boland  
Vincent Price  
Sam S. Hinds  
Erene Rich  
Tom Brown  
Joan Rogers  
Barbara Read  
Joy Hodges  
Louis Hayward  
Ken Murray  
Frances Robinson  
Johnny Downs  
William Lundigan  
Constance Moore

such names as Fairbanks, Jr., MacLaglen, Randolph Scott, Sally Eilers, Constance Bennett and Hope Hampton.

Featured players of unusual value also brought in from outside were Mischa Auer, Nan Grey, Kent Taylor, Alice Brady, Andy Devine, Frank Jenks and Dorothea Kent. Of course, most of these were not as significant in name value as large number of featured players brought in on single and multiple pic deals. Universal, however, is working on a buildup plan which may bear fruit during the 1939-40 season.

## Two Mustangs Lead

### Republic to B.O. Gravy

Having as its two best revenue getters western stars, Republic is forging quickly ahead in mounting its pictures with potent star and featured names. The two toppers of its own are Gene Autry, tops in getting coin for the concern, and Roy Rogers, just breaking into the same line of work under this company banner.

In checking over the roster of stars it utilizes there is to be found a variety of talent which was dynamic at the b. o. for many years. Names of these people are still of value, especially in the territories which absorb Rep's product, and they help considerably in merchandising this product. In many instances one will see that exhibits capitalize on star names of these pictures over the so-called product of the major companies. In the featured group Robert Armstrong is a potent factor with Smiley Burnette, an Autry aide, next. Balance of those used are found on rosters of other indie as well as major production organizations.

## REPUBLIC

### Stars

GENE AUTRY  
RICHARD ARLEN  
CHARLES RICKFORD  
ROY ROGERS  
PRESTON FOSTER  
LEW AYERS  
GLEASON FAMILY  
MADGE EVANS  
H. B. WARNER  
BRUCE CABOT  
ALISON SHIPWORTH  
POLLY MORAN  
EAKON NOVARO  
BOB LIVINGSTON  
RAY CORRIGAN  
MAX TERRHUNE  
JOHN WAYNE  
OTTO KREUER  
WALLACE FORD  
MARY BOLAND  
BOB STEELE  
PHIL REGAN  
HENRY WILCOXON  
MARIAN MARSH

### Featured

Robert Armstrong  
Smiley Burnette  
Mary Ellis  
Victor Jory  
Joseph Schildkraut  
Ernest Truier  
Penny Singleton  
Rochelle Hudson  
J. Farrell MacDonald  
Raymond Hatton  
Dustin Farnum  
Evelyn Venable  
Richard Cromwell  
Ann Blythe  
Wynn Gibson  
Finky Tomlin  
Eric Blore  
Jackie Moran  
Lyle Talbot  
Donald Woods  
Patricia Ellis  
Grace Bradley  
Beverly Roberts  
Edward Brophy  
Bert Gordon  
Helen Mack  
Rosaland Keith  
Ralph Byrd  
Doris Weston  
Tala Birell  
Joe E. Brown  
Ben Weiden  
Alan Marshall  
Leon Ames  
Mady Correll  
Mary Hart  
Weaver Bros. & Elvira  
Patric Knowles  
Alma Baxter  
Lynn Roberts  
Robert Cummings

## GN First Had Ritter; Fine Arts Contris 26

Grand National first had Ritter as its principal coin getter, with Ken Maynard next and George Huston also quite potent in star group as were James Dunn and Ralph Morgan. Rod La Roque also made a comeback with the company as did Stuart Erwin, Hobart Bosworth, Paul Lukas, Ben Lyon and Lupe Velaz.

Cecelia Parker and Eric Linden, who were featured in major product, are also used in star group here.

With Fine Arts doing 26 of the company pictures for the current season and most still to be made, likely that some personalities will reach the major company ranks in short time.

The featured group of players used

by this company also are top mounters of yesterday with Lois Wilson and Onslow Stevens of great significance in line with such box-office names of several years back as Grant Withers, Neil Hamilton and Lionel Atwill.

There are a great many individual producers in the indie ranks whose product and players are not listed as most of them are just of the in-and-out class with the pictures reaching the 'must have filler' programs.

## GRAND NATIONAL

### Stars

TEX RITTER  
KEN MAYNARD  
GEORGE HUSTON  
JAMES DUNN-RALPH MORGAN  
ROD LA ROQUE  
STUART ERWIN  
CECELIA PARKER - ERIC LINDEN  
HOBART BOSWORTH  
PAUL LUKAS  
BEN LYON-LUPE VELEZ

### Featured

Lois Wilson-Onslow Stevens  
Grant Withers-Blanche Mehaffey  
Neil Hamilton  
Lionel Atwill  
Brigitte Horney  
Harriet Spence  
Lucy Manneheim  
James Newell-Terry Walker  
Marsha Hunt

## Cooper, Karloff, Ritter

### Topline Monogram List

Monogram is another indie making fast headway with a number of its own groomed stars. Topping is Jackie Cooper, after whom come Boris Karloff, Tex Ritter, Frankie Darro, Tim McCoy, John Carroll, Movita and Jack Randall. These are all showing signs of progress, with Ritter moving fast and possibly heading the group next year. No outsiders of big coin proportions are used by this company in its starring group as other indies do. In the feature class it has tops in Ann Nagel, Grant Richards and Marjorie Main. Other players on this grouping are mostly those from the freelance field, many of them reliable assets to the company products.

## MONOGRAM

### Stars

JACKIE COOPER  
BORIS KARLOFF  
TEX RITTER  
FRANKIE DARRO  
TIM MCCOY  
JOHN CARROLL  
MOVITA  
JACK RANDALL

### Featured

Ann Nagel  
Grant Richards  
Marjorie Main  
Jack La Rue  
Eric Linden  
Ralph Morgan  
John Carroll  
Judith Allen  
Evalyn Knapp  
Weldon Heyburn  
Alice White  
Grant Withers  
Evelyn Venable  
June Travis  
Sally Eilers  
Lloyd Hughes  
J. Farrell MacDonald  
Jackie Moran  
Claire Windsor  
Craig Reynolds  
Marla Mae Jones  
Milburn Stone  
Milly Fain  
Robert Kent  
Kay Linaker  
Martin Spellman

## Knopf's Story Safari

Hollywood, Jan. 1.  
On hunt for story material, Edwin Knopf, Metro scenario head, shoved off for New York.

He'll pass a week consulting with publishers and viewing the new legit offerings.

## The Youngs Have It

Hollywood, Jan. 1.  
Loretta Young has three sisters playing in Alexander Graham Bell's 'Youngsters', which rolls this week at 20th-Fox. Youngsters are Polly Ann and Georgiana Young and Sally Blane.

# Stars Around the Globe

(Continued on page 23)

other under a new producer, 'Cowboy and Lady,' is receiving its first dates outside the domestic field. 'The Plainsman' continues to bring in some returns, but the star did not have the big pictures he had in 1937 when in the top spot.

Ascendancy of Paul Muni from No. 9 to No. 4 position is based on extensive distribution throughout the world of 'Good Earth' and 'Zola.' Money taken in on these productions surprised. Reissue of 'Louis Pasteur' showed additional returns to make his foreign b.o. rise remarkable.

**Temple Still Strong**  
Shirley Temple dropped to fifth position. The child wonder of the 20th-Fox lot continues a favorite outside the U. S., going against the tradition that a juvenile in her age group maintains such consistent popularity in the world mart. Some foreign countries reported that she meant little in big houses, excepting with children, but she maintained her grasp sufficiently in other territories to stay fifth.

Jeanette MacDonald climbed from No. 10 to sixth spot, such vehicles as 'Girl of the Golden West' and 'Firefly' appealing to foreign tastes. Patrons outside the U. S. are credited with appreciating the singing star whether able to understand her or not. Although teamed with Nelson Eddy in 'Sweethearts,' just released, and others, her features did not make whether or not he was her leading man. Distributors believe that Eddy did not figure in the draw of her films.

Charles Boyer, who narrowly missed the first 10 list for 1937, gained seventh position slightly ahead of Deanna Durbin. His work in 'Conquest' first clinched him with foreign patrons during the past season. Then the strength in foreign lands of 'Tovarich,' 'Mayerling' (later a sock French film in the foreign market) and others in the past year aided materially. Boyer, besides having a following in France, is a strong boxoffice favorite in Latin-American and Scandinavian countries.

Deanna Durbin, whose consistent strong pictures continued through 1938, is talked of even by rival companies as the miracle girl in numerous foreign lands. Her record of thus far never having had a mediocre film won her the eighth place in the list.

Errol Flynn, who was rated as having promise in the previous year, pushed up into ninth position. Tremendous business already done on foreign engagements with 'Robin Hood' highlighted his b.o. strength, although 'The Sisters' and 'Perfect Specimen' contributed. His 'Dawn Patrol' promises even more for 1939.

Claudette Colbert, a newcomer to the 10 Best, had been developing b.o. pull in the two previous years. 'Bluebeard's Eighth Wife' and 'Tovarich' alone enabled her to make the grade during 1938.

**Strong Contenders**  
Among those who just missed the first 10 brackets were Spencer Tracy, Robert Taylor, Myrna Loy-Bill Powell (Miss Loy was chiefly with Gable this year), Tyrone Power, the Astaire-Rogers team, Bette Davis, Mickey Rooney, Sonja Henie, Ronald Colman, Fredric March and Luise Rainer. Although Tracy was with Gable in 'Test Pilot' and 'San Francisco,' distributors say that the fans came for Gable and went out talking about Tracy.

Robert Taylor slipped out of the first 10 classification through no fault of his own, but because his best draw, 'Yank at Oxford,' was only starting to clean up nicely in world marts. His part in 'Camille' and others helped him stay up as far as he did.

Tyrone Power built at the b.o. with his work in 'Old Chicago' and 'Alexander's Ragtime Band.' Possibly more complete returns on the latter would have placed him in the list of boxoffice favorites. Then, too, distributors felt that at least with 'Chicago,' it was a case of a spectacle drawing rather than the cast. His 'Suez' probably will clinch him for a top classification in 1939.

Fred Astaire-Ginger Rogers team, which won high rating in the past, fell back only because the latest feature is just starting foreign rounds.

Growth in popular appeal of the 'Judge Hardy Family' series and his

## U. S. TOPS IN AUSSIE

By Eric Gorrick

Sydney, Dec. 20. Despite all patriotic blather, a Commonwealth-wide check, extending to New England, still indicates that the U. S. product and stars mean the most to the b.o.s. This was true—in 1938, as in previous years, and probably in many years to come. Year, however, has not been overbright—not because of pix, but because of many b.o. obstacles, including an infantile paralysis outbreak, 150th anniversary celebrations and cricket broadcasts from England.

'Snow White' (RKO) astounded everybody by remaining in one house in Sydney for 21 weeks. Same pic is now in its eighth week in Melbourne, and will be the Yuletide attraction in New Zealand and Tasmania. In every major and six center it's broken all records.

'Alexander's Ragtime Band' (20th) proved another click and has hit to eight weeks in Sydney, with okay b't in Melbourne. Other majors finding high favor with Aussie fans included 'Robin Hood' (WB), 'The Awful Truth' (Col), 'Yank at Oxford' (MG), 'Happy Landings' (20th), 'Bluebeard's Eighth Wife' (Par), 'Night Must Fall' (MG), 'Heidi' (20th), 'The Men and Girls' (U), 'Emile Zola' (WB), 'The Hurricane' (UA), 'Joy of Living' (RKO) 'Mad About Music' (U), 'Nothing Sacred' (UA), 'Rage of Paris' (U), 'Tom Sawyer' (UA), 'Firefly' (MG), 'Wee Willie Winkie' (20th), 'Test Pilot' (MG), 'Marie Antoinette' (MG), 'Rebecca of Sunnybrook Farm' (20th), 'Three Comrades' (MG), 'Cloistered' (AD), 'Girl of the Golden West' (MG), 'Judge Hardy's Children' (MG), 'Boy from Barnados' (MG).

### Formby Big

British biz, excepting the quickies, went along nicely with 'Divorce of Lady X' (UA), 'Drums' (UA), and 'I See Ice' (AD). Today George Formby means plenty throughout Australia.

Two locals, 'Let George Do It' and 'Dad and Dave Come to Town,' turned out by Cinesound, smashed records everywhere. Two others by same unit, 'Lovers and Lubbers' and 'Broken Melody,' did better in the nabs and stix, although the latter was a class production.

Musicals, such as 'Goldwyn Follies' (UA) and 'Gold Diggers' (WB), flivved. Pix like 'Test Pilot' (MG), with strong action and love interest, okay for the mob, and adventure yarns similar to 'Robin Hood' (WB).

There's been a definite swing away from weak duals. Public preferred a strong top pic with a good vaude act or shorts rather than a weak B.

### Stars

Deanna Durbin has retained peak popularity throughout year. Shirley Temple is still tops with the kiddies, but has no pull whatsoever in the city spot nights. Clark Gable is big, but Robert Taylor is less hot. Bobby Breen, who seemed to be going places, has dropped away down and doesn't mean a thing; this also goes for Jane Withers. Tyrone Power and Don Ameche okay as faves, and Sonja Henie is up with the b. o. leaders. William Powell appears to have lost some popularity, whilst Annabella, after an early promise, is now out in the cold through bad pix. MacDonald-Nelson Eddy, Irene Dunne is still important and Douglas Fairbanks, Jr., is gaining. Danielle Darrieux made a good impact. Eddie Cantor, once a topper, has slipped away down, and Gary Cooper is not quite so strong as previously. Paul Muni holds his spot, but Greta Garbo and Joan Crawford are nixy here. One of the most loved actors is Spencer Tracy.

work in 'Boys Town' has focused the foreign spotlight on Mickey Rooney, as, of course, it has in the domestic market. Sonja Henie is again beginning to build with foreign audiences, but needs more pictures before she will be accepted as a heavy draw.

The Marx Bros., the Ritz Bros., and Laurel and Hardy team continued to develop their drawing power in England, where they like wacky comics. Of the youngsters, Bobby Breen, Jane Withers, Virginia Weider, Bonita Granville and the Mauch Twins show promise. Breen's singing ability aided him plenty as an individual star.

## Flynn Beached

Hollywood, Jan. 1. Errol Flynn was forbidden to sail his yacht, Sirocco, one of the largest in the film colony, on the grounds that he is not an American, although he has made formal application for citizenship.

Under U.S. regulations, a foreigner may not operate a boat of more than 16 tons in American waters. Flynn's yacht is 60 feet long and is listed at 31 tons.

## XMAS WEEK'S U.S.

### B.O. ABOUT 5% BEHIND '37

Pending more complete reports on Christmas week receipts throughout the country, figures available in New York, based mostly on first run theatres, indicate that this year's holiday business is a little behind that recorded for Xmas week in 1937. While the percentage cannot be figured exactly as yet, it would appear that perhaps the business is about 5% behind.

The downtown New York first runs and those of some other keys are away ahead of Christmas week in '37 but in many keys and territories, hard hit during the past year, this Christmas affected by cold, rain or other inclement weather, suffered in comparison with last year. Releases available in some situations, as against pictures on playdates last Xmas, also may have caused the deflection in numerous cases, while in New York numerous pre-releases were placed on engagements. Christmas business in N. Y. for 12 leading downtown houses showed an increase of about 14%.

When the whole country and leading keys as well as smaller situations are considered, reported gross receipts are causing some disappointment due to the fact that this year Christmas was a three-day weekend at tilted scales while last year the holiday fell on Saturday, making it just a two-day weekend.

## THEATRE ENGINEERS FORCE N. Y. WAGE TILT

Threatened with a strike of engineers in New York theatres over New Year's, circuits and managers hurriedly negotiated a new deal with Local 30 of the Engineers Union, effective Jan. 1. It will run for 15 months through April, 1940, and calls for an increase in the scale from \$46.67 weekly to \$52.50.

Following inability to get together on a renewal of the 1938 contract, expiring Dec. 31, the Engineers went to the international union and Joe Fay, v.p. of that union, together with the executive board of Local 30, forced a meeting of the managers Thursday (29).

While the engineers originally sought a one-year deal for '39 at \$55 a week, with two weeks vacation and double time for overtime, the final agreement reached on the 15 months' basis was for \$52.50, with time and a half for overtime but no provision for vacation.

All chains operating in Greater New York, together with individual houses, including all the big first runs downtown, are embraced in the new contract.

## Boo, Jr.

Hollywood, Jan. 1. 'Son of Frankenstein,' completed Saturday (31) at Universal, goes into national release Jan. 13, with heavier advance bookings than any other U. feature.

Cutters kept pace with the shooting schedule to speed up the distribution.

## DOC'S AND DAISIES

Hollywood, Jan. 1. Republic breaks into the socialized medical controversy with 'Doctors Don't Tell,' scripted by Aben 'Candel' from a magazine yarn by Dr. George Raymond. Picture is the first Anniversary Special on the studio's 1938-39 schedule.

# The French Wanted Laughs

By Hugo Speck

Paris, Dec. 20. Of all of the stars in the world portraying the gamut of human emotions the French public scorned the lot and picked a person, whose face is never seen on a screen as its favorite for the year just ending. It was Walt Disney & Co.

To Disney, or more correctly 'Blanc Neige,' as 'Snow White' is in French, the Seven Dwarfs, Mickey and Donald Duck go the honors not only of being first, but of being the only American representative in the first 10 of the French national choice as reflected by b. o. returns.

The others in the order of their pulling power were Fernandel, Jean Gabin, Charles Boyer, Danielle Darrieux, Louis Jouvet, Vivienne Romance, Raimu, and with the rest a tossup between Sacha Guitry, Tino Rossi and Gary Cooper.

Scrutinizing this list and recalling the films in which they appeared during the last 12 months, show a tendency on the part of the French fan to avow his nationalistic spirit to a greater degree by a swing to native stars and a desire for amusement on the laugh side along with a little thicker mixture of stark realities.

The switch to a preference for native idols—there were four Americans in last year's first 10, topped by Charles Chaplin—is no doubt due to the great improvement shown during the year in the general standard of French films which brought three new names well up in the list. They are Danielle Darrieux, now recognized since her 'finishing' in Hollywood as the No. 1 French femme lead; Louis Jouvet, whose great pulling power through many appearances in excellent supporting or co-starring roles; and Vivienne Romance, who has established her roles as the 'bad woman' as a counter-part of Jean Gabin's 'bad man' males.

The four ousted Americans really dwindle down to three if Gary Cooper is to be counted. Chaplin is not there because he made no pictures and the disappearance of Dietrich and Garbo might also be accounted for by the scarcity of their output appearing here.

Another angle which must be pointed out at this point, to do justice to the Americans, is the fact that this list is compiled from all of France, that is, a list completed after consulting distributors or operators who have houses throughout the country, like the Sirtizky circuit with 32 houses in key points.

As publicity for American stars is concentrated in Paris, provincial audiences are not as acquainted with them as are Parisians. Also, among the inhabitants of the capital are thousands who understand and enjoy hearing the English language spoken and, for that reason, they would have a greater desire to see American films than provincials who don't understand a word and their entire outlook is French throughout. A list for Paris alone would probably include, besides Gary Cooper, who would lead; Gable, Irene Dunne, Fred Astaire and Ginger Rogers, Deanna Durbin and William Powell. Myrna Loy in somewhat the order named.

Although 'Snow White' has just disappeared from the boulevards and its run in France is by no means completed, it will probably be the biggest grosser this country has seen in years. In Paris during its long first stand in the Champs-Elysees it took more in proportion than any film offered to the public since the time of 'Ben-Hur' and it will probably be a long time before another will equal it. Its enormous child draw helped.

### Hungry for Comedy

That the French went more for comedy to relieve them of worries during the most troubled year the country has experienced in the international field since the war, is proven by the fact that Fernandel, No. 1 French comic of the most French order, climbed from third place last year to second this trip. His art is of the slapstick variety with plenty of French flavoring. He knows his audiences and plays to them to catch the pay dirt.

Jean Gabin's climb from sixth to No. 3 place might be attributed to his showing life as it is swept out from under the bed or from behind a bar, with plenty of honest-to-goodness raw, hard facts for the public

to chew on. His 'Qual de Brumes' is an example of the underneath realities which the French like to see presented to them, and though sad and unsavory some parts of it might be, they enjoy it.

Boyer's one film produced in France this year, 'Orange,' undoubtedly kept his average up, although it did drop from second to fourth in comparison with last year, while Danielle Darrieux sudden coming from no rating in the first 10 of last year to fifth of this, is undoubtedly due to a great degree to her Hollywood trip.

Louis Jouvet has always been a favorite here in supporting roles and has an outstanding theatrical name. His many appearances put him up in the list while Vivienne Romance's climb might be attributed to somewhat the same reason which saw Gabin go up the ladder of public choice. Raimu is another favorite and his 'La Femme du Boulanger,' made by Marcel Pagnol, assured his inclusion because he represents to perfection a certain slice of France itself.

Guitry's satirical ongoings with his light wit and excellent dialog—though always too long—capture a certain vein of French appreciativeness that allows the inclusion of his name. Rossi, candied singer with the femme following, took the slide from fourth to tenth principally because most of his pictures have been modeled one on the other. He depends almost entirely on his voice, as his acting capabilities are not extended. And as it is of the chocolate-coated type, as well as his appearance to a degree, only the femmes can continually take it.

Annabella would probably have been in the first 10 this year had she made more films in France, the outstanding one, 'Hotel du Nord,' only being released at the end of the year. Simone Simon's Hollywood visit did her little good from a b.o. return angle as the French were not particularly taken by the roles in which she was cast. Her one French production, 'The Human Beast,' with Jean Gabin, like that of Annabella's, only appeared late in December.

# COSMO-WARNER TALK RENEWAL

Hollywood, Jan. 1.

Future of Cosmopolitan Productions depends on the outcome of a conference between William Randolph Hearst and the Warners in two weeks. Negotiations for a renewal of their exploitation-distribution deal collapsed two months ago. Current contract expires with the release of 'Wings of the Navy.'

New deal, if signed, will not include any more Marion Davies stars.

## Name Samuelson Head Of New Philly Allied

Philadelphia, Jan. 1.

Sidney E. Samuelson, former prez of National Allied States Association, was named biz manager of the new Philly Allied unit by the board of managers on Thursday (29). Salary he is to receive not divulged, although he earlier told the board he wouldn't handle the job at less than \$7,500 a year. Samuelson said he'd give the post 'as much time as necessary to handle it, but it isn't a full-time task.'

Other paid officers of the new organization will be David Yaffe, young attorney, who, through his father's interest in various exhibits, has long been active among exhibitors, and Walter Woodward, recently sales manager for equipment concerns. Yaffe will be assistant biz manager and office director and Woodward will serve as traveling field representative. Ben Fertel, vet exhib, is temporarily serving as treasurer.

### Busch Scripts 'Atlantis'

Hollywood, Jan. 1.

Trem Carr has signed Niven Busch to write a story for his picture, 'The Lost Atlantis,' to be released by Columbia.

Prehistoric feature rolls late in February for six months of shooting.

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**PRODUCED AND DIRECTED BY GEORGE STEVENS**

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# H'WOOD'S 3D OF A CENTURY

## THE GROSSES

By Roy Chartier

Going into 1938 a year ago with grosses nationally off about 10% and the outlook very dubious, the film theatres of the country were imbued with anything but optimism concerning what lay ahead. At the height of the season last winter pictures were bringing in less coin than product of comparative value had during hot weather, and the uncertainties were disturbing.

Recession had come in October, 1937, knocking business galley-west. The final quarter that year had eaten substantially into the profits shown the prior nine months, and, as 1938 approached, it was difficult to figure what the future would hold. Through the balance of the winter and over the spring, there had been little letup in the recession and, unfortunately for the theatres, the product was slipping.

The result was that for the first seven months of '38, grosses were away down. Over May, June and July they were running from 12-15% behind the same months of the prior year, this representing a serious decline. January, February and March of '38 had averaged a decline of about 10%, as compared with the same months of the year prior. As April arrived, grosses started falling off a little more, while in May and June the low for the year was reached. In July business was a little better than was expected, based on what had happened in May and June, although picture product being supplied for that month did not stack up strongly.

A lot of rainy and cold weekends during July reacted favorably at the boxoffice, lessening the decline that otherwise may have been felt. The unseasonal condition was rather general throughout the country, and, while a stroke of good luck for the theatres, it was brutal for outdoor enterprises.

### August the First Ray

July having been better than June in spite of no appreciable change in product, operators were considerably gladdened as August brought what appeared to be a substantial upturn in business. New season's product began to roll that month, led by 'Alexander's Ragtime Band' and 'Algiers,' the first two important 1938-39 releases to be made available. The result was that August's business averaged less than 10% behind the same month the year before. With further improvement shown on the gross graph for September, October and November, the picture theatres were quickly catching up with the pace which had been shown in the fall of 1937. Although at the end of November grosses were still averaging about 5% behind, the fact that the difference had been narrowed to this point was encouraging even though the recession of the fall of 1937 had brought the level down sharply.

Further encouragement was lent by the fact that while some stricken territories were running from 5-10% behind, in others the third quarter's '38 business was neck-and-neck with a year ago. On a few specific fall days, the national average has topped business for the selfsame day in 1937, another welcome sign, although difference in weather, product and the like may have figured importantly in such cases.

With fall business snapping back as well as it did in view of conditions and product that did not assay quite as high as it had for the final quarter of '37, operators looked to 1939 for substantially greater improvement and a possible return to the levels that had been maintained prior to recession. While in New York and some other keys, Christmas business ran substantially ahead of the same holiday week last year and early capitulations would indicate that the average gross level was a little behind for the whole country. This is a bit disappointing in view of a three-day Christmas weekend this year as against two days last Xmas.

General business indices show that the upward swing in industry started in July and has steadily climbed, except for September, with result that a recovery of about 50% of its highest position in the summer of 1937 has been made. Such indices would indicate that business is within about 75% of normal at the moment.

### Product Just Wasn't There

The 1938 gross graph for pictures, which started pointing upward slightly in July, has been affected importantly when the whole year is taken in account by a basic lack of product quality. Operators declare that the first nine months of the year were extremely bad from a b.o. point of view due largely, in their opinion, to inferior pictures. Arrival of better

(Continued on page 52)

## SELIG FIRST TO SHOOT IN L. A.

The Place to Pick Holly So They Called It H'wood—Edison Cameraman in Frisco Started Trek West—Griffith's Early Maneuvers

### DOWN THE YEARS

By Arthur Ungar

Hollywood, Jan. 1.

In December, 1905, the folks of Los Angeles would come out some eight miles to a section of the town, westward of course, to pick holly for their Christmas decorations. That section of the town was heavily forested with holly and is now known as Laurel Canyon. Most of this territory at the time was owned by a family named Taft, who decided, due to the quest for holly, to call the section Hollywood.

At that time it was just a quiet little sector of Los Angeles where one went pickpocketing on the trolley or with the aid of the horse and buggy. No one heard of pictures outside of those that were being taken by the portrait galleries on Spring and Main streets. Motion pictures were unheard of.

As a matter of fact the first time that cameramen ever hit the gold coast of America was in 1906 when Edison sent a cameraman named Redfield to San Francisco from New York to get some scenes of the earthquake and fire damage. Locally the cameraman was more of an attraction to the sightseers and cleanup folks than the ruins. He was some pumpkins and every time he set up his tripod he was beset with questions as to what he was doing and what he would accomplish. Today it is different. Folks out here appear to know more about what the cinematographer is doing than he knows himself.

In 1907 the first film production unit hit Los Angeles. It was sent out from Chicago by Col. Bill Selig. Francis Boggs and Tom Persons headed the unit which came out in the winter season to make 'exteriors' for a one-reeler, 'Count of Monte Cristo.'

### Behold, a Pic Actor

That was the first time this town saw a film actor. The unit did not establish any base. It just did its chore and faded back to the Windy City. The following year Boggs and Persons managed to sell Selig the idea that a winter plant would be a good idea in Los Angeles, where they could wildcat from a studio base and get enough exterior stuff to last the year around. The idea was okayed so they came out and commandeered the roof of a building at Sixth and Main streets where the first studio in Los Angeles was established.

C. M. Anderson, who had been a stage actor, formed Essanay with George K. Spoor of Chicago, 'treating' the character of 'Broncho Billy' and doing his chores around the 'Windy City' until the audiences began seeing telegraph poles for western backgrounds. So he decided in the fall of 1908 to take his troupe to Golden, Colo., for a brief spell. Things did not work out well there so he headed for Niles, Cal., close to Oakland, and established a studio there.

In Nov., 1909, Fred Balshofer was sent to Los Angeles by Kessel and Bauman of the New York Motion Picture Co. Hearing of a Edison unit of 17 players they established a studio in a store and backyard in the outskirts of the Los Angeles business district. This company worked out in the suburbs, with exterior shots providing most of the entertainment. Those pictures were released by Universal.

That same year Selig, who had

(Continued on page 55)

## 'Variety's' Mail Clerk Sizes 'Em Up, Or Have You Anything for Me?

By Helaine Samuels

'Have you anything for me?' and there, against the railing, stand the Mary Collinses, Harry Joneses, Delores de Loves, Ben Cohens, Carmen Riccis, et al. Many, in addition to the use of VARIETY as their mailing address, expect advice for the lonesome, the lovelorn, the career-seeker and last, but not least, perhaps a loan temporarily to tide them over.

John Orman—this name is fictitious, of course, as are all the others—has never failed to come in with the postman, who, excepting Saturdays, makes an appearance four times daily. The guy's air of nervous expectancy is supposedly due to his recent divorce, subsequent remarriage and the straightening out of the welfare of his numerous offspring, by proxy or otherwise. A middle-aged man with startling white sideburns, he sort of lives his part.

Diane Hunt's affected Bostonian accent somehow just doesn't seem to match her general demeanor or attire. An attractive girl who bravely declares she has danced her way practically all over the world, in theatres, cafes and night clubs of any strata, she presents a picture of calcimined elegance. Peculiarly enough, her mail solely comprises notices to attend meetings for any and all kinds of political and social movements. She says she attends in order to keep in touch with world events.

Cherie Le May was once a cute little blonde chorus girl until her appetite got the best of her. But as her 'dearest' friend reports: 'It don't matter to her. She had a lucky break. She got herself married to a sailor and now she's protected for life.' Incidentally, and of some trifling annoyance, Miss Le May's mail mostly consists of request samples and data from every conceivable kind of manufacturer and contest holder who put such ads in publications.

However, look at Dorothy Smithson and her many, many aliases. Since the lady has never been sober, opportunity to pass critical judgment on her idiosyncrasies is a little difficult to accomplish. Except to say that she remarkably and successfully manages to stand upon her own two feet at all times, rattle off

in a harsh and raucous manner her various cognomens, and then carefully walk out. The gal, under the circumstances, really does conduct herself as a lady.

Sherman Lansing is a well-tailored, personable young man with a listing in the Social Register. Nevertheless, upon information and uncertain belief, that does not prevent him from also being a great trumpet player and a prospective orchestra leader par excellence. Extremely polite, he times his presence with the erratic arrival of his one foreign letter, which comes periodically.

Lansing's serene existence offers a direct contrast to Harry Daniels, whose trials and tribulations with his dancing partner, her family and their marital prospectus result in a constant avalanche of billet-doux from both sides. After every little upheaval on their horizon, which seems to be quite often, the dejected young man comes in for advice on procedure. By now he should be well versed—well—until the next time.

Mary Brown and Ann Mason are schoolteacher and nurse respectively. While they probably do not know each other, they are an excellent study of similarity. Their air of quiet efficiency certainly has a pleasant and quieting effect after some of the whirlwind visits from our usually extreme personalities.

### The Shakespearean Actors

Violet Barlow's parents toured every hamlet and lane of dear old England in Shakespearean repertory. The lady herself was practically born in the so-called theatrical trunk. Hence it is well understandable that she is an extremely versatile exponent of the famous Bard. However, as Miss Barlow comments resignedly, 'That's all long ago and no one knows or cares now.' So another legit performer manages to live on earnings from an occasional walk-on part or a surprisingly unexpected, but nevertheless extremely pleasant, radio job.

Some of our mail callers never come in personally at all, but send letters and picture postcards from all parts of the world with forwarding addresses. While these are in a definite minority, they lend that con-

(Continued on page 52)



CLAIRE TREVOR

Whose outstanding pictures for the past year are "The Amazing Dr. Clitterhouse" and "Valley of the Giants," just completed the starring role in the forthcoming Walter Wanger production, "Stage Coach."

Miss Trevor is now in New York doing her weekly broadcast in support of Edward G. Robinson in the role of Lorelei in the Rinsco "Big Town" CBS program.

Her representative, Harry Wurtzel, is due in New York after New Year to discuss a London pic offer with Miss Trevor.



GENE AUTRY

Republic's singing western star for the second straight year has been voted the box office champion among cowboy stars, by the nation's exhibitors.

Autry is currently working on a series of new musical westerns for 1939. Aside from his film activities during the past year he set many box office records during several personal appearance tours, and appeared with Eddie Cantor, Rudy Vallee and Charlie McCarthy among others on guest radio shots.

## Ready Docket for NLRB Hearings On Squawks Affecting 15,000 in Pix

Hollywood, Jan. 1. Hearing dates for complaints involving approximately 15,000 film workers will be assigned this week by National Labor Relations Board. Dr. Towne Nylander, NLRB regional director, will confer with William Walsh, board's senior counsel, and local field examiners to determine the status of various investigations and the possibility of arranging settlements without a formal hearing. Labor tops and attorneys for the major companies will be asked to submit recommendations for adjusting disputes involving International Alliance of Theatrical Stage Employees.

Most important of these cases is dispute between International Photographers Local 659 and IATSE and American Society of Cinematographers over control of head cameramen. The ASC has petitioned to be certified as bargaining representative for first cameramen, while the IA is asking to be designated as collective representative for all employees in photographic end of industry, including first cameramen. IA is now negotiating working agreement for photographers at Walt Disney Studio.

Another petition involves dispute between the IA Studio Utility Employees Local 724 over jurisdiction of studio laborers. All complaints except that of ASC have been consolidated and hearing postponed until Feb. 14 in hopes amicable settlement can be arranged. The IA also is petitioning to be certified as bargaining representative for members of its four big studio locals. Negotiations are being handled by Harold V. Smith, head of IA Coast offices.

### Early Hearing for SWG

One of first cases to be set down for hearing will be complaint of Screen Writers Guild charging producers with unfair labor practice. Hearing will be conducted before an NLRB trial examiner by Bernard L. Alpert, special attorney assigned here from Washington. SWG charges major companies with coercion and intimidation and refusal to recognize certification of Guild by NLRB as exclusive bargaining agent for all scriveners.

Other film cases to be assigned for hearing include Cinema Players, Inc., which is asking to be designated as collective representative for extras; Screen Writers Guild, petition of Motion Picture Technicians Committee for an investigation of the IATSE, Society of Motion Picture Draftsmen, and Set Designers Guild.

Survey just completed by studio unions indicates that employment boom which started in film industry in November will be continued over into this year. There was a slight lull at Christmas, but labor calls for men began to increase again this week.

Smith, of the IATSE, said the employment situation is improving steadily, with additional men being put to work each day. He said if production schedules of studio executives materialize a new employment peak may be reached by the middle of this month.

L. C. Helm, business representative of Studio Utility Employees Local 724, announced unemployment at a minimum. Labor boss said that several times within recent weeks organization has not been able to supply all the demands for men and had to call on downtown locals to furnish men.

### Keep Makeups Busy

Motion Picture Makeup Artists report entire list of makeups was exhausted shortly before Christmas and that names of only 20 hair stylists were on call sheets. Calls have already been placed for scores of makeups to report for work next week.

Herbert Sorrell, business representative of Motion Picture Painters Local 644, said employment outlook was favorable, with more painters working now than at any time since retrenchment policy was adopted.

Charles H. Woodie, business representative of Studio & Theatrical Janitors union, has been elected president of California State Council of Building Service Employees. Los Angeles will be host to 1939 convention.

Screen Actors Guild has cancelled all meetings of board of directors and Class B Council until after holidays. Proposed pact for licensing of agents is expected to be ready for submission to directors at their next session on Monday (9).

## British Films

(Continued from page 5)

at a lunch given in honor of Murray Silverstone expressed the opinion that it would be a definite loss to the film industry as a whole if British film production perished. Some of the most successful American pictures of recent years have been based on British subjects and these indicate that audience interest is stimulated by the importation of ideas and stories from other countries. What is more logical than that these should come from Britain, a country that is closer to America in language, thought and ideals than any other in the world.

Further, the new Films Act of 1938 has a reciprocity clause by which American companies, acquiring British films for distribution in America, are relieved of renter's quota obligations in England.

Given that the film acquired is of a standard to merit distribution, the added advantage of not having to produce one, two or more films in England with its consequent displacement of money and executive man-power, should make Britain figure more largely than ever before in the policies of American producers.

Summing-up is just this. Britain today is making good pictures after years of hard experience, those pictures need an American outlet before they can improve further and in view of the consummation of the trade treaty which will tie England and America closer than ever before, America would not lose by taking more interest in the material produced on this side and making the path through the U. S. A. somewhat smoother.

## PHILLY KAYOES 3% SALES TAX ON FILMS

Philadelphia, Jan. 1.

Strenuous lobbying by exhibitor organizations and Warner Bros. resulted last Thursday (29) in the last minute removal by City Council of a clause in a general sales tax measure which would have burdened exhibs with a 3% tap on film rentals.

Similar sentence was in last year's 2% sales tax bill and was likewise pulled out by friendly councilmen at last minute. Getting its baptism of fire in the current campaign was the new Allied unit. Dave Yaffe, assistant biz manager, rallied the forces, which worked under the field generalship tactics of Abe Einstein, vet Warner Bros. legislative contact man. Lewellyn Pior and George Aarons, of United Motion Picture Theatre Owners, rival group, also played a part in killing the disastrous measure. Their work was so effective that the vote by Council was unanimous for striking out the film tax clause.

Film interests were prepared to fight the levy in the courts on the basis that film is leased, not sold, although there wasn't much optimism on that angle due to the precedent in New York which upheld the tax.

## Parking Meters Irk Salt Lake's Theatres

Salt Lake City, Jan. 1.

Salt Lake City flicker palaces are nursing a torrid beef presented them during the holidays by the city commission. In three weeks, automatic parking meters will be installed in the downtown biz district where 85% of the burg's cinemas are located.

Under the new city ordinance, designed to relieve overburdened parking conditions, motorists will have to fork over before parking the family bus, as follows: 12-minute parking, 1c; one hour parking, 5c; two hours, 10c.

Curb devices aren't new here. They were jerked about two years ago, following a three month trial period.

## Search for Wahoosers

Metro is Boonessing for a new Tarzan and his femme mate. Eastern talent executives have been told to scout the Atlantic seaboard for tall attractive young men of unusual physical getup and beautiful girls with a streamlined figure.

Talent lads have been told that appearance is the major consideration, but if they can act so much the better. Company apparently is willing to help train suitable types for the forest-long-jump production if showing photographic possibilities. New Tarzan series is now being set by M-G.

## NW INDIES DO OK DESPITE PAR'S 87

Minneapolis, Jan. 1.

Survey shows that producer-owned Paramount Northwest circuit has anything but a stranglehold on exhibiting end of the business in this territory and that independent chains are continuing to expand and gain strength. All the more independent circuits have been prospering and apparently do not find the supposed advantages enjoyed by the producer-owned competitor a serious handicap to progress.

Paramount operates 87 houses in Minnesota, North and South Dakota and western Wisconsin. Biggest of the independent chains is the McCarthy with 20 houses. Probably even more important because of its deluxe theatres is Franklin Amuse. Co., 13 houses, most of them built or acquired the past few years and a considerable number in the Twin Cities. The Eddie Ruben and the Bennie Berger circuits each consist of eight theatres. Baehr chain, in northern Minnesota, comprises 11 houses. There are any number of smaller circuits numbering from two to five theatres.

In the Twin Cities, Par has 22 theatres against 58 independents. The independents have 13 in the downtown sections of Minneapolis as compared with 11 Paramount houses. Independent nabe spots number 45 against 11 Paramount's. Paramount operates six Minneapolis, five St. Paul downtown houses; and seven Minneapolis and four St. Paul nabe theatres, and 31 Minneapolis and 14 St. Paul nabe situations.

Throughout the territory the Paramount's 87 theatres are only a comparative drop in the total bucket of more than 300 showhouses. Where Paramount has the edge, however, is in total seats and size of aggregate investment.

## Koff Battling R'c'vrs To Retain His Theatre

Philadelphia, Jan. 1.

Hearing set for last Wednesday was postponed because of the holidays until Wednesday (4) by the U.S. District Court on charges brought by Mel Koff, operator of the Darby, that unfair tactics are being used to wrest his theatre from under him. Koff claims that receivers for the mortgage holders have violated the court's instructions by selling the house to outside interests without first giving him a crack at buying it. District Court, he maintains, when receivers took the mortgage instructed them to let Koff have initial opportunity to purchase the theatre if a sale contemplated. Their failure to do so, he feels, probably means he will be forced out when his current lease expires.

Koff is particularly unwilling to lose the Darby at this time, as he just came to a very favorable settlement with Warner Bros. on runs, following threat of a court suit.

## Cisco's Girl Friend

Hollywood, Jan. 1.

Lynn Bari is slated for the femme lead opposite Warner Baxter in 'Return of the Cisco Kid,' rolling late this month at 20th-Fox.

Cesar Romero gets one of the supple roles.

## RETAKES OF 1938

By George E. Phair

Over the hill the Old Year blows  
Along Time's endless track,  
But do not cheer him as he goes—  
He might come back.

Revels are the order of the day in Hollywood, with 'Frankenstein,' 'Dracula' and a lot of other cadavers showing more signs of life than some of the new productions. So let us exhume a few quips of 1938, which was a fair-to-middle sort of year, even though it did bog down on the backstretch. Time Stumbles On.

Claudette Colbert's two dogs, a dachshund and a French poodle, get along without international complications in 'Midnight.' Showing that dogs have more horse sense than people.

'Life Is a Parade' becomes 'The Parade Is Over,' Life is like that in Hollywood.

The picture star is highly paid —  
When life is bright and sunny,  
But when the final score is made,  
The lawyer has the money.

Freddie Bartholomew, a moppet, has paid \$83,000 in attorney fees. If he works hard and counts his pennies, he may save up enough to study law.

Paramount is brushing up 'Angels In Furs,' indicating a cold winter in Heaven.

He looked upon the surge of youth  
With envy in his eyes.  
It pained him like an aching tooth  
To see those fresh young guys;  
Those kids who looked with smiling face  
Upon a new career,  
When he had run his youthful race  
And faced a future dark.  
It brought him back to days of yore  
When he was in his prime.  
A proud and pampered star before  
He felt the blight of time.  
The leaves had fallen from the vine  
To mingle with the mold,  
For he had reached the age of nine,  
And he was growing old.

Add Hollywood miracles—the 'Dead End' Kids as reformers in 'The Battle of the City Hall.'

Bullish trend in films—Walt Disney throws 'Ferdinand the Bull' and John M. Stahl takes 'Bull By the Horns.'

Football scenes in 'Hell's Kitchen' indicate that the old neighborhood has changed. In bygone days the boys tossed forwards and laterals with bricks.

Gals in the good old U. S. A. are registering a protest against Tyrone Power's South American roman e. They claim a foul—hitting below the Panama Canal.

Nelson Eddy, highwayman, will make the heart rejoice,  
Slipping up a stagecoach with a million-dollar voice.

Horror films grow more horrendous,  
More colossal, more stupendous.  
Who dya think is coming back?  
Jack the Ripper—good old Jack.

Back in the simple days of childhood, Jack the Ripper was a name to frighten children. When a kid became a rugged individualist along about bedtime the mere mention of Jack the Ripper would send him scurrying under the quilts. Now he is coming to Hollywood to show 'Dracula,' 'Frankenstein' and those other bushers how to raise big-league goosepimples. Motion Pictures Are Your Best Baby Frighteners.

Speaking of double bills, Rita Hayward was robbed of two automobiles in one night. Next thing we know, the press agent will pull a double jewel robbery.

Newer homes in the picture colony are being constructed without open-air dunking ponds. It is no longer a social necessity to bathe colossally.

Studios are doing away with 'B' pictures by handing them another name, but Shakespeare is still right about a rose by any monicker.

They socked the lady on the eye  
With many a hearty biff,  
They dragged her up a mountain high  
And tossed her off a cliff.

They dunked her in a mossy well  
And doused her in a lake.  
They hung her in a dungeon cell  
And chained her to a stake.

Through hurricanes and floods she went,  
And quakes and sinking ships,  
Nor ever mussed her permanent  
Nor soiled her fingertips.

In jungle fens and Arctic snows,  
In bloodshed and despair,  
She bloomed as dainty as a rose  
In yonder garden fair.

You can always tell a yokel in Hollywood. He carries a little camera on a strap.

Nuances of the picture art  
Are baffling to the common throng  
When Gladys Swarthout plays a part  
Without a song.

Measuring masterpieces of sculpture or painting by the dollar sign is an old newspaper custom. Often you read: 'So and So Sells \$1,500,000 Art.' Now comes Hollywood with its own artistic yardstick: 'Goldwyn Shoots 2,500 Feet of Heifetz.' Howja like a couple furlongs of symphony?

Film critic in Budapest fought a sabre duel with a producer. Over here they use poison gas.

There was a man in Hollywood and he was wondrous dumb.  
He answered 'No' instead of 'Yes,' and now he is a bum.

**PARAMOUNT**  
**gives you**  
***VARIETY***  
**for**  
**1939**

**A complete assortment of  
Diversified Entertainment**



## Ready for Release

All set and ready to pack 'em in, in the grand old Paramount box office tradition, are these brand new audience builders. Everyone of 'em proof positive that the big Paramount studio knows how to deliver 'em: **"Artists and Models Abroad"** starring Jack Benny and Joan Bennett; **"Disbarred"** with Gail Patrick, Robert Preston, Otto Kruger; **"Zaza"** starring Claudette Colbert with Herbert Marshall; **"Ambush"** with Gladys Swarthout and Lloyd Nolan; **"Boy Trouble"** with Charlie Ruggles, Mary Boland, Donald O'Connor; **"Paris Honeymoon"** with Bing Crosby, Francisca Gaal, Akim Tamiroff, Shirley Ross; **"St. Louis Blues"** with Dorothy Lamour, Lloyd Nolan; **"...one third of a nation"** starring Sylvia Sydney with Leif Erikson; **"King of Chinatown"** with Anna May Wong, Akim Tamiroff; J. Edgar Hoover's **"Persons in Hiding"** with Lynne Overman, Patricia Morison, J. Carrol Naish; **"Sunset Trail"** featuring Hopalong (Bill Boyd) Cassidy. **"Bulldog Drummond's Secret Police"** with John Howard and Heather Angel; **"The Beachcomber"** starring Charles Laughton with Elsa Lanchester.

## In Production

**In the Cutting Room** . . . getting whipped into shape for late winter and early spring release are these grand additions to the big Paramount program (boy, these rushes look terrific): **"Cafe Society"** starring Madeleine Carroll, Fred MacMurray, Shirley Ross; **"Hotel Imperial"** with Isa Miranda, Ray Milland; **"Never Say Die"** starring Martha Raye and Bob Hope and Andy Devine; **"Back Door to Heaven"** with Wallace Ford, Patricia Ellis.

**Before the Camera** . . . Hollywood's top notch directors are now sending America's favorite stars through their paces in these smash Paramount spring successes: **"Sudden Money"** with Charlie Ruggles, Marjorie Rambeau; **"I'm From Missouri!"** starring Bob Burns with Gladys George; **"Me and My Gal"** starring Buck Jones with Helen Twelvetrees; **"The Lady's From Kentucky"** starring George Raft, Ellen Drew with Hugh Herbert and Zasu Pitts; Cecil B. De Mille's long-awaited **"Union Pacific"** starring Barbara Stanwyck, Joel McCrea with Akim Tamiroff, Lynne Overman and a tremendous cast of thousands; **"Midnight"** starring Claudette Colbert, Don Ameche with Francis Lederer, Mary Astor; John Barrymore; **"Man About Town"** starring Jack Benny and Dorothy Lamour.



## "DISBARRED"

**CROOKED MOUTHPIECES**...The men who shield the men behind gangland's guns — the men who cheat the electric chair thru trickery provide Paramount with another sensational thrill-drama. Backed by a strong cast including Gail Patrick, Robert Preston, Otto Kruger, Sidney Toler. Robert Florey directed.



## "NEVER SAY DIE"

**RAYE AND HOPE**...MARTHA RAYE and BOB HOPE team up again to distribute belly laughs in their funniest comedy. Andy Devine, comedy star of "Men With Wings," and Alan Mowbray are in there helping them make this one the sock laugh hit of the winter season. Elliot Nugent directs



## "HOTEL IMPERIAL"

**Romance**...ISA MIRANDA and RAY MILLAND find love between battles as war surrounds "Hotel Imperial." Ray shares acting honors with Paramount's thrilling new star in this adventure drama of love and war. Reginald Owen, Gene Lockhart, J. Carrol Naish and a large cast of feature players. Robert Florey directs.



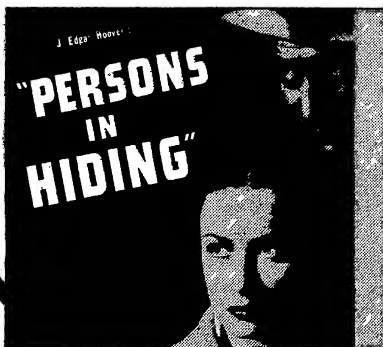
Starring **CLAUDETTE COLBERT** with **HERBERT MARSHALL** in one of the greatest emotional dramas of all time, "Zaza." Features an all-star line-up including Bert Lahr, Helen Westley, Constance Collier, Genevieve Tobin, Walter Catlett, George Cukor directs, Albert Lewin is the producer. A certain Academy Award Winner and a sure-fire box-office hit!



**Wedding Rings and Ding...** When **BING CROSBY** gets tangled up in the romantic yearnings of **FRANCISKA GAAL** and **SHIRLEY ROSS** it's a "Paris Honeymoon" all right. With **Akim Tamiroff**, lots of laughs and the usual bevy of bigtime hit tunes. **Frank Tuttle** directs.



**Mississippi Showboat Romance...** Paramount's exciting musical drama based on that first and grandest of all American jazz or swing numbers, "The St. Louis Blues," with **DOROTHY LAMOUR** and **LLOYD NOLAN**. **Raoul Walsh** directs.



First of Paramount's dramas based on the exploits of the **F. B. I.**, from the book by **J. Edgar Hoover**. With **Lynne Overman**, **Patricia Morison**, **J. Carrol Naish**. \*Watch this girl!



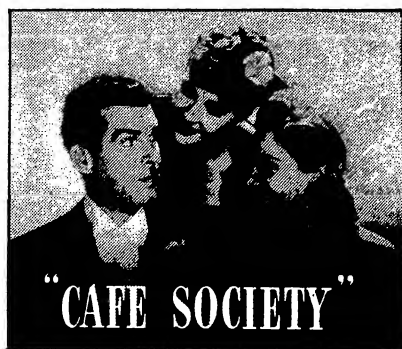
**Thrills! Thrills! Thrills!**...the best of Paramount's much-praised underworld dramas with **Anna May Wong**, **Akim Tamiroff**. Has everything a punch-packed action picture needs.



**Something New in Thrillers...** First called "I Robbed a Bank"—a daring drama of two young people trapped in a ruthless manhunt. **Gladys Swarthout** plays her first big dramatic role, with **Lloyd Nolan**, **Ernest Truex**.



**New York Drama...** The hell which bred the "Dead End" kids is the stark background for a love story of a kind never before seen upon the screen. Starring **Sylvia Sydney** with **Leif Erikson**. **Dudley Murphy** produced.



**Glitterbugs of the "400"**... Paramount's laughing romance of those darlings of the tabloids, **cafe society**, starring **MADELINE CARROLL**, **FRED MACMURRAY**, **SHIRLEY ROSS**. **Edward H. Griffith** directs.

# CHARLES LAUGHTON

returns to the screen as

## "THE BEACHCOMBER"

with Elsa Lanchester

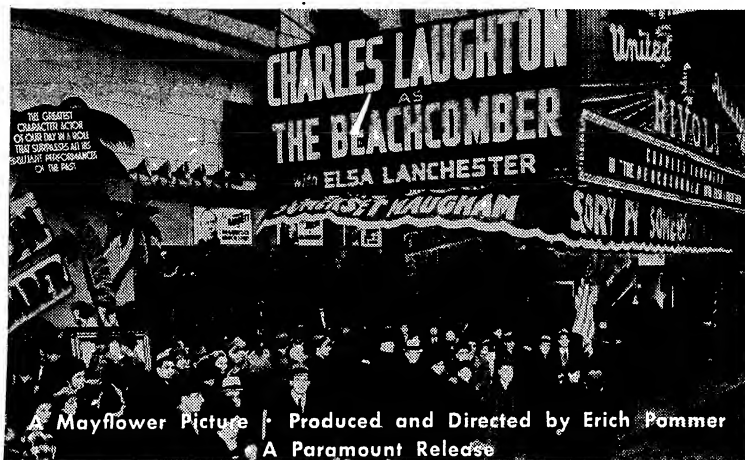
The critics cheer—the magazines rave! New York crowds jam Broadway's Rivoli Theatre to see Charles Laughton, the screen's first actor, in the new season's first big film event, "The Beachcomber" acclaimed as the grandest role of Laughton's film career—and a sure-fire money-maker for theatres everywhere.



"Another of the year's superior productions, An experience emphatically not to be missed."  
—N. Y. Times



- 1 17,300,000 readers of Life read this 5-page rave review!
- 2 800 big daily newspapers carried this United Press rave: "One of the best pictures of this or any other year, We urge that you see it!"
- 3 News Week gives front page publicity break plus rave review!
- 4 "Third best English speaking picture of the year," says National Board of Review!



A glimpse of the crowds now storming the Rivoli Theatre on Broadway.

A few of the raves from New York Critics:  
"Delightful comedy. A fascinating character study."—*Journal-American*.  
"Sheer magic. Well worth your time and attention."—*World-Telegram*. "One of the season's outstanding films."—*Sun*.  
"Sums up to delightful entertainment."—*Daily News*. "As gaily impudent and captivating a production as has come to town. Utterly delightful."—*Herald Tribune*.

Mayflower Picture Produced and Directed by Erich Pommer  
A Paramount Release

# Tricks in Show Biz Contracts

By I. Robert Broder

(Formerly of Counsel, Radio-Keith-Orpheum)

Recently, an artist submitted a film contract which had been offered to him and which had been approved by his manager. It contained the usual option, to be picked up following the making of a screen test. There was no obligation on the part of the film company actually to make the test, and the artist had no recourse against the film company in the event that it did not make the test.

The artist, however, obligated himself to refrain from signing any contract with any employer in show business, whether such employer was another film company, or engaged in any other field of theatrical endeavor. In other words, the artist agreed not to work, or commit himself for any further employment, for a period of several months, during which the film company was to make up its mind whether or not it wanted to make a film test of him, or whether it wanted to, following the making of the film test, employ his services. Attached to the option agreement, was the actual contract which the film company would enter into with the artist, if it exercised its option. The contract contained several possible restrictive clauses upon the future services of the artist and several expertly prepared "sleeper" clauses which were buried in the midst of much legal verbiage.

One such form of contract, used by one of the major film companies, includes a provision to the effect that if the film company failed to take advantage of a lay-off period in one term of the contract, it could add the lay-off period to any subsequent term of the contract. This contract provides for the usual guarantee of 20 weeks employment in each 26-week period. Each subsequent 26-week period provided for an increase in salary. If the employer (the film company) utilized the artist's services for the full 26 weeks for the first period, at \$500 a week and the artist's salary was to be increased to \$1,000 per week during the next 26-week period, the film company could lay off the artist for 12 weeks during the \$1,000 a week period. In other words, the artist was losing exactly \$3,000 in this particular instance and, of course, the artist would continue to lose much more money as his contract went on.

Going to another field, we find similar abuses in contracts. Recently, a prominent dancer was offered an engagement at an important New York hotel. The agreement was procured through a standard booking office. The agreement submitted to the artist contained a sentence to the effect that if the artist ever worked at the same hotel at any time during the succeeding five-year period, the artist was to pay commission to the booker for any such subsequent engagement, regardless of whether or not any subsequent engagements were procured by the same booker.

It is thought that the necessity for legal counsel has been obviated due to standard forms of contract being required by such organizations as Actors' Equity Association, Screen Artists' Guild, Scenic Designers Union, etc. Although these standard forms may be sufficient for the rank and file performer, quite frequently riders are added to these contracts by managers which poorly express the real intention of the parties, or are so clumsily drawn as to give rise to two or more interpretations.

## Standard Forms Gone

In the vaudeville field, the days of the standard forms are long gone. Independent bookers have sprung up, whose contracts are decidedly inadequate (and in many cases, not enforceable) and require close scrutiny. In a recent instance, a new booker issued contracts which were so poorly drawn that they even failed to protect the booker himself. The booker's contract failed to state the place at which the performances were to be rendered, and likewise failed to include, among other things, a provision for the act to supply the stage equipment for its performance. In other words, if the act required the use of special stage props, scenery and costumes, they would have to go into the theatre without such props, costumes and scenery, do the act in street clothes and the management would have no recourse.

In the artists' management field, contract abuses are becoming more and more frequent.

Recently, a tonight orchestra leader, who had just opened at a prominent New York hotel, submitted a contract to a girl singer. The contract was between 'Joe Blotz' and His Orchestra, Inc., and the singer. In examining this contract closely, it was impossible to ascertain whether the corporation was the girl's employer or whether it was her manager. It contained provisions whereby the girl agreed to work exclusively for the corporation, and other provisions whereby, if the girl worked for anyone else, the corporation could collect 25% of her income as a management fee (and in addition, the girl had to pay agents' commissions for procuring outside jobs).

## 'Unique' at \$30 a Week

The contract further recited that the girl's guaranteed salary during each of the five years of her employment was to be the sum of \$1,500 per year and that her services were so unique, extraordinary and irreplaceable that, in the event that she breached the contract and attempted to work for anyone else, the corporation could enjoin such employment. The conclusion to be drawn from both of these provisions is laughable on its face. Surely, an artist so 'unique, extraordinary and irreplaceable' must be worth more than \$30 per week. This young singer was also to provide her own wardrobe for theatre and hotel appearances.

Having the foresight to consult an attorney, that was sufficient to let that deal and assist her in procuring a more equitable contract.

Not alone does the young and inexperienced performer, but experienced and higher-salaried people frequently get themselves into difficulties through signing long-term management contracts which should never have been signed.

Specifically, a contract was submitted recently by a name band leader, whose salary is upwards of \$5,000. He had entered into a management contract with one of the largest and best known organizations. The contract which he signed was printed except for the percentages which were to be paid as fees to the management. It was the old story of 'It's a printed form. Everybody signs it. We never make any changes. If you want us, this is the only contract which we will sign.'

## When Trouble Arises

Eventually there was trouble. Bookings became very infrequent and the orchestra leader found it necessary to try to break the contract in order to get work and keep his band together. An examination of the contract disclosed such high-handed and unfair provisions as being for a period of 20 years. If, however, the management failed to procure any employment during a period of six consecutive weeks, the leader could terminate the contract on 10 days' written notice. The catch, however, was that the management corporation was given the right to sign all contracts for the leader at whatever salary it saw fit, at or above the union scale. In other words, if the management corporation failed to get employment for the leader for five weeks, it could sign a contract for the leader and his \$5,000 band, to appear for one night at the union scale and thereby commence another six-week layoff.

The contract contained no guarantee that any minimum number of weeks of employment would be procured. In fact, it did not even guarantee to get any employment for the orchestra.

If, however, the orchestra leader got a job either through his own efforts or through another agent, he was still required to pay the management corporation its percentage, even though he had also to pay a commission to another agent. The management corporation was authorized to collect all monies from the employer and his orchestra could not perform because of illness, the management corporation was still to be entitled to its commission for the unplayed engagement. The management corporation disclaimed all responsibility for the failure of any employer to pay salaries. The leader and he were not to be obligated in any way under any circumstances for anything arising out of the contract. To top all of this, all publicity used by the orchestra leader, whether or not created by him or the management corporation, could not be used by the orchestra

## Now It's Free Bridge

Philadelphia, Jan. 1. Latest move of Joe Conway, vet operator of the Egyptian theatre in suburban Philly, is to set bridge tables up on the promenade during matinees. If the women customers don't like the picture, they can play bridge. He claims it's a "wow."

Present plan developed from an original idea of about five weeks ago which failed to click. It was for bridge matinees. Invited in for an hour of bridge, following which they were to quit to view the feature. Females didn't like it, however, because of the punk partners they claimed they always drew. Also resented the fact that Conway didn't serve 'em ice cream and cake. Present scheme seems to be meshing better because after the gals have gandered a hunk of the picture, they're usually willing to play bridge with anybody—and without tea and crumpets, either, Conway explains.

leader after the termination of the contract.

## 20-Year Pact

In other words, the management corporation agreed to do exactly nothing and the orchestra leader agreed to pay them a fixed percentage of his gross income for every one of his engagements during a period of 20 years. The sole obligation of the management corporation was, "To use their best efforts to procure bookings." And that might mean exactly nothing.

To the lay business man, such conditions are, at the least, incredible. No business man would attempt to enter into any agreement outside of his daily routine, without the advice and services of counsel experienced in his field. The practice of law has developed into a specialized field. Show business has so many individual problems of its own that the special field of theatrical law has, of necessity, come into being. A lawyer specializing in the theatrical field would no more think of undertaking the drawing of a technical agreement involving a mining enterprise, than a lawyer specializing in the mining field would attempt to draw an agreement for the management or employment of theatrical artists.

Attention has been called to a printed form of contract being issued by a new night club in Hollywood, whereby the artist agrees that if he 'doubles' in pictures, radio, television or in any other field of show business during the time appearing at this particular night club, the operator of the club is to receive 50% of the artist's additional income thus earned.

Attorneys have been accused by agents and managers of attempting to displace them. In some instances, this may be true. In the majority of instances, however, ethical attorneys confine themselves to the practice of law, leaving the booking of artists to those particularly qualified to do so.

# St. Louis Indies' Blues Over IATSE Demands for Extra Union Help

St. Louis, Jan. 1. Negotiations are under way between theatre owners and the St. Louis Local No. 6, IATSE, for maintenance men in all theatres in St. Louis County, although many of the indie fear that their biz will be ruined if they are forced to accede to the union's demands. A six-month survey of theatres by IA reports that many janitors, managers and others were doing the work that comes under the jurisdiction of maintenance men. Neilson said that out 35 maintenance men members of the union, have been out of employment.

Parleys are being held with St. Louis Amco, which operates about 31 nabes in the city and county, and the St. Louis Theatre Owners' Assn., headed by Fred Wehrenberg. Most of the 50 indie nabes members of Wehrenberg's organization.

Several indie theatre owners have voiced protests against the maintenance man move and pointed out the fate that befell Henry Holloway who opened a house in University City, a suburb, last year. Holloway, according to information current in local circles, was forced to employ

# WANE OF FILMUSICALS

## Skouras Moves Around F-WC Managers on Coast

Los Angeles, Jan. 1. Number of Christmas presents in the form of promotions were handed out over the weekend by Charles F. Skouras, proxy of Fox-West Coast Theatre, in a wholesale transfer of theatre managers taking in Southern California and Montana divisions. Everett Sharp moves from the La Brea, Los Angeles, to the West Coast, San Bernardino, replacing Joe Kelly, who goes to the Redlands, Redlands. Barton Aylesworth shifted from management of Marquis, Los Angeles, to similar post at the La Brea.

G. W. Jones, newcomer to F-WC ranks, will manage the Marquis; Mort Feinstein transfers from Parisian, L. A., to California; San Bernardino, reopening Christmas Eve. R. C. Maser will be new manager at the Parisian. Roy Lindsay transfers from the Leimert, L. A., to Fox, Pomona.

Henry Pines, assistant manager at Chinese, Hollywood, promoted to manager of Leimert; Earl Poggi, assistant at Egyptian, Hollywood, new assistant at Chinese; Sidney Pink transfers from Ravenna, L. A. to California, Pomona, another Christmas Eve reopening. Hamilton Davis shifts from the Embassy to the Ravenna; Orville Weckerly, assistant at Iris, Hollywood, upped to manager of Ravenna; R. Erpsamer, assistant at Leimert, to manage Mesa, Los Angeles, vice Jerry Gordon, resigned.

Henry Madigan, assistant at Carmel, moves to similar job at Iris; Fred Levy transfers from Alpha, Bell, to California, Venice, with Henry Zeidl, newcomer, replacing at the Alpha.

John O'Neill of Inglewood, Inglewood, transfers to the Fox, Buite, Mont., with Ed Peterson, assistant at the Fox, Florence, assigned to manage the Inglewood. Bert Hanson transfers from manager of the Fox, Redlands, to management of Liberty. Great Falls, Mont., and supervision of other F-WC operations there. Charles Doty from the California, Chance, goes to the Ritz, Great Falls, Mont.

## Hope Gets It Hot

Hollywood, Jan. 1. Bob Hope goes jittery in his next Paramount picture, 'Some Like It Hot', based on the current swing vogue.

Musical film features Gene Krupa and his band.

## RITTER'S P.A.'s

Monogram's singing cowboy star, Tex Ritter, is going on a tour of personal appearances in the south and midwest shortly.

Dates start some time in January.

## By Jack Jungmeyer

Hollywood, Jan. 1. One screen musical's past year stood out so prominently and successfully above its competitors as not only to make boxoffice history for itself but also to emphasize the mediocrity of the general product in this category. That was the 20th-Fox Irving Berlin picture, 'Alexander's Ragtime Band.' [This excludes, of course, the cartoon musical, 'Snow White.']

What 'Alex' had, and what most of the other musical endeavors of the season lacked, pointedly indicates some of the potent reasons why this film form is currently on the wane and why so many pictures, more or less based on music, were a bitter disappointment to producers and public alike.

'Alexander's Ragtime Band' had genuine emotional wallop. Its song content and arrangement blended well with a story of our times.

Most significant as to Hollywood's own verdict on the prospect of films with music for the immediate future is Warners' purge of all contract clefters from its music department. On top of that, WB didn't take up the option on Dick Powell, its chief songster during the past few years.

Musical schedule for 1939 has been cut to lowest program in a long time. At Paramount Boris Morros left as music department head. This severance is partly political, but also indicates a change in policy as to Paramount's future dealing with its musical program, in line with the public's recent verdict on this type of screen entertainment.

From the standpoint of production, Paramount as well as Warners, Metro, 20th-Fox and Universal placed considerable stress on musicals in 1938. Paramount had as its more important offerings Bing Crosby's 'Sing, You Sinners,' 'College Swing,' 'Doctor Rhythm' (Emanuelle Cohen produced), 'Paris Honey-moon,' 'Tropic Holiday,' 'Artists and Models Abroad,' 'Cocacola Grove' and 'The Big Broadcast of 1938.' Warners made 'Garden of the Moon,' 'Gold Diggers in Paris,' 'Cowboy from Brooklyn.' Universal's contributions were B. G. DeSylva's 'You're a Sweetheart,' 'The Great Waltz,' 'Hauled as Hope Hampton's comeback musical, and the two Deanna Durbin starrers, 'Mad About Music' and 'That Certain Age' (characterized by Miss Durbin's singing, although not in the specialized sense, musicals). Metro produced 'Rosalie' and 'Girl of the Golden West,' both William Anthony McGuire productions, and 'Great Waltz' and 'Sweethearts,' the Hunt Stromberg specials.

## Exhibits Cooled on 'Em

A few of these were outstanding and grossed satisfactorily, some exceptionally. Many of them went in one ear and out the other without any memorable reaction upon either audiences or the coin tills. General consensus of producers and exhibitors at the end of the year was the conviction that filmusicals were definitely on the ebb. Only where producers had a heavy contractual investment in songsters, as in the case of Paramount with Crosby and Metro with Jeanette MacDonald and Nelson Eddy, was there definite planning for pretentious musical pictures for this coming year.

Following the 'Alexander's Ragtime Band' precedent and approach, Metro essayed 'Great Waltz' as a musical biographical drama, woven around Johann Strauss' immortal melodies. But neither 'Waltz' nor 'Ragtime Band,' nor several of the pictures in the above listing which have a dominant musical character, are filmusicals in the sense of cream-puff musicals with the public associates with the term. They are here lumped as a musical category to justify comment as to current trends which show a constantly widening rift between the more serious dramatic musicals and the frothy musical frumpies.

Of the latter, the 1938 picture showed itself suited. For the more serious endeavors there was a demonstrable, growing demand.

Every indication from the preliminary caresses of the producers and film sales chiefs in lining up the new year's picture programs is that the approach toward films with predominant musical will be much more carefully mulled than heretofore.

# NEVER IN THE HISTORY OF THIS INDUSTRY HAS A COMPANY WON SUCH RECOGNITION!

**SHIRLEY TEMPLE**  
**NAMED "NUMBER ONE" MONEY-MAKING STAR**  
**for the 4th consecutive year!**

It was an *all-time* record a year ago . . . when Shirley Temple was voted Number One for the *third* consecutive time. Only Shirley Temple could break a record like that!

**FIVE OUT OF THE "FIRST TEN" MONEY-MAKERS**  
**are 20th Century-Fox stars!**

Shirley Temple! . . . Sonja Henie! . . . Jane Withers!  
... Alice Faye! . . . Tyrone Power! —Five out of ten!

*and of course*

**20TH TOPS THE MONTHLY "BOX OFFICE CHAMPIONS"**  
**with 18 top-grossing attractions!**

More monthly Box Office Champions than any other company! Proof again that 20th leads the industry for *consistent, week-by-week* delivery of hit pictures!

**A GREAT  
1938  
IS OVER!**

## "HAPPY NEW YEAR" HAS A MEANING!

During the dark days of 1932-33, it was a hard problem just to keep this company alive.

It was important to us and it was equally important to thousands of our customers that the company continue as an important production source. By devotion to its task, a loyal organization pulled the company through to health and strength, but this could not have been done had we not also received the support and confidence of exhibitors throughout the world.

A little more than three years ago, Messrs. Joseph M. Schenck, Darryl F. Zanuck and William Goetz were invited to come with us, because of their outstanding production achievement.

Within those three years, without agitation or legislation, but by sticking strictly to the business of producing and selling pictures, Twentieth Century-Fox has steadily forged ahead until today the world's exhibitors vote it undisputed leadership.

But Darryl F. Zanuck and his production associates are not the kind of men to rest on past accomplishments. They recognize the responsibility of leadership. They appreciate their continuing obligation to our theatre customers.

Accordingly, the thousands of exhibitors who depend on us for their product will be glad to know that the pictures our studio has produced for release in the first three months of 1939 are the strongest in this company's history.

I am sure you will agree that they represent a sincere and intelligent effort to give your theatre the greatest possible attractions.

We wish you a happy and prosperous New Year—and are doing our best to see that you get it.



President, 20th Century-Fox Film Corp.



FORWARD TO 1939!

# ALL THESE SMASH ATTRACTIONS

Marked for your mid-season high spot... already established, by early runs, a sensational top-money hit! A great picture that has captured a great tradition. Lavishly produced... with a brilliant cast... and enriched with all the beauty of Technicolor!

## KENTUCKY

in TECHNICOLOR

with  
**LORETTA YOUNG • RICHARD GREENE**  
and **WALTER BRENNAN**  
Douglas Dumbrille Karen Morley Moroni Olsen  
Directed by David Butler

Associate Producer Gene Markey Screen  
Play by Lamar Trotti and John Taintor Foote • From  
the story "The Look of Eagles" by John Taintor Foote

A stand-out attraction with no limit to its draw. Top-flight romantic drama mellowed with warmly human appeal! Starring Warner Baxter and Loretta Young (those grand stars of "Wife, Doctor and Nurse"). With Binnie Barnes, fastest-comer on the screen! Perfect!

## LORETTA YOUNG • WARNER BAXTER

in

## WIFE, HUSBAND AND FRIEND

with

**BINNIE BARNES • CESAR ROMERO**  
**GEORGE BARBIER • J. EDWARD BROMBERG**  
**EUGENE PALLETTE • HELEN WESTLEY**

Directed by Gregory Ratoff

Associate Producer and Screen Play by Nunnally Johnson

Alert-minded 20th showmanship brings you Alexandre Dumas' immortal story in a musical comedy version! Ameche is D'Artagnan... the Ritzes his three irrepressible comrades! A smash, smart, new entertainment angle... invested with lavish production values.

## DON AMECHE

and **THE RITZ BROTHERS**  
in a Musical Comedy Version of Alexandre Dumas'

## THE THREE MUSKETEERS

with

**BINNIE BARNES • GLORIA STUART • PAULINE MOORE**  
**JOSEPH SCHILDKRAUT • John Carradine • Lionel Atwill**  
Miles Mander • Douglas Dumbrille • John King

Directed by Allan Dwan

Associate Producer Raymond Griffith • Screen Play by M. M. Musselman, William A. Drake  
and Sam Hellman • Special material by Sid Kuller and Ray Golden  
Music and Lyrics by Samuel Fokras, Walter Bullock

Word of this outstanding sensation has already spread like wind-whipped prairie fire! With its theme America's most lawless era, it depicts the thrilling, romantic adventures of the most colorful outlaw of them all! Epically produced by 20th in Technicolor.

DARRYL F. ZANUCK'S Production of

## JESSE JAMES

in TECHNICOLOR

starring

**TYRONE POWER • HENRY FONDA**  
**NANCY KELLY • RANDOLPH SCOTT**

and

**HENRY HULL • SLIM SUMMERVILLE**  
**J. EDWARD BROMBERG • BRIAN DONLEVY**  
**JOHN CARRADINE • DONALD MEEK**  
**JOHN RUSSELL • JANE DARWELL**

Directed by Henry King

Associate Producer and Original Screen  
Play by Nunnally Johnson

# IN THE FIRST QUARTER!

A showmanship inspiration! Revealing, through the magic of Technicolor, the world's four-time No. 1 star in *all* her charm. Woven from Frances Hodgson Burnett's immortal story. By far the most spectacular and ambitious of Shirley Temple pictures!

## SHIRLEY TEMPLE in THE LITTLE PRINCESS in TECHNICOLOR

**RICHARD GREENE • ANITA LOUISE**  
**IAN HUNTER • CESAR ROMERO • ARTHUR**  
**TREACHER • MARY NASH SYBIL JASON**  
**MILES MANDER • MARCIA MAE JONES**

Directed by Walter Lang  
Associate Producer Gene Markey • Screen Play  
by Ethel Hill and Walter Ferris • Based on the  
novel by Frances Hodgson Burnett

No expense has been spared to make this one of 20th's most important productions. Smashing romantic melodrama of adventure. Three brave, young women of the sky who brush wings with death because it brings them closer to the men they love! Revealing the heart-throbs behind their spectacular lives!

## ALICE FAYE • CONSTANCE BENNETT NANCY KELLY in TAIL SPIN

**JOAN DAVIS • CHARLES FARRELL**  
**JANE WYMAN • KANE RICHMOND**  
Wally Vernon • Joan Valerie • Edward Norris

Directed by Roy Del Ruth  
Associate Producer Harry Joe Brown Original Screen Play by Frank Wead

Horror!  
Chills! Mystery! The elements which are so popular at today's boxoffices are all packed into Conan Doyle's greatest Sherlock Holmes story—the fascinating, spine-tingling tale of the giant, unearthly beast with blazing eyes that prowled in the gloom of the lonely English prison moor! . . .

## Sir Arthur Conan Doyle's THE HOUND of the BASKERVILLES

with  
**RICHARD GREENE • BASIL RATHBONE**  
(as Sherlock Holmes)

**ANITA LOUISE NIGEL BRUCE**  
(as Dr. Watson)

**LIONEL ATWILL JOHN CARRADINE**  
**BERYL MERCER • BARLOWE BORLAND**

Directed by Sidney Lanfield

Associate Producer Gene Markey

From the story by  
Sir Arthur Conan Doyle

### HERE ARE 20th's FIRST-QUARTER RELEASES!

Release Date	PRODUCTION
Dec. 30	<b>KENTUCKY</b> (in Technicolor)
Jan. 6	<b>WHILE NEW YORK SLEEPS</b>
Jan. 13	<b>CHARLIE CHAN IN HONOLULU</b>
Jan. 20	<b>SMILING ALONG</b> (starring Gracie Fields)
Jan. 20	<b>MR. MOTO'S LAST WARNING</b>
Jan. 27	<b>JESSE JAMES</b> (in Technicolor)
Feb. 3	<b>THE ARIZONA WILDCAT</b> (starring Jane Withers)
Feb. 10	<b>TAIL SPIN</b>
Feb. 17	<b>THE THREE MUSKETEERS</b>
Feb. 24	<b>PARDON OUR NERVE</b>
Mar. 3	<b>WIFE, HUSBAND AND FRIEND</b>
Mar. 10	<b>THE INSIDE STORY</b>
Mar. 17	<b>THE LITTLE PRINCESS</b> (in Technicolor)
Mar. 24	<b>THE JONES FAMILY IN EVERYBODY'S BABY</b>
Mar. 31	<b>THE HOUND OF THE BASKERVILLES</b>



Darryl F. Zanuck  
in Charge of Production

# THE UNIONS

By Roy Chartier

The year has been a turbulent one for the industry and the many new unions that have sprung up of recent date within it. Relations between the two caused considerable strain, although no preponderantly serious trouble. Strikes were threatened in various branches, and there was much organizing activity during 1938, with notable progress made, but labor impasses, lockouts, picketing and the like were held to a minimum.

The question of jurisdiction and the effort to obtain certification as bargaining agents from the National Labor Relations Board, plus splits in various ranks such as studio writers, focused the most attention on the labor perspective of the year.

Early in '38 the International Alliance of Theatrical Stage Employees, at Miami, announced it would extend its jurisdiction to producers and others in pictures. That plan instantly met with concerted resistance by studio crafts which united to thwart such a move, and, although the ambition of the IA to control every branch, no doubt, still exists, the IA later sought to clarify its intention by indicating that it was favored was "such a wide organization" for strength and protection within the industry.

The IA, strongly entrenched in the studios under the five-year basic agreement, with its position fortified through negotiations in 1937, late last winter voted a \$100,000 fund to finance the drive against what it called the big stagehands-operator union met with early opposition from the Screen Writers Guild and other unions in Hollywood which united to fight dominance by the IA, and the latter, at its convention in Cleveland in June, adopted a resolution asking the American Federation of Labor to revoke the charter of the Screen Actors Guild.

## Bluff's \$100,000

William Bluff, a power in the IA, resigned before the year ended, stepping out Sept. 3, following reports of \$100,000 paid him. There were various denials that such a payment had been made by producers, suggesting intent of fortifying their position with the IA. In August, Bluff had revealed that \$100,000 was given him as a loan in 1937. This came out at a hearing before a Sacramento, Calif., grand jury.

Threat of the IA to embrace the whole Four A's (Associated Actors and Artists of America) is no longer confined with such apprehension, but the outcast IA was interested in taking jurisdiction over the Screen Actors Guild, notably the extras, as an opening wedge. This and other moves failed, with resistance met on all sides, the IA jurisdictional ambitions have gone out of the news, with the IA's AAAA trying far a 'one big union' of its own, embracing all artists' groups, including Equity, SAG and others.

In addition to being accused of handing Bluff \$100,000, the producers have been blamed for many other things in labor relations during the past year, including that they were trying to destroy the Screen Directors Guild. This group, at the time, threatened an AFL tieup. In August the SDG filed charges of unfair labor practices against ten studios with the National Labor Relations Board.

Screen Writers  
Friction between the SWG and the Screen Playwrights has also colored the labor map of the Coast, with the latest development a clash with producers over the new form of contract offered members of the SWG on renewals. These contracts required arbitration by SP of any disputes over screen credits. Members of the SWG signed such contracts only when attaching a rider noting that the agreement was being signed under protest. In June the SWG won a vote for writer bargaining representation, 267 to 57, against the SP. The latter had announced it would not fight election of screen writers to determine a bargaining representative.

During 1938 the SWG won absolute autonomy from the Author's League of America, but a close relationship exists in that its members are also members of the Author's League.

The SDG, promising better picture with less pay if given a free hand, earlier in the year petitioned the NLRB to act as bargaining representative for directors, assistant directors and unit managers, with first date set for hearing being Aug. 16. Postponement was taken and the hearing was held, but certification of the SDG as bargaining rep. is still pending. The SAG was certified earlier in the year, and on Sept. 27

signed a nine-year pact with the producers, but the SWG, while certified, has not made much headway with the producers to date. Banning extras earlier in the year for failure to pay dues, with a threat of \$3000 to them to go over to the CIO and also turning thumbs down on a studio unemployment conference, the SAG, early in the fall, took under consideration a proposal to slash extra registrations to 2,500 and place players under contract to Central Casting Bureau. Another move which placed SAG in the limelight was its decision to combat any plan on the part of the producers to cut salaries. This occurred prior to the nine-year contract producers signed.

One of the SAG decisions of the year was not to permit newspapermen or columnists to double as actors unless they became members of the union. The Artists' Managers' Guild (agents) from this fall wanted a closed shop instead of being licensed by the SAG, but finally agreed to the latter in November. Screen Publicists have not made very noticeable headway during the past year, nor have various other guilds or unions in studio activity of one kind or another. All are hopeful of NLRB decisions that they may act as bargaining representative for their various crafts.

The union situation in the east and other parts of the country has not been unduly disturbing. Negotiations which are held every April 1 or thereabouts in New York between Pat Casey and unions signatory to the five-year basic agreement were stalled until late summer due to uncertainty of conditions, with renewal for another year at the same scale as before.

The IA, which is included in the basic agreement, has gone forward rather slowly in its organization of workers of numerous classes in the theatres, including cashiers, porters, ushers, doormen, managers, etc., while minor moves of the CIO to get into the theatre field have been only negligibly successful. CIO has jurisdiction over the entire theatre district.

The Building Service Employees' union, of the AFL, has been organizing porters, cleaners, charwomen, etc.

## and on the Talent End

By Hobe Morrison

Performer unions have made substantial progress during 1938, not only in their relations with outside forces but also in their internal affairs. In particular, the extra has a close, nearly all the various unions were involved in critical struggles on different fronts. Indications are that the coming year will be a vital one to performer unions and hence to the position of the performer in the amusement industry.

In the ranks of professional show business, in particular, there came under the American Federation of Labor banner, Associated Actors and Artists of America, the AFL-chartered international union, has jurisdiction over the entire performer field. Its member groups, each with a different charter covering a different field of entertainment, include Actors Equity, Screen Actors Guild, American Federation of Radio Artists, American Federation of Actors, American Guild of Musical Artists and a number of minors.

Strengthening of the Four A's, the parent union, continued during 1938 the developments which began the previous year. Confidence and cooperation among the member bodies was also extended and bulwarked, although only after the most violent internal fight in Four A's history had threatened for a time to disrupt and perhaps destroy the organization. Strife extended virtually throughout the Four A's ranks, but when settlement was finally reached, relations became more friendly than they had ever been before. In particular, relations between Equity and SAG, which were principals in the quarrel, have continued to improve.

Main objective at the present time appears to be to strengthen still more the dominant position of the Four A's. Officials of the various member-unions have at last arrived at a fair degree of unanimity on the principles involved and a tentative, broad outline has been reached for the desired changes in the constitution. Idea is to house all offices of the various groups under one roof, to amalgamate administrations, set up a unified bookkeeping

and the like for more than a year now and has obtained a contract covering these employees in the New York theatres. The IA, more recently, inaugurated a drive to completely organize theatres (from top to bottom) in the east generally, including New England. Its drive for total unionization of theatre help is expected to eventually become nationwide. Meantime, the Theatrical Managers Agents & Treasurers, making notable progress in the legit field, is also working on unionization of its craft in the picture business, including the studios and theatres.

A move to unionize the night clubs in New York was also instituted during the past year. The Motion Picture Laboratory Technicians in N.Y., similarly put on a campaign to increase its representation in the lab field, with successful results following strike threats and picketing. The New York operators, Local 306, which has failed to effect a merger with Empire State operators, a ramp union, is campaigning against the theatres which still employ Emp men.

Musicians started a drive during the summer in Greater New York for a six-day work week at seven days' pay under present scale existing. The Music Hall, N.Y., first to sign, would have to pay about \$45,000 annually, over and above the old but as a result of this move, it was estimated.

Another union move in New York, where most of the work begins with rest of the country to be considered later, is the drive of the American Federation of Actors to organize theatres using stage shows, with a contract in negotiation under which the AFA demands a closed shop and a minimum of \$60 weekly for any artist appearing in the theatres.

The stagehands and musicians, in campaigning against the theatres which still employ Emp men, have not been much of a source of trouble during 1938. Contrariwise, these unions have shown more of a disposition to play ball with the theatres than in former lush years. In the absence of better excuses, however, these unions are still blamed for ailing business and numerous operators refuse to try vaudeville or stage shows because of labor demands.

As a central treasury, a single membership card and one set of dues. Figured the various changes would eliminate duplication of effort and red tape, increase efficiency, save expenses and decrease dues. But even though the terms of the changes are desirable, the changes, as actually meted to bring it about is vastly complicated and remains to be worked out. Efforts to solve that problem will undoubtedly consume a great part of the coming year.

Number of shared jurisdictional disputes within the Four A's ranks have occurred during the year. Formation of AFRA settled the question as regards radio, in which Equity, SAG and AFRA had previously had a stake. But that was only one of the fields in dispute. AFRA and Burlesque Artists Assn. spent a part of the year at odds over various phases of the vaudeville-burlesque situation. AFRA contested with Chorus Equity (subsidiary of Actors Equity) for jurisdiction over chorus members in vaudeville and vaudeville houses, finally winning on both counts. Decision was in line with the Four A's general policy of giving to each member union jurisdiction over chorus as well as principals in its field.

That policy came up again in the battle between AFRA and the Grand Opera Choral Alliance, which had previously held the AFL charter governing jurisdiction of opera chorus singers. When the two groups were unable to agree on terms for a merger, the AFA's revoked the charter, AFRA and awarded the jurisdiction to AFRA. As the year ended, the various and inter-related jurisdictional questions seemed to be settled, at least for some time to come.

Of the various member groups in the Four A's, Equity probably had the least hectic year. That is natural, since the legit actors' field is older and much more firmly established than any of the others. Affairs within the Equity organization itself reached a climax of tension late in the spring, with the annual election. But the so-called insurgent faction, which had been steadily rising in power and action over the last few

years, was decisively defeated (largely through the influence of the Hollywood contingent) and has been much less in evidence since then. With the election of Arthur Bryon his president, the association embarked on a policy similar to that of the other member groups. That is, of the president being a non-paid honorary officer, with most of the practical affairs of the association in the hands of the executive-secretary—in this case, Paul Dulleit.

Equity  
After many years of agitation about the alleged abuses and evils of theatre ticket speculation, Equity finally united forces with the League of New York Theatres to put into effect a "code of fair practices." In return for the League's cooperation, Equity agreed to a formal, permanent basic contract covering Broadway plays and musicals. The code was subjected to an enormous amount of criticism, mostly from the brokers. Charges, counter-charges, threats and recriminations have continued, but at present it is still too early to tell whether or not the code is enforceable or workable.

SAG's affairs during 1938 were not all smooth sailing, but nothing of a genuine crisis has occurred. One development of possible significance was the formation, with representatives of the Screen Writers Guild and Screen Directors Guild, of the Inter-Talent Council. Acting in a purely advisory or unofficial capacity, this group has met regularly to discuss mutual problems, and when possible, make cooperative plans. However, it is still in the nature of an experiment, and its practical worth cannot yet be estimated or predicted. Other SAG developments during the year concerned the IATSE, licensing of agents and modification of production contracts.

AFRA's Top Activity  
Most important activity of the American Federation of Radio Artists has been its efforts to obtain contracts covering wages and working conditions of its members on sustaining and commercial programs. It began negotiations with the networks and a committee representing the American Ass'n of Advertising Agencies early in January, 1938. Contract covering sustaining programs was signed with NBC and CBS late in the summer, but the progress has been made with the network. Union last month finally submitted its demands for a wage scale and is now preparing to try to pressure the agencies into accepting it.

Other AFRA activities during the year were its first annual national convention (incidentally, the first convention ever held by a Four A's group) in St. Louis, its settlement with CBS of the case of an employee discharged from a Cincinnati station allegedly for union activity, victory in a similar case against KSD, St. Louis, and the pending NLRB dispute with all the St. Louis stations.

AGMA  
American Guild of Musical Artists, newest Four A's member, has had a strenuous year, and its outlook seems likely to continue well into 1939. Besides its victorious jurisdictional fight with the Grand Opera Choral Alliance, it obtained contracts with the Metropolitan Opera and the various other operatic outfits in the country and is now engaged in a crucial struggle with the two major concert bureaus, Columbia and Cappelletti, and NBC Artists Service. It has carried the latter scrap to the Federal Communications Commission, having been granted the right to intervene in that body's hearing on monopoly charges against the two concert managements. AGMA also ran into a tussle with Yehudi Menuhin over the latter's refusal to become a member. Fiddler came off the winner in the first test of strength, but the Guild is understood readying a crush-move against him.

AFRA  
Besides winning its battle with Chorus Equity for jurisdiction over choruses in burlesques and vaude houses, and losing another jurisdictional fight with the Burlesque Artists Ass'n, the American Federation of Actors has been busy throughout the year with its campaign to organize the nitery and vaudeville field. On another front it won a technical but terribly expensive victory from the Ringling-Barnum & Bailey circus management. In the latter case, although the union forced the show to close rather than to back down on various wage and working condition demands, it received a brutal lambasting in the press all over the country and there was extensive criticism of the union's leadership even from within the membership. Learning on the Four A's horizon is television and the jurisdictional problems it will involve. With no

# PHILLY EXHIBITS SHOWMANSHIP SQUAWK

Philadelphia, Jan. 1.  
Complete lack of showmanship by exhibitors here is a major point of fault of showmanship. Distributors declare there is a downturn in enthusiasm among house operators that carries right out to the potential patronage and is one of the principal causes of bad biz in these parts. Exchangemen point to sales—or lack of sales—of exploitation materials like posters, heralds and paper, as the basis of their reckoning.

Although grosses are down considerably under last year, distrib say, there is no attempt being made in Philly to combat generally bad conditions with advertising and exploitation, except in a few cases where lack of product causes exhibitors to exert themselves on the stuff they get.

In addition to block booking, which was pointed out as a principal cause of lack of showmanship, the fact that every first-run situation, both downtown and in the nabes, is controlled, hurts. There is no strong competition to attract potential customers from one lounge to another, as the circuit rightly feels that it gets the coin in any case. In cities where there is a variety of first-run ownership, there is a buildup to milk films as far as possible. Result is that the pic becomes better known, attracts people who might not ever see it all, and it does better in the subsequent runs, too.

Fact that midtown houses are so typed, it is felt, also eliminates exploitation. Typing has gone so far that when it was attempted to show a Shirley Temple film in the Stanley instead of the Fox, where the moppet always plays, it died.

Volume of accessories and exploitation material, exchange managers say, has remained about stationary for the past few years, instead of increasing as grosses fell off. Type of material has changed, however. There has been an increase in the use of billboards and the sale of 34-sheet paper has gone up. Window cards and heralds have slid badly. Union requirements that billposters distribute window cards makes use of the practically prohibitive, running the cost up to about 10c a card.

## Denny Ildal Ouster

On Fox, Detroit

Detroit, Jan. 1.  
Federal Judge E. J. Connelley last week denied without prejudice a bondholders' petition asking removal of Dave Ildal and the Union Guardian Trust Co. as trustees of the Colwood Corp., owners of the Fox here.

Judge O'Brien declared he wanted to give trustees more time to carry out the proposed reorganization plan, which was delayed in June, 1937, and calling for leasing of Fox theatre to Fox Michigan Corp., controlled by Skouras Bros., at fixed rental of \$125,000 annually plus percentage above certain gross. Judge O'Brien told Harris W. Wiener, attorney for the bondholders, that the petition could be renewed later.

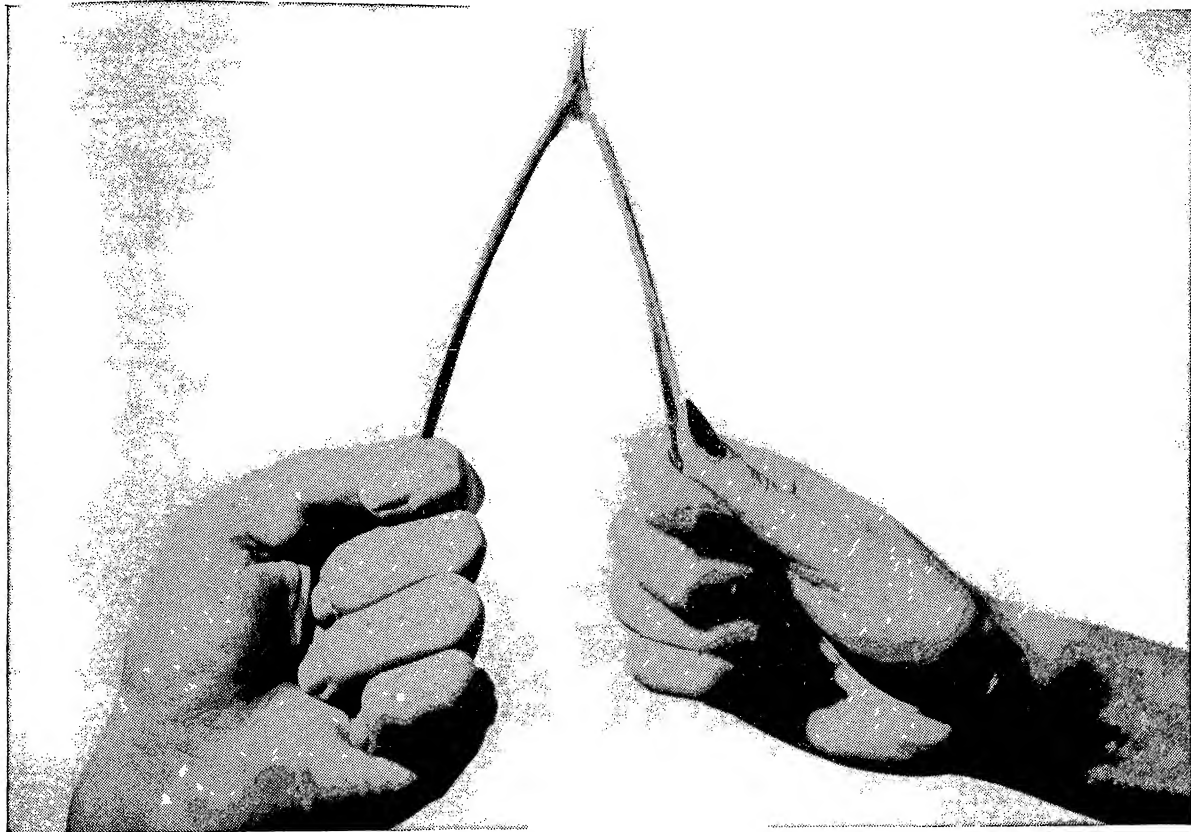
## Grown Up and Wed

Hollywood, Jan. 1.  
'Four Wives' sequel to 'Four Daughters,' goes into work at Warners early next month, with three Lane Sisters and Gale Page as the female quartet.

## Harbord Marries

Maj. Gen. James G. Harbord, chairman of board of Radio Corp. of America, was married at Rapidan, Va., Dec. 31 to Mrs. Anne Lee Brown, widow of a former congressman. Couple plans a wedding trip before turning to Maj. Harbord's home at Rye, N. Y. They were married in the Rapidan Episcopal Church in a simple ceremony with only few friends present.

One able to predict how soon practical television will arrive or what form it will take, all the various member-unions are eying the situation jealously. But until the new medium becomes an actuality, no action by the parent unions appears likely.



# BEST WISHES FROM THE FRIENDLY COMPANY IN 1939!

*(The New Year starts brightly as M-G-M's hit parade goes merrily on! .  
And the entire family of Loew's, Inc., Metro-Goldwyn-Mayer Pictures  
and Radio Station WHN take this opportunity to send heartfelt seasonal  
greetings to friends the world over!)*

NEXT PAGE, PLEASE

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## "SWEETHEARTS"

### NEW YEAR'S BOOKINGS

start the flow of Glorious New M-G-M "Attractions! Here's a brief hint of happy days ahead!



ROBERT TAYLOR, WALLACE  
BEERY, FLORENCE RICE  
AND CHARLES BICKFORD IN  
"STAND UP AND FIGHT!"



They Built A New America With Glory  
And Guns... They Were Men Women  
Could Love! Greatest Adventure Drama  
Since "Mutiny On The Bounty!"

NORMA SHEARER  
CLARK GABLE  
in Clarence Brown's  
"IDIOT'S DELIGHT"



Not since "A Free Soul"  
and "Strange Interlude"  
such a drama for the  
screen's top favorites!  
Their exciting lips meet  
again! Norma... as a "lady  
in tights"! Clark... as a  
"ham" song and dance  
man of the honkytonks!



"HONOLULU"

THE LULU OF MUSICAL HITS!  
ELEANOR POWELL, ROBERT  
YOUNG, BURNS & ALLEN,  
Una Merkel, Milt Britton's  
Musical Madmen and Hun-  
dreds of Honolulu Hula Honies.

MICKY ROONEY  
in Mark Twain's  
"HUCKLEBERRY FINN"



Huck! Mrs. Watson!  
"Pap"! Jim! Capt. Brandy!  
They all live again in this  
beloved romance of the  
Mississippi—and the boy  
who is "all boys in one!"



"ICE FOLLIES"

with  
JOAN CRAWFORD, JAMES  
STEWART, LEW AYRES  
And the Stars and Ballet of the  
"Ice Follies Of 1939." An eyeful of  
Girls! Girls! A heartful of drama!

Walter Winchell Was  
Right! She's Really  
"Hedy Lamarrvelous!"



"I TAKE THIS WOMAN"  
Spencer Tracy, great star of  
"Boys Town"...and electrifying  
Hedy Lamarr in her first pic-  
ture since "Algiers"! This is  
THE love match of the  
century!

Dennis O'Keefe! Cecilia  
Parker! In "BURN 'EM UP  
O'CONNOR"! Thrills of the  
romantic, roaring speedway!



"FOUR GIRLS IN WHITE" with  
Alan Marshal, Florence Rice! Love  
secrets from a nurse's diary!



ROBERT DONAT, famed star;  
of "The Citadel", in James  
Hilton's tender best seller—  
"GOODBYE, MR. CHIPS!"



"FAST AND LOOSE"—with  
Robert Montgomery, Rosalind  
Russell! Hilarious sequel to  
"Fast Company"!



JEANETTE MacDonald  
LEW AYRES • FRANK MORGAN  
in  
"BROADWAY SERENADE"



From the romance of a man  
who wouldn't be known as  
"Mr. Mary Hale"—comes  
this lavish modern musical  
for the alluring song star of  
"Sweethearts" and "Young  
Dr. Kildare"!

NELSON EDDY, VIRGINIA BRUCE, LIONEL BARRYMORE,  
VICTOR MACLAGLEN, EDWARD ARNOLD  
in "DAWN'S EARLY LIGHT."



1939's Prize Cast in the adventures of "The Hornet".  
... Robin Hood of the Romantic West! MUSICAL!



LEW AYRES  
LIONEL BARRYMORE  
in  
"DR. KILDARE ON HIS OWN"  
Young Dr. Kildare's second thrill-hr. Staged  
in New York's dead-end streets!

"THE WIZARD OF OZ"

Filmed in Technicolor! With Judy Garland, Frank  
Morgan, Ray Bolger, Billie Burke, Bert Lahr!



So glorious, Hollywood predicts it will be as  
sensational as "Snow White"!

WALLACE BEERY

in  
"SERGEANT MADDEN"

The father, a cop! The son, a killer! Tumultuous  
drama for "Stablemates" star!



THE  
MARX BROTHERS  
in  
"A DAY AT THE  
CIRCUS"



Here Come The  
Clown! Their best  
since "A Night At  
The Opera."

At Long Last! Their NEW hit!  
WILLIAM POWELL • MYRNA LOY  
in  
"RETURN OF THE THIN MAN"



JOHNNY  
WEISSMULLER  
in  
"TARZAN  
IN EXILE"

"THE HARDYS RIDE HIGH"  
Each one is better than the last and  
Each's the newest and best of America's  
most beloved family!

MICKEY ROONEY • LEWIS STONE  
CECILIA PARKER



M-G-M  
CAMERAS  
WILL SOON  
FILM THESE  
ROUSING  
HITS!

Norma Shearer  
in "The Women"!

Robert Taylor,  
Hedy Lamarr in  
"Lady Of The  
Tropics"!

Greta Garbo in  
"Ninotchka"!



Go to theatres playing M-G-M SHORTS.  
They are the bright spots of any program.  
They are the little pictures often near the show!  
ROST. BEN CHILEY • PETE SMITH • CAREY WILSON  
JOHN NESBITT • FITZPATRICK Trowbridge • OUR GANG  
CRIME DOES NOT PAY Series



AND WATCH FOR LEO THE  
LION'S PERSONAL COLUMN  
OF M-G-M NEWS

(Another big M-G-M Promotion)

Appearing regularly in the following magazines: McCall's  
Pictorial Review • Redbook • Look • Liberty • Screen Romances  
Modern Screen • Modern Romances • Personal Romances • Picture  
Play • Motion Picture • Photoplay • Movie Story • Screenland  
Silver Screen • Screen Book • Screen Guide • Hollywood • Movie  
Mirror • Modern Movies • Movie Life and others to be announced!

## Films' Technical Advances

By Walter Greene

Hollywood, Jan. 1.

Most important contribution to the studios during the past year by suppliers and manufacturers was the group of faster and finer-grain panchromatic negatives introduced by Agfa-Ansco and Eastman Kodak. Results included finer grain, better photography, use of less light for interior, and requirement of less light for exteriors to allow companies to shoot under adverse lighting conditions.

The Agfa-Ansco negatives were first introduced on general production in the studios at the start of the year. The Supreme brand rated twice the speed of panchromatic films up to that time, allowing for better quality of photography and at the same time resulting in reduction of light necessary. Agfa's Ultra Speed proved to be nearly four times faster than the previous regulation negative, and was quickly accepted by the newsreel companies to shoot interiors of sporting events and night shots of important happenings that previously required special lighting. The Ultra Speed type was restricted for production purposes due to its tendency toward greater grain content in the emulsion than on regulation production negative, but studios found it valuable for special use on certain background and process shots where specific effects could be obtained.

### Eastman Steps In

Eastman Kodak research laboratories went to work immediately upon the introduction of the Agfa-Ansco product, and came forth with its competitive negative of October. Eastman matched the Agfa-Ansco Supreme type with Eastman Plus X Panchromatic Negative, which doubled the speed of the former Eastman negative in general production use. Eastman also introduced its Super XX, with an emulsion of high speed comparable to Agfa-Ansco's Ultra Speed, and with grain characteristics similar to the latter. Super XX will be used generally for newsreels and exteriors where adverse lighting conditions are present.

In between, Eastman also introduced a special background negative especially offered for process plates and general exterior work under normal lighting conditions.

As result of the faster and finer-grain negatives made available to photographers and process departments, a better quality of photography will prevail, while studios will be able to save considerable money annually in decreased cost of lighting on interiors.

Dupont's special sound-track negative for variable density track was widely used, as it removed all periodic fluctuations and densities in recording.

### Otherwise, Little Else

Aside from the raw film manufacturers, suppliers of new equipment brought little of importance out of the research laboratories during the year. The two electric, Erpi and RCA, were content to work closely with studio sound departments in further adapting their systems for better sound quality without introducing new gadgets to experiment with.

Of importance to exhibitors was the recent trend of studio sound departments, with Erpi and RCA co-operating, to work out a suitable standardization of sound on release prints. After several years of competition in which studios tried to outdo each other in turning out masterpieces of sound recording that were fine in projection rooms and a few key houses containing highly-tuned equipment, but due to the shown on average theatre apparatus, the sound engineers have now adopted policy of providing best quality of soundtrack for the theatres to reproduce with present equipment under normal conditions. In other words, instead of trying to achieve the best sound job possible on pictures, studios are now putting on the track a recording that will be reproduced at a uniform quality in the theatres and eliminate distorted sound where formerly more was put on the track than the average theatre reproducers could accommodate.

Within the walls of the major studios, greatest advance has been in the wider use of process backgrounds in pictures. Utilized originally when sound was first introduced to secure exterior shots of moving autos or street scenes where sound could not be recorded due to interfering noises,

the process method has developed to a point where huge savings in costs are being made.

Today process, miniature and special effects departments in the major plants are considered among the most important of the technical services. During the past year, these departments have at least doubled their personnel, and technicians are continually discovering new methods of utilizing their systems for location-reduce production costs.

Skyrocketed costs for material work due to labor and talent conditions, imposed during the past two years, has focused attention of front office execs on their process departments as a possible source of reducing production budgets. What was formerly a convenience for a few scenes a month has become an important factor in film making.

**One Film's Saving at \$200,000**  
One recent picture utilized production backgrounds that saved the studio around \$200,000 which would have otherwise been expended for the elaborate sets required. Cost of the background plates was under 10% of that figure, and studio had the further advantage of using fewer extra players than would have been ordinarily required if the set had been constructed—thus saving considerable time.

Most important from standpoint of setting precedent for general use in the future was Paramount's pioneering effort for 'Say It in French.' Victor Milner and a camera crew shot large amount of footage in the Waldorf-Astoria, the Rainbow Room in Rockefeller Center and other large interiors. General lighting as applied to production on a studio stage was used, except that ceilings prevent use of overheads. These shots, made under conditions never dreamed of before by studio technicians, were utilized in the studio for process background plates when production started later.

Paramount is so well satisfied with the results obtained in the first trial, that cameraman Leo Tover was sent east recently to obtain interior shots of prominent buildings and hotels for two other pictures lined up for early shooting.

Other major studios closely watched the Paramount experiment, but results achieved seem satisfactory all around, as process departments are now closely watching for chance of their own to duplicate the Paramount success.

### Miniatures

One of the top jobs which combined process, special effects and miniatures on wide scope was achieved in Paramount's 'Spawn of the North.' Miniature icebergs, with walls breaking off and plunging into the sea, were photographed for background plates. These were used most realistically and dramatically on the realistic stands out as some of the finest of the year. To project the backgrounds of sufficient size to accommodate scope of action required, Paramount used a background screen 36 feet wide, utilizing a triple-headed projector to secure sufficient amount of light brilliancy on the screen. Paramount and Warners both have the specially-designed, triple-headed projectors for process work, which double the latitude allowed for action in front of the screen. Other studios will likely install similar equipment during the coming year.

20th-Fox's 'Suez' provided large amount of process and special effect assignments, with Fred Seron going through complicated steps calling for multiplicity of negatives to achieve realistic results that could not have been secured under any normal shooting conditions.

Double exposure work of cameraman Norbert Brodine and special ef-

fects expert Roy Seawright enhanced the entertainment factors of Roach's 'Topper.' It was the first picture of its type made in number of years, and technical achievement was of top calibre. Same application was used in the sequel, 'Topper Takes a Trip.'

Scripts ready for shooting are now broken down for process and special effect shots before pictures go into work. Process department advises which scenes are to be made before the background screen, and directors follow that advice. One production exec declares that process and special effects departments in his particular plant have cut down location and exterior work at least 50% and predicts that within the next two years improvements in processing will reach a point where it will be the exception rather than the rule for a picture company to go off the lot for shooting; naturally excepting westerns and features that are predominantly exterior in content.

Although there are about 15 companies scattered around Hollywood claiming color processes in various stages of development, Technicolor remained during the year as the only one in which its process was utilized for feature releases. There is no doubt that one or two practical color processes will finally emerge from the systems now being developed, and they will undoubtedly be used for feature production to some extent.

### Color

But Technicolor is not standing still, and is raising its own three color process to high state of perfection. Rapid strides have been made to increase quality and uniformity of prints of Technicolor features and shorts in the laboratory. In fact, major advance of the tint firm in the past two years has been within the laboratory buildings, where secret of the Technicolor process in its entirety is limited to less than a dozen executives and heads of the plant. Despite the many protective patents on color machines and processing methods piled up by the company during the past 20 years, greater portion of the Technicolor lab work is development by engineers that is not easily patentable for protection.

While improving quality of prints of its present tri-color process, Technicolor is conducting extensive research in endeavor to develop single negative color process, utilizing the Kodachrome method which is now available in the 16 mm. field for several years, although little has been allowed to get out on progress being made. Dr. Herbert T. Kalms, Technicolor's president, recently predicted that the single negative color system would probably be ready for production purposes within a year.

Most prominent in the camera field was the development of the multi-plane camera for use in cartoon work by Walt Disney studios. Machine was devised and constructed by the Disney technical staff headed by William Garrity, and was used extensively in 'Snow White.' Its main purpose is to create third dimensional illusion in certain shots and sequences and characters and backgrounds on corresponding planes from the camera. For each frame of film shot, maximum of 67 adjustments might be necessary, and the multiplane turns out two feet of cartoon negative per hour.

Improvement of color photography of prints and wider utilization of process backgrounds and special effects, are indicated as major technical improvements of the coming year, as has been the case during 1938. From this point, nothing of outstanding importance in the line of new devices or apparatus to use in production seems to be ready to emerge from the research laboratories of the various equipment manufacturers.

## PREVIEWS

By Bob Moak

Hollywood, Jan. 1.

Birth of new year finds Hollywood studios' boss flacks split into two camps on the subject of previews, press and otherwise. There's the cake-with-frosting crowd, which argues that ermine and white ties, backed by arc lights and broadcast mikes, draws worldwide publicity for the feature to be unveiled, thus impressing John Public with importance of the offering. And there's the no-frosting school, which believes product gets a better break through straight press and air reviews when critics are seated in the midst of run-of-the-mine audiences and their minds not detracted by fanfare.

Leading the way in glamorizing press screenings is Harry Brand, 20th-Fox's praiser, who has set a new pace for swank in pre-release screenings of the Westwood outfit's epics. Brand takes over a theatre for a night, and gives the preview all the trappings of a world premiere, banging the drums to get out the mob to gaze at the studio bunch pass through police lines. Timed to stir interest in general release of the film, innovation gives the picture nationwide ballyhoo through extra prattle and coverage by wire news and photo associations.

Aligned with Brand as pros on the frosting question are Terry DeLapp, Paramount, and Robert Taplinger, Warners. Cons, whose slogan is 'Keep the reviewer's mind on his work,' include Howard Strickling, Metro; Howard Benedict, RKO; John Joseph, Universal; George Browne, Columbia; Walter Compton, Republic, and the lads passing out bally for the separate production units comprising United Artists. They put the picture in a theatre as an extra added attraction, rope off a section for the press, and let nature take its course.

Bill Pierce, Monogram's No. 1 flack, waves off outsiders, using staged projection room for screenings, and tossing a buffet supper afterward. Harry Sherman, who produces the Hopalong Cassidy and other outdoor dramas for Paramount release, and who personally supervises his previews, also uses projection room, following unreeling with what he likes to call a 'family party,' the press bending elbows with cast and technical crew.

### 450 Miles for a Screening

Warners' Taplinger broke precedent when early last spring he headed the studio team for screenings, and tossing a buffet supper afterward. Harry Sherman, who produces the Hopalong Cassidy and other outdoor dramas for Paramount release, and who personally supervises his previews, also uses projection room, following unreeling with what he likes to call a 'family party,' the press bending elbows with cast and technical crew.

Brand of 20th went Taplinger one better when he dragged out 'Alexander's Ragtime Band,' and rented the Carthay Circle, Los Angeles, where he led reviewers, industry topers, stars and visiting dignitaries past gaping throngs lining the thoroughfares. Mutual Broadcasting System aired the event on a half-hour slate, while news outfits serviced clients with reams of wordage and tons of photos. Brand had the entire house, issued reserved-seat tickets to guests and showed the feature only in conjunction with a short subject. In the past most press previews had been conducted without advance exploitation and as part of a regular theatre program, attracting few stars and meaning little outside of Hollywood in the way of news stories and art. Idea clicked so well that Brand upped Dec. 24 at same house with 'Kentucky,' Herby Sherwood's weeks' blurb campaign, affair was attended by press stars and other guests in formal attire. NBC carried the word-by-word across the land. Since picture glorifies the Blue Grass state, Gov. A. B. (Happy) Chandler and 23 other leading Kentuckians were persuaded to attend. They were brought west in special car, and feted for two days before the preview and two days afterward. Four Star theatre in Los Angeles was leased by Brand for the inaugural screening on 'Suez,' which

was given a buildup similar to that accorded 'Alexander.' For 'Submarine Patrol,' however, he plotted on different lines, taking it along with reviewers to the Fox theatre in San Diego, Coast submarine base, where press and ranking naval officers and their families made up audience. Picture was also run in Grauman's Chinese on Navy Day for those critics unable to make the trip.

Pat's DeLapp copped off big space in newspapers and fan magazines by chartering special train and hauling 500 members of press to Bing Crosby's Del Mar track, where he screened crooner's starrer, 'Sing You Sinners,' which had racetrack theme. Gang pulled in for lunch played mutuels and slot machines during afternoon race card, lingered for dinner, then sat in grandstand while 'Sing' hit the screen erected in infield.

DeLapp also did the unusual in previewing 'Cocoanut Grove,' screening it in the Ambassador Hotel's theatre, then moving the reviewers to the hotel's Cocoanut Grove for a dinner-dance.

### In a Theatre

Since taking 'Marie Antoinette' into the Carthay for a flash preview-premiere, Metro's Strickling, long sponsor of that method in handling reviewers, has fixed a policy of taking new films into theatres as part of latter's fixed program. After years of using the Carthay and Grauman's Chinese, he has picked three houses for Metro's previews. They are the Westwood Village, the Alexander in Glendale and the Uptown, L. A. Which gets the break on each feature depends upon type and cost of production. Class dramas go to Village. Alexander gets comedies. Low budgeters go into the Uptown.

Universal's Joseph and RKO's Benedict believe exhibs buying their respective product should be given an opportunity to cash in on their pre-release showings in return for surrounding the reviewers with average fans. Both praisers use Hollywood Fantasies and RKO-Hillcrest, and when these are not available, because of sellouts on regular attractions, move into the Alexander, Inglewood, or the Alexander, Glendale. Joseph and Benedict also hold down on number of free seats requested by theatre operators, running two previews simultaneously if necessary to handle the pass list. This device to help the exhibs bathe his own take. Columbia's Browne shows preference for the Pantages, Hollywood.

Because of radio and newspaper possibilities offered by taking new pictures into cities where are lights and invitational mobs are more of a novelty than they are in Hollywood, several of publicity directors are making a practice of spreading non-reviewer pre-release showings about the countryside. Par sent 'Spawn of the North' into Blowing Rock, in the North Carolina hills, where natives made good air-press copy. Same company's 'Arkansas Traveler' was given a one-man preview for William Allen White, to whom it was dedicated, in his hometown of Emporia, Kas. Warners took 'White Banners' into Columbia City, Ind., birthplace of Lloyd C. Douglas, its author, screening it while the townsfolk cheered the local boy who made good. Burbank heads also sent 'Gold Diggers in Paris' to Minneapolis, home port of the Schnickelfritz band, which had featured part in film.

Meanwhile, arguments for and against 'frosted' previews go on. Opposing views are best summed up by Brand and Strickling.

Says Brand: 'The flash preview takes up the publicity slack that always comes between the time a picture is finished and its release.'

Says Strickling: 'We prefer to have critics get the reaction of an average theatre audience instead of the smart Hollywood crowd. Then, too, it's next to impossible to pick up the publicity campaign at release time after a film has been given a too heavy play through a swank preview.'

## Top Specialists

(Process and Miniature Work)

Farciot Edouart,  
Byron Haskins,  
Gordon Jennings,  
Vern Walker.

## First 10 Cameramen

(Listed Alphabetically)

William Daniels  
Rudolph Mate  
Joe Ruttenberg  
Joseph Valentine

Tony Gaudio  
Victor Milner  
Leon Shamroy

James Wong Howe  
Ernest Palmer  
Gregg Toland

### SECOND TEN

George Folsey  
Charles Lang, Jr.  
Arthur Miller

Ernest Haller  
Feverell Marley  
Sol Polito

### THIRD TEN

Joe August  
Ray June  
Oliver Marsh  
John Seitz

Karl Freund  
Theodor Sparkuhl  
Leo Tovar

Meritt Gestad  
Carl Struss  
Sid Wagner

George Barnes  
Bert Glennon  
Ted Telford  
Joseph Walker

# Chi--Birthplace of Ideas

By Hal Halperin

Chicago, Jan. 1.

For years now the Chicago Tribune has carried on its flag this slogan, "Make Chicago the First City of the World." How long it will take for Chicago to become the first city is problematical, but there are instances and evidence that point out that Chicago has contributed more facts to show business than any other city in this best of all possible worlds.

This record of firsts goes back many years, even before there was a VARIETY. It is interesting to note that the leads that Chicago has taken have all been in the direction of popular entertainment. It has admittedly lagged behind New York and other cities in the promotion of entertainment for the classes. But give Chicago a general entertainment scheme and the town will bring out special angles in that field to give it greater popularity among the wide mass of the population. Chicago would seem, has its finger on the true pulse of the American people and knows, better than any other city, the tastes and preferences of the nation.

Chicago took motion pictures, made them a general medium of entertainment and brought the operation of theatres to their present high standards. Chicago took two-day vaudeville, which was then limited to a special audience, and made it great popular entertainment by combining it with pictures. Chicago took fan-dancing, which had been a mild attraction in \$4.50 musical shows, and made it the big attraction of vaudeville in 1933-34. Chicago took the intellectual radio quiz program, jazzed it up with some popular musical ideas and made it the outstanding bright idea of commercial radio of 1938. Chicago took an icebox and made it sell theatre tickets.

## B & K's Pioneering

Everyone knows the story of Balaban & Katz and the truly great job they did in taking the nickelodeon and transforming it into the modern picture theatre. There is basically little difference between the Chicago which was built in 1922 and, say, Radio City Music Hall. That comparison tells the story of the great advance that B. & K. did manage when it took the place for its loop flagship. After 16 years that house, the forerunner of all deluxe theatres, is still a beauty to see and a joy to sit in. It is unquestionably still the finest theatre in this territory.

This one house, in itself, tells the entire story of deluxe operation. It's the story of a beautiful house, courteous attendants, free checking of parcels, the considerate handling of wet umbrellas, etc. Of course, it has all been ribbed and caricatured by the comics, but these comedians themselves would be the first to yelp their heads off now if they failed to receive such service in a motion picture theatre today.

Outstanding, of course, is the air conditioning and air-cooling which has completely revolutionized show business. For years, the legitimate theatre refused to recognize that there was such a thing as air-conditioning, but today, even the theatre which has steadfastly insisted that its customers want art rather than comfort has called in the air-conditioning engineers to see if they can't make art easier to take during June, July and August.

Chicago operators first thought of the modern type of marquee which combines advertising flash and announcements with its other decorative and protective purposes.

Good-Will as B. O. Asset  
Chicago first brought institutional advertising and good-will into circuit operation, with Balaban & Katz selling the theatres strictly as theatres in themselves, with no mention of specific shows or attractions. It was a general appeal for patronage for B. & K. houses as a guarantee of good entertainment rather than the current week's show. This institutional copy, as much as any other item, served to establish the circuit not only in Chicago, but throughout the nation, where B. & K. operation stands for truly de luxe exhibition.

During 1938 there was a theatre opened in Chicago. It is called the Esquire and is operated by Harry and Elmer Balaban, according to the formal declarations. But the guiding spirit in setting up its policies and operation plans was A. J. Balaban, one of the founders of B. & K., and now returned to Europe. The Esquire is the newest theatre in the world; new, not by reason of its date of birth, but rather because of its

brand-new ideas of operation. This is remarkable in itself, in view of the oft-repeated statements by top exhibitors that the theatre operation has reached its furthestmost point and that beyond its present development can go no further. A. J. Balaban explodes these statements by demonstrating that there are still new ideas in show business if one will exercise ingenuity to devise them.

Here is a theatre without any sheets advertising the flicker out front. In the place of the standard announcement sheets are little cut-outs of scenes of the picture, and simply the title at the base of the cut-out. Inside the theatre there is a new type of seat, which slides back rather than lifts up. Customers already seated need not stand to permit someone to pass by.

## New-Style Loss of Shorts

All theatres run newsreels, but nothing like the "Esquire Hour." This is a "newsreel" that evidences much care, patience and thought. The shorts are all carefully selected from all services. In addition, there is a cartoon, an old one maybe, but it will be good. A travelog that ties in, usually, with the feature picture. There is an outstanding excerpt from a hit picture of the past. Maybe Grace Moore singing the "Some Fine Day" aria, or Deanna Durbin singing with the Leopold Stokowski orchestra, or the Caplin wordless song from "Modern Times." It is a complete hour's entertainment of genuine film variety. This is new and vital in show business. And Chicago started it.

Chicago has the State-Lake theatre, and the "State-Lake policy" several years ago meant the combination of vaudeville and pictures on a four-day schedule. It was an immediate smash, and soon all theatres throughout the country were using the State-Lake policy. Later, there was to come Paul Ash, whom B. & K. made a master-of-ceremonies, so that the stage shows became the most important idea of show business from 1926 to 1933. To house the stage show and m. c. s. big de luxe theatres sprang up throughout the nation. Chicago began both ideas.

In 1933, the firm of Jones, Relick & Schaefer was to take the State-Lake theatre and spring on the pub-

(Continued on page 48)

# Photography

# Marches On

Hollywood, Jan. 1.

Motion picture cameras and camera accessories have undergone sweeping changes in the last 12 months, each revision in design, each added gadget tending toward ease of operation, greater efficiency and, most important of all, vastly improved photography. Credit for much of the forward march in lensing equipment belongs to the studio photographic crews, who nowadays work in close co-operation with the manufacturers, suggesting innovations and passing on the results of their own experiments.

In cameras proper, the new Mitchell brings forward the most drastic changes, silencing hood and camera being combined into a single box, the whole lightened so extensively that its movement about the sets requires the services of only one man. Other hooded cameras in use since the coming of sound have been a burden for three men. Sound-proof qualities also have been increased, with the result that all trace of motor noise is eliminated. Rangefinder is built in such a way that it is no longer necessary to lift a hood to make use of it, with better focusing resulting.

Camera cranes, which came into general use in the film plans about the time sound swooped down, also have joined the progress procession. While these auxiliaries came into existence as makeshift affairs, each year has brought about changes to meet additional needs. Most advanced now in use is the newest addition to Universal's supply. Suggestions for its design and construction were contributed to by members of the camera and engineering departments of all major lots. Its chassis is propelled by an electric motor, giving it a controlled speed range of from one-tenth of a mile to five miles per hour. Boom, end of which carries a camera platform as well as bucket seats for the camera crew, also is electrically operated.

# Indie Production's Upbeat

By Bill Brogdon

Hollywood, Jan. 1.

Independent production lifted itself from doldrums of past two years and staged a strong move for revival of the state-rights feature during last 12 months. Reorganization of the Independent Motion Picture Producers' Association and forming of new producing companies with their own distribution outlets were strongest indications of shot-in-the-arm given to indies in general.

In past years Hollywood would be counted on for around 25% of the small-budget features for name houses but increase in production costs and reduced returns dropped number turned out to bare fraction of former times. Loosening of the purse-strings and a slightly modified production code resulted in new life, indies again seeing a chance to get negative cost back. Early in year.

Standard Pictures, headed by Barry W. Richards, finally got under way after trying for two years to find the proper financing for series of 12 pictures. Now amply bankrolled, company has located production activities at Grand National studio and is under way with its program. Richards has organized Standard Pictures Distributing Co. to take care of releasing end.

Another company starting with ambitious plans is Equity Pictures, backed by Malcolm Browne, Inc., with Tom F. Zeidman in charge of production. Presently being worked out is complete distribution setup with network of exchanges around the country. With program of 20 features, consisting of eight action melodramas, eight westerns and four specials, Equity has completed one each of orders and actioners, and is preparing to start second of melodramas as soon as distribution setup is completed so production pace can be geared to releasing needs.

Top-budgeted, independently produced pictures will be made by Commodore Pictures with announced cost of \$150,000 for each of its four features. Pictures will be aimed at the foreign market as well as the U. S. In charge of production for Commodore, headquartered at General Service studio, is Alfred A. W. Boule. Company is capitalized at \$1,000,000 and both foreign and domestic distribution is now being set up by S. Bronstein, president. Concern will not play for usual state-right market.

Clifford Sanforth, long dabbling in indie production, recently formed Clifford Sanforth Productions with slate of 14 features—six Oriental mysteries and eight westerns. Production is scheduled to start this month. C. C. Burr, another well-known indie producer, has again entered active production under the Atlas banner after two-year layoff to turn out series of Fred Scott musical westerns. Sam Katzman's Victory Pictures is doing eight westerns with Tim McCoy, and recently announced intention of producing six dramas for the state-rights market.

Progressive Pictures, starting off with a bang, turned out four features against a schedule of 12, but in the past few months has been conspicuous by its inactivity. According to old hands at bucking the indie market, Progressive's features carried too high a budget to hope for profitable playdates and unless costs sheets can be readjusted on balance of the program, little chance is seen for continued shooting. Ben N. Judd, head of company, is still trying to decide whether Progressive continues or folds, according to reports.

Road Show Pictures is doing four musical outdoor dramas, Gene Austin headlining. Company is currently road-showing its first in conjunction with personals by Austin, picture later going into theatres on regular runs. Upon return of troupe to Hollywood, second of the series will get into work and Austin will again tour country as additional stimulus at the box office.

Bright staff of Independent horizon is what is thought to be first color adaptable to the smaller-budgeted film, Telco. Company recently completed its first film after four years of experiments and process is said to cost only approximately 10% more than black and white. Production picture will be the color is being handled by Al Lane.

With outlook for re-birth of production, rental lots catering to indies are looking forward to chance to start operations again in the black after too many years of red ink. International studio, run by Ralph Like, who also turns out an occasional picture for the small market, currently is headquartering Willis Kent Productions, Harry Webb, C. C. Burr, Like's own Argosy outfit and Laughing Gas Productions Co. Progressive studio, formerly the Maurice Conn studio, is housing Road Show Pictures, Hollywood Famous Pictures, Spanish language company, and serving as location for Sam Katzman's Victory westerns.

Talisman studios, operated by John F. Meehan for L. A. Young of Detroit, has been more successful than other rentals, having yearly lease with Monogram Pictures which assures it of operating overhead and some profit. Also on lot are Crescent E. E. Jones, who is making series for Monogram; Bonnie Zeidman's Equity Pictures; Million Dollar Productions, Negro concern scheduling 12 features; Clifford Sanforth Productions; Majestic, which handles actual production of the Equity pictures. Also shooting on the lot at various times is Tri-Art Film Productions, independent two-reeler outfit.

Studios run on rental basis such as General Service, etc., are usually occupied by companies with assured releases, either with the majors or with well-established, independent companies, and do not take the chance with vagaries of the state-rights field.

Among top three of the well-established independent companies are Republic, Monogram and Grand National, all with less worries on their hands as to the selling end. GN still has its mark to make in the field but internal troubles are expected to be ironed out soon to allow production of remaining features. Its schedule of 68 pictures, Both Monogram and Republic have had no trouble in functioning efficiently, servicing its exchanges with full quota of product.

If spurt started in past few months among indies can be maintained, actors and technicians who have mostly been between jobs will have an opportunity to again pocket a regular paycheck. Of particular significance in this line is work under way to set up nation-wide independent exchange system for all indie producers. At this writing plans have not yet jelled but efforts are continuing both in New York and on the Coast. The system would assure steady employment to that large number of players, technicians and other workers who find no market for their services among the majors.

# STUDIO INVESTMENTS

Hollywood, Jan. 1.

While this has been a year of curtailed expenditures on the part of the motion picture industry, investment in Coast production plants has jumped to the amazing total of \$112,000,000. Figure marks an increase of approximately \$4,000,000 for permanent improvements in the last 12 months.

Should distributor income during next quarter continue at level attained during November, it is estimated production companies during 1939 will lay out around \$4,000,000 for additional land and new buildings and equipment. Any marked upping of theatre grosses in initial three months would boost figure to between \$7,000,000 and \$9,000,000.

Unsettled conditions, which have marked fading semester, have caused production biggies to ponder long and carefully before loosening purse-strings for new construction and apparatus. Only expansion undertaken has been that forced by necessity.

Heaviest spender for 1938 is Metro, which completed its gray stone administration building, known as the Irving Thalberg Memorial, at a reported cost of some \$2,000,000. Culver City outfit also unveiled several new sound stages and other structures within confines of its main lot, as well as adding almost 100 acres to its outdoor set holdings to the south of the studio proper.

Despite continued broadening of lot borders during the set decade, every company except 20th-Fox finds itself hampered by overcrowding during periods when peak production loads are being carried. Zanuck's organization solves difficulty by throwing its Westwood overflow into the old Western avenue plant, which, though expensive, is the only way out at present.

## 20th's \$3,000,000 Plan

Program calling for an outlay of more than \$3,000,000 for new sound stages and other buildings at the

Westwood site, which was to have gotten under way last spring, was shelved because of box office decline. Prospects momentarily are that plans will be dusted off this year, and, should that happen, the Western avenue lot, first Hollywood home of the old Fox Film, will be dismantled and its realty placed on the market. Property is in heart of a business zone, with high land values and excessive taxes.

Paramount, intent in 1937 upon acquiring a new site in the Westwood or valley sectors, continues to hold off, but will be forced to make move within the next five years. Working under adverse conditions, due to overcrowding of its present plant, company is forced to erect all outdoor sets on its ranch in the Malibu hills, which means transporting people and equipment 40 miles from Hollywood.

Hemmed in to north by a cemetery, to the west by RKO, to the east by a thickly built residence and apartment area, and to the south by expensive business property, it is impossible for Par to build another structure with present conditions. It is estimated that acquisition of necessary land, construction of another plant and purchase of equipment to completely move production from Marathon street lot would run to between \$15,000,000 and \$20,000,000.

Columbia, which finds itself facing a problem similar to that confronting Par, has partially overcome its difficulties by erecting all outdoor sets on its valley ranch, seven miles away, and throwing overflow stage work into the former B. F. Schulberg studio on Bronson avenue, which it recently acquired under lease.

## U's Face-Lift

While Universal has plenty of room for growth, its Universal City holdings including 365 acres, it is in great need of more sound stages, two of which are now under construction. Work also will start shortly on a six-story administration building to cost around \$700,000.

U's plant, which had been allowed to run down at the heel during latter part of Laemmle ownership, has been in process of getting face-lift for last three months. First move of Cliff Work upon assuming general management was to order fresh paint, inside and out, for entire plant. Next was to modernize and soundproof three of lot's oldest stages, including the Phantom, so-named because it was used in making "Phantom of the Opera," back in 1925. It is estimated that U will contribute better than \$1,500,000 toward permanent construction in 1939.

## RKO Waiting for Reorg OK

While RKO also finds the going hard when more than six features are simultaneously in work, company execs prefer to wait until organization is free of court strings via the 7th receivership.

Republic, too, plans to cut loose in near future with heavy outgo for property and buildings, having crowded conditions until negotiations for purchase or longtime renewal of lease on present valley site is completed. Building on his Culver City property, and replacing it with steel and concrete structure running full length of his Washington boulevard frontage. Idea is to include three big stages and executive offices under single roof.

Heavy increases in number of features and shorts produced since 1932 has been a boon to owners of rental studios. Monogram now uses practically all the space at Talisman studios. International is never without activity nowadays. Paramount is using both General Service and Grand National for its overflow.

# Ready Now THE PICTURES

JAN.  
1

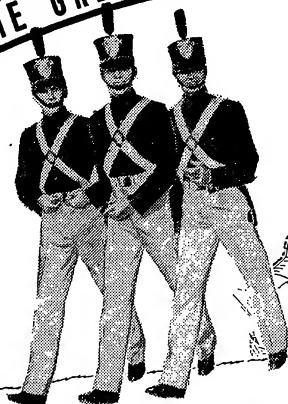
GREAT ENTERTAINMENT...

WALTER WANGER  
presentsFREDRIC MARCH  
JOAN BENNETTTRADE  
WINDSwith  
RALPH BELLAMY • ANN SOTHERN  
SIDNEY BLACKMER • THOMAS MITCHELL  
ROBERT ELLIOTT  
a TAY GARNETT productionFirst four engagements all hold-overs.  
Philadelphia, Chicago, Denver and Montreal!JAN.  
1It's doing  
GOLDWYN  
BUSINESSlike "The Hurricane"  
and "Stella Dallas"

SAMUEL GOLDWYN presents

GARY COOPER  
MERLE OBERONThe Cowboy  
and the Ladywith  
PATSY KELLY • WALTER BRENNAN  
FUZZY KNIGHT • MABEL TODD  
HENRY KOLKER  
Directed by H. C. POTTERPlayed to 122,000 admissions in five  
days at Radio City Music Hall. Held  
over there and in 88 out-of-town spots!JAN.  
1

"THE GREATEST WEST POINT PICTURE EVER MADE"

EDWARD SMALL  
presentsTHE DUKE  
OF WEST POINTwith  
LOUIS HAYWARD  
TOM BROWN  
RICHARD CARLSON  
JOAN FONTAINE  
ALAN CURTIS  
DIRECTED BY ALFRED E. GREEN  
ORIGINAL SCREEN PLAY BY GEORGE BRUCEGarnered the big-  
gest pre-holiday  
business in four  
years at Radio  
City Music Hall!

All

Released Thru  
UNITED  
ARTISTS

# YOU NEED—WHEN YOU NEED THEM!

JAN.  
12



**TOPPER'S BACK AGAIN!**

HAL ROACH presents

**Topper Takes a Trip**

starring  
**Constance BENNETT • Roland YOUNG**  
BILLIE BURKE • ALAN MOWBRAY  
VERREE TEASDALE • FRANKLIN PANGBORN • ALEXANDER D'ARCY

Directed by NORMAN Z. McLEOD  
Screenplay by Jack Jevne, Eddie Moran and Corey Ford • Produced by Milton H. Bren

Radio City Music Hall's New Year records vanish in a cloud of ectoplasm!

JAN.  
26



**HEARTBREAK!**

SELZNICK INTERNATIONAL presents

*Carole* *James*  
**LOMBARD • STEWART**

**"Made for Each Other"**

with  
**CHARLES COBURN**  
**LUCILE WATSON**  
Produced by  
**DAVID O. SELZNICK**  
Directed by  
**JOHN CROMWELL**  
Screenplay by Joe Swerling

Publisher Wilkerson of Hollywood Reporter sees rushes and says "Lombard's dramatics brilliant showmanship!"

FEB.  
4



A "GRAND HOTEL" ON WHEELS!

WALTER WANGER presents

**STAGECOACH**

Picture now in final stages of cutting. Preview reports soon. Watch for them!

with  
**CLAIRE TREVOR • JOHN WAYNE**  
THOMAS MITCHELL • LOUISE PLATT  
GEORGE BANCROFT • ANDY DEVINE  
JOHN CARRADINE TIM HOLT  
A JOHN FORD Production

# The Year In Pictures

(Continued from page 9)

defeat the North Dakota divorce statute, which has been appealed to the U. S. Supreme court. Earlier in the year, the Neely bill was passed to end blockbooking and blind selling, causing great consternation.

The U. S. Supreme court, which serves as the last hope in all agitation against distributors or theatre organizations, during the year rendered an opinion which caused a setback in the Dallas Interstate case and dealt another blow by refusing to review an order of the lower court against distributors in connection with the Philadelphia double-feature ban.

More trouble concerns two actions directed against Balaban & Katz, one of which was brought by the Government on charges of violation of a 1932 consent decree. This suit names all distributors excepting Columbia. The other B&K action, of a civil character, was brought by Chicago exhibitors against B&K, Loew's and all distributors under the anti-trust laws. Numerous other scattered moves that produce shaking in the boots, over and above the actions that are carryovers from 1937, include a new A. B. Mondan suit against all companies; a zoning-clearance suit in Indiana against distributors; a \$1,000,000 anti-trust suit in LaCrosse, Wis. against Paramount, 20th and United Artists; Ramish-Gore's \$300,000 conspiracy charge versus Fox-West Coast; an anti-trust suit against Lucas & Jenkins for \$645,000; two suits in Philadelphia leveled at the Warner Bros. and an action of Newark independents against local chain operators and most distributors.

If nothing else, the trend of the times is providing a field day for the attorneys. In the U. S. suit alone it is estimated the legal bill will run over \$1,500,000.

In addition to the Federal suits, State legislation, civil anti-trust and other actions, during 1938 there has been a large number of cases charging plagiarism, breach of contract and violation of stockholder rights. Among the more important of these was the case in which an award of \$532,153 was made to plaintiffs in the 'Lettie Lynton' (Metro) story-lifting matter, largest award of its kind ever made in the picture business, and the more recent stockholders' action, also against Loew's, on which much interesting indie testimony resulted. Decision in the latter is expected shortly.

The legal bill that's being run up might be lessened by steps that are being taken in an effort to avoid lengthy procedure in the courtrooms, notably in the Government anti-trust suit and others with similar grounding, but there is no certainty that these efforts will be successful.

When it became evident serious trouble lay imminently ahead early last summer, the New Deal was promised the industry would be good and steps were initiated by distributors to set up self-regulating machinery to govern distributor-exhibitor relations. The Government filed its anti-trust suit anyway, interrupting those plans somewhat.

## Couldn't Dodge Mr. Whiskers

However, the distributors carried forth on the implied assumption that if they could settle grievances with exhibitors that were widespread, and set up a code of trade practices that would be agreed to by both sides, a trial of the Government suit might be avoided. To this end, after numerous negotiations between distributors and the committees of 10 leading exhibitor organizations, a draft of trade practice reforms has been drawn up and forwarded to the exhib bodies for their approval. It remains to be seen whether this or a satisfactorily revised trade practices program will be put into effect.

It also remains for the future to decide what will be the reaction of the Department of Justice to the adoption, if and when it occurs, of such a program and to what extent, if any, it may affect the ponderous anti-trust suit on file. Distributors recently appealed for a bill of particulars in connection with the action, seeking minute clarification of charges alleged.

Meantime, the routine business of the distributor makes inroads on his time and his sense of calm. As in the tradition of the theatre, however, his show must go on, regardless of abnormal difficulties, unforeseen problems and unwelcome troubles.

During 1938, even if he hadn't had to worry about self-regulation, suits and the like, his sleep has been greatly disturbed. Early in the spring the exhibitors were complaining bitterly about the product being released, one complaint being there were too many D's and not enough E's, with result that a flock of reissues were scheduled. While a record number were added to the release sheets, so few of them got anywhere that many, which were to have been made available ultimately, were forgotten about.

## Brutal Spring and Summer

Passing through the dull spring and early summer months, with growing fear over what the future offered, judged by the way business was going, the producer-distributors started discussing a back to the boxoffice ballyhoo. Born of the

panic was what later became known as the 'Motion Pictures Greatest Year' campaign.

During the spring and summer, selling had proceeded at a dangerously slow pace. This also created panic among distributors. Planning of the 1938-39 programs had been no cinch and some companies reduced the size of their season's catalogs. The combined majors had failed to deliver fewer pictures on the prior (1937-38) than the year before, and sales conventions had been starting in March, earliest ever, but all the way through the summer and deep into the fall, the contracts came through slowly.

Late 1937-38 product had been away below normal, exhibitors were beefing about features that were getting too short in running time (no less than 109 in '37-38 running under 67 minutes), reissues had not helped much, and very definite resistance to rentals for the new season was being felt. The alarm created among the distributors no doubt justified the 'Motion Pictures Are Your Best Entertainment' idea, even if the average theatre operator thinks it has been worth much less to him than its proponents had imagined.

Pictures of genuine boxoffice quality, led by 'Alexander's Ragtime Band,' began coming through around the middle of August and activity in contract-taking pepped up somewhat, but, due to the general uncertainty of the times and other factors, many key deals were still stalled a long ways. And there is still much to be said for the slogan to do before the '38-39 books are closed. What a life they lead!

## Exhibition's Kinks

In exhibition, where the buying public is the deciding factor, the problems have also been legion during the past year. Aside from such matters as trade practice reforms and legislation which goad up complaints made by the exhibing branch of the industry, the theatres are concerned over a multitude of things which affect them directly or indirectly, locally or nationally.

These problems make the theatre operator's or manager's life as trying in his particular sphere as those which beset the distributor in his selling of pictures and the producer in making them. Some of them are the concern of all three branches of industry activity, such as giveaways, double bills, overseating, censorship, public apathy and outer-industry competition in the form of sports or other oppositional activity.

From the high-salaried operator in luxurious home office suites to the little independent in the tank town who operates part time, the quality of the product he is able to obtain is the important desideratum. That his public will shop with him if he has the right goods to offer is taken for granted, but an exhibitor's worries do not end with such simple business philosophy. Pictures that are deserving of better grosses than obtained may be dying because a fickle public has gotten fed up on certain types of productions.

An opposition theatre may be holding out such alluring bait as giveaways or bank night, or the fickle film fan may avoid picture shows in favor of periodic amusement that acts as competition, including outdoor activities during the summer months, football in the fall, the circus when it comes to town, local events of various descriptions, etc. Not to mention Lent, the two weeks prior to Christmas and such acts of God as hurricanes or floods against which the best quality of film suffers.

## Sundry Angles

Even though the product obtained by a given theatre may be considered good, there is always the added setback represented by overseating, unfair price cutting competition, zoning and clearance, freedom of opinion, etc. Then, in the face of the true business possibilities, the theatre, the operator must gamble for a profit on film, the value of which is to be proved but for which rental terms have been agreed upon in advance of production in most cases.

General business conditions and the danger of new and unforeseen opposition, not the least of which may be further theatre building in the community, also forces the exhibitor to gamble more than he may consider is fair for him.

There has been much building and face-lifting in the theatre field during 1938. If a new theatre is opened in a tough situation, that theatre may get hurt but it also works the other way very often. If the pictures on display are comparative in audience value, a fickle public may desert an older, house and flock to the one, newly built, which has the glitter of gold about it and nicer rest rooms.

So it isn't just quality pictures that the exhibitor can rely upon. The operator not getting product that is as good as that of his competitor in a more difficult position, however, 'Since he cannot rely to any great extent on the film he is buying, he may be forced into duals, if not already existing; into bank nights or other artificial stimuli; or into admission prices that are so low he is selling a scale rather than pictures.

In addition to the 'Best Entertainment' campaign, during the past year games of various descriptions have glutted the exhibition market and new boxoffice gags have been tried, including quizzes, spelling bees, coupon stunts and the like. On the other hand, the year 1938 has seen much agitation designed to do away with bank night and double bills. At present, steps are under way to eliminate giveaways in the Greater New York area and elsewhere altogether. The movement to purge the country of banko, bingo and other b.o. bait, whether legal or not, started early in the year with test cases inaugurated in some sections on the games. Meantime, there are many operators who are afraid, as they will admit, to guess just how much banko and other stunts for b.o. stimulus have really meant in gross receipts.

## Dualing

There has been no decrease in dualing throughout the country but territories which have been more or less free from the policy in the past, notably the south, southwest and portions of the west, are still holding their own with single bills. The reason, in the absence of any authentic poll inside the industry or in the public, is that some theatre operators want the duals and others don't. In Philadelphia the legality of duals has been upheld following efforts of distributors to eliminate them, while in Chicago last spring there was talk of a city ordinance to ban double-features. In that situation, as well as in some territories of lesser importance, smaller indies have moved to triple bills as a means of competing with larger houses playing duals.

While the time may come when all double-features will be wiped out and banko, bingo, giveaways, etc. are relegated to the scrap heap, it does not appear to be around the corner. No less near, in all probability, is a satisfactory settlement of clearance and zoning, over which there has been considerable trouble during '38, notably in the Chicago territory, Indiana and Philadelphia.

## Trade Practice Code

A trade practices program, first draft of which has been sent out for exhibitor approval, affords some hope in connection with reforms in connection with zoning and clearance, but that all squawks on this mooted point could be settled by any pact having a chance of adoption is unreasonable to expect. However, there may be relief on protection and clearance through plans for a system of arbitration to govern this as well as other items of dispute between exhibitors and distributors.

There is much that a system of arbitration may have to bear, but also some things over which it may have no jurisdiction. Time will tell.

Exhibs continue to complain, in one way or another, against radio, but notably because of participation in it by producers, stars and others. One of the complaints is against early airing of song numbers from pictures, although there is another school of thought which believes the establishing of a hit song through broadcasting redounds to the benefit of the film from which it comes.

In Minneapolis Sunday night scales were cut early in the year as a means of combating competition on the air that night, while in Birmingham, the R. B. Wilby interests raised a howl because admission was being charged to local broadcasting.

## Other Exhibit Highlights

The exhibition field also gave the industry historian the following during 1938:

Threats of strikes by closing theatres; efforts to cut operating cost by darkening some signs, thus saving electric current; complaints of subsequent against milking of films up ahead; successful use of medium names as b.o. fodder for stage-equipped theatres; failure to get Federal tax relief in the 1938 tax bill; Sunday film tests here and there; closing of more than the average number of houses during the summer; threat of as many as 88 indie theatres in one key to cut to a half-week against distributor demands, never carried out; advances by the drive-in type of theatre, mostly in the east but threatening to spread as summer opposition; approval by larger buyers of long-term film contracts due to unstable taken a tendency to favor neighborhood houses as first runs due to parking problems in downtown areas; a hurricane in the east that caused heavy damage to theatre properties, with Paramount the hardest hit; squawks which led to extension of the Greater Movie drive beyond Dec. 31 for subsequent runs; admission for 12 months held to 24c, bettering the mean average for the past eight years; probable testing of the Wages and Hours bill so far as theatres are concerned; killing of horse and dog racing in western Massachusetts, largely through efforts of exhibitors' inclination toward theatre building as taxpayers because of the low cost and stimulation of construction generally under new plan of the Federal Housing Administration to provide funds; and, lest it be forgotten, an RKO reorganization that has been just around the corner for a long, long time now.

## Inside Stuff—Pictures

Herbert Bayard Swope's boy, John Swope, who is also known to the film colony as an agent, of a sort, will be better known as a camera artist when his 'Camera Over Hollywood' (Random House, \$3.50) comes out this week. Swope's 10%er boss, Leland Hayward, wrote the introduction, which is a different sort of an intro is that his boss not only strongly suspects but as much as states that seemingly all the photographic subjects were taken in Hollywood while Swope was supposed to be snapping producers into buying Leland Hayward's actors, writers and directors. To the credit of Swope (and Hayward) there aren't too many shots of Margaret Sullivan (Mrs. Hayward) although James Stewart, a particular pal of the lenser-agent, does seem to be generously represented.

This is the volume for which Claude Binyon was to have done the intros but seemingly it's the type of book where pictures speak everything for themselves.

Prominent actor had a huge grouch for the holidays, the result of out-smarting himself. He had a deal with an agency to make three pictures during 1939 for a studio at \$65,000 a picture. Contract had been signed by the studio and awaited the actor's signature. Meanwhile another agency told the thesp they could get him \$100,000 per film, so he spurned the first offer. Instead of lamenting the loss of his services the studio gave three cheers. They were tickled pink to get out of the contract. Now the second agency has the actor on its hands. Best offer reported so far is \$25,000 a picture.

Deal is under way whereby Electrical Research Products, Inc., will distribute complete booth equipment of absorption manufacture in 50 foreign territories. ERPI foreign distributing companies will handle equip-

ment, many exhibitors in foreign countries preferring to do business with one established firm.

In the past ERPI foreign organizations have confined their activity to handling of Western Electric sound equipment although expediency has prompted them to distribute other kinds of booth equipment when necessary.

Walt Disney Productions is the latest tag for Walt Disney Enterprises, the second corporate name for the company in two months. Title changing began Nov. 1 when three Disney companies went out of existence through a statutory agreement. Firms disbanded at that time were Walt Disney Productions, Ltd., Walt Disney Enterprises and Lilled Realty & Investment Co. New title was adopted as more fitting, as the company is primarily in the picture production business.

Charles P. Skouras handed out bonus checks amounting to \$54,000 to 2,000 employees of the Fox West Coast Theatres in California, Arizona and Montana. Disbursements covered the year for district and theatre managers in the recent F-WC business drive, prizes for special drive weeks, insurance premium refunds, employees' Christmas bonuses and awards for best decorations of theatres during the Motion Pictures Are Your Best Entertainment campaign.

Movement is afoot by Lewen Pizor, prez of United Motion Picture Theatre Owners of Philadelphia to have every film house play 'The Star Spangled Banner' at the first show of each performance but is meeting with great success. Wherever tried in the Philly zone its prestige unsatisfactory, large number of patrons not even recognizing the strains or merely continuing to walk out anyway.

Walt Disney's cartoonists may have taken a good long look at the big Wrigley sign atop the International Casino, N. Y. Some of the round fish, the little bubbles and iridescent color movement in 'Merbabies' suggest this.

## Chi's Ideas

(Continued from page 45)

lic a combination of stage show, vaudeville and pictures, so successful that it has become a standard policy in most vaudeville theatres.

## Fanners and Quizzers

Also in 1933, Sally Rand quit the legit stage in Chi to wave a couple of fans at the World's Fair on the lakefront, and again at the World's Fair following the fan dancers, bubble dancers, ostrich dancers, muff, scarf, bird and other dancers were evidently the only attractions which guaranteed a strong boxoffice. No doubt there had been fan dancers before Sally Rand, but Chicago's great ability to take a static item and dress it up for popular consumption didn't fail in this instance, either.

Quizzes were going along nicely in radio for a couple of years, but for a rather select audience; until, in early 1938, one Kay Kyser dressed it up with popular music that the whole nation could understand and made it the most wallowing idea of the year in radio.

# THE START OF A SMART SHOWMAN'S CALENDAR *for* 1939!

## JANUARY

**BASIL RATHBONE**  
**BORIS KARLOFF**  
**BELA LUGOSI**  
**LIONEL ATWILL** *in*  
**"SON OF  
FRANKENSTEIN"**

*with* **JOSEPHINE HUTCHINSON**  
Emma Dunn, Donnie Dunagan, Edgar Norton

Original screenplay by Willis Cooper

Produced and directed by  
Rowland V. Lee

A Rowland V. Lee Production

## FEBRUARY

**W. C. FIELDS** *in*  
**"YOU CAN'T CHEAT AN  
HONEST MAN"** *with*  
**Edgar BERGEN** and **"Charlie MCCARTHY"**  
and **FRANK JENKS, PRINCESS BABA**

Screenplay by GEORGE MARION, JR.

Original Story by Charles Bogle

Directed by GEORGE MARSHALL

Associate Producer: LESTER COWAN

## MARCH

**DEANNA DURBIN** *in*  
**"3 SMART GIRLS GROW UP"**

*with* **NAN GREY · HELEN PARRISH**

**CHARLES  
WINNINGER**

A HENRY KOSTER PRODUCTION  
PRODUCED BY JOE PASTERNAK

**ROBERT CUMMINGS**  
**WILLIAM LUNDIGAN**  
**ERNEST COSSART**  
**NELLA WALKER**

## APRIL

**"EAST SIDE  
OF HEAVEN"**  
**CROSBY**

*with*  
**BING**

Directed by David Butler

Music and Lyrics by John Burke and James Monaco



**COMPLIMENTS OF NEW UNIVERSAL**

# FIGHT PICTURES!

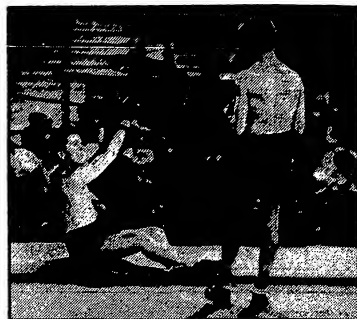
—From the season's drama smash of youth!



1. They square off. Cooper is new to this gang of kids. Somebody kidded him... he was tired, hungry, so he snapped back. Now he's got a fight on his hands.



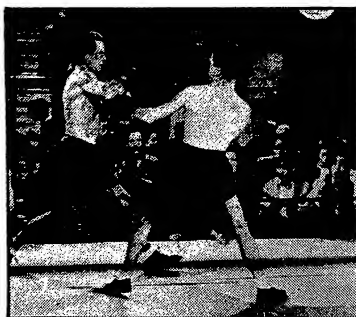
2. A left cross gets Cooper before he knows what happened. His opponent drives in hard figuring on an easy take. The kid in front of him seems daffy, no fight to him at all!



3. He's down! That left and then a hard right did the job. Cooper seems dazed, unaware that he's in a fight with a boy out to do damage—not to win a decision!



4. The round's over but the bell means nothing to Cooper's opponent. He drives hard and the yell of the mob covers up the sound of the gong, the weak protests of the few that want fair play!



5. But the fight isn't over yet, Cooper comes back and there is determination to win. The other fellow realizes that his set-up has become a problem. He steps up his own pace... the fight's just begun!



He walked out on her ideas... but not on her!

THE TUMULT OF A  
MOB GONE WILD...  
ROARING SCENES  
YOU'LL NEVER FORGET!



**JACKIE COOPER**  
in A UNIVERSAL PICTURE  
**NEWSBOYS' HOME**  
with  
**EDMUND LOWE**  
Wendy BARRIE • Edward NORRIS  
Samuel S. HINDS • Elisha COOK, Jr.  
**THE LITTLE TOUGH GUYS**  
Directed by HAROLD YOUNG  
Screenplay by Gordon Kahn and Charles Grayson  
Original story by Gordon Kahn and Charles Grayson  
Associate Producer KEN GOLDSMITH



**PRINTS NOW  
AVAILABLE!**

# THE GUILDS MARCH ON

By Rod Roddy

Hollywood, Jan. 1.

With the Screen Actors Guild setting the pace, labor tightened its grip on the film industry plans in 1938. Supported by the National Labor Relations Board and encouraged by enactment of the Wage-Hour Law, many new guilds and unions sprang up. Screen directors and writers renewed their fight for producer recognition. Major studios are now 100% organized, although the white collar workers are still locally banded together in company guilds.

The SAG moved into first place as the largest and most influential craft in the motion picture business. The actors laughed off a threatened invasion by the International Alliance of Theatrical Stage Employees, headed off a brewing extra revolt by granting them modified autonomy, and then branched out to assume control over the agents. The players took time out between their activities to negotiate a new, modified agreement with all major companies and most of the independents.

While the actors have always steered clear of entangling alliances with other crafts, they agreed to sit in on establishment of an Inter-Talent Council as a safeguard against any expansion by the IATSE. Council meets on the second Tuesday of each month, with representatives from the SAG, Screen Directors Guild and Screen Writers Guild attending. Pledges of cooperation also were received from the film editors, studio flacks and many technical organizations.

## Bloff's Resignation

Resignation of William Bloff as Coast head of the IA, return of local autonomy to Studio Locals and internal attacks by minority groups resulted in ditching of any plans to take over all workers in the industry. With various crafts directing attacks against the IATSE, the organization soon found itself on the defensive.

A deal was negotiated to relinquish control of the studio laborers to Studio Utility Employees Local 724, contingent upon Jeff Kibbe withdrawing his NLRB petition demanding an investigation of IA supervision by international officers. Kibbe refused, and the NLRB hearing went over until Feb. 14 to determine if an amicable adjustment could be arranged.

With the IA definitely removed as a threat to its reign, the SAG quickly negotiated a new pact with the producers and announced plans to franchise all agents. The agents balked, but later agreed to drop all opposition if the actors would modify certain requirements in their licensing program. Attorneys for the two groups are now drafting a code of ethics for the agents, subject to approval by the SAG and the Artists Managers Guild.

When it became evident the licensing plan could not be blocked, all of the independent agents joined the AMG as associate members. M. C. Levee, AMG prexy, promised they would receive the same consideration as the original 13 members. Principal objections of agents were limiting of contracts to one year and demand that all existing contracts be made to conform with pact finally adopted by the SAG. Some modification will be made in these.

Big decrease in number of extras used by studios was seized upon by certain leaders in old Junior Screen Actors Guild to foment a revolt of extras. Several petitions were filed with NLRB demanding various groups be certified as bargaining representative for the wage scale players. Several of these are still pending. Offensive was blasted, however, when the SAG adopted new by-laws granting modified autonomy to the extras. The name of Junior Screen Actors Guild was abolished, and the SAG membership divided into Class A and Class B groups.

Class B membership composed largely of extras, was given authority to initiate resolutions, rules and regulations, and to sit with the SAG board of directors when such proposed legislation is under discussion. By-laws call for appointment of three members of Class B Council to represent the junior membership before the board.

In addition the By-Laws provide that the Class B membership may withdraw from the SAG upon an affirmative vote of 51% of the membership. Demand for such an election may be initiated by a 30% vote of Class B members. A new provision also provides that the Class A members cannot vote the Class B

members on strike unless the latter themselves vote in favor of a walk-out.

## Extras' Org.

A hearing on petition of Cinema Players, Inc., to be designated as bargaining representative for the extras will be ordered by the NLRB shortly after the first of the year. If it is shown that Cinema Players has support of a representative group of extras, tops in the SAG may agree to a consent election, to determine whether the SAG will continue to negotiate for the extras, or whether the latter will set up a separate organization. The producers, however, have already indicated they will not bargain with a group claiming to represent the extras, since their contract with the SAG covers these players.

The Screen Writers Guild was designated by the NLRB as exclusive bargaining agent for all screen writers and held two preliminary meetings with the producers. The screenwriters walked out of the last parity when the film executives refused to cancel their contract, with Screen Playwrights, Inc., and declined to recognize the SWG as exclusive bargaining representative for all writers.

Charles Brackett, prexy of the SWG, immediately signed complaints filed with the NLRB by attorney Leonard S. Janofsky charging the major companies with unfair labor practice. Dr. Towne Nylander, regional director of the NLRB, conferred with both groups and suggested further efforts be made to negotiate.

No action has been taken on issuance of formal complaints, the examiner stating that he desired to investigate all phases of the situation. The NLRB finally assigned Bernard Alpert as special attorney to handle the situation. Dr. Nylander explaining that William Walsh, senior NLRB counsel, was needed for other work. If complaints are issued, a hearing will have to be conducted before a special NLRB examiner, with several months intervening before a decision can be handed down in Washington.

## Writers

In the meantime, the Screen Playwrights continue to arbitrate disputes over screen credits and otherwise function for the members. The SWG had notified the producers that any further negotiations with the SP will be illegal in view of certification of the SWG by the NLRB, and SWG members are signing under present contracts carrying clause providing for arbitration of credit disputes by the SP.

A double-barreled attack was laid down by the Screen Directors Guild, which filed a petition for certification as bargaining representative for directors, unit managers and assistant directors, and at the same time charged the major companies with unfair labor practice for refusing to negotiate. Hearing on the charges required several weeks, during which it was shown that many of the directors have never paid any dues in the organization and that others were delinquent more than one year.

Producers offered to negotiate separate agreements with the directors and unit managers and assistant directors, but claimed three groups did not constitute a proper bargaining unit under the Wagner Act. Companies insisted directors were highly-paid creative artists, while unit managers and assistant directors were representatives of business office. Tops in SDG refused to divide membership and all negotiations were called off.

Frank Capra is president of the SDG, Charles Brackett prexy of the SWG, and Ralph Morgan head of the SAG. Morgan scored a 4 to 1 victory over Melvyn Douglas and carried his entire slate into office. Brackett and Capra were selected without opposition.

Kenneth Thomson was retained as executive secretary of the SAG, and with the Guild counsel, Lawrence W. Beilenson, handled most of the negotiations with producers as well as with the AMG. Over the licensing plan, The SAG also retained Aubrey Blair as studio contact for Class B members. J. C. McGowan, veteran director, was employed as executive secretary of the SDG to succeed Herick Herrick, resigned.

Society of Motion Picture Film Editors negotiated pact with producers calling for minimum of \$100 weekly for editors of features and \$75 for shorts. One-year agreement recently expired, and editors are now asking for reclassification of apprentices, film librarians and assist-

ant cutters. Walter Sharp is executive manager of organization.

## Casey Holds Off

Pat Casey, producer labor contact, refused to negotiate with studio publicity writers, art directors, and other smaller group until their status was clarified by the NLRB. Hearing has been held on a majority of the petitions, and recommendations for certification are now pending before the board in Washington.

Agreement with studio Painters expired in May and workers are now seeking wage tilt for men employed on night shifts. Petition for time and half for Painters on graveyard shift was filed by Herbert Sorrell, business representative of Motion Picture Painters Local 644.

Enactment of Wage-Hour law resulted in hurried visits to Washington by Pat Casey, Victor H. Clarke, Keith Glendon and other film executives. Several conferences were held with Elmer E. Andrews, Wage-Hour administrator, but no definite ruling was secured for application of the act to the film industry. Following huddles between various attorneys and company executives, studios placed all white collar workers on 40-hour week. Paramount also put assistant cameramen on 40-hour week and other moves were made to comply with law when attorneys warned against probable prosecutions. Various changes are being recommended daily at conferences between Casey and major studio managers and attorneys.

Tops generally agree that biggest developments in studio labor this year was agreement on 8-hour day for actors, SAG licensing plan for agents, and resignation of William Bloff as Coast head of IATSE and personal representative of George E. Browne, IA international president. Investigation by Federal agents of charges of racketeering in certain labor tops also drew considerable attention. Investigators are still tracing incomes of certain leaders who are alleged to have received huge sums shortly after settlement of 1937 studio strike.

Membership of Inter-Talent Council is composed of following:

Screen Directors Guild: Frank Capra, Herbert Biberman, Lewis Milestone; alternates, Elliott Nugent, W. S. Van Dyke, Frank Tuttle. Screen Actors Guild: Ralph Morgan, Elizabeth Risdon, Robert Montgomery. Screen Writers Guild: Charles Brackett, Jane Murnin, Philip Dunne, Boris Ingster.

New officers of the Screen Actors Guild are: Ralph Morgan, president; Joan Crawford, James Cagney, Edward Arnold, vice presidents; Paul Harvey, recording secretary; Porter Hall, treasurer. Board of directors: Edward Arnold, Beulah Bondi, Ralph Byrd, Charles D. Brown, Porter Hall, Paul Harvey, Hugh Herbert, Howard Hickman, Peter Lorre, Edwin Stanley, Gloria Stuart.

Screen Directors Guild is governed by the following officers: Frank Capra, president; W. S. Van Dyke, Howard Hawks, vice presidents; Frank Tuttle, secretary; Paul W. Lee, treasurer. Board of directors: Herbert Biberman, Frank Capra, John Cromwell, John Ford, Gregory LaCava, Rouben Mamoulian, Lewis Milestone, Phil Rosen, A. Edward Sutherland, Frank Tuttle, Howard Hawks, Williams-Wellman, William K. Howard, Leo McCarey, W. S. Van Dyke.

Junior Screen Directors Guild: Harry Scott, president; Robert Ross, vice president; Sid Fogel, treasurer; Clem Jones, secretary. Junior Board of directors: Horace Hough, Joel McDonough, Walter Mayo, Harry Scott, Eric Stacey, Fred Fleck, Robert Ross, Joe Dil, Bob Barfan, Sid Fogel, Vaughn, Paul Clem Jones, Ralph Wilson, John Voshell, Paul Wing.

Screen Writers Guild officers and executive board follow: Charles Brackett, president; Philip Dunne, vice president; Maurice Papp, secretary; Rine Lechner, Jr., treasurer. Board: Charles Brackett, Philip Dunne, Gilbert Gabriel, Sheridan Gibney, Dashiell Hammett, Lillian Hellman, Boris Ingster, Rine Lechner, Jr., Mary C. McCull, Jr., Dudley Nichols, Laura Perlman, Maurice Rapf, Eudd Schulberg, Donald Ogden Stuart, Anthony Veiller, Alternates: Julius Epstein, Dashiell Hammett, Henry Myers, Frank Partos, Gertrude Purcell, Wells Root.

John Lee Mahin was reelected president of Screen Playwrights, Inc. Other officers are William Conselman, Bess Meredith, vps; Bert Kalmar, secretary; Walter De Leon, treasurer. Executive board: John Lee Mahin, Bert Kalmar, Walter De Leon, Bess Meredith, Patterson McNutt, Howard Emmett Rogers, Rupert Hughes, Grover Jones, William Conselman, Rian James, Casey Robinson.

# Market Bullish In 1938

By Mike Weer

Reactionary trend of late 1937, which was prolonged and even accentuated during the first half of 1938; was abruptly halted in the stock market during the latter part of June and in July, with subsequent activity on the upside bringing new high prices for the past year. Even in the face of disturbing news in Europe, with its continued tangible threats of warfare, 1938's stock market wound up the 12 months with healthy gains as contrasted with drastic losses shown in the previous year. Past year will go down as the one in which the steady decline was abruptly halted and a new recovery movement got under way.

This changed sentiment was mirrored in the rise in the value of leading amusement issues. Twelve representative stocks appreciated \$600,000,000 in value from the closing quotation on Dec. 31, 1937, to the final prices Dec. 31, 1938. While higher prices were registered by picture shares earlier last fall than shown in final market action in December, the manner in which the film company issues weathered the selling of stocks for tax purposes and the sluggishness in final month boded well for the future of these shares.

Heavy declines early in 1938 recorded by picture stocks were wiped out later, even though the dip in income, in common with other business generally, showed up in reduced earnings for picture companies during the year. And companies turning in reports for fiscal years ending in August and October made poorer showings as a rule than those closing their 12-month period in December. This was to be expected because none of these companies was able to cash in on improved business for the last three or four months of the year.

Typical of this situation was the report of Warner Bros. for the 12 months ending Aug. 27 which showed net operating profit of \$1,929,721 as compared with \$5,876,182 in the previous fiscal year. Just how the slump cut into earnings of the final quarter (June, July and August) is revealed by the first 39 months report showing net operating profit of \$3,282,765.

## Col. and U.S. Down and Up

The year 1938 was marked by declining revenues for Columbia Pictures and vastly improved earnings by Universal. Universal's new executives who installed Cliff Work as studio boss in place of Charles R. Rogers, and other realignments were held responsible for the situation which will find the company operating slightly in the black during the last few 1938 months. U showed a net loss of \$773,248 for the 39 weeks ended July 30, 1938, but a profit in the final quarter ending last October probably will reveal Universal completing a fiscal year with its smallest loss in a long time.

Dip in Columbia Pictures earnings forced the company to pass up the payment of its usual cash dividend starting with the action in June, although retaining the semi-annual stock divvy of 2 1/2%.

While many companies for the first 26 weeks showed materially reduced net profits, some being cut almost in two, as compared with the previous year, both Loew's and 20th-Fox managed to buck the trend fairly successfully. Loew's wound up the first 40 weeks of its fiscal year (ending in August) with a net profit of \$8,352,875 against \$11,714,722 in a similar period of 1937.

## Loew and 20th-Fox

The dividend record for Loew's fell back from its record high of \$7.50, paid in 1937, to only \$3 but permitting a nice cash reserve to pile up.

Although 20th-Fox revealed \$4,

622,091 for the first 39 weeks of 1938, comparing favorably with \$4,886,893 in similar period of 1937, final year is expected to be considerably under the \$6,617,114 recorded for full 12 months of 1937. Excellent returns from the film company are anticipated in the final three months.

High cost of production was held responsible to some degree for the slump of Paramount earnings. The total for the first three quarters, \$1,876,468, was roughly \$4,800,000 below the same period of 1937. While a net profit of \$2,500,000 is looked for for the full 12 months there may not be sufficient improvement in the last quarter to realize this amount. Two weeks of rising stock values late in June began to convince traders that the bear cycle had been completed and that a new bull market was in the making. The bear traders could not laugh off gains of 1 to 5 and 10 points. Subsequent rises, halted temporarily by European disturbances, bore out the contention that a bull cycle had arrived, and as usual, the market traders discounted upwards the improvement in business by several months.

## WB's Conversion

Financial circles showed avid interest in Warner Bros. plan of exchanging old debentures, due in the fall of 1939, for new debentures of the same 6% interest-bearing value due in 1948. Deb holders were asked to deposit old bonds for certificates for the new obligations, but the final date for exchange had to be extended to Dec. 1 and then to March 15, 1939. By the end of the year about \$19,200,000 worth of the debentures had been deposited, or about 57% of the \$29,400,000 total issue.

Net profits of \$4,141,205 for the first nine months, \$6,598,111 for the first 12 months of 1938, reported by Radio Corp. of America indicates that the full year savings will range between \$5,000,000 and \$6,000,000. Besides paying the dividends on the first preferred and the small issue of Radio B preferred still outstanding, RCA paid 20c on common shares as at Dec. 31, 1937. Broadcasts also benefited from a slump in earnings as compared with 1937, reporting \$2,606,157 in the first nine months against \$3,053,416 for 1937. Company paid \$1.25 on both the A and B shares during the year.

Improved earning position of Technicolor, Inc., was indicated in the eight-month report when net was \$862,612 against \$451,258 in similar period of 1937. Corporation paid 85c in dividends as of Nov. 1.

Pathe Film Corp. proposed plan of liquidation and establishment of new capital stock failed to pass at special stockholders' meeting, Dec. 13, when only about 60% of outstanding stock showed at session. Needed 80%. Officials blamed court actions of small common stockholder group and E. I. du Pont de Nemours, both of which failed. New plan is now being formulated.

Two stockholder suits against Loew's, Inc., one having been tried and the other pending, early in 1939, caused heavy selling and depression of Loew shares and bonds mid-December. Losses of four or five points subsequently were partially wiped out.

## RKO Nearly Out of 77B

Radio-Keith-Orpheum came closer to emergence from 77B, after the usual course, stockholder complaints and other obstacles. Company showed a deficit of \$480,176 in the 26 weeks ended July 2 against a profit of \$1,442,710 in the same period a year ago. Earnings record was reflected in low quotations for the common stock but the bonds made substantial gains.

With net earnings of \$536,205 for the first nine months, Consolidated Film Industries, Inc., which has heavy interest in Republic Pictures, appeared headed for \$650,000, 700,000 year. Company paid \$1 on its preferred stock for the year.

# Amus. Stocks Climb in '38

STOCK	Closing Price Dec. 31, 1937	Closing Price Dec. 31, 1938	Points gained	Appreciation in value
Columbia Pic	12	15 1/4	3 1/4	\$936,000
Cons. Film pfd.	5 1/2	10 1/2	5	2,620,000
Eastman Kodak	160 1/2	184 3/4	24 1/4	54,584,810
Gen. Theatres Eq.	11 1/2	15 1/2	4	1,508,000
Loew	45	54 3/4	9 3/4	14,600,000
Paramount	9	13 1/4	4 1/4	8,819,200
Fath	5 1/2	10 1/2	5	3,671,250
Radio 1st pfd.	46	36 3/4	20 1/4	19,124,626
RKO	4	2 3/4	1 1/4	12,571,950
20th-Fox	19 1/2	26 1/4	6 3/4	11,105,250
Universal pfd.	29	36 3/4	7 3/4	702,000
Warner Bros.	6	6 1/4	1/4	925,250
Total appreciation				\$116,424,436

\* Loss. † Depreciation.

‡ Final quotation in 1938 (Dec. 30)

## Variety's Mail Clerk

(Continued from page 29)

tinental touch to VARIETY's Mail Department.

Marcelline Loring was once glorified by Ziegfeld, which should be sufficient recommendation of her exterior qualities. However, the passing of time has not been too kind and Marcelline has not emerged into the full maturity of glorious womanhood with the fair, slender, delicate stateliness one would be led to expect. A faded figure, with an air of hopelessness, she occasionally drops in to pass the time, for she has never received any mail. The cost of serious illness of long duration has reduced her financially and punitively. However, she lives carefully, perhaps meagerly, and so ekes out her existence.

### The No-Mail Caller

Which brings to mind Martha Bryson, who is a psychological study if ever there was one. A mature woman whose beruffled skirts sweep the floor, she unfailingly visits us every day. She has never received any sort of a communication, but always leaves specific and definite instructions to be sure and hold all her mail; not to return it to the post office no matter how long she may be delayed in making an appearance. Her costumes alone usually attract some attention, but her very persistence about her non-existent mail leaves one with a feeling of pity rather than annoyance.

To get accustomed to Paul Maroney's funeral attire and approach takes some little time. Other than mentioning his surname, the man has never uttered one word, although he has been coming in for years. Perhaps he cannot speak English, as his name does indicate foreign extraction. His mail is always from the same person, somewhere in the middle west, and written on the same gray notepaper. Furthermore, the speed with which he comes in and goes out seems to just complete his general makeup.

It takes all sorts of people to constitute a world and so we come to Stephen Forrest, a very effete young man whose long, blonde bob and sweepingly lashed blue eyes must be the envy of every female. Whatever his peculiarities, his graceful and charming manner has forced us

to regard him with indulgence rather than humor. Every few weeks he shows up from his cheek from home, which he dramatically clasps to his chest and confidentially whispers, "The Saviour has come once again." Oh well!

While we apparently cater only to members of the amusement world, those not directly of it, but by perpetual contact, really become part thereof.

### Hoofers, On and Off

These are, therefore, included en masse in this general resume. The Gaines Brothers (see Ginsberg), professional dance team, are no longer a team, or, in the accepted sense, professional dancers. One considers that Johnny Gaines, the younger one, keeps in practice by constantly executing intricate and perhaps difficult routines in the mirrored reflection of VARIETY's windows at that Madison, the elder, feels it is time for him to retire, and so is trying to become another agent, with offices in front of the Palace Theatre building. Their short, lithe figures belie the years which close scrutiny shows they must have attained. Martin always manages to make his presence known by taking a flying leap from the front door to over railing which he has to cling to very tightly in order to prevent himself from catapulting on the head of the receptionist (that's us) who sits beyond. The Gaines Bros. must be on every advertising mailing list in town, as evidenced by their mail.

Joe Dolan is a press agent for legit road shows. We see him rarely, but when he does come in, his fiery, incessant line of chatter imparts a stimulating fervescence. He has a friendly greeting for anyone and everyone he meets, and only his white hair testifies to his 30-odd years of heraldry all over the United States.

Jean Duke is our office boys' delight. Young, well-formed and extremely pretty, no matter the deliberate and perpetrated distractions offered, she always focuses her gaze on our letter-boxes throughout her daily, but, oh, too short, stay. To date, every effort on the part of our young masculine contingent to disrupt her calm has met with no success.

Many, many more personalities could be elaborated on, but we now call a halt after enumerating the vagaries of those that are representatively outstanding.

## L'VILLE SIGHTS SOCKO GROSSES

Louisville, Jan. 1.

After a running start over the holidays downtown houses are romping along to take some sweet profit. With another week-end holiday setup and first-class films, plus the usual mid-night shows New Year's eve, everybody is sitting bunko-dory and well pleased with returns.

B.o. leader looks to be 'Sweethearts' on a single at Loew's State. Combo of Eddy-McDonald spelling fine returns.

Ten-day showing of 'Cloistered' opened at Columbia Auditorium (31).

Current Pix; Last Week's Estimates Brown (Loew's Fourth Avenue)—'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G), after week at Loew's State. Last week Thanks for Everything' (20th) and 'Secrets of Nurse' (U) scraped bottom at \$12,000.

Kentucky (Swiftow) (900; 15-25)—'Can't Take It' (Col.). Deemed strong enough to hold up as single. Last week, 'Arkansas Traveler' (Par) and 'Straight Place' (20th), nice \$1,500. Loew's State (Loew's) (3,100; 15-30)—'Sweethearts' (M-G) and 'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G) nice \$7,500, and moveover.

Mary Anderson (Libson) (1,000; 15-30-40)—'Dawn Patrol' (WB). Last week, 'Hard to Get' (WB) fair \$3,300. Ohio (Settes) (900; 15)—'Numbered Woman' (Mono) and 'Dr. Rhythm' (Par) split with 'M-G' and 'Cowboy and Lady' (UA) and 'Christmas Carol' (M-G) nice \$7,500, and moveover.

Strand (Fourth Avenue) (1,400; 15-30-40)—'Kentucky' (20th) and 'Down on Farm' (20th), moved over here after week at Rialto. Last week 'Up River' (20th) and 'Sharpshooters' (20th), so-so \$1,800.

Indiana (Katz-Dolle) (2,600; 25-30-40)—'Kentucky' (20th) and 'Down on Farm' (20th). Shifted over from the Indiana for a holdover week. Last week, 'Dawn Patrol' (WB) and 'Next Time Marry' (RKO), okay \$6,300.

Loew's (Loew's) (2,400; 25-30-40)—'Sweethearts' (M-G) and 'Christmas Carol' (M-G), \$4,500, modest.

Lyrie (Olson) (1,900; 25-30-40)—'The Night of the Living Dead' and 'Major Bowes Swing School' unit on stage. Latter given all the billing. Last week, 'Heart of North' (WB) and 'Lola Lane' on stage, \$8,000, lightweight.

Omaha Oging First

Flesh in Months, And

French'; 5 Pix, 35c

Omaha, Jan. 1.

Aided by the double holiday, grosses skyrocketed here this week. Away out in front was Orpheum's stage and screen fare, first flesh here in three months. Dixie Dunbar and Armida headed the bill. Orpheum got \$1 straight for midnight eve show, while the Omaha and Brandeis got 55 cents. Suburbans went to quantity, giving five features for 35 cents.

Current Pix; Last Week's Estimates Broadway—'Dunder Mikey' (Goldberg) (950-810-850; 10-25-30-35)—'Suez' (20th) and 'Brother Rat' (WB), dual, split with 'Keep Smiling' (20th), 'Tarnished Angel' (RKO) and 'Mr. Wong' (Mon.), tripler. 'Down Arkansas' (Rep) and 'Ghost Creeps' (WB), dual, added to tripler for New Year's show. Very good showing. Last week 'Stahlens' (M-G) and 'Certain Age' (U), dual, split with 'Miss Manton' (RKO), 'Garden Moon' (WB) and 'Racket Busters' (WB), tripler, \$3,000, socko.

Brandeis (Singer RKO) (1,250; 10-25-30-45)—'Going Places' (WB) and 'Storm' (U). Looking excellent. Last week 'Woman Again' (Col) and 'Peck's Bad Boy' (RKO), \$5,500, nice. Omaha (Blank) (2,250-25-40-55)—'Artists and Models' (Par) and 'King Alcatraz' (Par) with 'Sweethearts' (M-G) on midnight show, swell. Last week 'Cowboy and Lady' (UA) and 'Touchdown Army' (Par), \$8,000, good.

Orpheum (Blank) (3,000; 15-35-55)—'Say French' (Par) and stage headed by Dixie Dunbar and Armida. 'Kentucky' (20th) and stage show on New Year's eve, socko. Last week 'Dawn Patrol' (WB) and 'Service De Luxe' (U), \$10,000, dandy.

Town (Goldberg) (1,250; 10-20-25-35)—'Boo!oo' (Par), 'Rhythm in Saddle' (Rep) and 'Mr. Wong' (Mon.), first-run tripler, split with 'West of Santa Fe' (Col), first run 'Suez' (20th) and 'Miss Manton' (RKO), tripler. New Year's eve show added 'Shadows Over Shanghai' (GN) and 'Mr. Wong' (Mon), dual, to tripler. Last week, 'Old Mexico' (Par), 'Prison Farm' (Par) and 'Night Hawk' (Rep), first-run tripler, split with 'Time Out Murder' (20th), first-run, 'Black Cat' (U), first-run, and 'Certain Age' (U), tripler, \$2,100, very good.

## KANSAS CITY

(Continued from page 12)

previous week's 55c. Going okay. Last week 'Hard to Get' (WB) and vaude headed by Ben Blue, \$8,000 at 55c scale, a bit off at this figure.

Orpheum (RKO) (1,500; 10-25-40)—'That Woman Again' (Col). Opened Saturday (31). Columbia film in this house adds to the picture scramble locally, as an innovation here. Last week 'Heart of North' (WB) okay at \$5,000.

Tower (Fox Midwest) (2,050; 10-25-40)—'Storm Over Bengal' (Rep), with Frankie Masters band and Joy Hodges on stage. Started good. Last week 'White New York Sleeps' (20th), with Gene Krupa and band on stage. Jitterbugs supported show strongly and week came in at \$12,000, only spot to hold expectations.

## INDPLS. LOOKS FOR FAIR B. O.

Indianapolis, Jan. 1.

'Sweethearts' at Loew's is showing the way to all other first run houses as the new calendars go up on the wall. Looks out in front with a strong start, while 'Artists and Models' abroad at the Indiana and a combination of Major Bowes Swing School plus 'White New York Sleeps' at the Lyric occupy runner-up positions in that order. The two other first-run houses, Circle and Apollo, are playing holdover sessions of 'Dawn Patrol' and 'Kentucky', respectively.

Current Pix; Last Week's Estimates Apollo (Katz-Dolle) (1,100; 25-30-40)—'Dawn Patrol' (WB) and 'Next Time Marry' (RKO). Moved over from the Circle for a second stanza.

Last week, 'Star Ship' (20th), revival, dismal \$2,200.

Circle (Katz-Dolle) (2,600; 25-30-40)—'Kentucky' (20th) and 'Down on Farm' (20th). Shifted over from the Indiana for a holdover week. Last week, 'Dawn Patrol' (WB) and 'Next Time Marry' (RKO), okay \$6,300.

Indiana (Katz-Dolle) (2,600; 25-30-40)—'Kentucky' (20th) and 'Down on Farm' (20th), robust \$8,000.

Loew's (Loew's) (2,400; 25-30-40)—'Sweethearts' (M-G) and 'Christmas Carol' (M-G), \$4,500, modest.

Lyrie (Olson) (1,900; 25-30-40)—'The Night of the Living Dead' and 'Major Bowes Swing School' unit on stage. Latter given all the billing. Last week, 'Heart of North' (WB) and 'Lola Lane' on stage, \$8,000, lightweight.

## Rose's Financing Deals

London, Jan. 1.

David Rose, new head of Paramount's operating company in Great Britain, is reported as being constantly in touch with city financiers, seeking a bankroll for Par production here.

Idea as outlined thus far would be for Paramount to undertake super-features here suitable for world distribution.

## The Grosses

(Continued from page 29)

film in August and September, when boxoffices instantly responded, would seem to bear out this underlying reason for the drop to 12-15% in grosses during the late spring and early summer.

Optimism concerning 1939 contrasts with the pessimism which was general when 1938 was born, for various reasons. Among these is the belief that better product will be provided. Less uncertainty over conditions generally is also expected to prevail and may encourage more spending than has been noted during 1938. While it has not been dissipated, though less a discouraging factor at the moment, the intensity of the war scare and upset foreign conditions, are likewise blamed for business anemia during 1938.

The year just ended also included elections which always create adverse reaction at the boxoffice as well as business or public uncertainty. There were elections in 47 states to choose 35 senators and 32 governors. In some territories the heat of the campaigns tended to keep a lot of people away from the theatres, a large majority clinging to radios to follow developments.

The September hurricane, as well, affected business in many eastern and New England states. Losses sustained at the boxoffice and through suspended operation or damages inflicted were great. Paramount and the Prudential Playhouse circuit, latter an independent on Long Island, were the hardest hit. Many theatres were shut down for a week or more.

Because of the adverse conditions that have prevailed during the past year, most operators have brought costs down so that even if in 1939 the attendance does not come back to the high point at which it stood previously, the percentage of comparison in profits will be more favorable. Economy has become generally advisable but in some of the more hard-hit territories it has been intensely essential to cut operating overhead in view of bad conditions, notably in the Michigan, Chicago and northwestern zones.

While the year ahead may not be a banner one there is every reason to expect that it will surpass the showing made in 1938 by a marked margin if the quality of picture product does not fall far below normal and war does not develop.

## 'Sweethearts,' Ky,' 'Patrol' Beaucoup Hefty in Seattle

Seattle, Jan. 1.

Bang-up shows at most spots, with timely Saturday openings for such big ones as 'Kentucky,' 'Dawn Patrol,' and 'Sweethearts.' Holiday biz bringing nice gravy this week.

Midnight shows at all first runs and many of the sub-segments after generally disappointing Christmas week. Prices for the midnight shows upped. Sterling chain (John Danz) has vaude at Colonial, Paramount, Winter Garden, Florence and State, with slightly upped admish.

Current Pix; Last Week's Estimates Blue Moose (Hamrick-Evergreen) (850; 32-37-42)—'West with Hardy' (M-G) and 'Man Remember' (RKO). Former film moved here from Fifth.

Last week, 'Flirting with Fate' (M-G) and 'Up River' (20th) excellent \$5,000.

Coliseum (Hamrick-Evergreen) (1,900; 21-32)—'Men in Wings' (Par) and 'Time Out for Murder' (20th). Last week, 'Hot to Handle' (M-G) and 'Mr. Moto' (20th), \$3,700, good, eight days.

Central (Sterling) (800; 10-21)—'Frontiersman' (Par) and 'I Am Criminal' (Mono), dual, split with 'Lost Express' (U) and final installment, 'Tracy Returns' (Rep), dual, split with 'Hardy' (M-G) and 'Speed to Burn' (20th), dual, split with 'Born to West' (Par) and 'Tracy Returns' (Rep), dual, good \$2,000.

Fifth Avenue (Hamrick-Evergreen) (2,340; 32-37-42)—'Sweethearts' (M-G). Opened New Year's eve with plenty of bally. Last week, 'West with Hardy' (M-G) and 'Christmas Carol' (M-G) (2d week), \$5,000, slow.

Liberty (J-VH) (1,800; 21-32-42)—'Goes With Heart' (UA) and 'Crime Takes Holiday' (Col) (2d week). Last week, socko \$5,800.

Musie Box (Hamrick-Evergreen) (850; 32-37-42)—'Artists and Models' (Par) and 'Down on Farm' (20th). Moved over from Paramount. Last week, 'Cowboy and Lady' (UA) and 'Torchy Man' (WB) (3d week), \$2,000, mild.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42)—'Dawn Patrol' (WB) and 'Thanks for Memory' (Par). Getting a big advertising boost. Last week, 'Heart of North' (WB) and 'Peck's Bad Boy' (RKO), \$4,900, fair, eight days.

Palomar (Sterling) (1,350; 16-27-37-42)—'Exposed' (20th), renamed locally 'Candid Camera' Girls and 'Toms of Deep' (GN) plus vaude. Last week, 'Sons of Legion' (Par) and vaude, five days, plus 'Toy Town Jamboree' headlined, split with 'Annabelle' (RKO), 'Jamboree' and extra acts, \$5,200, big.

Paramount (Hamrick-Evergreen) (3,130; 32-37-42)—'Artists and Models' (Par) and 'Thanks for Memory' (Par). Last week, 'Artists and Models' (Par) and 'Down on Farm' (20th), \$5,500, good.

Roosevelt (Sterling) (800; 21-32)—'Kentucky' (20th) and 'Miss Manton' (RKO). Last week, 'Room Service' (RKO) and 'Campus Confession' (Par), \$2,200, okay.

## New York Theatres

### The United Artists RIVOLI THEATRE

Charles LAUGHTON in "The BEACHCOMBER"

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"THEY'RE IN HEART"

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Jeanette MacDonald NELSON EDDY

In Victor Ufaletta's

'SWEETHEARTS'

Astor

25c to 5 p.m. at all times; midnight show every night

LESIE HOWARD in Bernard Shaw's

PYGMALION

LA M-G-M MU

The only theatre in Belle, Mo., will be remodeled at an expenditure of \$5,000. Arnold Boschen, architect, Hannibal, Mo., will let bids on Jan. 5.



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CHARLOTTE.....219-21 Mint St.	DETROIT.....2949 Cass Ave.	NEW YORK.....420 Ninth Ave.
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CINCINNATI.....119 West Central Plaway.	LOS ANGELES.....2018 So. Vermont Ave.	SAN FRANCISCO, 483 Golden Gate Ave.
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**THERE'S  
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AGAIN**

**MARGARET LINDSAY ★ STANLEY RIDGES**

**Directed by Alexander Hall**

**A COLUMBIA PICTURE**

**OPENING RADIO CITY  
MUSIC HALL...JAN. 5<sup>th</sup>**

# H'wood's 3d of a Century

(Continued from page 29)

experimented with Los Angeles, established a studio at Edendale, taking over an old frame house with a picket fence enclosing the property. Edendale is located above the present site of Angelus Temple (Almea MacPherson's worship house) and an area where Mack Sennett, Marshall Neilan and Thomas H. Ince, and later Kalem, had studios.

## Bosworth First Coaster

One of the first stars of the silent days to originate on the Coast was Robert Bosworth. He had been doing stock work in San Francisco, came south for his health when he got the offer for a picture job by Joseph P. McGee of Selig Polyscope. Bosworth, like all legit actors, expressed horror and insult at first. McGee sold him when he offered \$125 for two days' work. The picture was "In the Power of the Sultan," with Bosworth playing the male lead. The picture was taken in back of a Chinese laundry where a sheet was borrowed for a robe and a bath towel for a turban. Bosworth liked the work and the next year was an actor, writer and director, buying stories from a young girl named Gladys Smith, who afterward became Mary Pickford, the actress. Statement of purchase of these stories from Gladys Smith was recently made by Bosworth over the radio show, "I Was There."

Other statistical figures show that Miss Pickford was bought west by D. W. Griffith in the fall of 1909 with a Biograph unit which included Owen Moore and Henry B. Walthall, Marion Leonard, Florence Barker, Dorothy West, Kate Bruce, George Nichols, Billy Quirk, Frank Grandon, Charles West, Mack Sennett, Dell Henderson, Arthur Johnson, Duddy Butler, Christie Miller, Tony O'Sullivan, Alfred Paget and Jack Pickford. At the cameras were Billy Bitzer and Arthur Marvin. Bobby Harron, later a Griffith star, was prop boy.

Griffith rented a three-acre lot at Georgia and 12th streets in downtown Los Angeles for studio stages, located next to a lumber yard and had high board fence to keep curiosity seekers out. A rough wooden stage was erected 50-foot square. There were two small dressing rooms for men and women to use in relays.

## Griffith's First Bio

The first migration into Hollywood was made by Griffith to Paul DeLongpre's garden off Hollywood and Calhoun, where "In Old California," the first Bio picture on the Coast, was made. Griffith confined himself practically to exteriors, developing his own negatives, cutting the pictures and titling them here and then shipped the complete picture east.

That winter the Griffith unit wandered all over southern California, visiting locations at Pasadena, San Gabriel, Mission San Juan Capistrano, Camulos, Santa Monica. Camulos was the background for the first version of "Ramona," which was made in one reel. In the 1908-1910 season Alice Johnson and Carlyle Blackwell were spending their winter around Los Angeles working for Kalem.

When Griffith returned to California in November, 1910, with his Biograph troupe he brought William Beaudine along as a prop boy. Latter now is a director. Blanche Sweet also came along. She got \$40 a week. William Lons was another member of the caravan. Mary Pickford and Owen Moore were not along, they had joined IMP. Marion Leonard had gone to Reliance. S. E. V. Taylor, Walthall, James Kirkwood and Arthur Johnson were with the same company.

The new troupe that Griffith brought out were Claire McDowell, Stephanie Longfellow, Florence La Badie, Mabel Normand, Vivian Prescott, Frank Powell, Edwin August, Charles Craig, Joe Graybill, Donald Crisp, Eddie and Jack Dillon and Jeanie Marston.

Having had his production experiences the previous year, Griffith had another studio built before his arrival on a 2 1/2-acre tract next to the car barns at Georgia and Gerard streets. This had open stages only and a one-story building for offices, dressing rooms, and a kitchen. First picture made that trip was "Enoch Arden." Production work was at Santa Monica, and it was the first two-reeler that Griffith had made.

## Ettery Doubles As Prop

For dramatic subjects the Biograph crowd were using the roof of the old Hoffman restaurant on

Spring street as a studio. They would put up two six-foot flats as background, and to keep the sun glare off would cover the flat tops with sheets and tablecloths borrowed from the restaurant. Props were also purloined from the eatery, such as tables, chairs, etc. When a change of set was needed they were switched about or others obtained downstairs, the set was dressed and work resumed. It took about two days to shoot a pic here. There was no rent for studio or props. Actors just ate lunch at the place.

Finally in September, 1910, Hollywood came to life as a studio center. David Horsley, president of Nestor, with Al Christie as his director, came here from Staten Island where Nestor had been turning out its product, and leased an old roadhouse running from El Centro to Gower on Sunset boulevard as their first studio. Harry Revier used part of the space as a film developing laboratory.

The roadhouse was used for office and dressing room space, with Revier utilizing the horse watering troughs for his developing work. The first stage erected was a wooden platform 20x50 feet. "Her Indian Hero," with Dorothy Davenport in the lead, was the first picture made here by Nestor. Also in the cast were Victoria Ford (later Mrs. Tom Mix) and Jack Conway, now ace Metro director.

Within three months after Nestor had planted itself in Hollywood, 15 different companies decided to settle in this area, seven miles east of downtown Los Angeles and the Alexandria hotel where they domiciled and fraternized from their address to the town.

## Refugees From 'The Trust'

Most of these companies were independents, who were chased out of the east by the spies and strongarm men of the ill-fated Motion Picture Patents company. For some time these companies had armed guards both around studio and outdoor locations to prevent smashing of their cameras and equipment by the alert strongarm hives of the "trust," as the Patents company was called at that time.

Around this time Pat Powers encountered similar trouble at Fort Lee, N. J., as did Anderson in Chicago. He was making westerns there and in one picture Indians were shown in swarms over the top of the set was visible trolley poles which caused audiences even in those days to beef. Powers emigrated to the land of red Indians and no trolley poles. In those days audiences would watch characters and tried to get lip reading of speeches players were making and generally overlooked detail of background.

American Film Manufacturing Co. was organized in 1910 by S. S. Hutchinson, who raided the talent and staff of the Essanay Coast studios in an effective manner. It was one of the first indie companies on the Coast and established its studio and headquarters at Santa Barbara under the Flying "B" banner. Tom Ince, in January, 1911, was taken away as a director from Laemmle's Imp company by Kessel & Bauman at \$125 to produce and direct for NYMPC. Ince came to Los Angeles with a troupe and set up a studio in Edendale. "The New Cook," a one-reeler, was his first picture.

Ince spotted the Miller Bros. 101 Ranch show in winter quarters on the Pacific Palisades above Santa Monica, and had Kessel & Bauman tie up the circus for picture use during the winter at the rate of \$2,500 per week. This established the 101 Ranch trademark in those days. First picture was a two-reeler, "Across the Plains." Then followed a long series of Kay Ke 101 westerns that made the series popular with theatre patrons and exhibitors of those days.

## Wall St. Comes In

Formation of Mutual Film Co., as distributing agency for indies early in 1912 by H. E. Aitkins and John R. Freuler saw the first sizeable chunk of Wall Street and public money into the picture business.

In the winter of 1911, Mack Sennett, who had been acting and directing for Biograph, persuaded Kessel & Bauman to hire him as a director-producer of comedies, and Keystone was launched with a small studio having one stage in the Edendale sector. Mabel Normand and Alan Fricke were featured in 500-foot subjects at the start, but Sennett soon had his cops hopping all over

## Funereal Bally

Los Angeles, Jan. 1.

Ghost walked in this town in spite of the holiday lethargy. Fox-West Coast ushers, wrapped in white sheets, carried empty coffins about the streets to plug midnight spook shows.

Circuit plans to continue the spooky stuff.

the landscape, and two years later the Keystone Cops were favorites with the public.

In November of 1911, Vitagraph's western company was established temporarily at Santa Monica, but a few months later the company bought a 29-acre plot in east Hollywood at Prospect and Talmadge, to build a studio which is still standing and used occasionally by Warners who acquired the plant in purchase of Vitagraph about 10 years ago.

Early in 1912 Carl Laemmle bought the Imp Co., which had been producing for several months at Boyle Heights location and acquired the Nestor site at Sunset and Gower. He also bought that corner property for the Universal coast studios.

In the same year, Jimmy Youngdeer had a profitable production unit at Edendale turning out one and two-reel westerns for Pathe. Youngdeer would shoot necessary amount of film, put the development in a box with a couple of stills, and ship east for Pathe representatives to cut into releasing shape.

## Start of Colossals

In fall of 1912, D. W. Griffith arrived in Los Angeles for what proved a permanent stay. He headed a Biograph troupe, and immediately started production of "Judith of Bethulia," multiple-reeler which was finally completed for the astounding figure of 120 days of \$35,000. Picture was in five reels and grossed nearly \$200,000 in the United States alone, still getting revenue for Bio as late as 1916. Lionel Barrymore joined Biograph as a featured player in 1912.

In the same year, Laemmle established a second studio at Edendale to take care of expanding production activities of Universal. Lubin, which had come up from Philadelphia area to this time, finally sent a company west in 1913. Headquarters were established on Pasadena avenue, on present site of Sycamore Grove. Unit made three split reels weekly, featuring Dolly Larkin and Freddie Fricke. Production consumed three days or less a week, with cast and crew off for balance of the week.

General procedure in those days was for director, cameraman and two principal actors starting out to seek locations. When right spot was obtained studio was advised to send out prop man. After location was set, call would be put in for extras or supporting players, and many nearby barbers and tailors would close up shop to secure a \$5 check for few hours' work.

## Whooey Up 'Squaw Man'

First feature unit to invade Hollywood was the Lasky-DeVillie-Goldfish troupe, which came west with a short bankroll, even for those days, to ambitiously make "The Squaw Man" with Dustin Farnum starred. Trio had originally figured to produce in Flagstaff, Ariz., but on arrival in that town found bad weather and came on to Hollywood. Robert Brunton interested the newcomers in leasing a barn on Vine street, which became the center of Lasky production for many years.

D. W. Griffith jumped from Biograph to Mutual late in 1913, and after working in Union Square studios of Reliance, came back to the Coast up shop to secure a headquarters in the plant which later became famous as Fine Arts.

Immediately on his arrival in Hollywood, Griffith started preparations for the most ambitious picture planned up to that time, "Birth of a Nation." Turning out one and two reels to supply the Mutual program, Griffith got under way and provided introduction to pictures of many players and directors who later became big names in the business. Cast of "Birth" included Henry B. Walthall, Mae Marsh, Elmer Clifton, Robert Harron, Lillian Gish, Joseph Henarey, Sam De Grasse, Donald Crisp and Jennie Lee.

Adam Kessel, of KB, banker of Keystone, hired Charlie Chaplin Jan. 2, 1914, at \$150 a week. Chaplin's first picture was a one-reeler with Mabel Normand, "Mabel's Predicament." His first two-reeler was "Dough and Dynamite."

Carl Laemmle was sold the idea of

a huge picture plant, and in 1914 bought 230 acres in San Fernando valley for \$165,000, site of present Universal City. Studio was opened March 15, 1915, with special trainload of U officials and celebs coming from New York. Main stage, 450 feet long, accommodated two dozen companies at one time, and to cash in on publicity value of tourists, overhead runway was constructed so sightseers could look over the picture-making below.

## First Six-Reel Comedy

In 1914, growing success of five-reel features in the theatres indicated the demise of one and two-reel dramas. As a result of that year, Mack Sennett made "Tillie's Punctured Romance," first six-reel comedy, with Marie Dressler, Mabel Normand and Chaplin. Picture took 14 weeks to make.

Phenomenal success of Chaplin under the Keystone banner resulted in G. M. Anderson signing the comedian for the year of 1915 for astounding figure of \$1,250 a week. Year later, Chaplin was back under the Mutual banner for a \$570,000 fee for 12 months, and after that contract he signed with First National to deliver 12 two-reelers for \$130,000. Before he finished switching to five-reelers during this contract, deal cost First National several million dollars, but agreement was particularly profitable to the distributing company.

First serial made was "Adventures of Kathlyn," which Sennett turned out for release starting in January, 1914. Universal quickly followed with "Lucille Love," starring Grace Cunard and Francis Ford. Then Pathe got into the serial market with the very profitable "Perils of Pauline," following with "Exploits of Elaine."

Late 1914 saw influx of new organizations to produce five-reel features exclusively, and by the end of the following year one and two-reel dramas were passed and shunned by theatres and audiences.

Among the five-reel companies launched about this time were Bosworth, Morisco, Pallas, William Fox, American, Balboa and World Film. Famous Players and Lasky were gathering momentum, while many of the old companies, which had been turning out the short reels, jumped to feature-length product. First feature carrying the Fox trademark, released through Box Office Attractions Co., was a five-reeler made by the Horikheimer Bros., "Will of the Wisp," featuring Jackie Saunders. Horikheimers operated Balboa studios in Long Beach for number of years, releasing most of their later product through Pathe.

## Aitken Launches Triangle

Organization of Triangle by Harry Aitken in 1915 was of major importance to progress of the industry at that time. He coined the name for the new production organization, D. W. Griffith, Thomas H. Ince and Mack Sennett. Program called for Griffith and Ince each to deliver one feature weekly, with Sennett turning out two Keystone Comedies a week for the program. Triangle booked one feature and a comedy in a block as a complete program to theatres, and backed up by heavy advertising campaign in national publications, Triangle got off to a bang-up start. Dissension finally hit the ranks of the company, with Ince and Sennett withdrawing with their stars and personalities. Paramount stepped in to get the bulk of the best boxoffice talent.

Decline of Triangle, with resultant reorganization which installed strict economy, and when Paramount production provided opportunity for Paramount and First National to make phenomenal progress.

In 1916 Griffith made "Intolerance" for a reported cost of \$1,500,000, but the picture failed to duplicate success of the previous year, and most of his profit of the previous spectacle back to make up losses on "Intolerance." Ince was ambitious at that time and turned out "Civilization," a costly spectacle, which also failed to click but turned in a slight profit to the picture success.

From 1916 to 1921 were the golden days. Producers and companies sprung up overnight in Hollywood and the east, and financing was plentiful. Pictures generally were making money and in many instances were turning back huge profits on nominal production costs of the day.

Metro, which had been mainly a releasing organization, opened its own studios in Hollywood around 1919, and Warners trekked west about 1922 to acquire acreage on site of what later became that company's Sunset Boulevard studio.

Increases of theatre circuits in the 20s resulted in tightening up of pro-

duction and elimination of several distributing organizations that had been handling product of independent producers. Swing was to centralization of both production and exhibition, and numerous companies were caught in the shuffle.

Several independent producers foresaw what was coming and tied up with major studios in extensive capacities. Louis B. Mayer, who had been producing three groups of features for Metro and First National release, was injected into the Metro-Goldwyn merger as head of production, with Irving Thalberg going along as his associate in the deal.

**Schulberg Heads Paramount**  
Paramount studio organization was re-shuffled for infusion of new blood and Ben Schulberg moved in to take charge. Top directors with boxoffice names, and a host of lucrative contracts with the majors and passed up overtures to start their own individual producing units to release through a combined outlet like United Artists. Associate producers' failure to get over washed most of them up from cooperative companies.

Period might be termed leveling process and stabilization period of the industry. Studios, which heretofore had been ramshackle affairs thrown up with no idea of permanency, were being enlarged with well-constructed stages and buildings of steel and concrete which indicated that leaders of the industry finally realized picture making was here to stay.

## Guilts Start Stirring

In 1926 and 1927, indications pointed to lessening of audience interest in pictures, and the heavily capitalized industry inaugurated retrenchment in production. Attempt to make horizontal cut of 10% in all studio salaries at this time, instead of gaining its objective, upset Hollywood and resulted in losses of considerable amounts through arguments, meetings, etc. This was the start of a series of companies backfired to cause trouble during the past decade, as talent groups were launched for protection against other campaigns of like nature, and preliminary groundwork for the Guilds was laid in these years.

Sound was launched by Warners without fanfare in 1927, and new innovation caught heads of other companies asleep. Studio execs were not interested when "Don Juan" was shown in the summer of 1926 with a musical score sound track accomplishment. Even the Viaphone shorts on the same bill were tossed off as novelties that would not get any further than the Edison film-disc apparatus of 20 years before.

But when "Jazz Singer" hit the theatres in 1927, with part dialog and singing, attitude of competing companies changed. Rush was on for tieups with the electricians to immediately install sound recording equipment in the studios, but it took nearly a year before all major studios were sufficiently equipped to turn out majority of their pictures with full sound and dialog. In the meantime, Warners introduced the first all-talker, "Lights of New York," in July 1928 to revolutionize film production and its technique.

## The Promised Land

Sound in pictures gave new life and vitality to production. Any player, director or other person having had some experience was signed to a juicy contract and banded off to Hollywood. Songwriters came in droves to write tunes for musicals, and Hollywood was the promised land.

Hollywood was a financial paradise until 1933, when came the depression. But Hollywood would not admit a depression was on. Salaries of talent and executives kept mounting while negative costs hit new highs. While companies were getting bankruptcy cleaning and re-blocking, salaries skyrocketed. And despite continual statements of company leaders that costs would be trimmed, the Hollywood merry-go-round still spins.

And from being a camping ground over the winter for picture companies in 1909, Hollywood has become an industrial center employing around 40,000 people who drew \$91,000,000 from its cinema payroll where \$165,000,000 was spent on the 1937-38 product.

## Clap Hands for Ellen

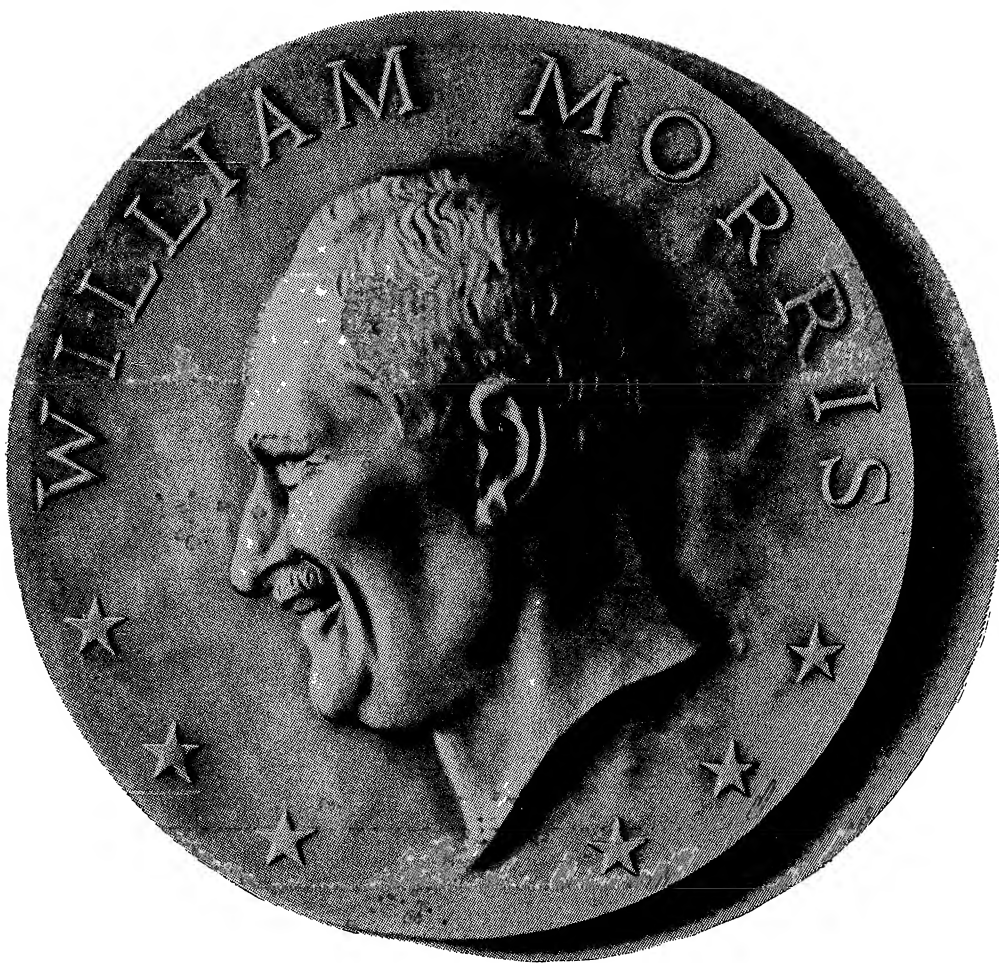
Hollywood, Jan. 1.

Ellen Drew gets the femme lead opposite George Raft in "The World's Applause," due to roll Jan. 16 at Paramount.

Harlan Thompson produces "from script by Gilbert Gabriel and Walter Ferris.



“**F**orty years is a long time in show business. Its structures are traditionally transitory. Therefore it is extraordinary—probably unique—that this institution founded by William Morris should have so long endured, grown and expanded. The more so since it has been a creation founded on spirit, courage, imagination, enterprise and fidelity rather than steel, brick and mortar. William Morris had little love for tangible temples; the cathedrals of his building rested firmly on human elements and were cemented solidly with service, sincerity, independence and integrity. ¶ Despite aggressive assaults of powerful enemies, despite dazzling offers to buy him into submission, the W intertwined with the M, his trade-mark, has never come down. And today, in the second generation which he nurtured, imbued and trained, it still stands, firmly riveted to the steel and stone of other men—still his symbol of service, sincerity, independence, integrity. ¶ A far-flung organization has grown from that hole-in-the-wall of 1898 on Union Square. Not only through its bristling past but through its living present, the name of William Morris is eternally integrated in the history of amusements in America and the world. But, except for size, there has been little change; expansion and growth have only served to emphasize the original principles and policies of the founder. ¶ Innumerable careers have been the fruit. Stars have been born and raised to higher glories. Talent has been sought out, encouraged, developed, perfected. New names, new faces, new methods have been added to art and the joy of living. ¶ Such building was the life-work of William Morris; and such is the heritage of those younger disciples of his creed who took over and who now carry on. ¶ There are no more enemies. The fights have been won. The principles have been established and accepted. The soldier has gone to his rest. ¶ But the inspiration of his precepts lives on. ¶ Forty years. Forty years of work and accomplishment. Forty years of striving and attaining. Forty years of building on a foundation no more substantial than one man's big heart; with materials no more solid than one man's character—William Morris' monument!”



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FOURTH CONSECUTIVE YEAR.

SHIRLEY TEMPLE



**W.S. BUTTERFIELD THEATRES, INC.**  
**BUTTERFIELD MICHIGAN THEATRES CO.**

*Operating*  
 ICHIGAN CIRCUIT OF VAUDEVILLE AND PI  
*Affiliated with*  
 PARAMOUNT-PUBLIK AND RADIO-KETH-ORPHEUM  
 MAIN OFFICE, 1492 NATIONAL BANK BUILDING  
**DETROIT, MICHIGAN**

Telephone  
 CADILLAC  
 1610-7-6-9

December 3rd, 1938

VARIETY  
 Woods Building  
 Chicago, Illinois

Dear Variety:

You will receive many deserved congratulations on your thirty-third birthday. Permit us to add those of the Butterfield Circuit of theatres, whose production and growth parallel your own period of progress. Over the period of years that you are celebrating you have seen the amusement world pass through the greatest development and readjustment of all time and you have seen the steady growth of theatre attendance until it has reached a total of over 100,000,000 annually.

In these thirty-three years you have taken the initiative in all of this constantly moving, changing panorama of the theatre. In most cases you have anticipated and sensed in advance the various cycles of progress and you have been a dynamic force and constructive factor.

It is with extreme pleasure that we salute and congratulate your Third of a Century service to the amusement world.

Yours very truly,

W. S. BUTTERFIELD THEATRES, INC.

*W. S. Butterfield*  
 President.

**FILMACK  
 TRAILER CO.**

Chicago, Illinois

An open letter  
 to

**VARIETY**

Dec. 28, 1938.

Dear VARIETY:

When anyone sticks it out in this business world for 33 years—they certainly deserve a pat on the back.

Congratulations, VARIETY . . . and here's hoping you will enjoy an even greater future.

This year, FILMACK, is celebrating its 20th anniversary. And since you asked, I'll tell you how FILMACK was born.

It was back in 1919. I was a Press Agent for Universal at that time. The most disgusting thing in show business was the special trailer situation.

Honestly, it took a Month of Sundays to get a little 50-foot trailer made. I became so disgusted with special trailer service, I decided to do something about it.

One day I just tossed a perfectly good Press Agent job out the window and opened a trailer company dedicated to the hustling showmen of America. I guaranteed 'em "Same-day Service" and immediately they began sending me some orders.

It has been a long, hard battle . . . but FILMACK is still tossing the trailers back the same day the order rolls in.

Improvement has followed improvement, until today we have here at FILMACK the equipment, the crew and the ambition to produce special announcement trailers in a hurry that really do a "ticket selling job!"

VARIETY, as you go about the country, from coast-to-coast, visiting with America's finest showmen, right on their office desks, I would like for you to tell 'em FILMACK'S story . . . and urge them to send their next special announcement trailer order to

IRVING MACK

The guy with the Organization which can produce Good trailers faster than Western Union can send telegrams.

Season's Greetings

CAPTAIN  
 ARTHUR GEORGE

UNANIMOUSLY VOTED THE

**'BEST FILM of the YEAR'**

Produced Throughout the World in 1938, by the  
 NATIONAL BOARD OF REVIEW

**GRAND  
 ILLUSION**

FIRST RUN and ROAD SHOW ENGAGEMENTS  
 BOOKED DIRECT FROM

**WORLD PICTURES CORP.**

729 Seventh Avenue, New York City

Cable Address: WORLDFILM

Foreign Territories Available

NORMA SHEARER THALBERG




THE STAR OF  
**GABRIEL PASCAL**  
THE PRODUCER

*Wendy Hiller*

I am preparing this year two more BERNARD SHAW pictures and two pictures starring WENDY HILLER.

I PROMISE to my friend BERNARD SHAW, to my ENGLISH AND AMERICAN DISTRIBUTORS, and to ALL EXHIBITORS, that I will come up to the expectations they have in me as a Producer, and will try my best not to disappoint them after the kind reception "PYGMALION" had throughout the world.

A handwritten signature in cursive script, reading "Jerome Lubin". The signature is written in dark ink and is positioned in the lower right corner of the page.

Season's Greetings

RODGERS and HART

CONGRATULATIONS

*VARIETY*

JASON S. JOY

20TH CENTURY-FOX

WHAT DO YOU THINK?

**PRINCIPAL PRODUCTIONS, Inc.**

CONGRATULATES *VARIETY*

ON ITS THIRD OF A CENTURY OF HONEST JOURNALISM

PRINCIPAL PRODUCTIONS

SOL LESSER, President

Congratulations to *VARIETY*  
on Its Third of a Century Anniversary

**HORACE McMAHON**

SEASON'S GREETINGS

+

# Paramount Theatres Service Corporation

+

PARAMOUNT BUILDING  
NEW YORK

## *Congratulations Variety!*

True to Your Name *Variety*  
Has Served This Ever-Chang-  
ing Show Business for a Third  
of a Century!

WE SALUTE YOU!

And to Our Many Friends in  
Show Business We Extend the  
Sincerest of

*Season's Greetings!*

*The Minnesota  
Amusement Company*

*Season's Greetings*

# GEORGE RAFT

## MAINE AND NEW HAMPSHIRE THEATRES CO.

DEAR *VARIETY*—

ON YOUR 25th ANNIVERSARY WE SENT  
YOU THE FOLLOWING LETTER:

EVERY year we make a canvass of our theatres to ascertain which paper, whether trade paper or newspaper, in the opinion of the managers has the most valuable and reliable information as far as the operation of the theatre is concerned. "*VARIETY*" always tops the list. To a man, our managers and bookers depend more upon "*VARIETY*" for general theatrical information than they do on any other publication.

FROM my own experience I find that I get more reliable information in "*VARIETY*" than I do from any other source.

WE congratulate "*VARIETY*" on its past performance, and feel assured that because of its progressive management it will continue to become more and more depended upon by all who seek theatrical news.

AND THIS STILL HOLDS GOOD ON YOUR  
THIRD OF A CENTURY.

*Sincerely,*

*JOHN J. FORD*

## SEASON'S GREETINGS

## FABIAN THEATRES CORPORATION

Suite 2101

1501 Broadway

NEW YORK, N. Y.

## FLORENCE ROGGE

ASSOCIATE PRODUCER  
and BALLET DIRECTOR

RADIO CITY MUSIC HALL—NEW YORK

## HARRY SHERMAN

Reduce "WASHROOM  
INFECTION"  
Install **AMPAY**  
Onliwon Towels and Tissue  
Write A. P. W. Service, Albany, N. Y.

## MILTON SCHWARZWALD

MENTONE PRODUCTIONS, INC.

35-11 Thirty-Fifth Ave., Long Island City, N. Y.

SEASON'S GREETINGS

## NICK GRINDE

DIRECTOR

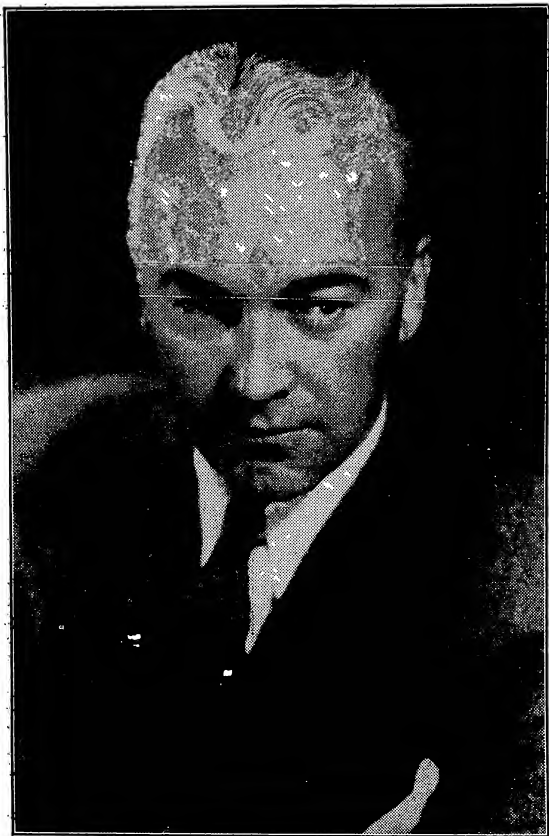
Management  
STANLEY BERGERMAN, INC.

PARAMOUNT



BEST WISHES

Jimmy T. Berlew



# WILLIAM BOYD

JUST COMPLETED FOURTH YEAR  
AS "HOPALONG CASSIDY" FOR  
PARAMOUNT RELEASE

*Available Until April 1, 1939*

Management  
A. GEORGE VOLCK

*Greetings From—*

the Great  
**McCOY**

and

the Even Greater  
**LIPMAN**

**BUCK  
JONES**

*NOW STARRING IN*  
**"ME AND  
MY GAL"**

A PARAMOUNT PRODUCTION

Selznick  
International  
wishes you a  
Happy and Prosperous  
New Year

"THE YOUNG IN HEART"—  
starting JANET GAYNOR,  
DOUGLAS FAIRBANKS, JR.,  
and PAULETTE GODDARD, with  
ROLAND YOUNG, BILLIE  
BURKE, Minnie Dupree, Henry  
Stephenson and introducing  
RICHARD CARLSON. From  
I.A.R. Wylie's Saturday Evening Post  
serial, "The Gay Banditti." Adaptation  
by Charles Bennett; screen play by  
Paul Osborn. Directed by Richard  
Wallace. Released thru United Artists.

"MADE FOR EACH OTHER"—  
starring CAROLE LOMBARD  
and JAMES STEWART, with  
Charles Coburn and Lucile  
Watson. Miss Lombard returns  
to serious drama after the mad-  
cap comedy cycle. Story and  
screen play by Jo Swerling.  
Directed by John Cromwell.  
Released thru United Artists.

"GONE WITH THE WIND"—starring  
CLARK GABLE as Rhett Butler and  
Margaret Mitchell's best-seller novel of  
the same title. Screen play by Sidney  
Howard. Directed by George Cukor.  
Filmed in the true-life hues of Techni-  
color. Production designed by William  
Cameron Menzies, and faithfully adher-  
ing to the history of the South under  
the technical advice of the South  
as it appeared in Wilbur G. Kurtz,  
famous authority of the city of Atlanta,  
Costumes by Walter Plunkett, who  
spent six months touring the South for  
authentic models and materials of the  
Civil War era. Released thru Metro-  
Goldwyn-Mayer.

"REBECCA"—Daphne du Maurier's  
powerful novel, bought from galley-  
proofs in advance of publication for  
\$50,000, as was "Gone With The Wind,"  
and already a runner-up to that novel's  
tremendous popularity. In England, Miss  
du Maurier's "Rebecca," far outstripped  
the author's former best-seller, "Jamaica  
Inn," by selling more than 50,000 copies  
in the first month of publication as an  
English Book Society selection. In the  
United States it is a Literary Guild se-  
lection destined for the largest printing  
ever awarded one of their novels.  
"Rebecca" will be directed by the re-  
nowned Alfred Hitchcock after he has  
completed "Titanic" for Selznick  
International.

"TITANIC"—Film drama-  
tization of the greatest caras-  
trophe in modern maritime  
history, the sinking of the S.S.  
Titanic on her maiden voyage  
from Southampton to New  
York in 1912. To be directed  
by England's outstanding  
motion picture director,  
Alfred Hitchcock.

"SECOND MEETING"—  
Like I. A. R. Wylie's "The  
Young in Heart," this new  
novel by Lucian Cary also  
was published serially in the  
Saturday Evening Post and  
polled record reader-interest  
before purchase by Selznick  
International as a property of  
assured national popularity.

NEW YEAR GREETINGS

*FROM*

EDWARD EVERETT HORTON

*SEASON'S GREETINGS*

M. E. COMERFORD

PETER LORRE

DALE VAN EVERY

# “‘Trade Winds’ Preems to Breezy \$14,500, Philly

Philadelphia, Dec. 20

“Mighty powerful is ‘Trade Winds,’ which world-preemed at Aldine, clicking off \$14,500 and assured of at least one more week.” . . .

*VARIETY*  
Dec. 21, 1938

## TAY GARNETT

FORTHCOMING TAY GARNETT PRODUCTION



## “WORLD CRUISE”

## CONGRATULATIONS

*VARIETY*

ON YOUR  
THIRD OF A CENTURY—  
OVER THIRTY-THREE YEARS  
OF SERVICE TO SHOWPEOPLE  
AND SHOWBUSINESS



SHEA THEATRES  
OF BUFFALO

# HELLO !

*Bing and Dixie*

MERVYN LEROY PRODUCTIONS

for

M. G. M.

"STAND UP AND FIGHT"

"WIZARD OF OZ"



SEASON'S GREETINGS

**FREDERICK JACKSON**  
Screen Plays



Management  
LAURA WILCK

SEASON'S GREETINGS

**LEW AYRES**

METRO-GOLDWYN-MAYER

## We Pay Our Respects to the Peck's Bad Boy of the Show World

For three decades and more, VARIETY has occupied an unique position in the literature of America and in the Show Business itself.

VARIETY has grown with the Show Business, marched with it, fought its battles. It has been both its staunchest champion and its most uncompromising critic; not always right, but always upright and forthright.

One cannot appraise VARIETY'S worth by its years, but by its zeal and loyalty, and by its deep understanding of, and its intelligent service to, the amusement industry and to those in it.

The spirit of VARIETY is the spirit of its late founder, Sime Silverman, whose memory remains its great inspiration, whose influence and judgment, though unseen, are felt and respected in VARIETY'S every word; for Sime was the very Spirit of Show Business.

Greetings to VARIETY and to everyone.

May this New Year be a Happy Year for all mankind—everywhere.

BALABAN & KATZ  
and  
GREAT STATES THEATERS

Best Wishes for the New Year

*from*

**HARRY SHERMAN** *Producer of*  
*Clarence E. Mulford's*

## HOPALONG CASSIDY STORIES

**1937**

Hopalong Rides Again  
Texas Trail  
Partners of the Plains  
Cassidy of Bar 20  
Heart of Arizona  
Bar 20 Justice

**1938**

Pride of the West  
In Old Mexico  
The Sunset Trail  
The Frontiersmen  
Silver on the Sage  
Arizona Bracelets  
(Tentative Title)

**for PARAMOUNT**

In addition to two exciting Zane Grey Productions:

The Mysterious Rider  
Heritage of the Desert

Next season Harry Sherman will produce six more Hopalong Cassidy pictures and two or more Zane Grey features.

*Season's Greetings*

# FRANCES DEE

# DALE VAN EVERY

# 33<sup>rd</sup> ANNIVERSARY

*"Third of a Century"*

# VARIETY

**Many Happy  
Returns! . . .**

**RKO  
THEATRES**

GEO. W. TRENDLE  
DETROIT

December 14, 1938

Variety Publishing Company,  
154 West 56th St.,  
New York, N.Y.

Gentlemen:

Variety's 33rd anniversary is truly an event, not alone for you but for everyone concerned with the amusement world.

In courage and rugged character throughout its third of a century as the mirror of events and trends in entertainment, Variety's record of service is its greatest tribute.

Closely paralleling the evolution of the motion picture, of vaudeville and radio, Variety's editorial content and news coverage has kept pace, step by step, never hesitating to fight for what you believed was for the best interests of the greatest number.

In saluting you on your "Third Of A Century" as a leader in the amusement world internationally, I add a full measure of appreciation for the constant value your efforts have had in reporting and interpreting entertainment news.

Sincerely yours,

*Geo. W. Trendle*  
Geo. W. Trendle



*Greetings*

## DIXIE DUNBAR

20th Century-Fox—"KING OF BURLESQUE"

20th Century-Fox—"PIGSKIN PARADE"

20th Century-Fox—"WALKING DOWN BROADWAY"

20th Century-Fox—"ALEXANDER'S RAGTIME BAND"

Universal—"FRESHMAN YEAR"

MGM—"ONCE OVER LIGHTLY"

*Now Personal Appearances*

Management, WILLIAM MORRIS AGENCY

*Season's Greetings*

# M & P THEATRES



M. J. MULLIN  
SAM PINANSKI

NEW YORK

## LEO MORRISON

INCORPORATED

HOLLYWOOD



**ROY  
DEL  
RUTH**

1938-1939 RELEASES

**"MY LUCKY STAR"**

**"TAILSPIN"**

IN PRODUCTION

**"ROSE OF  
WASHINGTON  
SQUARE"**

***DIRECTOR***



UNDER CONTRACT TO 20TH CENTURY-FOX

**CONGRATULATIONS AGAIN!!**

RALPH RAINGER and LEO ROBIN

Season's Greetings....

**GEORGE BRUCE**

HOLLYWOOD

*Congratulations on a Third of a Century Anniversary*

# MICHAEL CURTIZ

Director

For 1938

"ADVENTURES OF ROBIN HOOD" "FOUR'S A CROWD"

"FOUR DAUGHTERS"

"ANGELS" WITH DIRTY FACES"

For WARNER BROS.

## INTERMOUNTAIN THEATRES INC.

P. O. BOX 1018

CAPITOL THEATRE BUILDING  
SALT LAKE CITY, UTAH

WASATCH 7056

TO VARIETY:

You have long been known to us, out here in the West, as one of our closest links with the happenings throughout the industry. We compliment you not only on your speedy reporting of vital screen news, but on your complete coverage of the entire amusement world.

We heartily extend our best wishes for a long future as pleasant and fruitful as the past thirty-three years.

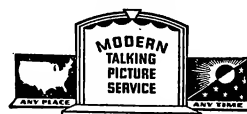
Sincerely,

INTERMOUNTAIN THEATRES INC.  
Utah and Idaho

*Harry David*  
HARRY DAVID  
General Manager

## SPONSORED SHORTS

Distributed By



In All Exchange Cities  
Are Selected For:

1. AUDIENCE APPEAL
2. PROFITABLE TIE-UPS

*Smart Exhibitors build Box Office  
with Modern's free sponsored shorts*

**MODERN TALKING PICTURE SERVICE**

9 Rockefeller Plaza, New York, N. Y.

Circle 6-0910

Or Your Exchange City

## ANN SHIRLEY

"A MAN TO REMEMBER"

"BOY SLAVES"

In Preparation  
"SORORITY HOUSE"  
RKO

National Release  
January, 1939

# "TOPPER TAKES A TRIP"

starring  
**CONSTANCE BENNETT**  
**ROLAND YOUNG**

Billie Burke · Alan Mowbray · Verree Teasdale ·  
Franklin Pangborn · Alexander D'Arcy ·  
Atlas the Pup

Directed by  
Norman  
Z.  
McLeod

Screenplay by Jack  
Jevne, Eddie  
Moran, Corey  
Ford

Now  
Showing

*Frederic*  
**MARCH · BRUCE**

*Virginia*

# "THERE GOES MY HEART"

with Patsy Kelly · Alan Mowbray · Nancy Carroll  
Eugene Pallette · Etienne Girardot

Directed by  
Norman  
Z.  
McLeod

Screenplay by  
Eddie Moran  
and Jack  
Jevne

In Production

# "It's Spring Again"

with  
**OLIVER HARDY · HARRY LANGDON**  
**BILLIE BURKE · ALICE BRADY**  
James Ellison · Jean Parker · June Lang

Directed by Gordon Douglas  
Screenplay  
by  
Corey  
Ford

A. Edward  
Sutherland  
Associate  
Producer

In Preparation

# "CAPTAIN FURY"

starring  
*Brian* **AHERNE** · *Victor* **McLAGLEN**

with  
**JUNE LANG · PAUL LUKAS**  
**JOSEPH CALLEJA**

In Preparation

# JEAN ARTHUR in "THE WATER GIPSIES"

In Preparation

Donald Henderson Clarke's  
Sensational New  
Novel  
**"THE HOUSEKEEPER'S  
DAUGHTER"**

*Hal Roach Studios*

*Greetings.*

*· 1 9 3 8 ·*

Released through  
**UNITED ARTISTS**

**MILTON H. BREN**  
Executive Producer

CONGRATULATIONS ON YOUR THIRD OF A CENTURY ANNIVERSARY

**JOHN M. STAHL**

Producer - Director

**UNIVERSAL**

GREETINGS FROM

**CHARLIE RUGGLES**

AND HIS

**SEE • ARE ▲ KENNELS**

**ALFRED L. WERKER**

Under Contract to  
**20th Century-Fox**

*Season's Greetings*

**UNA MERKEL**

# TRI STATES THEATRE CORPORATION

A. H. BLANK, President

G. RALPH BRANTON, General Manager

EVERT CUMMINGS

JOE KINSKY

A. G. STOLTE

District Managers



*Congratulates*

***VARIETY***

On a Third of a Century's Service

*Season's Greetings to All*

**HOWARD EMMETT ROGERS**

*Season's Greetings*

**W. P. LIPSCOMB**

Screenplay

*'Pygmalion'*

**W. RAY JOHNSTON SILVER JUBILEE YEAR**

Celebrating 25 Years of Service to the Showmen of America

1914



1939

**YEAR BY YEAR DISTRIBUTION ACHIEVEMENTS OF THIS PRODUCER-DISTRIBUTOR**

1914	MILLION DOLLAR MYSTERY JAMES CRUZE	1920	BEFORE THE WHITE MAN CAME ALL INDIAN CAST	1926	SCOTTY OF THE SCOUTS BEN ALEXANDER	1932	THE THIRTEENTH GUEST GINGER ROGERS
1915	BEATING BACK AL JENNINGS	1921	THE GOLDEN TRAIL JANE NOVAK	1927	SHANGHAI ROSE IRENE RICH	1933	SWEETHEART OF SIGMA CHI MARY CARLISLE
1916	SILAS MARNER JEANNE EAGELS	1922	TEN NIGHTS IN A BARROOM JOHN LOWELL	1928	CASEY JONES RALPH LEWIS	1934	JANE EYRE VIRGINIA BRUCE
1917	THE DEEMSTER DERWENT HALL CAINE	1923	MAN AND WIFE NORMA SHEARER	1929	PHANTOM IN THE HOUSE RICARDO CORTEZ	1935	THE HEALER RALPH BELLAMY
1918	THE MASKED RIDER HARRY MYERS	1924	EASY MONEY MARY CARR	1930	WORLDLY GOODS LILA LEE	1936	THE HARVESTER ANN RUTHERFORD
1919	LIGHTNING BRYCE JACK HOXIE	1925	FLAME FIGHTER HERBERT RAWLINSON	1931	MOTHER AND SON CLARA KIMBALL YOUNG	1937	HOOSIER SCHOOLBOY MICKEY ROONEY
		1938	GANGSTER'S BOY JACKIE COOPER				

**Congratulations to *VARIETY***

**WESLEY** ★  
**RUGGLES**

**RADIO CITY MUSIC HALL**

SHOW PLACE OF THE NATION

**ROCKEFELLER CENTER**

NEW YORK CITY

**WALTER WANGER welcomes 1939**  
**with**  
**TWO**  
**DISTINCTIVE**  
**BOX OFFICE**  
**ATTRACTIONS**

*Fredric*                      *Joan*  
**MARCH and BENNETT in**  
**TRADE WINDS**

*with*  
**Ralph Bellamy • Ann Sothern**  
**Sidney Blackmer • Thomas Mitchell • Robert Elliott**  
*A TAY GARNETT Production*

**"STAGECOACH"**  
*with*

**Claire TREVOR • John WAYNE**

*Directed by*  
**JOHN FORD**  
*who made "The Informer"*  
*"The Hurricane" and other*  
*notable attractions*

**Andy Devine, John Carradine**  
**Thomas Mitchell, Louise Platt**  
**George Bancroft, Donald Meek**  
**Berton Churchill, Tim Holt and**  
**Tom Tyler**  
**A JOHN FORD PRODUCTION**

**RELEASED THRU UNITED ARTISTS**

# WM. ANTHONY McGUIRE

AUTHOR OF

**"THE GREAT ZIEGFELD"**

PRODUCER

**"ROSALIE"**

**"GIRL OF THE GOLDEN WEST"**

IN PREPARATION

**"ZIEGFELD GIRL"**

METRO-GOLDWYN-MAYER

*Congratulations  
To VARIETY  
On Its  
Third of a Century*

# WARNER BAXTER



**John W.  
Considine  
Jr.**

METRO-GOLDWYN-MAYER



**Famous Players**  
**Canadian Corporation Limited**

ROYAL BANK BUILDING

**Toronto,**  
CANADA

Mr. N. L. Nathanson, members of the Executive Committee, and our managers and staffs join with me in sending cordial greetings to *VARIETY* on the occasion of its THIRD of a CENTURY Anniversary.

I am voicing the sentiments of our entire organization in expressing our appreciation of the valuable contribution *VARIETY* has made to the world of entertainment in presenting latest news, views and ideas from all branches of Show Business.

Sincerely,  
*J. J. Fitzgibbons*  
Vice-President

# FRANK TUTTLE

*DIRECTOR*



## "PARIS HONEYMOON"

with BING CROSBY

# OMAR KIAM

COSTUME DESIGNER

*UNITED ARTISTS*

Dear VARIETY:

For thirty-three years VARIETY has taken the initiative in the ever-changing panorama and climb of the amusement industry. Many times you have anticipated and warned us of the impending changes. You have played and continue to play an important part in the dramatic development of the amusement industry.

The pages of VARIETY are the history of show business for a third of a century. We of the Sparks Theatres in Florida look back with pride over our years and endeavors in the same business. VARIETY has served the inside people of show business; we of the Sparks organization have served that vast throng of theatre-goers. Surely there never was a time that called for greater co-operation, more sympathetic understanding and more constructive relationship between the trade and its customers.

The life of VARIETY has been the life of the show business. With your continued co-operation and constructive criticism we believe a new and greater period of show business will develop. We salute you and greet you on your thirty-three years—a third of a century of service to all of the amusement business.

*E. J. SPARKS, Pres.*

**Sparks Theatres of Florida**

## LeRoy Prinz

Dance Director

SEVENTH YEAR AT  
PARAMOUNT STUDIOS

Management:  
ORSATTI & COMPANY



## MOLLY PICON

Happy Holiday Greetings to all wide-awake exhibitors. My second full length Yiddish musical film, "MAMELE," now showing at the Continental Theatre, Broadway and 52nd Street, has been enthusiastically acclaimed by both the press and public, which accounts for the capacity business. Following its Broadway run, it will be released throughout the States. For bigger box-office receipts write or wire, SPHINX FILM CORP., 535 Fifth Avenue, New York.

SEASON'S GREETINGS

## DON BAKER

FOURTH YEAR  
PARAMOUNT THEATRE, NEW YORK

THANKS TO BOB WEITMAN

HAPPY NEW YEAR

## DOUGLASS MONTGOMERY

## "BALLERINA"

Now in Third Capacity Month at Little Carnegie, New York

DISTRIBUTED BY

MAYER & BURSTYN, Inc.

NOW LOCATED AT

RIALTO THEATRE BUILDING Broadway at 42d Street  
New York

SEASON'S GREETINGS

# HAROLD YOUNG

DIRECTOR

'THE STORM'

'CODE OF THE STREETS'

For NEW UNIVERSAL

*RUSSELL BIRDWELL*

*Announces with pardonable pride the exclusive public relations representation of a limited number of Motion Picture personalities including*

*RONALD COLMAN*

*JANET GAYNOR*

*CAROL LOMBARD*

*DAVID O. SELZNICK*

*NORMA SHEARER*

*Industrial and foreign accounts to be announced on February 1st, with the opening of offices in Beverly Hills, New York City and Washington, D. C.*



**NORMAN  
TAUROG**

*D I R E C T O R*

**BOYS TOWN**

*METRO-GOLDWYN-MAYER*

**MAD ABOUT MUSIC**

*UNIVERSAL*



**ADVENTURES OF  
TOM SAWYER**

*SELZNICK INTERNATIONAL*



Congratulations ....

**BOB BURNS**

**SEASON'S GREETINGS**



**ROBERT Z.  
LEONARD**

*SEASON'S GREETINGS*

**DORE SCHARY**

*M. G. M.*

**INTERSTATE CIRCUIT, INC.**

MAJESTIC THEATRE BUILDING  
DALLAS, TEXAS

**VARIETY:**

As time rolls on so does *VARIETY*, keeping pace with our ever-changing industry. On this occasion—the thirty-third year of its being—we extend greetings and our best wishes for your continued success.

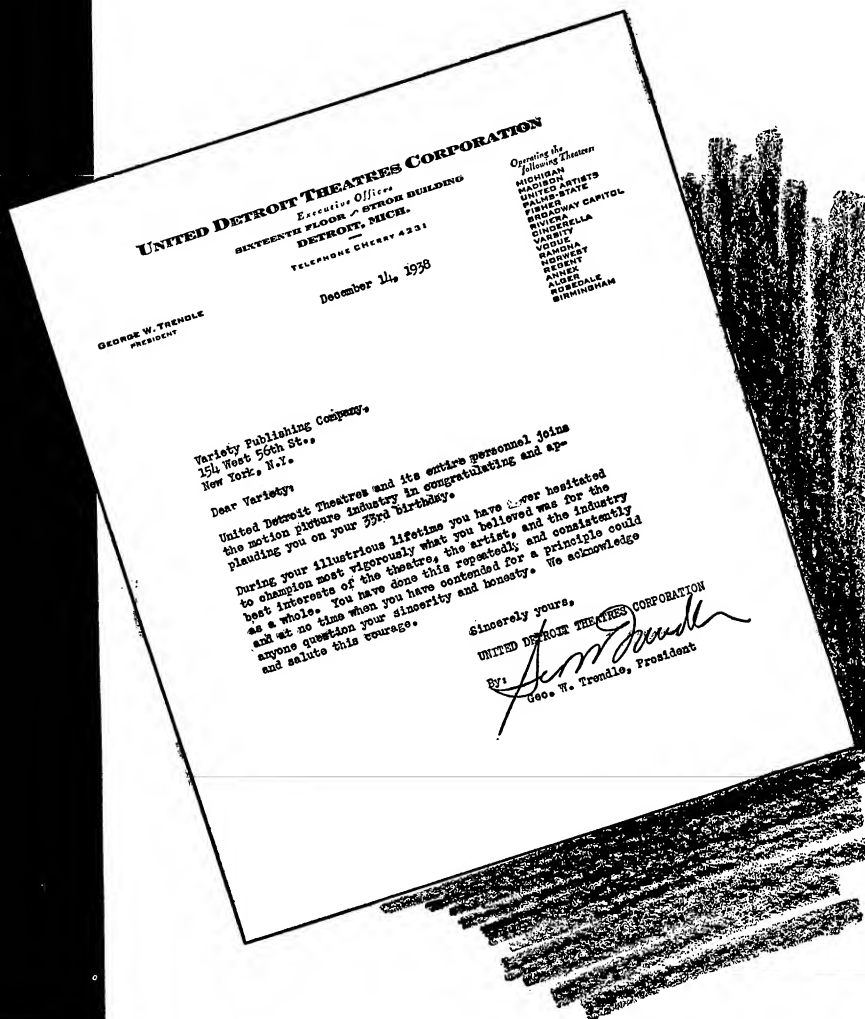
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## Soak-the-Yanks in Australia, Politicians' Patriotic Tactic

By Eric Gorrick

Sydney, Dec. 15. Politically it has been a bad year for the American film distributors. From every part of this island continent yells have gone out to politicians concerning an alleged stranglehold gotten by U. S. interests over Australian and British holdings. Same thing has also happened in New Zealand. This patriotic angle is certain to generate trouble.

From the very first the American film biz has been against producing in Australia. Despite political threats it still openly refuses to produce films here. Premier Stevens of New South Wales, where most of the bother cropped up, admitted that the government has no intention of changing its quota has been a failure. Government, through its Film Commission, is now attempting to bring down a measure early in 1939 where-by the distributors will be brought into quota line. In the meantime the distributors are sitting pat. It's the waiting that causes the headaches.

Political play has been in force throughout 1938. New South Wales would prefer the quota question to be taken in hand by the Federal authorities, but the Federals are not so keen, knowing just what has to be bucked. Premier Stevens, to save his face, must act.

### Pressure Reason

Looking behind the scenes, it's easy to see just why pressure is being applied. Leading commercial men, with no production experience, sunk a lot of capital into home studios, only to find they were on wrong end of the cigar. With empty studios they are now yelling to the government to make the U. S. men sink coin into pic production under quota enforcement.

Take, for example, National Productions, a unit headed by powerful newspaper interests as well as political. National started off in grand style by importing Charles Farrell to star in 'Flying Doctor.' Technicians were brought over from Gaumont-British. Despite all this the pic left its sponsors holding an empty financial bag. Some time ago Columbia tried a flyer in the home production field. Imported Victor Jory to star in 'Rangle River,' with Clarence Badger directing. One production was quite enough. Today Cinesound is the only unit in regular production. Recently headed by executives that unless government provided some assistance the studio would be forced to shut. U. S. coin is needed to keep home studios open. Local producers want it, and the government intends to provide it in a constitutional way.

### Figures

Australia, with a population of 7,000,000, has, according to a report, 1,240 pic theatres. These are kept open mainly on U. S. product. Various managements tried an all-British policy, but failed in every instance to keep such a policy in operation. It's admitted that it would be impossible for locals and Britishers alone to sup-

ply sufficient product to keep all theatres open. It is admitted, however, that locals of quality, and Britishers in general, should be given an opportunity to compete with U. S. pic on an open market.

Major U. S. distributors took out of Australia about \$4,000,000 in 1937. Yet a major chain like Hoyts, screening mainly U. S. product, was able, despite outbreak of infantile paralysis, anniversary celebrations and cricket DX broadcasts from England, to turn in a profit of \$300,000.

U. S. distributors are by no means blameless for the creation of so much current political strife in this territory. They have bucked the government on many points and, in addition, have been deemed grasping with percentage demands. On the other hand, they are slugged by all provincial governments on high taxes, including a payment of 16c per foot on all negative prints brought in.

The current political fight for screen control, with airings in all newspapers, is not doing the b.o.'s any good. Public is being given an inside to the pic biz generally. It's a bad policy. Public buys the kind of entertainment it desires, and so far the lean has been towards the U. S. Sane showmen admit it would be foolish to have any government dictate to the public what type of entertainment it must buy.

Sir Ben Fuller once remarked if the government forced showmen to screen Australian films, then the government should reimburse them. There are many who agree with Sir Ben.

### Erection Stoppage

In New South Wales no one can build a theatre without governmental permission. This ruling has been extended until June, 1939. In South Australia political pressure was attempted to stop Metro from erecting a new theatre. However, Metro, despite yells, is going ahead on erection plans.

In every centre of Australia political pressure is on to stop U. S. interests from advancing any further. Some of the headaches experienced in 1938 included erection stoppage, 25% right of rejection, proposed tax on U. S. pic imports, to assist local producers, stoppage of block-bookings, Empire quota on a reciprocal basis, control of theatre licensing, restriction of investment and control of theatres to British subjects, cheaper film hire, and prevention of foreign (U. S.) domination screens of New South Wales. 1939, according to those on the inside, will bring additional headaches.

## Black's Adelphi, London, Deal Now Looks Cold

London, Jan. 1.

The deal between Gaumont-British and Associated Theatres Properties to lease the Adelphi as a vaudeville house, with George Black in control, is not likely to go through. The main reason for the failure of the deal to be completed is that ATP wants to form a private company with G-B to promote the venture instead of a flat rental proposition for the house. Black is opposed to the idea, and is insisting on the rental plan.

It is understood that Gaumont-British now is considering the London Hippodrome, a subsidiary of G-B, as a suitable vaudeville spot. Hippodrome played vaudeville the last time 14 years ago when operated by William Morris.

'The Fleet's Lit Up' is closing at the Hippodrome some time in January after having been there since mid-August. Vaudeville twice-nightly policy is supposed to go in during February.

### HOME TO ROOST

Hollywood, Jan. 1.

'Prodigal Returns' is the next Spanish language picture starring Tito Guizar, to be made by Dario Producciones at Grand National, starting late this month.

Mortimer Braus is doing the screen play from an original by Dana Wilma.



GEORGE WOOD

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Pantomime 1938-39, Opera House, Belfast.

Greetings to "Water Rats" in America: Dave Apollon, Charles Chaplin, "Chuck" Riesner, Ted Shapiro, George Swifts, Chick York. From "Water Rats" in England, especially Sam Downing, Charlie Kuntz, Bobby May—also "Hollywood Householder" Charles Austin and myself.

## DISCREPANCIES OF 'SUEZ' HIT IN PARIS

Paris, Dec. 24.

Recent attacks in French periodicals on the way Hollywood portrays Frenchmen in its pictures has been followed by a second, a blast on 20th's 'Suez.' Taking up the cudgels of certain members of the de Lesseps family, the mag points out the historical discrepancies of the film, showing photos of the personalities involved at the time the incidents actually transpired and also stills from the film.

Captions of one picture note the difference in the ages of the Empress Eugenie and de Lesseps at the time of the Suez's opening in 1869. The Empress was then actually 43 and the engineer 84. De Lesseps, played by Tyrone Power, and the Empress, portrayed by Loretta Young, are pictured as comparative youngsters.

Power is also shown talking to the Khedive Mehemet Ali and his son, Mohammed Said, the caption stating "... but when Lesseps commenced to interest himself in the canal, Mehemet Ali was dead. Other photos show Power fully dressed in the water with Annabella, and state: 'The little Francaise and M. Ferdinand de Lesseps have a fashion of flirting in the water which only the heat of Egypt might explain.' Annabella saving Power from a sand storm with the caption stating 'such a personage as portrayed by Annabella never existed.'

But while the film came in 'or some chiding from that angle it received full justification from another. Octave Aubry, recognized authority on Bonaparte history, expressed the opinion that the divergences shown were permissible.

'History is one thing and the cinema is another,' he said. 'I accord a certain indulgence to falsifications of detail if the goal followed is attained, if the grandeur of a man or the value of a work is attained.'

Although certain de Lesseps descendants are still protesting at parts of the picture, responsible members have approved the film.

## Tropical Radio Rules

Washington, Jan. 1.

Finishing touches placed last week on allocation pact which assures Central American nations of frequencies necessary to overcome interfering difficulties common in the tropics. State Department announced final agreement with governments in the hot zone where operation on the standard 550-1600 kc band is impracticable.

Only reason for American participation was the military defense of the Panama Canal, since the channels are earmarked for special services in this country and no conflict is likely.

## SUBDUED SPARKLE OF BUDAPEST

By E. P. Jacobi

Budapest, Dec. 20.

Budapest is indeed hard put to it to keep up its claim to gaiety these days. Bit by bit the glamour of the once famous, even notorious, night life is wearing off. Yet, perhaps compared to other poverty-stricken, war-shadowed mid-European capitals, Budapest niteries still blazingly hold their own.

Whatever effects politics, racial prejudices, Nazi threats and their counter-effects may have on things in general, wildest political antagonists peacefully sit side by side in the Arizona or the Anna Bar. But patronage is sparser, money trickles more thinly, but it all goes on just the same, ready to pick up on the first sign of relief.

There have been practically no big foreign attractions booked. Few of international repute, invariably are of Hungarian extraction; artists who return from engagements abroad to put in a few weeks or months at home, gladly accepting payment in Hungarian currency so that the transfer problem which makes the engagement of a foreign act almost impossible, does not enter into the question. Qualification for membership of Artists' Association, formerly a mere formality, is now taken more seriously and dependent on an exam, ensuring a certain standard.

Arizona, leading night club, is still the unique glamorous bedlam that experts still call the craziest place of the floor but watch the show. Formerly it only had a revolving floor that could be raised and sunk, but this year it has been reconstructed to allow the boxes to sink below floor level and soar up again, with lighting coming from big shells on the walls that shift to and fro, and a row of boxes that have no direct view of the floor but watch the show from its reflection in black mirrors. What with colored lights, an orchestra platform that moves up and down, backwards and forwards, girls swinging from the chandeliers and toted along on wires from the ceiling, and similar devices, it's anything but restful, but then, apparently, people don't go to niteries for a rest cure, and they seem pretty well pleased with Arizona's antics.

### Magyar Texas Guinan

Additional Barnum touches are the zoo attractions. Miss Arizona, proprietor's wife, the Texas Guinan of Budapest, started last year by appearing on the floor in Oriental splendor riding a real live camel. Ship of the desert proving a smash hit, she topped it with a Hindu number for which a baby elephant is borrowed from the zoo after lunch from the municipal Zoo. A pony and a snake are other guest performers on the polished revolving floor of the Arizona. Arizona has been an excellently paying proposition up till lately, deservedly so because it is a well-constructed establishment, with the proprietress knowing their job and doing it. Miss Arizona is head hostess; Rozsnyay, her husband, is manager, composer and pianist; girls are pretty and of a nice type. They had been planning to establish a summer branch at a roadhouse, but nothing came of that owing to crisis slump.

Only other important place at present is Moulin Rouge, which has much success with a really good floor show compiled of old-time musical comedy hits. Banking on 'good old days' nostalgia has proved so successful that they are now putting on the third show in this style, with Alibon and other imported comedians very nicely staged. Parisian Grill, the third big niterie, is in conjunction with Moulin Rouge and has not opened this winter so as to cut out competition which harm both. Grill's chief income being summer biz at Margaret Island, they've decided to lie low during the winter.

Of the ritzy restaurants, Reine Pedaque, Kakuk, Kis Royal and Tarjan's are in the front rank, both summer and winter. Kakuk and Kis Royal have gipsy music, and therefore much patronage from foreign visitors. Foreigners and provincials form the nucleus of clients at Cafe Ostende and other places where gipsy kid bands are performing. Despite legislative measures against juvenile performers in niteries, kid orchestras, comprising gipsy boy musicians under 14—the

smaller the better—somehow find a way out and are always popular. Their musical performance is truly amazing, even though it palls after a time.

### Small Bars

Bars, small niteries with a pianist or a two or three-piece orchestra and an occasional diseuse or torch singer, still attract most of the better-class local patronage. The so-called local patrone, the so-called citites at the piano bait, sensational two or three years ago, has lost zest; either they are no longer at the piano or they have ceased to be socialites. The diseuses who still hold their own are quality goods, more on the actress than on the hostess side, socialite or otherwise. Janka Solyom, Martha Ratkay, Tury Fellegi belong to the first legion.

Anna Bar, Capri, haunt of government politicians; Bristol Bar, Hungaria Grill, Dubory, Prince of Wales, Orszaghaz Bar which melts into the bridge club active at the same establishment, and half-a-dozen others, less pretentious, constitute the link between niteries and simple cafes. Of these there used to be one on every street corner in Budapest in bygone days, substituting for clubs and homes, but their days of glory are past. They have gone dark by the dozen during the last few years, stricken by the slump, by taxes and by radio entertainment in the home. The latter element was felt considerably by cafes, restaurants and shows during the crisis weeks when everybody was glued to the loud speaker at home.

Patrons are not so much reduced in numbers as in their powers of consumption. Of a Saturday when niteries are still packed—well, not exactly to capacity, but still comfortably crowded—the overwhelming majority will be Scotsmen—perhaps one or two emperors—the reckless spenders—thrown in. Hungarian champagne, at five or six dollars a bottle at swell night clubs, is the staple drink; anybody who calls for French already deserves the title of emperor. Fancy drinks are very popular, foreign brands being heavily taxed, champagne comes cheaper in the long run. Next to it, 'barack,' the national apricot brandy, is chief item on list of drinks.

Compared to pre-war or inflation booms, Budapest nite life has, of course, grown drab; it has even dwindled considerably in comparison to what it was four or five years ago. But coming from Berlin or Vienna, Prague or Zurich, Rome or Brussels, Amsterdam or Belgrade, you will still find it miles above any of those places in the way of gaiety, entertainment, brightness and originality on the part of the entertainers and appreciation, enjoyment and abandon on the part of the guests. There is less money and no doubt a good many people are missing from the ranks. But those that are left haven't lost their zest for fun, and they never will, not if Hungary goes ever so totalitarian.

## MAY NIX TAX ON U. S. DISTRIBS IN N. S. W.

Sydney, Dec. 15.

Unofficially learned that the government of New South Wales may decide not to impose a tax on U. S. pix as a subsidy to assist home producers. Reported that the government regards such an imposition wholly unworkable from a law viewpoint, and such a tax, if imposed at all, would, it's said, have to come with the authority of federal officials, and not through any single state government.

Understood the committee probing the current picture situation on behalf of New South Wales government has had advice from Canberra, the seat of the federal government, to watch its step on additional tax impositions in connection with the picture industry.

Radio Normandy have received renewal from H. M. V. military Pickle via Muller Blatchly & Co.

## PICK N. Z. BOARD TO EASE EXHIB, DISTRIB ROW

Auckland, N. Z., Dec. 15.

In an endeavor to bring peace within the picture industry here, it has been decided to appoint a special board of four representatives of the exhibs and a like number of distributors, with a chairman appointed by the government to sit in at all meetings. This move has been discussed for some time and according to many traders may offer the only solution in bringing about peace between exhibs and U. S. distributors operating in the dominion.

This territory has always been a sore point politically to the U. S. distributors. At one time, following certain political moves, the distributors withdrew for a spell.

Earlier this year it was anticipated the distributors would again withdraw but when the government told them that if they went out again the road back would not be an easy one, they decided to stick.

## Influence of Rome-Berlin Axis on Italy's Show Biz

By H. M. Brown

Rome, Dec. 20. Heavy hand of politics makes itself felt in Italian show business in four ways: (1) through censorship of all productions even remotely smacking of anti-fascist or anti-Italian influence; (2) through tinging almost all Italian productions with fascist propaganda; (3) through the application of Italian 'autarchy'—i.e. economic self-reliance—ambitions; (4) through certain preferences shown for and returned by the German colleagues.

Partiality toward the other member of the Rome-Berlin axis has not had very great economic importance so far. There have been the usual 'cultural' exchanges—German singing clubs touring Italian cities; Emma Gramatica, Italy's No. 1 actress, giving performances in Berlin. Beniamino Gigli has made a number of pictures especially for the German market; German producers give the Italian Riviera a break, over the French, in film scenes laid in southern resorts. And there is more collaboration on two-language productions with German studios than with those of any other nationality. Many a voice was raised in accusations of political favoritism when at the International Film Exhibition at Venice, the prized Mussolini Cup was awarded jointly to the members of the Rome-Berlin axis. While there was no disagreement on the great artistic merits of Leni Riefenstahl's 'Olympia,' it was considered that this pic should have competed with other repertorial films or else been put in a class entirely by itself as was Disney's 'Snow White.' Instead, it was classed in the competitive with regular feature films, which was by many considered unfair.

Censorship of foreign productions for political reasons has hit at American pictures a number of times. 'Blockade,' 'Farewell to Arms,' and 'Idiot's Delight' were not only nixed by Italian censors, but singled out for comment by Commendatore Luigi Freddi, director-general of the Italian film industry, as typifying an 'anti-fascist' trend in American productions which Italy resented. Even more surprising to American producers representatives, who appeared to have thought these pics anti-war rather than anti-fascist, has been the branding of certain scenes in American pics descriptive of Italy or Italians as 'anti-Italian.' Fascism against the modern Italian is thin. On himself as typically 20th century, and thinks it is condescension to portray him still as a picturesque, song-singing, spaghetti-eating individual. Accordingly, all scenes that show 'picturesque' Italian life are required to be cut or changed.

### But Internal Propaganda's OK

While Italians object to political inferences in foreign productions, almost all outstanding Italian productions, both screen and stage, do their bit for fascist propaganda. On the screen, the San Remo drama prize was awarded to a play 'I figli' ('Sons') that was full of declamatory patriotic passages, but that turned out to be such bad drama that it was dropped from the theatrical repertoire immediately after the official performance at which the prize was awarded. On the screen, 'Life of Verdi' showed episodes of the struggle for the unification of Italy, glorified typically Italian music. 'Under the Southern Cross' glorified the Italian colonist in Africa. 'Luciano Serra, Pilot' glorified Italian military aviation. That these pics were considered outstanding in this year's crop cannot be questioned, as they were singled out for showing at Venice; that they contained propaganda passages can also hardly be questioned.

In addition to propaganda for internal consumption, Italian show business has arranged various good will tours abroad—notably to South America. Ermete Zaccanti, Italy's distinguished 80-year-old actor, his company, and a lot of South American capitals, was decorated by the Minister for Press and Propaganda upon his return.

The move to limit 'un-Italian' influence in show business ties up with general ambition toward economic and cultural independence. 'Autarchy' has become the most popular word in Italian production, and of course film and legit production are bound to mirror this general trend.

Formerly large part of repertoire of legit companies were translations

of foreign plays; now it is very smart to be very Italian. Jewish playwrights are virtually excluded from the Italian theatre, though as yet there has been no law passed banning production of plays by Jewish authors. But, unofficially, and despite the fact that Jewish influence was never important in show business here as it was in Germany, Jewish activity on screen and stage is being nixed. The French playwright, Henry Bernstein, who was the foreign author most widely produced in Italy, returned a decoration received from the Italian government in protest against discrimination against Jews. Official regulations—such as those forbidding Italian artists to assume foreign pseudonyms, requiring the fascist salute on screen and stage, and prescribing the fascist form of address—give Italian productions more and more of a national stamp.

Most outstanding 'un-Italian' touch that has been allowed to remain is the peroxide blonde touch: most Italian actresses, and practically all chorus girls and variety artists, have dyed hair.

## LONDON LEGIT NOT SPIFFY

By Joshua Lowe

London, Dec. 20.

Constantly threatening war clouds put a damper on all kinds of show business in 1938. Chaos in stock market, lunacy in trades, etc., played havoc with amusements. Over 130 odd productions were boldly presented, with but a bare 25% that could be classed as 'coming anywhere near the hit mark. Definite successes in straight shows include 'Dodie Smith's latest, 'Dear Octopus'; Charles Morgan's 'The Flashing Stream' and Evelyn Williams in his own play 'The Corn Is Green.' 'Spring Meeting,' scheduled for New York production, is drawing profitable business at a small house, as is also J. B. Priestley's Yorkshire comedy, 'When We Are Married' among other quiet, un-spectacular little plays that are just staying put.

American contributions consisted of 'Amphitryon 38' which did full time business during its allotted span; 'Golden Boy,' with good takings until they changed the cast and sent over an entirely new company; 'Idiot's Delight' was okay until the political situation became tense, necessitating its sudden withdrawal. It was later revived at cheap prices at His Majesty's, where it ran for other six weeks. 'The Pied Piper' (Pai-oh) probably flopped due to the fact that it had an English cast which did not conform to the atmosphere. 'On Borrowed Time,' only survived four days at the Haymarket.

Theatrical unique was the re-opened 'George and Margaret' which is still going strong at the Piccadilly at half prices, after two years' run at Wyndham's. Another instance is 'Glorious Morning,' which moved from the Duchess in September and is playing to half price at the White hall.

### 'Lambeth Walk' Show

Musical hits are headed by the cheap-priced, twice-nightly production of 'Me and My Girl' at the Victoria Palace, which is booked weeks ahead, and has been running the way since its production at the close of last year. The popularization of 'The Lambeth Walk' song and dance from the show is probably doing a lot to keep the show in the limelight. The venture looked anything but promising until the show was broadcast, when it took a sensational spurt, and has never looked back.

Crazy Gang in its revue, 'These Foolish Things,' is doing splendid business at Palladium, and the only other revue, 'Nine Sharp,' has been doing consistently good since January. 'Wild Oats,' 'The Fleet's Lit Up,' 'Running Riot' were in the money, while 'Bobby Get Your Gun' is carrying on at cut salaries. 'Under Your Hat,' the new Cicely Courtneidge Jack Hulbert show, has had a

## An Old Adage Fits Mid-Europe: 'Clash of Arms Silences the Muses'

By E. P. Jacobi

Budapest, Dec. 20. After the upheaval of Anschluss, in March, 1938, the Czechoslovak crisis in October and the war scare, entertainment trade in mid-Europe is gradually settling down again. For how long? Who knows? Of course this does not mean that it is back to 'normal.' Trends in various countries are divergent, common traits between them almost nil. The one thing that is common to all, nationalism, makes each different.

Vienna has ceased to be a key city in the world of the theatre. It is simply a branch of the German totalitarian entertainment system. Half of Vienna's theatres are closed for reconstruction. Of those that are open, state-subsidized Opera is the one that has undergone the slightest change, save for some important individuals, notably among the conductors.

Berlin actor, Lotha Muthel, is manager of Burgtheater, almost completely 'Aryanized' well before Anschluss. Repertory comprises a few German classics, the standard propaganda dramas of the Third Reich and currently an adaptation of Oscar Wilde's 'The Importance of Being Earnest.' Volks-theater, Raimundtheater and Volkoper, just reopened after reconstruction, are KdF theatres. These magic letters mean that they are co-operatives, controlled by the 'Kraft durch Freude' organization, state institution which provides entertainment and propaganda for workers.

### One Private House

Only one theatre, Reinhardt's one-time Josephstadt theatre, is a private undertaking and has remained in the management of Heinz Hilpert. There have been many important changes in the company; few Austrian actors are left, the new batch being almost exclusively of German extraction. Season has not brought a single new play by an Austrian or German author.

Vienna's two major film studios, Rosenhugel and Sascha, are also 'under reconstruction.' Very conveniently, the two most popular screen stars, Paula Wessely and Magda Schneider, have just had babies. Her first Vienna will enter into the Reich film production in the future remains to be seen, but it certainly seems likely that special Austrian characteristics will not be tolerated.

Naturally, German films dominate the picture theatres. At the time of writing, eight out of Vienna's 13 de luxe first-run theatres presented German pictures, and simultaneously showed 'The White Squadron,' Italian propaganda picture, featuring the African campaigns, and only one presented an American feature. French films, so much in evidence

wonderful launching and looks set for many months.

Most spectacular fops in this field were the Drury Lane show, 'The Sun Never Sets,' which lost about \$150,000 in the month it lingered; and the second ice production at the Coliseum, which only survived three weeks, in strange contrast to its predecessor 'St. Moritz' which formed money. But the craze for this kind of entertainment was definitely exhausted. C. B. Cochran's musical, 'Happy Returns,' with Beatrice Lillie, was a big disappointment; also Eric Maerchewitz's 'Paprika,' which he hoped would be a prosperous successor to 'Balalaika' but which folded after 11 days. 'Maritza' at the Palace, 'No Sky So Blue' and 'Pellegrini's Follies' of 1938' were other wash-outs in the musical line.

### Musicals Tap Off

There seems to be a departure with each ensuing year, of the musical type of show as an attraction. Not that so many fail in proportion, but that so few are staged. Public taste seems to demand the quiet, homely type of comedy, like 'George and Margaret,' 'Dodie Smith's family plays and that type, replacing the ghoulish era and the sex farce. The quiet sincerity of 'Goodbye, Mr. Chips' and the piece a man can take his young people to, seems now to be in most demand. But chiefly, musical productions are now so expensive, it takes months, even with a big hit, to get the investment repaid. Recently Jack Waller is reported to have said he would do no more musicals, and Cochran 'swore off' several times.

during the last two years, have receded completely into the background.

### No Jewish Patronage

Business aspect of the show trade is regulated to a great extent by the Kraft durch Freude. Majority of cheap theatre tickets are distributed through their organization. This gives a certain stability to the box office, but no chance of big profits. Lack of Jewish patronage is strongly felt, especially in the music world. Vienna's standard musical comedy stage, An der Wien, is dark; important concerts and recitals, mostly sold out in years of yore, are half empty. No one now dresses for a theatrical performance. A good many bars and night clubs are either 'under reconstruction' or frankly closed. Femina, the only revue theatre, and Ronacher, variety stage, are open.

What has become of the talent for which there is no longer any room on Germany's and the former Austria's stages? There is only one outlet for German-speaking actors and German-writing authors of the non-Hitlerite brand, and that is Switzerland. It is practically the only country where grand musical comedy in the Viennese style is still very popular. Of course, Switzerland is a very limited field and products its own talent like all other countries, but a few of the really important figures of the pre-Hitler era find refuge there, such as Bassermann, now touring in Swiss author Faesi's comedy which has brought him exceptional success. Beyond Switzerland, Paris is still the Mecca of refugee authors. Austrian playwrights have pitched their tents there, and authors and actors rally around them as far as immigration restrictions permit.

### Czechoslovakia

Prague, only a few months ago a stronghold of German acting, is no more to be considered as such. Prague's two important German theatres are closed, their companies disbanded. German theatres in the Sudeten area are conducted to conform to other Reich stages. Sign of nationalistic spirit prevalent in Czechoslovakia is that five of Prague's seven legit theatres are performing original Czech plays, and only the opera and a musical comedy stage include plays of other extraction in their repertory.

Majority of cinemas are showing American pictures currently, but this may undergo a change in the future if Czechoslovakia's political orientation towards Germany finds expression in trade trends also. At present nationalistic tendencies turn against manifestations of foreign culture, German or otherwise.

Refugees from Germany not being admitted either to Czechoslovakia or to Hungary, exiled talent in no way changes the aspect of cinema production or other branches of show business in these countries. Neither have Austrian picture imports been important enough for their present lack to make any difference. After the Anschluss slump and another set-back in the war's days, entertainment trade in Hungary has picked up surprisingly. Production, at a complete standstill last spring, has made up for lost time. Some 22 full-length features have been completed this fall. Of these 11 have already been released. Hungarian production figures for the current season should not lag much, if any. Behind the maximum production of 35 features made during the 1937-38 season.

Restitution of North Hungarian areas, up till now under Czech rule and closed to Hungarian imports, gives an added stimulus to national film production. Territorial readjustment has brought about a 10% increase of population, estimated to mean a 12% increase of picture-goers. This prospect gives a widened base for Hungarian pictures. Sale of these is restricted by language limits and costs must be kept within narrow bounds to ensure a reasonable profit margin. Locally-made features come to anything between \$24,000 and \$32,000. Only one or two have run to a higher figure.

### Hungarian Cinderella

Hungarian pictures are gaining in popularity, improving in technical quality and in standard of acting. It's

the scripts that are sadly lacking. Majority are adaptations of popular fiction or stage plays, with current patriotic trend expressed by preference for folktales. Of Hungary's original screenplays, there is not much trace of originality. The Cinderella element still prevails. On the whole, there is some improvement in the average quality, but no outstanding success. Hungarian pictures are steadily gaining importance in the local market but at present can hardly expect to do so abroad.

### Durbini, Darrieux Tops

Figures for the first ten months of the year, Jan. 1 to Nov. 1, show that of 173 pictures shown in the American market, German imports have slipped considerably. Only 23 German features were exhibited, same number as Hungarian. There were 26 French imports. The remaining 11 features were of British, Italian, Czech and Austrian extraction. Outstanding favorites of 1938 were Deanna Durbin, Danielle Darrieux, Sacha Guitry, Clark Gable.

Legit theatres show astonishing vitality of Hungarian amusements. Of the 11 legit stages playing at the close of last season, one did not reopen; instead, there is a new venture to make up the number. Three of these have distinct success now running; four current plays have already passed the 50-performance mark, a fact that means success in the case of a non-musical on the Budapest stage; subscriptions, particularly in the state-subsidized theatres, Opera and National, have gone over well. Constant source of complaint of managers is shortage of good plays. This is certainly not a local symptom, but a particularly depressing one in the case of Hungary. For years we used to pride ourselves on the fact that although poor in funds, we were rich in talents. The fact that the Hungarian playwrights started a world vogue at present, although there is an insistent local demand for national product, there are not enough available plays to go round even at home. To eke out home product, there is an increasing demand for English and American plays, but few of these digest really well. The approach to the Berlin-Rome axis, only one Italian and one German play, and that one on an American subject: Hanns Johst's 'Thomas Payne,' were produced in the government-controlled National theatre. Both were flops. Nationalistic trend is expressed in the demand for historical and folk plays and fiction, but few of these have the hallmark of genuine conviction and strength that might carry a message beyond the obvious limitations of subjects. Hence, the export possibilities of Magyar plays have been considerably lessened.

This symptom of authors drying up is of course largely due to the political situation. There certainly is a good deal of truth in the old clash-of-arms-silence-of-Muses adage. Added to this are local difficulties resulting from new press laws and anti-Semitic measures. These do not exclude non-Aryan authors from publication or stage production, but have created an atmosphere of apprehension that is not conducive to creative conditions. This applies also to picture scripts and particularly to fiction publication. Theatrical companies have not been induced in any way by the anti-Semitic restrictions, so far, the only important changes due to these are evident in the press. Many periodicals have been refused circulation permits and considerable changes have been made on the staff of nearly all dailies, a matter of great importance in the world of Hungarian literature. The Hungarian entertainment trade unless you knock it on the head with a hammer—and apparently not even then.

## Night Life in Berlin

Former white light district of Berlin, the Friedrichstrasse, is just a ghost of its old self as the trend to the West Side continues. Kurfuerstendamm gets the play. Elite goes either to Ciro's or the Quartier Latin. These class joints are known for their jazzy bands and can afford best pay-in-town. International set generally meets after dinner for hoofing and champagne at small tables or hard licker at the bar.

There are still lots of bars and petite boites. But they don't differ from the usual run in the other metropolises. Soft waltzes as well as the tango are tops. Most exclusive of these spots is the Koenigin. The Kakadu, longest run in Germany, with a bevy of girls on both sides and a floor show now has a strong presence of Japanese. The Atlantic, Barberina, Rio Rita, Cascade, Freddy and Roxie are all intimate dance bars on or near the Kurfuerstendamm in easy reach of those on the nitery move.

Biggest dance place, allowing hundreds on the double floor, is Delphi in a building of its own now featuring Arne Huelfers, a Swedish band master. Another huge double floored dance cabaret—with a separate bar show up a flight—is Femina. Also does best after noon biz.

### Hoke Popular

Berlin native goes in for fun in crowds and flits down south into the New World. It is a gigantic barn with two floors, connected by shoot-the-shoots which whisk you off your feet and swing you to your place. It's great fun going there with a crowd in a holiday mood. There are shooting galleries, a merry-go-round and other indoor tent shows. Bavarian food, beer and music are served before a huge stage with yodeling, shoe-platter and all the hoke that goes with it.

It's the terp that also counts with the Resi, the frolic face of the east-side. Mirrors everywhere and revolving mirrors from the ceiling reflect a colored sprinkle on the move. Over each table is an illuminated number to aid location for telephonic and postal communication. Through the tubes you can send any billet-doux to anybody hitting your eye. The only catch is the censorship department making ample use of the basket if your slip doesn't seem proper.

Haus Vaterland kept to it. The various rooms a la gypsy, turk and cowboy are standing attractions. An hourly thunderstorm over the Rhine is the main stunt of another room, and a generous floor show rounds up a lot of try-outs and feature names as well. St. Pauli, a class nitery styled on the remake of the dock-joints at St. Pauli, a district of Hamburg, never lacks a smart crowd and features the songs of the old salts with accordion accompaniment. A number of dancing gals keep hoofing on the run. A bar fills one nook of the room. It's a gay, peppy place and always packed. Another spot with a big draw is the Ziegeuner Keller in the center of West and night life, and situated in a cellar. A hot gypsy band in costumes and Hungarian decor jam it to capacity though no dancing is permitted. But food is good at the price and Hungarian wine for only a few cents a decanter helps key up the spirits.

### Curfew

Although curfew rings on public places at 3 a.m., special club license gives life to some wee hour spots. Girls play quite a role in keeping whoopee and whoopie from turning in early. The Kuensler Eck is the oldest spot tucked away in a cellar. It has quite a tradition as hangout for artists who turn up after curfew and mix with the smart set on their last lap after lah-de-dah balls. Old folks and antiques, in the walls. A keyboard is reserved for private tickling and musically minded guests amuse themselves till the crack of dawn.

### Too Funny

A new spot, way up the Kurfuerstendamm is the Kuensler Klaus with boltes and nooks but in the way of a restaurant. It's a rendezvous for artists after theatre and is crowded by visitors from the nearby Kabaret der Komiker, which reopened recently. Former managerment there, whooped in a cloud of Political satire and ribbing didn't jell with demands of official quarters.

The Tusculum is a wine-restaurant further down.

Lobbies of the international hotels look like those in Switzerland at the height of the season. Old German aristocracy and the new political world meets at the Kaiserhof. A separate restaurant with access from another side, the Kaiserstuben, is packed at dinner-time. If you are in search of the exclusive foreign element, you drop in at the Adlon bar or grillroom. Once a week the hotel splurges a house-dance; it's a popular society affair. At the Eden are the aforesaid exclusives, with a dash of the artistic thrown in. A specialty is the five o'clock dance on the roof-garden with a good swingband. The Excelsior hotel is famed for its cellar restaurant with good food at low price. Eatery's a former Turkish bath all laid out in Dutch tile.

Those in the know as a rule don't stay in one place for long. During the time. Downtown they go to Hiller or Habel Unter den Linden or the Old Inn, tucked away in a courtyard. Uptown at Peltzer's Atelier. Horcher's next to the Scala or Schlichter's opposite, the gourmet can indulge his wildest fancies, fine wine included, and get out for around \$30, but if not the raffish, he can make a fiver do the trick.

### For the Cosmopolitans

But all these places belong to the international side of things. It's not Berlin. The Berlin type of restaurant is the big beer place, such as the Berliner Kindl on the Kurfuerstendamm. In summertime tables are set out way into the street; at the back an open air garden is crowded, after sunset lit with electric bulbs strung from tree to tree. During both beer time when particularly hefty beer is on tap, special entertainments are arranged. Electric bulbs get colored lampion fittings, paper festoons dangle from the ceiling and a Bavarian band frolics up a hum. The crowd gets balloons and paper cups and the fun gets going. The place is packed to the rafters. Such beer restaurants with backyards as Alte Klaus are scattered up and down Kurfuerstendamm. Italian and Russian spots lie in between. The cafe addicts meet at Cafe Wien where there is hoofing on the second floor. On Nollendorplatz Cafe Hoffmann has an excellent Mexican band, while the Filmhof, further on has a floor show and jazzband.

## Aussie Revivals Didn't Revive Biz

By Eric Gorrick

Sydney, Dec. 15. After remaining in the doldrums for the better part of 1938, legit is at the moment encouraging hopes for 1939. Old Williamson-Tait revival continued bringing old-time revivals out of the storehouse only to find public appetite blunted. Revivals included "Desert Song," "Belle of New York," "Rose-Marie," "No, No, Nanette" and "New Moon." These revivals played both here and Melbourne.

Of the new shows offered by the W.T. setup, "Balalaika" went to a big hit, proving that public still willing to pay for class attractions with fresh artists. Margaret Adams and Robert Halliday from U. S. scored in this show. W.T. also did remarkably well with Ruth Draper. British star, Fay Compton, did excellently in Melbourne with "Victoria Regina," but oddly did not fare so well in Sydney with the same and two others, "George and Margaret" and "Tonight at 8:30."

June, 1938, saw, after months of share dickerings, a new unit, Australian-New Zealand. Theatres, take over the W.T. holdings. This deal was brought about, largely through the efforts of Ken Asprey. The new W.T. directorate was cast overboard and a new one appointed, including Asprey, Frank Tait, Stanley Crick, George Dean, Ernest C. Rolls. Major stockholders include A. W. Allen, Sir Hugh Denison, Sir George Tellis, E. Gorman, H. S. Chambers, W. H. Edwards, J. H. Mason and K. C. Campbell.

Revivals were continued until Ernest Rolls was able to book new attractions abroad. Took a chance, however, and decided to stage Betty Balfour's "Personal Appearance," but the show flopped quickly in Melbourne and here. ANZT, with nothing new to offer, closed down

## HUNGARIAN GROUP MAY PLAY N. Y. EXPO

Tibor Kovacs of Budapest is in New York on a deal for the Gypsy Children's orchestra of 25 from the Hungarian capital for the N.Y. World's Fair.

This is the troupe Bob Ritchie, Metro talent scout, had all set to import but encountered labor permit difficulties in connection with doing a film on the Coast.

## GOV'T RADIO FACES ACUTE COIN LACK

London, Dec. 23.

BBC is threatening it will reduce programs in quality and quantity, slow down visio, restrict cultural and foreign broadcasts and reduce personnel unless Government gives it an increased bankroll. It is currently incurring heavy expense in Broadcasting House expansion, additions at regional transmitters, boosting visio et al, and is likely to become insolvent unless more cash is forthcoming.

Aside from receipts from publications, Corp exists entirely on Gov't grants from the income it receives from radio licenses. These cost 10 shillings (\$2.50) per set per year, yielding annual sum of above \$20,000,000, but of this the Treasury takes a rake off of nearly 35% to cover expenses plus a contribution to the national exchequer.

### MORLEY'S NEXT PIC

Gaby Morley, French film and legit actress, will return to France in February after a brief Canadian tour in "Victoria Regina," to star in Marcel L'Herbier's film, production of "Entente Cordiale," based on life of King Edward VII.

Sexton Blake, gumshoe hero of milks of English kids, due for BBC serial mat in 1939. Ernest Dudley is writing a script from a story by Barkeley Gray.

His Majesty's, Melbourne, for a few weeks. Overhead kept on mounting and things looked black for legit.

Toward the end of the year the Covent Garden Russian Ballet arrived and went to a click in Melbourne for ANZT. In the meantime, Rolls had been busy abroad booking shows and players, and finally "The Women" was staged in Melbourne, where it met with a socko success. "I Married an Angel" was next to arrive, and looks like a tremendous hit on carry-over into 1939.

Introduction of new shows and class players from abroad set legit upon its feet again and things look bright for the future. Major drawback is that ANZT has only one theatre in this city. Will seek added capital to permit erection of new legit theatre.

Shows promised for 1939 by ANZT include "Golden Boy," "On Your Toes," "Night of Song," "Crest of the Wave," "Fleet's Lit Up," "Me and My Girl," "Susan and God," "Shadow and Substance," "Idiot's Delight," "Casino Revue," "Folies Bergere" and "Ice Revue."

### American Performers

U. S. artists now here include Irene Purcell, Nancy Sheridan, Debby Dene, Dorothy Zimmer, Susan Jackson (Women), George Ducas, Katherine Crawford, Maryon Dale ("I Married an Angel").

Outside of legit, ANZT will import concert stars during 1939-40, possibly including, so it's reported, Grace Moore, Lily Pons, Yehudi Menuhin, Paul Robeson and Richard Crooks.

Fullers are also stated to be interested in legit next year, and Dave Martin, Minerva Centre, Ltd., is endeavoring to get started in this field also.

Legit looks better for 1939. It can't be as bad.

## NOT SO GAY PAREE

By Hugo Speck

Paris, Dec. 20.

Harassed and hounded by internal political differences, distressed and disturbed by an almost constant war being waged by being nearer to a great conflict than at any time since the treaty of Versailles, a big slice of the Gay was knitted off Gay Paree during the last 12 months with the end of the year seeing a continued letdown as compared to previous seasons.

While after dark amusements cannot be said to have diminished greatly in number, the end of the year seeing the usual flourish to snatch whatever holiday coin was on the spend, the trend of political events, and especially the new financial decrees of November upping the cost of living, exerted a great influence.

Wave of strikes which began in 1938 continued to make sporadic appearances and the franc was allowed to fall another 30% in relation to the dollar and pound to touch 38 to the dollar at the end of the year. This was decidedly against causing even the money spending Frenchman to life Paris in his offer from champagne corks. The lower franc did have the effect of attracting more visitors, especially English, but the touchy international-setup did much to offset what would ordinarily be a big tourist draw.

In only one case did international events help the bright light world. That was the wedding of the prince of King George and Queen Elizabeth of England. Spots intending to stay open until late June until after the visit, extended shuttering until they had returned to England in late July.

### Montmartre

Through it all Montmartre on the hill still held top honors for high, middle and low offerings to the pre-dawn browsers. Every type of night life Paris has to offer from the dance halls with taxi girls, smoky little boites where the atmosphere is not on the bill, niteries where nudity reigns, the bigger class spots to the little exclusive clubs where the atmosphere is very much on the bill, are to be found somewhere on the slant of the hill.

Bagatelle, where Ford Harrison's American orchestra and a local tango band are the only attractions, is the big class spot of the district and the only one in town where evening dress is de rigueur. It does not compete except in price with the upper strata restaurants like Maxim's and Cafe de Paris, both of which are in the Opera district and carry bands. The Bagatelle is a supper club exclusively, catering only to the after-dinner and after-theatre crowds, opening at 11 o'clock.

Leading in popularity with all classes is Pierre Sandrini's Bal Tabarin which also passes the drier for the late opening hours carries the best floor show to be seen. Popularly priced, Sandrini's specializes in glorifying the gal. Two Americans, Lyda Sue, acrobatic dancing ace, and Anita Lou, American can-can dancer, topped the Yanks in this year's revue bolstered by six dancers from the New York side of the water. Plans call for a new revue at the Bal early in 1939. Sandrini intended to open the Moulin Rouge as the class dinner-dance spot of Paris in the late fall or early winter but delayed reconstruction because of disturbed situation.

### Subdued Lights

Of the little exclusive nooks where subdued lights, Russian and Hungarian music and singers offer, four leaped for stratospheric prices, round the list at the end of the year. There was Sheherazade; Casanova, where the American singer Reva Reyes is still favorite; Monte Cristo, where American singers used to headline but their pay is too steep now; Don Juan, reopened and operated for a time by Harry Pilcer, and perhaps also the Monseigneur, to add on a fifth.

Below this overpublicized exclusiveness and overpriced drinks comes a host like Caprice Viennoise, Grand Jeu, Chez O'Dett, Chez Frisco, The Big Apple with Brick Top doing the honors, Mady's Bar and a great many smaller spots. Noticeable by its absence is Chez Florence, for years the top spot on the hill, but closed after the summer season and shuttered ever since. Three sizeable nudist adherents hold the notice—Chez Les Nudistes, which offers the best sex produced by Felix Rosan; Chez Eve; and ou Face, the latter being reopened after nearly a year's darkness. Dance

halls in this section are plentiful enough with the Coliseum where Willie Lewis and his Yank colored orchestra is spotted and Tahiti-Dancing leading the list.

Swing in the Etoile. Noticeable during the year was a swing of night life interest from the hill to the Champs-Elysees district with the larger cafes putting more interest in musicking houses so customers could come and listen, pay a cafe price for a drink and go home. Class place for the summer season was the Restaurant des Ambassadeurs, with shows set by Clifford Fischer and Henry LaFigue. These embodied some of the best offerings of the time, including Eddie Oliver's orch, with the 12 Paradise Girls and acts like Grace Poggi, Ketty Mara and the Anacana Sisters. But indicative of the trend in this town of how much money is available, spot reopened in October without dimmers, with Eddie Foy's French band to be replaced later by that of Serge Glykson, no line of girls, with acts and prices pared in comparison. Later, however, Georges Carpentier was installed as host and the talent budgets topped with comparable increase in biz.

Pavillon de l'Elysee, a little further up the Avenue, was a new spot for this year and was still surviving when the old one was ushered out. In the higher price range like those up nearer the Etoile, it caters mostly to a French crowd. Still going strong and making a bid for the dinner crowd by a recently inaugurated policy is the Boeuf-sur-le-Toit—translated Steer on the Roof for us—just around the corner from the Hotel Georges V. Class of entertainment there is usually consistently held to a pretty high standard, with Billie Steward, Dela Haxel, and Gaud Wilson getting breaks and George Johnson's American Negro band holding down the pit for swing. Over on the other side of the Avenue is Villa d'Este where Harwood Chase maestros another American Negro band and entertainment hits a good note on a scale. In the same district are Chapeau Rouge, Le Berry and Cabaret des Champs-Elysees where Bernard Hilda and his band splits its time between there and the downstairs cabaret at the Cafe Florian. One dance hall came into existence in the district during the year in the reopening of the old Chez Ray Ventura as Mimi Flamin's. The Bagdad specializing in tea dances, reopened late in the season to make a bid for the holiday business.

Left bank's Montparnasse held its own with the same old haunts. It still housed the Poisson d'Or, the Boule Blanche, the Joker, the Jockey, and the Villa de l'Ordinaire run of cabarets and the Cabaret des Fleurs as its nudist contribution. Still going is the Monocle, hole-in-wall for the gals who wear tuxedos. Sphinx across the street is another tourist eye-opper.

## PANEL OF 4,000 TO CHART BBC SHOWS

London, Dec. 23. Listener research at BBC, starting new probe, covering a bigger field and digging deeper. Research unit is eager to get some index of opinion on programs generally, and is inviting 4,000 random radio owners to keep tabs on Corp's weekly output so as to show which features are most listened to. Special logging sheet is being issued to the 4,000, who are asked to indicate what programs they heard, together with comment, and sheets are posted back to BBC each week. System is entirely voluntary, and cooperators are selected from tally of nearly 100,000 who responded to a recent request to kick in with Corp on the research slant. Probe will cover period of four months. BBC claims these tests have proved most satisfactory when applied to individual types of programs, and states John Watt was largely guided by a 2,000-listener probe of variety in building curfew and File similarly came out on talk and discussion features.

# More, Better French Films During 1938; New Rules Impeding Yanks Expected

By Hugo Speck

Paris, Dec. 20. Year 1938 has been perhaps the greatest in the history of French film production. Marked step-up in the number of productions, but more important this increased number of films has shown improvement in quality which American distributors can no longer ignore, or at least, must recognize as a growing competitive factor.

Technical progress generally has kept pace with photography. Little technical advance, however, has made a cinema audience of today have been ironed out to a considerable extent. There is still room for improvement but progress has been made.

Big stuff to the French industry was fact that a Hollywood star, Jack Forrester, was signed by Jack Forrester, of Forrester-Parant, to make a film in France during the coming spring. This is exceptional, for France has mostly small producers (nearly 90 companies produced 111 films last year) and at the moment exert themselves on name talent due to low production costs viewed broadly. Staggering outlay for executives, directors and high overhead in general forked up by the Yank companies is not on ledger here. Forrester's fee is much lower in comparison and taxes for stars differ between the two countries by as much as 45%. The French can use the tax difference for salary outlay.

When von Stroheim, Conrad Veidt and a few others started making pictures here, the French industry began boasting that it was turning the tables on Hollywood. The Dietrich deal followed on Grace Moore's film in France during the latter part of the year.

Only 20 films were produced during the first three months as compared with the 31 in the same period of the previous year. Labor laws calling for the 40-hour week had upped production by some 40% and a great many of the producers had been caught by the exchange having previously maxed out in England at 110 to the pound and being forced to pay them back at 160.

Industry soon shook that lethargy, however, and in the following three months turned on the pressure to produce complete pictures and stand at 55 at the mid-year marker.

Between 15 and 20 productions rate mention. First real outstanding production to make its appearance during the year was "Prison Sans Barreaux" (Prison Without Bars), which gave Corinne Lucchini her first big role. Also a result of her performance saw her making an English version of the pic for Korda in London. This was followed by the only pic Charles Boyer made in France during the year, "adaptation of a Bernstein play called 'Orange' and which was a real new comer in Michele Morgan who next co-starred with Jean Gabin in another of the year's best productions, 'Le Quai de Brumes' ('Foggy Quay'). Interspersed between these two came one of its year's greatest flops and one of its best offerings. The former was 'La Marseillaise' which Pierre Renoir produced and marked the one and only film in which the government had a hand. It was supposed to be the super-super production of the previous year for presentation at the expo but was not released until March of this year.

'Ballerina' Tops  
Commendable piece of work in the study of child psychology was 'La Mort du Cygne,' released in America under the title of 'Ballerina.' For its type, this was the best production of the year.

Two other films high on the standard scale but of entirely different nature were 'Alerte en Mediterranee' and 'Adieu Les Enfants' the former having an international flare on a naval background and the latter of the dated type showing the life of a music hall sweetheart of another age. Going back in history also was 'The Patriot' in which Jean Renoir held up co-leader Jean Baur in taking some leaves from the history of Russia. Also drawing on Russian history for a background was 'Tragedie Imperiale,' 'Tarakanova,' 'Katia,' and 'Jouer d'Echecs' ('Chess Player') with Conrad Veidt.

Meanwhile no overwhelming catastrophe engulfed American film in-

terests here but 1938 has seen a great sufficiency of unwanted and uncontrollable events take place. And worse, 1939 promises to bring legislative action of a sort that is bound to curtail American activities here and cut receipts.

Outstanding events over which the Americans had no control and which hurt all business interests in France alike were the screwball international situation and a further devaluation of the franc. From May the franc slid to 38 to the dollar by the end of the year in comparison with 45 in January, 1938. That meant that 13 more francs had to be made for every dollar squeezed out of the business here if dollars were to be taken out of the country. That fall in the value of the franc in no way offset the corresponding decrease in operating costs for American firms doing business in this country.

First show on the legislative field indicating that the French had by no means forgotten their home industry and wanted to help it to the detriment of the outsiders came in March when the government appointed a committee charged with the duty of finding out why production output in this country stood at such a low figure and recommending measures to remedy the fault. Happily for American interests the committee never did much more than discover that of the 488 films shown in France during 1937 only 116 of them had been French. It recommended that the government take measures to correct this deficiency of French production, but none of its recommendations prompted any steps.

Thereafter the country was too occupied with government changes and war scares to pay much attention to any reforms those out gunning for foreign films might want to put into law. Nothing further happened that greatly affected the Yanks until early in October after the international uneasiness resulting in the Munich agreements had subsided. The Yanks were caught unawares when the gates were opened to let in the mob searching for visas for the 60 foreign dubbed films which could be shown in France between Jan. 1 and June 30, 1939.

## New Visa Laws

A new clause had been included in the visa law making it necessary that all films be dubbed before they could be registered for visas. It was that clause that elbowed the Yanks out of their place in the waiting line. Previously, foreign films could be registered for visas before they were dubbed but not so this trip. The new law was the result of a consequence several American concerns did not have their product ready, but finally managed to grab their share before the 94 visas to be allotted were filled. What did come to light though was that independent distributors who had bought old films in America for small prices had entered them as American productions, bringing the sum total of visas granted Yank pictures higher than the usual. But in so doing they were doing an injustice to the American industry by importing secondary films in the first place that the companies themselves would never think of sending to France and secondly, by grabbing visas that should rightfully go to top American product. Figures on visas granted for foreign films during 1938 and the first six months of 1939 will be found below.

Coming at practically the same time, and looking much worse from the American angle, was the formation of another committee to draft laws for the French searched for the French industry. With members appointed from all ministries which have anything to do with the making, distribution, importing and exporting of films, the committee was placed under the Premier's office with a mandate to make its recommendations before the end of the year.

At the time it was formed in formed circles were of the belief that the new inter-ministerial commission was the forerunner to the sort of action that in no way could be of any help to the Yanks and might possibly find some means of getting around the terms of the Franco-American trade treaty.

Fears thus engendered in American circles were practically confirmed in November when first smelters of what the committee's

The sweep of quota ideas and legislation, restrictions and nationalism in foreign countries represented more than just the threat presented in 1937, but a definite inroad into the revenue of American companies in the past year. An added handicap was the continuation of the Sino-Japanese conflict and the spread of Nazism in central Europe as the German rule extended to Austria and parts of Czechoslovakia.

While income prospects are on the downcast in Europe and in other parts of the world, some hope is seen in bolstering returns from South America, where many foreign managers spent much time in the past year. Actually, income from the foreign market is off only 8% as a whole compared with a year ago, but ensuring monetary aspects are sure a further dip, especially if Nazi influence is extended, war scares continue in Europe, and Italy goes through with its distribution monopoly act.

To add an additional headache, Great Britain, which might be expected to take up the slack or decline elsewhere, will not show any appreciable improvement over 1937. Hence the new Quota law put into effect in the last 12 months, it forces U. S. picture companies to make or buy more expensive British features.

Although the larger American companies thus far have decided to live up to the spirit as well as the letter of the British quota law by selling directly to exhibitors on their quota requirement programs if the more expensive productions (with an outlay of upwards of \$500,000 each) do not measure up in the world market, and especially the United States, American distributors may decide to trim sails and make more minimum credit films. But for the moment, U. S. companies are willing to test the idea that successful world-market pictures can be made in England even if representing a big outlay. Also the credits all along the line have been virtually doubled, meaning that twice as much money must be put into Great Britain's quota credit films. All of which cuts into net revenue received from distribution in England.

## Italian Blow

While much talk is heard about the inroads of Nazism, American companies really feel that the biggest blow to their European market would be the establishment of Italy's nationalization plan, whereby a government body would handle the distribution of all foreign product (largely that from U. S.) in that country. Italian business, under existing political conditions, represents a near perfect example of that done now on the continent by U. S. film companies and, inversely, the tremendous popularity of American films may eventually win the Italian government around to a more reasonable attitude. But this will have to come after the first of the year.

The Italian film monopoly was scheduled to become effective Jan. 1, 1939, and major companies have made arrangements to quit the country if the law went into effect

recommendations would most likely contain came to nose. Decrees making law of its findings were expected to show with the batch of financial and economic reforms issued at the middle of the month, but for some unknown reason they were postponed. But as the commission's is limited to 10 end of the year the new decrees are expected to appear before Dec. 31.

As far as could be learned in the best informed circles the decrees will be in six parts, nearly all of which will take a crack at the Americans without them having any legal grounds to register. Those measures which it is expected will be included which would hit the Americans hardest are:

1. A paragraph making it obligatory for all houses to carry a documentary film on each program. Reason which will be given for this will be to encourage young directors to make young men start with that type of film. But in reality these would make programs too long for double features to be carried. And that is where the Americans would be caught. In the nabes and provinces where most of the double feature programs are offered, the American picture usually which furnishes the second part of the program. If documentaries were made obligatory the second film would have to be dropped, mean-

By Mike Wear

as outlined. American firms contend they can't operate profitably on any flat rental basis with the Italian government body controlling all distribution, claiming that they are being forced out of business in Italy. If Americans get out, it will be the final move away from the Hays office agreement made between Americans and Italians about two years ago.

Almost before the ink was dry on this pact, there were departures or threats of such from the terms laid down. First there was a project to abolish dubbing of foreign films which would have eliminated small-town business. This fell through but shortly afterwards there was a big increase in the dubbing tax, these added revenues being used by Italian picture firms to help them compete against the Americans who were taxing. Then there was talk of cutting the amount of exportable earnings from \$1,000,000 a year to \$500,000 and number of pictures they could import into Italy from 250 to 150 annually. This also failed but hope American representatives convinced that they could not depend on the Italian film industry holding to the Hays agreement.

Italy already has a customs duty, an amusement tax and an added burden in that virtually all films must be dubbed into the Italian language. The number of films allowed into the country is limited and there is a quota on exhibitors as to the number of foreign pictures they may play.

## Hitlerism

Absorption of Austria by Hitler meant that the same quota laws, restrictions and other regulations now apply to pictures distributed in the country which has become a German province. While not highly profitable territory, it meant reduction of foreign income. Only a few cities thus far have been placed under Nazi rule in Czechoslovakia as result of the Sudetenland partition. Theatres in the area represent a negligible amount of business because largely German lower-class patronage. Big threat to foreign business is contained, however, in the possible spread of German control into other important nations.

## And in the Far East

Returns from China get worse as Japanese troops press warfare to larger cities. Besides the number of theatres destroyed in bombardments, experience has shown that those operated under military control seldom show as good boxoffice as under civil regime.

Promise of better revenue from the Orient is contained in the agreement made by American companies with Japan, whereby approximately 240 features were shipped into that country by the end of 1938 and \$800,000 in rental coin was withdrawn from Japan to the Yokohama bank at San Francisco. This money, despite fears of its letting swing, distributed in Japan, will be split up among the American companies signing the pact at the end of three

years. Agreement was satisfying because it temporarily lifted the ban, in existence for about a year, against U. S. films being imported into Japan and paved the way for distributors to get their profits out of that country. Real hope in the Orient, however, lies in the early cessation of the present Japanese campaign in China.

Upturn in France, even though a critical monetary situation cut into any increase in boxoffice, was a happy development. Several companies made extensive and profitable deals for showing their product, with the mild dubbing restrictions and taxes not greatly changed from a year ago. Friendly attitude on the part of the French government partially can be attributed to the greater success which has greeted the showing of French-made films in this country.

## Down Under

Agitation for quota laws in numerous states of Australia, with anything likely to happen, is termed a real threat to business Down Under. Australians were given the cold shoulder in England's quota law, any hope of bolstering home production being crushed by the new British act. There still remains the urge, particularly in New South Wales where some of the biggest centers of population are situated, to push Australian production. The new quota law put into effect during 1938 in New South Wales has been ignored by American distributors on the grounds of unconstitutionality. As a consequence, new N. South Wales laws were passed late in the year and will cut deeply into U. S. revenues.

Distribution is looking up in several Scandinavian countries. Sweden, however, is agitating for a home industry which is expected to mean restrictions or higher taxes against foreign films. South Africa still enforces free trade, although real revenue comes from only about seven or eight cities of importance.

## South America

While the American industry is looking hopefully to South America as a market of further increasing business, leaders admit there is an undercurrent even now which hints of restrictions, higher taxes and possibly quotas to come. Argentina is the only actual country where this has come to the surface. Proposed American government campaign to use films as goodwill has been expected to combat the spread of Nazi and Fascist ideas in South American territory. At least they will counteract the propaganda of which American film officials have been cognizant for some time. Desire to obtain a firmer foothold in South America and a supplant other foreign pictures with U. S. product is seen, too, in the programs of several Spanish features in work for several major companies at the present time. Possibilities of this territory are seen in these ambitious moves by American producers.

Mexico continues as a profitable market, despite labor government rules which have added to the cost already high because of a high tariff and taxation.

## London Calling

London, Dec. 20.

Wilson Disher to broadcast Jerome Kern's life story in March.

Duke of Kent, King's brother and prospective Governor-General of Australia, will broadcast to Commonwealth Jan. 26 on Empire programs.

Clifford Odets "Waiting for Lefty" on BBC list for March presentation, despite fears of its letting swing; other drammas plans include Burgess Meredith's 'Adventures of Mr. Bean,' Barrie's 'Twelve Pound Look,' 'Jamaica Inn,' 'Mr. Deeds Goes to Town.'

ing the cutting out of the American film.

2. Strict control of collection of receipts. This is an old proposal dating back for several years. Reason for its inclusion stated that it would protect the rights of authors, writers, etc., and assure them of getting their just cut. But if it contains the stipulations it carried when originally proposed it would allow the state to take a further cut of the receipts, presumably for the cost of the collection—with which the French industry would be subsidized in one manner or another.

Town, repeat of G. B. Shaw's 'St. Joan' and a new play by James Bridie.

Alexander Woolcott to broadcast program on Stephen Foster from New York.

Reckitt & Colman Products have placed contract with Normandy through London Press-Exchange and J. Walter Thompson Co.

Jack Walker's life story, aired as fourth of BBC 'Showmen of England' series.

Val Gielgud's BBC drama plans for Jan-March include 'No. 17,' 'Les Miserables,' three broadcasts from K. K. Chesterton's 'Club of Queer Trades,' 'Mr. Deeds Goes to Town,' 'Cyrano de Bergerac' (Humbert Wolfe's rhyme version—again), Bernard Shaw's 'St. Joan.'

## B. A. EXHIBITS GET 2 MORE

Buenos Aires, Dec. 25. Lautaret & Covoal, local exhibitors, who have been operating five cinemas, have purchased two other houses, the Broadway and the Mogador.

Latter theatre operated by Augusto Alvarez.

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### UA's Spanish Trio; Wm. Rowland to Mex for RKO

Contracts have been signed between United Artists and Fortunio Bona Nova, Spanish actor and film producer, whereby latter will make three pictures for the Latin-American market. UA will release. One picture will be made in Hollywood and other two in Mexico. Nova will co-star with Andrea Palma. Producer is now in Mexico to cast the film.

Contracted to turn out six Spanish talkers for RKO this season, William Rowland has gone to Mexico City to make the second of the series following production of the first earlier this fall at the Eastern Service studio, Astoria.

Rowland's pictures are budgeted at \$40,000 each. Since the first ran to nearly \$50,000, he is trying Mexico City as a producing ground in the hopes of holding the negative cost down. All five yet to go under the RKO contract may be made there as a result.

### Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '38.  
'Robert's Wife,' Iboe—Nov. 23, '37.  
'Me and My Girl,' Victoria Palace—Dec. 10, '37.  
'Nine Sharp,' Little—Jan. 26, '38.  
'Banana Ridge,' Strand—April 27, '38.  
'Glorious Morning,' Whitehall—May 26, '38.  
'Spring Meeting,' Ambassador—May 31, '38.  
'Lot's Wife,' Savoy—June 10.  
'The Fleet's Lit Up,' Hippodrome—Aug. 17.  
'George and Margaret,' Piccadilly—Aug. 30.  
'Running Riot,' Gaiety—Aug. 31.  
'Flashing Stream,' Lyric—Sept. 1.  
'Room for Two,' Comedy—Sept. 6.  
'Dear Octopus,' Queens—Sept. 14.  
'The Corn Is Green,' Duchess—Sept. 20.  
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.  
'Elephant in Arcady,' Kingsway—Oct. 5.  
'Bobby Get Your Gun,' Adelphi—Oct. 7.  
'When We Are Married,' St. Martin's—Oct. 11.  
'Quiet Wedding,' Wynham's—Oct. 14.  
'Goodness, How Sad,' Vaudeville—Oct. 18.  
'Idiot's Delight,' His Majesty's—Oct. 24.  
'Elizabeth of Austria,' Garrick—Nov. 3.  
'Traitor's Gate,' Duke of York—Nov. 17.  
'Geneva,' Seville—Nov. 22.  
'Under Your Hat,' Palace—Nov. 24.  
'Story of African Farm,' New—Nov. 30.  
'Windfall,' Apollo—Dec. 15.  
'Under Suspicion,' Playhouse—Dec. 20.  
'No. 6,' Aldwych—Dec. 21.



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1936—"DINNER FOR ONE PLEASE JAMES"  
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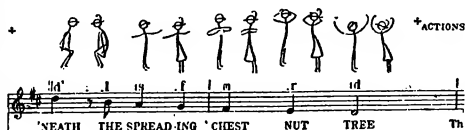
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## Night Life in Tel Aviv Lively Despite Internat'l Troubles

Palestine, Dec. 20.

Despite its troubles, Tel Aviv, all Jewish metropolis on the shores of the Mediterranean, has been keeping its niteries wide open. Three of them have gone in for floor shows and permanent bands, mostly drawn from the hot spots of Beirut, Damascus and Cairo. Other artists drift in here from Bucharest, Budapest and Prague.

Bands are so-so, entertainment fair. Most of it is copied from American films which are in vogue now, since German and Italian ptx are taboo. A good band on a month's stay in Tel Aviv would clean up.

All niteries have no cover charge. Prices on drinks, food, etc., are modest. They make their profits on turnover, the places usually being filled from 7 at night until around 1 a.m., when municipal authorities clamp down on music.

## British Pride in Donat Pic Soars 'Citadel' B.O.

London, Jan. 1.

Combination of 'local-town-boy-makes-good' and the fact that the picture already has clicked in America, brought unusually enthusiastic notices on 'The Citadel,' at the Empire.

Rave criticisms, in which British prestige as typified by the picture was stressed, held responsible here for the way the business is holding up.

## 'King' Grinds in B. A.

Buenos Aires, Jan. 1.

New policy of continuous showing of a new feature has been inaugurated by Paramount with 'If I Were King,' when it opened here at the Opera Cinema, Dec. 29.

Performances start late in the afternoon and run until after midnight instead of the usual three-a-day plan generally employed at houses here.

## CAIRO EDITOR TO H'WOOD

Cairo, Dec. 14.

Zakaria Cherbini, 30-year old film editor of Al Ahran, Arabic newspaper, is planning to visit Hollywood in March.

His primary purpose for the visit will be to do some articles on films.

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*Wish You All*

**A HAPPY NEW YEAR**

Cables: "Mounroy London"

## The Costumers

By JOHN HURLEY

Costume business, which had been coming out at the elbows for some time, is wearing new duds. Better than a dozen new fields are being serviced. Along with two forthcoming Fairs in 1939 at New York and San Francisco, television looms as a speck on the horizon as a future aid.

Loss of vaudeville's flash acts, units and costumed turns, together with decline of musicals, repertory, stock, the road, costume balls and masquerades, (pre-cafe society), all were socks in the nose. When the Federal Theatre Projects decided to dress themselves, it was the unkindest cut of all.

Bright outlook comes with new territories and development of what was considered gravy side-lines. Schools, clubs, churches, little theatres, summer theatres, Junior League groups, charity shows, and shows aboard ships (transoceanic and cruises), plus the new wrinkle of pageants and large scale niteries have helped. Prospect of 50 different shows at New York Fair '39 and slight return of costume plays this and last season are also cheering.

### No Specialties

It's true that some of the one-time users are still around, but amount is insufficient to keep any small outfits operating in the money. Smallies have been forced to the wall. Certain individuals 'make out' with a couple of accounts, i.e., smaller niteries and present day burlesque with its scant costuming. Burley was important once, but advent of the strip hurt. Specialists (makers alone) are virtually extinct. All are making, buying, renting, willing to get by under new order of things. All have had to reorganize and re-rent.

Coincident with the change in revenue sources, the seasonal aspect of the business has altered. There's a year-around flow now as compared to October to May high spot of yesterday. Another new factor is the volume of business as compared to one time large individual orders of the Ziegfeld, Carroll, Dillingham and Erlanger period. Profit is made on quicker turnover now. Also there is less bad debt risk today. Once as much as \$25,000 had to be written off the costumer's books annually. Uncollectible figures rarely hit the hundreds now. Smaller number of shoestringers in Broadway producing is a contributing aid. Other new accounts are equally less speculative.

### Cafes Bad Risks

Greatest risks are in the cabaret field. Those who put too much stock in bistros have been hit plenty, largely by the 77b route around New York. Biggies don't have much to do with New York niteries, excepting large scale ones. They confine niterie activity to out-of-town spots on rental c.o.d. basis.

Many of little theatre groups, drama workshops, etc., get up their own rigging, but the majority make outside buys. Scenery construction, direction and acting are prime concerns.

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**NON-STOP FRENCH REVUE IN ENGLISH**

# Paul Robeson



*Season's Greetings  
To My Friends Both  
Sides of the Atlantic,  
With a Particular "Hello"  
To the Hyams Brothers*



Care of American Express Co.  
Haymarket, London, England

## Varieties' Paris Decline

By Hugo Speck

Paris, Dec. 20. If night life floundered in Paris during 1938 then what is properly called vaudeville went completely under, torpedoed for a bull's-eye by very many of the same reasons which caused after dark amusement spots to become just after dark spots for the lack of persons wanting to be amused, even at any price.

This type of entertainment began taking it on the lam last year and continued so drastically that by the

end of the year the old vaudeville pond was just about dry.

At one time in 1938 there were ten houses open and offering a pretty fair brand of variety or vaudeville shows. Last year that number dropped to five and this year three, with only one offering anything like class bills, the other two content to fill programs with French circuit riders, all native in vintage and always in France because their product is not exportable. The two permanent circuses which have always been here kept their stands open for business but their offerings must be considered from a different angle. So in reality it all boils down to three, with Mitty Goldin's ABC shifting over to revues about half of the time, to pass up what few foreign acts he can afford to bid for, the situation looks about as lively as a scarecrow on a very still day.

### Four Reasons

In addition to those already cited, the following reasons undoubtedly contributed to the shrinkage of this type of show business and curiously enough both radio and cinemas had a hand in it:

1. A further devaluation of the franc; it continually falling throughout the year for a tumble of over 30% during the 12 months to touch 38 to the dollar;
2. A decree early in the year making it obligatory that cinemas grossing over a certain amount weekly put in vaudeville acts or pay an extra 25% tax;
3. A movement on the part of independent radio broadcasting stations to give public broadcasts in different theatres and halls where the public was admitted on the cuff or for practically nothing in relation to variety house prices; and
4. A growing unwillingness on the part of the public to pay the prices asked to see the same acts over and over again in one house after another.

First, however, probably had more influence than any one of the following three. With 38 francs to the

dollar and over 178 to the pound it is evident that operators here could not pay foreign name acts to appear in France unless acts were willing to double while here, which in itself presents plenty of difficulties. That narrowed the field to local acts and there aren't anything like enough to go around, which resulted in discontent on the part of the public and a falling off of box returns caused by number four.

Although the decree mentioned in number two was never rigorously applied into the 50-odd houses it affected in the Paris region, many of the larger cinema cases did put in acts or pit orchestras to cover the most loose application possible of the law. But it did result in many of the acts and orchestras which were making the rounds popping up at first one cinema and then the next. So the oncomers were naturally more willing to pay the price of a film and see an act or two instead of paying almost the equivalent or more to see the same acts in a variety house.

### Radio No Help

Free show offerings by the radio stations hit their stride in September and have to this date seemingly clinched the fact that vaudeville has been buried in a pretty deep grave. Variety, legit cinema and revue house operators headed by Mitty Goldin got together to fight the idea, claiming it was unfair competition as the broadcasting stations did not contribute to the public assistance taxes or have to stand heavy overheads. The big drum was beat for all it was worth with a lot of noise coming therefrom, but at the close of the year the broadcasters continued with tin free or almost free shows. Poste Parisien was using the 2,800-seater Empiré, Radio-Cité was using the Normandie and the Theatre Pigalle, and other stations were dividing their attention between smaller houses and halls. But there is no doubt this practice did its part in choking off vaudeville on a legitimate vaudeville stage.

With the ABC the other two houses, worthwhile mentioning at the end of the year were the European and the Bobino, the latter two smaller and in the nabes. True, there was the Petit-Casino, the Concert Mayol specializing in revues, and the larger theatres offering acts but none of them pull much weight. Mitty Goldin with his ABC offers the best shows, snagging foreign acts wherever possible, but nothing like those which have been seen in previous years. Clifford Fischer is reported to be dickering for the Empiré as a vaude outlet here but nothing tangible had come of that at this writing.

Three revue houses, while offering nothing exceptional in the way of foreign name acts and some the same as far as native talent goes, kept perking at the usual rate with a climb upward towards the end of the year.

### Chevalier Revue

Varna's Casino de Paris ran a revue headed first by Mistinguett and later by John Warner until late October, and then burst out with the best thing he has produced in years with a crackling show headed by Maurice Chevalier. The latter is a bell ringer and is set to run until March of next year. At his Alcazar, a nude review with no outstanding talent held the stage for the greater portion of the year, with a Marseillaise revue going in towards the end of the year.

Paul Derval's Folies-Bergere closed a revue headed by Josephine Baker early in the season, after a

## Newsreels and World News

By Mike Wear

It was a year of swift happenings. Paramount, Fox-Movietone, Universal, Metro's News of the Day, and RKO's Pathe, followed newspaper headlines closely, but the newspaper headlines were following the radio news flashes and the reels were often downright stale. Dictatorships and propaganda control complicated their job further. Photographically the difficulty is making a comprehensive story, topically the difficulty is securing early shipment. Anschluss and Czechoslovakia were newsreel heartbreakers.

Past year had no graphic luck breaks such as Norman Alley's Panay boat Scooperoo, the Hindenburg disaster, the police killing of 12 in labor shooting at Chicago.

Munich was the highlight of 1938 and history. Jewish persecution scenes, ranked by most newsreel editors as next in importance in foreign affairs, were terrifically ticklish and hard to handle. Editors rank struggle between the Japanese and Chinese as third in news value. March of Time cashed in on Europe's troubles with several timely topics.

While press association editors are inclined to name the terrific hurricane which swept New York, Long Island and New England as an outstanding story, newsreels attach equal importance to the Howard Hughes around-the-world flight and the Douglas Corrigan solo plane jaunt to Ireland. This is because they were able to cash in on both stories with more dramatic effect. Several of the reels, just as the daily newspapers, were slow in getting into action on the tropical hurricane catastrophe because it's the type of news whose scope spreads and is not easily predicted.

On the domestic front the newsreels designated the national election last fall as next of importance, as did newspaper editors, because of sweep in sentiment towards the Republican party.

Whereas a year ago there was considerable talk concerning an Associated Press or combined coverage by newsreels, the new year opens with newsreel executives giving attention to the possibility that newsreels might be sold on a strictly competitive basis if new block-bookings regulations should preclude any chance of spotting newsreels along with feature product. Such change undoubtedly would see many drastic shifts in the present newsreel setup, with new combinations not altogether unlikely.

That the reels are alert to such change is seen in the establishment by several reels of newsreel contact men at police headquarters in New York City and the possibility that similar arrangements might be perfected in other metropolitan centers of news. System worked out unusually well in Manhattan because police headquarters also contacts some seven other states by teletype on big events.

Lew Lehr continued to make 'em chuckle in Movietone. But the prize laugh clips were the straight comments by Sweepstake winners, caught by Paramount and Fox, and the English narrator's droll poetry about spring in London and Graham McNamee's comment on April snow scenes in New York City by Universal.

Newsreels continued giving bangup gridiron coverage with added expense, particularly for locally important games, again making the football season an added financial burden without additional compensation from exhibitors.

run of well over a year, to be followed by one that ran until early September. But the latter had no real name talent in the entire cast and degenerated to a mere scene shifting spectacle. New revue which went in there near end of year starred Jeanne Aubert and featured Irene Hilda, known from her New York appearances with Fischer.

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THROUGHOUT THE NEW YEAR IS THE WISH OF

*Jack Hyllon*



RECALLING HAPPY MEMORIES  
OF ALL FRIENDS IN AMERICA.

# HITCHCOCK

## LONDON

# IT'S FUN TO BE A SPONSOR

By J. L. Grimes

(General Advertising Manager  
Wheeling Steel Corp.)

Wheeling, W. Va., Jan. 1.

To the seasoned advertising man who thinks the daily routine is getting him down I should like to prescribe a little fling at radio. If he is past 40, with a score of years in the business behind him, and if he operates in a locality at least overnight from the nearest network headquarters, he is a good prospect for learning that life will have begun the day he takes the fling.

Such a bold and venturesome ad manager may just as well forget the Wages and Hours bill because it doesn't apply to him. As a further suggestion he might take a pencil and make a correction in the Good Book, changing 'six' to 'seven' where it mentions the day of a man's toil. And with a little (but no shudder) he'll be in the show business!

Maybe this thing started too late in life for me but I am glad it started.

The local radio station offered our company a part in a series of 'industrial' radio programs. We were to get together some music, make a talk about something, all of which would be simple stuff. Our experience was significant. A telephone call to one of our plants brought to the studios of WVA more singing and perspiration radio talent than we had ever seen in our life.

Out of such prospects emerged an orchestra of sorts, a soprano at least easy on the optic nerves and a whistler past middle years who had been with Al G. Fields, and someone to do the speaking part. This effort was no 'Helppoplin' but Mrs. Jones' plant started to grow and that was nearly eight years ago.

## The Magic Sound-Box

### Fascinates the Pee-pul

All those amateurs and ex-professionals from one of our factories who appeared on that program made it their business to call me repeatedly and ask when we would be putting them on the radio again. It's a marvel to me, the magnetism of a microphone. They called so often I couldn't forget them, not even during the ensuing years when business brought little profit to spend in advertising or otherwise.

Late in October, 1936, the idea still persisted. We had a meeting with the local radio operators. Next thing I knew we organized a band, a mixed quartette, got a master of ceremonies and sent out invitations to our employees to attend an audition for headlines. First show was piped from a large studio to a loud-speaker in an adjacent room packed with company officials, executives and their wives. Curtains were drawn over the windows between these two rooms so the performers would not see the audience, and vice versa. We didn't want either to become nervous; we were after a vote of confidence and more than a vote wanted some favorable votes on an appropriation that would put a series of programs on the air via the local transmitter.

We got the vote of confidence that night, Nov. 5. What is more we got the appropriation the next morning and the Wheeling Steel Employee Family Broadcast, first of its kind, went on the air the following Sunday afternoon, Nov. 8, 1936. It has been going ever since, this year modestly spreading out on a limited coast-to-coast network of the Mutual Broadcasting System.

### A Slight Problem

Half-hour radio shows with a cast of 28 to 80 people are some undertaking. I have discovered. Fine as the facilities are in a small factory plant, WVA, with a commendable personnel, radio program such as we attempt each Sunday calls for all hands on deck and every man to a pump to prevent capsizing. The station willingly undertook the details but before we knew it the details overtook all of us. Program director of WVA found it necessary to give me all his time to the production of 'It's Wheeling Steel.' He moved downtown to my office. He's producing the show today, Walter Patterson, and at 27 we think he is pretty good and believe he is proving it. Down at my office we figured he could be closer and of more help. I surely needed help and he was to give it. He still my elbow and it is getting increasingly difficult to do a little of a lot of other work that's got to be done.

Walter's ambitious spirit is con-

tagious. His boss catches it. And while this may sound backwards to VARIETY's readers who know a lot about radio, we're putting down facts. Walter wanted a musical arrangement. Think of a small town radio program requiring a musical arrangement! As I look back, figuratively, with my ears, I know he was right but I didn't know it then. The lad has a way about him. He got his arranger and it was the first time we couldn't find the needed talent for a job among our employees. Maury Longfellow, however, is now a full fledged member of the Wheeling Steel family and he works in an office that adjoins Pat's and mine.

Longfellow puts a 50-minute classic score into a two minute capsule for the Musical Steelmakers which he says they can butcher in a single afternoon's program. Although he may say it is slaughterhouse technique, Maury doesn't really believe that for he and the others really consider that the Musical Steelmakers are doing fairly well. There are no big names among the members of this band but they hold their standards high and work hard, like it and come up for more.

Earl Summers, Sr., directs the Musical Steelmakers and has a way of bearing hard in the right direction on the down beat.

Wheeling Steel was begun for the express purpose of providing opportunity for the musical talent among the corporation's employees and the employees' families, and with the idea that such opportunity properly embraced might prove to be good advertising for the corporation's products. And good advertising it is if an enthusiastic sales organization unanimous in praise of its radio program as a sales help means anything. And good advertising it must be when industrial customers show by their letters voluntarily written to the home office at Wheeling Steel that they like this unpretentious radio program and continue to talk about it as they listen to it every Sunday. And there is no question but that it is good advertising when inquiries and orders are the aftermath of a 30-minute broadcast. We point to more publicity for Wheeling, the town, Wheeling Steel, the sponsor, and for members of the cast and employee heads, which also is Wheeling Steel, than we have ever seen heretofore. And, intangible as it may be considered, anyone in business whether it is steel business or show business knows that pub-

licity, especially good publicity, is something to be desired.

## President Warned Up

### To Radio by Degrees

President W. W. Holloway, of the Wheeling Steel Corporation, was not so sure the writer knew what he was doing with this radio program. It was long time before he attended one of the Sunday performances because he, like many high executives of other companies sponsoring radio programs, probably always caught the program on the day something went haywire with it. And plenty does. He knew what it cost so may be that knowledge brought him out for the first time one Sunday afternoon. He makes the following statement expressly for VARIETY:

'I am a convert to our radio program because these boys and girls have done what I believe good work along entertainment lines. Although I know most of them have even less training for their initial appearances than members of the regular cast who are far less expert than professionals, I must agree with many of our friends that their production is surprisingly well presented.'

I have been amazed at the amount and high calibre of talent that comes to light in our organization and am gratified by the interest and spirit shown by our people in this program. I am now a regular listener and when it is possible I am looking for a good seat in the visible audience.

Wheeling Steel program is broadcast from the stage of the Capitol theatre in Wheeling every Sunday at 5 p.m. EST. The biggest radio program out of Wheeling, West Va., it seems natural that it be staged and aired from the largest theatre in Wheeling; in fact, the largest in West Virginia. Capacity audiences of 2,500 are the regular thing, not the exception.

Program pattern is, of course, variety. It opens with a recording of a Wheeling, West Va. mill whistle, usually followed by a rollicking number by the Singing Millmen. They are a male quartette and its members are two 'yardmen' from the Steubenville, Ohio, works of the corporation, an operator on steel plate shears from the Yorkville, Ohio, works, and a clerical worker from the tube mills of the Benwood, West Va., works, of Wheeling Steel. Each contributes a solo now and then.

Musical Steelmakers are 17, in-



Season's Greetings

ROY SHIELD

Musical Director, Chicago Division,  
N. B. C.

cluding their leader, and all but five are on the payroll of the corporation, the latter having won berths also as members of the staff orchestra of station WVA. Recently the Steele Sisters, a trio of high school girls who are members of employee families, won a four weeks' engagement with Horace Heidt and his Ale-mite Brigadiers.

Old Timer on the program is John Wincholl, a member of the payroll department. He gets as much fun mail as the company, I am told. His bits are written, strange as it may seem, to the character of John Wincholl by Patterson and Patterson's boss, John, thereby, enacts the character of John and John is the Old Timer. His parts have been condensed on the assumption that if the employee family and friends like him they will like him more if they do not hear too much of him. This, we believe, is good showmanship and it applies to the 16-year-old soprano, Dorothy Anne Crow. Member of the employee family, this young lady is still in high school. One number on Sunday with perhaps a bit in the finale is considered plenty of hard work during the week and on the Sabbath for the young student whom Reinhold Warmerath has frequently complimented.

And speaking of hard work these boys and girls who comprise the Musical Steelmakers or Wheeling Steel cast have a strenuous week. Radio programs presented by professionals may require plenty of rehearsal hours, but in our humble judgment

50 hours a week is a moderate demand for a 30-minute broadcast in which the material is wholly amateur. Rehearsals of 'It's Wheeling Steel' begin with the Singing Millmen on Monday evening. Tuesday evening is the only night off thereafter until the show signs off Sunday at 5:30. Most of these people work by day and despite the time required for rehearsals which must be confined to evening hours, except on Sunday, it is great fun and all seem to enjoy it, especially the checks they receive. Of course, all are paid for this radio work. It is a happy family.

What is the end? I hope there isn't any end except in the sense that there is an objective, that of bringing to the microphone worthy talent from the employee family of Wheeling Steel.

## Expecting That Hen Fruit, But Nerves Now Steadier

To the layman this procedure might be difficult to understand; to the professional whose success is won by dint of patient labor it explains why no Wheeling Steel program has been marred by an amateur unprepared for his responsibilities. We are always expecting the proverbial egg to be laid between the hour of 5-5:45 o'clock on Sunday evenings. Doubtless it will happen some day and there may be no harm if it does happen. These boys and girls are presented for what they are, nothing more. Many times we like to think they surprise the audience who is asked not to expect too much.

And there is the meat of the nut. As long as we keep the purpose of the Employee Family Broadcast upmost in the minds of all concerned with its production and do not let the show itself take on transcendent importance, it is our opinion we can continue to have the dials of our employee family from coast-to-coast turned our way and along with that big group another of genuine friends will have the idea, like us and stick along.

Sure, we have troubles. I personally escort members of our little family to our first aid station, near my own office, to have throats swabbed, noses sprayed. We have such obstacles, but they are those human ailments we have to look out for so Sunday's show is not too seriously affected and so no mother and father, out to a sister, or even relatives in Peoria, are disappointed because Johnny is too ill to sing with the Musical Steelmakers.

Other night we had one of our regular auditions for headlines from the employee family. First preference, by the way, is for actual workers right from a mill or a machine who can qualify for a part on the program; second preference is for sons and daughters of actual workers in the mills, mines, factories or offices of the corporation; third and last is for those whose uncles and aunts work for Wheeling Steel.

When we announce an audition we have to forewarn the management of WVA because when applicants start coming up in two elevators it requires extra help to handle them and numbered cards have to be passed out to everyone a proper chance. This is one of the trials of the game that greys a fellow's few remaining hairs. We ought to have additional accompanists and a few more members on the audition board.

And so it goes. Nine coal miners from one of our mines in Pike County, Ky., were auditioned right in their home town. Our producer and my assistant had to drive 350 miles to get there. On returning the report was favorable and was supported by more than one hundred photographs. Hillbillies? We prefer to call them mountaineers, and anyway many who pretend they do not like mountain music were honest enough to call us and tell us they were good when they appeared one Sunday.

We have signed up for continuation of our weekly programs until June 25, 1939. It's a lot of work—and a lot of fun to be a 'sponsor'.

## WOR's Odd-Shaped Mike

WOR, Newark, introduced a new style of mike on the bandstands of various New York hotels New Year's Eve. It's tagged the 'Perifone' and was modeled by Jack Poppel after the N. Y. World's Fair Trylon, Perisphere and Helixline.

Instrument is counted on to give a new type of sound to sound that do the mikes now in use. Its convexity makes it possible to pick up sounds on a very broad arc.

# 'The Package' Becomes an Issue

By Ben Bodec

Has the talent package idea in radio reached its highest point of development, or are advertisers as a whole beginning to regard this device as too cumbersome and inflexible for successful solution of their merchandising problems? Ad agency men are divided in their opinions on the subject. As for the trend either way most deeply concerned are talent agents and indie program producers.

By the talent package is meant the type of show in which the star supplies everything from the band to the stooges and guest artists for a lump sum. Example programs are those presided over by Eddie Cantor, Kate Smith, Burns and Allen, Jack Benny and Fred Allen. Likewise, the MGM tieup with Maxwell House Coffee, the Texaco set-up and the musical melanges as represented by Fred Waring, Horace Heidt, etc.

Reversing the usual procedure of parliamentary debate, the negative side is being given the dry end at the forum. As a rule, states the contrary element, the proposed show looks great on paper. With such an array of talent the program couldn't help but click. The agency executive checks off each name on the setup before him, nodding his head in assent until there looms up in his mind the one big question: Will it serve the advertising or merchandising purposes of the client? In nine times out of ten, the anti-packages contend, it doesn't.

A star may know what will be entertaining and gather around him those components that will point up his particular brand of entertainment that isn't traveling along the line of least resistance will find, say the ants, that this method is tantamount to working in the dark. The average agent has more to think of than

entertainment. He has to consider organizational enthusiasm and by organization he means the client. He must take into account the manifold likes and dislikes of his thousands of dealers.

A vast majority of his dealers may like the comic but for some constitutional or vague reason they're dead set against the tenor on the show. Since the dealers serve as the influential factor in practically every form of advertising, the smart manufacturer or distributor will bow to these dispositions in putting together a program. How important a part this factor plays in such organizations as General Motors and the U. S. Rubber Co. is attested by the existence of their own Dealer Advisory Councils.

With the anti-packages showing the count in the long run is the one that has been whipped together with the assistance and guidance of the agency of record. It is aware of the organization's problem, and it is assumed, it also knows the sort of entertainment that will carry favor with the class of consumer it wants to reach. It is a species of expediency—dictated alignments that do not function best with the packaged-all-ready-to-go-type of show.

Cited as substantial affirmation of the anti side of the question is the consistent policy that J. Walter Thompson has pursued in putting together the elements of all its shows. Agency lawyer Stauder mentioned is Ruthrauff & Ryan.

### Success Throtilles Quibblers

From the pro contingent comes the opening broadside that nothing succeeds like success. The package show has proved for the most part successful in capturing top audiences.

In many instances their perennial slush clinches the argument, taking for example, the case of Eddie Cantor, Kate Smith, Jack Benny, Burns and Allen, and Fred Allen. These personalities have become radio fixtures and successfully so because they have been left free to pick their own support and to mold this amalgam of talents and temperament so that it is sympathetic to the unique predilections of the star. Again, the package show is set to stay because Young & Rubicam, rated among the top three agencies in radio, not only has employed all but Cantor under such arrangement but is still of the opinion that the method makes for sound showmanship, all depending, of course, on the mike experience and previous success of the star.

Of pertinent interest to the question of the packaged show is the development that has taken place in one of the talent agencies, Lyons & Lyons. The personalities concerned are William Stuhler and Don Stauffer. Stuhler joined L. & L. about a year ago and Stauffer is slated to team up with him in two or three months, with the latter retiring as v.p. in charge of radio for Young & Rubicam. Though young in years each is a seasoned radio executive and producer, and the theory that seems to motivate their new alliance within the L. & L. organization is that because of their background and close association with the problems of the advertisers they should be able to construe the advertiser's need show that will do the job successfully.

The William Morris Agency has, of course, been the chief proponent and one of most successful salesmen of radio packages.

# Today and Tomorrow In Radio

By Bob Landry

In 1938 radio stepped into the bright sun of international political importance. This was dramatized by Anschluss in March and by Munich in September. Coincidental with the plot and counter-plot of the world struggle between fascism and democracy, between open markets and closed markets, raw materials and spheres of influence, the attention of the American broadcasting trade digressed frequently from the routine news events of domestic broadcasting to considerations of far wider and infinitely deeper significance. Radio sensed, as never before, the role it plays in human life, a role that dwarfs the advertising function while at the same time re-emphasizing why radio is so notably a superb advertising medium.

Psychologically, after the imagination-stirring experiences of 1938, a 'big question' of 1937—would New York or Hollywood win out as chief origination point for sponsored programs?—now seems pretty minor. Radio is romancing with destiny these days. That Hollywood versus New York rivalry was just puppy love.

## Forebodings

It is not yet possible to fully perceive the subtle ways in which post-Munich economics may affect American life and thinking; and, in turn, find expression in American radio, which is famously hyper-sensitive to every current and backwash. Already unmistakable are new tensions and new problems created by the convulsions and revulsions of Europe. In America where free speech has more or less been taken for granted (except during war-time and in scattered backward areas) the year 1938 has brought with it certain forebodings. What is free speech? And for whom and to what degree is it free? And does it actually exist on the radio, and who and what threatens it?

Obviously free speech is a facile ideal when nothing very menacing to life divides men. Today racial animosities are chafed and mob jitters (as revealed by 1938's famous 'Mars Patrol' broadcast) is widespread. The 'freedom' of a demagogue to agitate not only strains the whole practicality of free speech, but introduces confusing thoughts that free speech isn't so simple as Americans have heretofore naively assumed.

Viewed in this light, the end of 1938 and the opening of 1939 may well be seen as peculiarly saturated with meaning to American radio as a dividing line between a past that was easy and prosperous, to the point of fantasy, and a future that is to be vexatious and complicated, beyond present reckoning.

## Internationalism

How can events happening in Germany or middle Europe react upon American broadcasting? In many ways. For example, by rolling its eyes toward South America and causing our Government and business men to blanch with apprehension, Germany has given a powerful impetus to participation by the United States (tentatively, and in a small way at first) in the business of broadcasting. That possibility does not charm the guardians of status quo who visualize further inroads, supervision, limitations and other calamities as conceivably following a first breaking down of private enterprise's radio monopoly.

At the same time that this nebulous South American threat to Yankee trade advantage and prestige causes our Government to sympathetically ponder having its own radio stations for shortwave commercial and political propaganda, the country is dotted with German political propaganda stations. Of the kind that are the cause of anti-Semitism. The sit-down strike, most hated and in certain cases most successful tactical measure ever adopted by American labor unions, is another import from Europe. America has, of course, always felt political vibrations from overseas due to the colonies of immigrants in all of our large centers. Today, as never before, the impact of what's said and done in Europe is felt in America. Radio by virtue of its intimacy with every and all phases of American life fronts European-germinated ideologies and must adjust itself and these pressures to the somewhat vague but real rule of 'public service, convenience and necessity.'

## Trouble-Makers

As between old-style Democrats and Republicans, offside markers are simple enough to set up and enforce. But, today, the demagogues of all parties want to incite religion against religion, race against race, and class against class. Persons who are shrewd pulse-readers are alerted off in some possibilities that a provocative spark might set off in some sections. All of which comes right home to the front yard

of radio as a chief news agency of the people, and as the one forum which every demagogue wishes to exploit.

Some years ago the late Anning Prall, then chairman of the Federal Communications Commission, told the National Association of Broadcasters that the Government would not permit details, yes or no, or ways as to specific kinds of programs to be carried over the air. It was up to the individual broadcaster to guess, and guess correctly, what should or should not be censored. And if the individual broadcaster did not possess the inbred common sense and judgment to know the right answers, he did not have the proper qualifications to be a broadcaster. This responsibility, when so defined, seemed sufficiently apparent at the time. Today the burden is infinitely greater.

## Looking Both Ways

It seems appropriate in connection with this Anniversary edition of VARIETY to approach American broadcasting from a plateau point of view, first looking backward to the known happenings and attempting to evaluate or at least itemize them; and, second, looking ahead to the probabilities. Concerning the prophetic stories it may at least be hoped that they are not 'tethered in the head.' In any event, censorship and international radio loom large in relation to the future and have accordingly received more than ordinary prominence.

It is too soon to appraise the 'rejuvenated' N.A.B. and the work it is trying to accomplish. But that effort is important in the trade story of 1938. Not necessarily from the exact point of view here expressed but substantially because of the trends already mentioned broadcasters have realized that their life was not just a bowl of cherry brandy.

In Washington, in February, 1938, the N.A.B. met. It was a convention to end conventionists, a great sobering up, an honest in-jun powwow. Spade work was done, the foundation laid, the new N.A.B. complete with blueprint was unveiled. That the convention found the rank and file delegates lethargic is historically important as proof that there had been other 'new year resolutions' before.

## Pick Miller

After months of search, the N.A.B. board's appointment as the N.A.B.'s first paid president, to pay \$25,000 and \$5,000 extra for expenses, went to Neville Miller, former mayor of Louisville. Job of making radio's trade association stand for something more than an annual golf tournament and a three-day buster has begun. (See VARIETY's Anniversary Edition, next year, for further details.)

Washington, as usual, occupied a lot of the broadcasters' time. In 1938 there was the super-power hearings revolving around WFLW and there were (and still are) the 'monopoly' hearings which will continue into February or later. Politics remains the great preoccupation of all broadcasters. Many a radio station owner knows more about Washington politics than he knows about station operation.

## Time Sales Fell Off

Developments of the year included the first tapering off of the upward curve in CBS' monthly gross time sales. So-called 'recession' got pretty well mired and it provided first sample of red ink in several years for many a broadcaster throughout the land. Detroit, prime source of advertising revenue, went dry when automobile sales dwindled to fractions. Of the vastness of the advertising media radio suffered most of all. Tires and other accessories followed suit. Adverse Federal ruling on motorist's dealer assessment for advertising purposes further bogged down the carriage trade.

NBC during 1938 made numerous changes in sales policy in an effort to warm up the cold feet of the blue network. A. E. Nelson, one-time indie broadcaster of Chicago, got the job as blue sales manager and moved to New York from KDKA, Pittsburgh. Vexatious changes, some of an auditing nature, were put through. Ultimate result is still uncertain.

## Trammel Brought In

RCA-NBC's tendency to make year-end changes of important personnel introduced Niles Trammel, long Chicago v. p. of the network, as executive vice-president, a job left open since Richard C. Patterson (now with the Dept. of Commerce in Washington) stepped out. President Lenox R. Lohr had heretofore been known as a desk-free functionary, with the experience and authority to make decisions and to get out and mix, finally brought this appointment. Trammel had often been reported coming east and had as often spurned

the bid. He is possibly the most popular of all the NBC toppers.

Board meeting that confirmed Trammel also rewarded Dr. A. J. Morton, head of the NBC-owned and managed stations, with a vice presidency.

## Toscanini

It was just as the clock struck 1938 that NBC proudly drew aside the drapes and revealed Arturo Toscanini as an employee (at \$4,000 per Saturday night) and culturally this is undoubtedly tips for a year when the imminence of investigation made all of radio excessively aware of the nobler things. NBC had two major brushes with the finger-pointers during the period overlapped by Toscanini prestige. These were respectively Mae West and the 'Beyond the Horizon' cases. NBC took full blame for the Westian skit, actually the work of J. Walter Thompson, but when Eugene O'Neill's near-classic was singled out for a witch-burn, the outcry of the cognoscent was rude enough to make the would-be censors yell 'excuse, please' and run for cover.

From a program production standpoint the year was marked by flukes and crisis-created popularities. Champion fluke, of course, was the Orson Welles 'War of the Worlds' program over CBS which provoked an incredible display of nation-wide hysteria (some what if not largely exaggerated, by newspaper stories), and has shown broadcasters the dangers of over-vividity. It was during the disaster-about-to-befall week or two before Munich that the people came to appreciate transcendent broadcasting. In London Fred Bate for NBC, John Steele for Mutual, and Ed Murrow for CBS were suddenly in the spotlight. More, ever more, news of the demented continent was the order of the day from the American networks.

Briefly, if not permanently, new personalities emerged out of the Sudeten story. Hans von Kaltenborn doing an all-day and all-night shift, sleeping on a cot at CBS, became a household name for the first time. Macdonald, Maurice Hindus, William Shirer and others broke through the murky anonymity of 3,000 miles of ocean to speak from 'the scene-of-the-crime.'

## Nothing Much New

But of new entertainment personalities 1938 produced few. Bob Hope came in strong for Pepsodent and seems headed for substantial ranking. Billy House, from vaudeville, sounded good in a summer getaway for the jinx-chased Wringle account which meanwhile is committed to the Jesse Lasky amateur variation. Rudy Vallee program had a long full of comparative mediocrity, and the Chase & Sanborn hour was virtually a one-man program (Edgar Bergen) with its floundering around accentuated by Bergen's sickness. In the early half of the year Lew Lehr became the first news-reel-created comedian to achieve major prominence. He has shown a tendency to grow in radio popularity.

Otherwise it was the same old time-tested favorites. Check 'em—Amos 'n' Andy, Jack Benny, Paul Whiteman, Eddie Cantor, Burns and Allen, Easy Aces, Fred Allen, Joe Penner, Major Bowes, Bing Crosby, Phil Spitalny, Ben Bernie, Guy Lombardo, Al Jolson.

Acknowledgment should be made, of course, to the activity in dance orchestras which were distinctly bullish in 1938 and found ready sounding boards in radio. This aspect of talent development and new careers is fully treated elsewhere in this special edition.

## Hollywood

Hollywood's place in the radio sun is now seen to be permanent as concerns some accounts but its limitations are also more clearly apprehended and the belief that easy, short-cut solutions to the radio entertainment problem could be found on the sponsor side of Pasadena is not exploded. Textbook example in the fall was due to an Indianapolis radio station which, in a desperate effort to attract listeners, bunched together a film names, merely because they were film names. It proved vastly educational in more ways than one, and to more organizations than one. Ward Wheelock chose to demolish the Campbell soup 'Hollywood Hotel' and go east for a cheaper program (of similar formula) with Orson Welles. Film colony angles are treated in detail in the Hollywood story elsewhere.

Of the quality programs that cut during the summer and continued into the fall. Of these 'Information Please' is the standout. These shows, all twists on vox pop and amateur ideas, have provided low-cost entertainment but, like everything in radio, were speedily overdone and only a few of the best survive the final shaking down.

been more of a furore aroused by the playing of such classics as 'Marta' in hot dance tempo.

## Restriction

Between the restrictions laid down by the ASCAP, the writers, the sponsor, the advertising agency, children's societies, teachers' societies, women's organizations, temperance organizations, and others, it is almost impossible today to do a broadcast of the type possible five or six years ago. It is becoming increasingly difficult to clear songs, lyrics and material. If it continues to become more difficult, the time will come when all programs will be of such an innocuous and tame nature that the zest and pep will have gone out of broadcasting. Possibly by that time we will have television with an entire new set of censorship rulings and theories.

## Gertrude Berg Guests

### On Orson Welles Show

Gertrude Berg, director and center of the chief role in The Goldbergs' family serial, takes her first outside dramatic part since starting the Goldbergs nine years ago when she joins Orson Welles on his Campbell show Friday (6). She'll play the part of the mother in Welles' radio version of 'Cousellor at Law.' Payoff check for the stint will be made out to a charity.

## Ten Years Before the Mike

By Rudy Vallee

In 1928 the orthodox formula of sustinings was a typical print orchestration played by a regulation band of 12 or 15 men, played as written from introduction down through to the end, to be followed by a coy or stentorian announcement of the next number. A repetition of this was what most night listeners had come to know and expect.

Commercial programs were apparently much the same, and the word 'guest artist' had hardly come into popular conception, although the Dodge Victory Hour, with the unheard-of miracle of picking up Volson in one city, Will Rogers in another, and Paul Whiteman in still another, had left radio audiences gasping. But as yet the typical commercial with guest artists, and the variety show, were only germs in the minds of a very few.

Big commercial hours with big money—at least big money for those days—were just beginning to increase in numbers in 1929. From the very start our particular program had at least one guest artist. Our original idea of having the broadcast supposedly emanate from the Villa Vallee, on East 53d street, New

York, or a party of some sort, failed to jell. The confusion of crowd noise, littering hostesses and silly persons being picked up at various tables, seemed to be confusing.

The obvious solution was a featured guest artist who could either sing, gag or do something really entertaining. Thus for a period of three or four years the formula was extremely simple—approximately 45 minutes of dance music, 8-10 minutes of a guest artist, 5 minutes for commercials, and 2-3 minutes for applause and humorous reaction commonly known as 'spread.' This, of course, varied with the guest artist; with some the music was cut as much as 10 minutes. Still, in contrast with our present three spots which never consume over 18 minutes, the program must have been unquestionably too long on the musical dance side. In our blissful ignorance, however, we continued happily playing music spots sometimes as long as 8-10 minutes, and sometimes in a tempo hardly calculated to stimulate the listener to any great degree.

Early band efforts were simply

popular tunes played in measured, stately tempo. It was only a question of time before this type of program palled on the listener to the point where it was obvious that a new formula must be found.

## Still Room for Improvement

And while broadcasting technique has progressed far since those days, in my opinion there is even now great room for improvement, both from the standpoint of receptivity of the microphone to cohesion between monitor, production men and direction. As I stated in VARIETY some time ago, I still believe that for the artist to perform in front of a microphone with an indicator to tell him, at that moment, what he or she is doing with strength of voice against strength of gain, is like an automobile without a speedometer. Today many minutes of vocalizing and instrumental music that cost sometimes hundreds of dollars are ruined or at least poorly balanced because it takes time for frenzied signals from the monitor or the control room to reach production man and director to remedy the defect.

Why broadcasting studios have not adopted the motion picture technique of moving the microphone to the section of the band, instead of moving whole sections of the band laboriously (sometimes noisily, and always with great difficulty) down to a microphone, is incomprehensi-

ble to me. Many times the brass section, five or six strong, lumber down to a microphone with hardly time to set themselves for a solo, and then rush back to try to play another passage from their original place. Actually there is no excuse for broadcasting to have failed to adopt the Hollywood technique of handling a microphone.

In 10 years, too, radio has evolved from a comparatively unrestricted medium to one of the most carefully watched and guarded, blue-pencilled means of entertainment. In 1928, one of the most popular numbers was the Cole Porter lyric, 'Let's Do It,' which cleverly states that people, animals, insects and things 'do it,' with the simple explanation, 'let's do it, let's fall in love.' It was in the fall of 1928 that someone howled for my head as a result of this song, with the result that WOR took the initiative in asking me not to do it. Gradually the other stations likewise assumed the same attitude, and from practically that time on, all the stations have united in a ban on songs containing the word 'do-it' again, you do something to me, and all sorts of that sort of thing, because of the simple double-entendre on the word, have become restricted lyrics.

Today, because of unusual whims and caprices of an undisciplined public, it is impossible to even play 'Holy Night' in dance tempo. It is a wonder to me that there has not

## The Chicago Agencies

By Dan Goldberg

Chicago, Jan. 1. Of the 100 and more agencies in Chicago, about a dozen handled 95% of the radio business during 1938. All of the others talked about going into radio in a big way, voiced their opinion that radio was here to stay and had a \$1,000,000 account primed to buy an hour a day on 500 stations. And yet, despite this talk, only a handful did anything in or about radio.

There was basically little change in radio business in Chicago as far as programs and ideas were concerned; but 1938 saw a reshuffling and revaluation of agencies as to standing in the radio industry. Several of the biggest agencies crawled into a shell of lassitude while others zoomed into large importance in the ether business, establishing themselves as real factors in the present-day agency business. The line-up was about this way:

Blackett-Sample-Hummert continued as the pace-setter topping all others on general billing and importance in the radio field. Their billing on such accounts as Quikline, General Mills, Peter L. Gamble, Skelly Oil was enough to make the agency a honey jar for stations and representatives. There is little question of the job that B-S-H did for its accounts, although several attempts to gild the lily met with reverses. Agency attempted to obtain discounts or rebates from clients from stations using B-S-H commercial platters; also tried to boost the amount of radio station publicity for its accounts. Both of these angles were branded as chiseling and received with a complete chill from the stations and it is unlikely that the agency will succeed in accomplishing much. It indicates the manner in which the agency is in there fighting for an edge. The agency continued its faith in script shows as the best commercial radio medium, though it did indicate a tendency to move away from the kid show to a more adult type of program.

Kastor made strides during 1938, zooming ahead in radio billing and activity though without any particularly strong new accounts. They are continually battling for new business, however, and have made, from time to time, several additions to the staff in the hope of corralling fresh clients. But the strongest point that Kastor made in 1938 was its ability to boost its current clients in radio billing. Agency turned in two outstanding jobs. First was its trick in taking 'Manhattan Mother,' a top five-times-weekly script show, and making it pay out successfully in a lone market. With only Chicago as an outlet for the American Family soap product, the agency took a script show that on cost of cast, writing and production compares with any Coast-to-Coast program, and made it pay out in announcements for a single market. Now has the program on two stations, WBEB and WGN, daily. Agency also took a new Procter & Gamble product, the Teel liquid dentifrice, and helped boost it in a drug field. Used a few spot shots with Jerry Cooper discs and also some cin announcements on the Jimmy Fidler picture gossip program. Radio department now headed by Bob Jennings, ex of WLW.

Lord & Thomas (Chicago) declined in importance in radio during 1938. Had practically nothing on the air. Kay Kyser's College of Musical Knowledge was an outstanding smash for Lucius Stokes (American tobacco) but that rates as a New York deal on the part of the agency. Agency lost two important accounts during the past year: Quaker Oats and Horlick's. It got the Lady Escher account, for which it switched from the Wayne King orchestra standby and replaced it with the Guy Lombardo band.

Walter Wade, chiefly identified with Althea Seitzer, saw a decrease in billing for the stomach-soother account and is at present resting on oars. Agency went out and corralled one big local radio account, the Morris B. Sachs clothing store, for which it is at present continuing the weekly 60-minute amateur show which was originated and produced by the smash proportions by the Schwimmer & Scott agency.

Russell M. Seeds agency, under the presidency and guidance of Freeman Keyes, shot into national prominence in radio during 1938, primarily with the selling job accomplished for several Brown & Williamson labels.

Took the weakest of the B-W tobacco accounts from Batten, Barton, Durstine & Osborn and made it a seller through smart radio handling. Agency credited with shrewd time buying and selling copy. While the shows themselves do not rate as particularly hot stuff for the discriminating they sell. In addition to the B-W accounts such as Avalon cigarettes, Big Ben and Bugler tobacco, Seeds handled radio billing for Schaeffer Pen and a piece of General Mills.

McCann-Erickson agency in Chicago did little during 1938. Primarily buying a few spots for Maytag.

Roehe, Williams & Cunningham agency also was pretty stagnant in radio during the past year, but rates for its snatch of the Horlick's account for which it is now buying some spots and announcement.

Edson & Bowler-Chicago had a winner in 'Stepmother' for Colgate and did okay in the farm field with its feed portion of the Quaker Oats account. B.B.-Chicago has three career men, Ed Aleshire, Stu Sherman and Art Marquette.

Neisser-Meyerhof had a lot of Columbia network billing last year because of Wrigley. Little doubt that the real operations and thought on the Wrigley radio handling is in Chicago Columbia offices, which means chieftain H. Leslie Atlas, who is very close to 'D.K.' N-M, on their own, hit on a winner with its interviews with clubwomen in the clubhouse for the Kitchen Klezner product.

Ruthrauff & Ryan agency in Chicago in 1938, grabbed off big bowl of Quaker Oats for which it now has two coast-to-coast programs, 'Girl Alone' in the daytime and the weekly Tommy Riggs variety period. Under the supervision of radio chief Ros Mager department steadily expanded.

Needham, Louis & Brorby continued its coast-to-coast ride with the Fibber McGee show for Johnson as its one big item in the radio business.

Aubrey, Moore & Wallace continued with 'First Nighter' as its prime radio entry for its Campagna account.

J. Walter Thompson revamped its entire radio staff in Chicago and is now handling only a single local show in Chicago. However, has a number of spot shots.

Schwimmer & Scott is one of active smaller agencies, living up to its reputation for aggressiveness and new ideas. Came through with an outstanding job for Wurlitzer's nationally. Also handled a smart set of announcements nationally for Lea & Perrins.

Auspitz & Lee was another outstanding agency among the smaller outfits in Chicago during 1938. Again bought more local radio time than any other agency for a single account—Evans Fur. Agency had made this firm a big winner right through the depression years and continued to hold up volume of sales for fur firm during the past year. Looks for considerable expansion in other types of accounts during 1939, especially with an eye towards national radio business.

Henri, Hurst & McDonald several years ago found a good thing in Smiling Ed McConnell and since that time has endeavored to utilize this home-folks crooner for all clients and accounts.

Young & Rubicam (Chicago) toward the close of 1938 suddenly spurred. Has the Drackett business. Office now in the process of revision and expansion.

## PINK SLIPS FOR 40 IN FED. RADIO DIV.

Along with the general cutting in the ranks of the Federal Theatre project last week, the Radio Division suffered a slice of 23% of its complement or around 40 people. Those dropped were mostly from the writing and acting desks. Pink slips were mailed out Friday (30) and take effect Jan. 15.

Shows to be dropped have not as yet been decided upon.

'Revival' Renewed on MBS Gospel Broadcasting Corp. has renewed on 86 stations of Mutual network. 'Old Fashioned Revival' program resumes for 25 weeks as of Jan. 1.

R. H. Alber agency placed.



"Monkeys Is Da Cwaziest Peepul"

LEW (DRIBBLE-PUSS) LEHR

Radio—Half and Half Tobacco

Pictures—"Movietone News"

Radio Dir.: Henry Souvaine, Inc.

## 'UNFAIR' FLUNG AT NBC, CHI, BY AFRA

Complaint against NBC's Chicago branch was filed last Friday (30) with the Regional Labor Relations Board in Chicago by the American Federation of Radio Artists. Action, which was filed by Henry Jaffe, the union's attorney, charges the network with unfair labor practice. Specifically, it accuses NBC of intimidation to prevent the unionization of sound effects men in its Chicago studios.

According to AFRA execs, the sound effects men asked to be taken into the union and were admitted to membership on the theory that the organization's AF of L charter from the Associated Actors and Artists of America covers 'artists' as well as performers. It is alleged that when NBC learned of the unionization of the men, it discharged them, ostensibly for some other cause. Two others subsequently resigned. Thereupon nine more AFRA-member sound effects men withdrew from the union and wrote a letter to NBC affirming their loyalty to their network and their opposition to AFRA.

Since there are comparatively few sound effects men with NBC in Chicago, the defection of the nine men following upon the loss of the other three, wiped out AFRA's majority representation in the group. Understood that in its NLRB complaint, therefore, the union will raise the novel point of whether the 12 men should be considered as AFRA members in figuring whether the union should be adjudged as representing a majority of the sound effects men employed.

Jaffe, who flew to Chicago from St. Louis last Thursday (29), was due back Sunday (1) in New York.

### St. Louis Vote Jan. 1

Singers, actors and announcers employed by three St. Louis stations, KSD, KWK and WEW, will vote this Friday (6) on whether they want the American Federation of Radio Actors to represent them for bargaining purposes. Date was set at a conference held last week between Henry Jaffe, associate national counsel for AFRA, the local National Labor Relations Board and spokesmen for the three outlets.

Vote casting will take place between 10 a. m. and 5 p. m. at local NLRB headquarters.

## Widow Succeeds Mark

Washington, Jan. 1.

Woman president was elected last week by the board of directors of WOL, Washington affiliate of Mutual. Mrs. Helen S. Mark, widow of Leroy Mark, former WOL prez, was elevated to the top post on the unanimous decision of the board.

Other officers elected were William B. Dolph, executive v.p. and general manager; W. L. Shaffer, treasurer, and H. J. Jett, secretary. Mrs. Mark had formerly served the station as vice president.

## Television's Future—and When

By Bob Landry

There has been lots of television during 1938—if publicity statements, press showings and headlines are the measure. Separated from this battle of mimeograph the story is one of cautious stepping and obscure progress, if any. A reddish discoloring of the outer electronic epidermis during the year was pronounced a press agency's rash, but the threatened appearance of television receivers in New York department stores prompted a curtailment of RCA's regular schedule of programs which had been in progress for some months and which was obviously the one development encouraging indie set-makers to rush into the market with television receivers.

In a nutshell these are the broad facts about television:

1. Not only does the FCC still classify all television as 'experimental,' but in New York there is no television broadcasting whatever at the moment.

2. Only television activity in New York (latterly in 1938) has been some outside events by the NBC's tele-movie unit which were monitored and studied by engineers but not put on the air. Indoor activity confined to improving equipment, etc.

3. Sometime in January or February, 1939, the NBC-RC transmitter in the Empire State Bldg. (where a new antenna is being installed) and the CBS transmitter atop the Chrysler Bldg., will begin operating intermittently. Each transmitter will be powered with 7,500 watts. CBS studios will be in Grand Central Terminal, RCA in Radio City and each transmitter will be linked to its studio by A. T. & T. coaxial cable.

4. According to his own announcement, Allen B. DuMont will launch a 50-watt television station in New Jersey sometime during 1939. Paramount Pictures has a 50% stock interest in this enterprise.

5. By April, 1939, when the New York World's Fair opens it is expected that NBC and CBS will have two hours a week of television programs and that television receivers of several brands will probably be placed on the market. How good they will be, how much they will cost, whether the public will buy them in any great numbers, are open questions.

### Costs

6. Size of image will determine the price of sets. It is probable that sets selling for \$150 or thereabouts will throw an image of not over 3 x 4 inches. This is a 'chair-seat' set. Around \$350 is the estimated cost of sets with an 8 x 10-inch frame which is called 'comfortable' for 3-6 feet scrutiny by small groups.

7. Meanwhile Scophony of Great Britain has set out to invade America. It is now engaged in promoting American capital and to make arrangements for the manufacture of its sets over here. Scophony sets throwing an image 18 x 24 are retailed in England for around \$1,200. They are described as producing 'good-looking images' from a mechanical type of television (RCA is electronic in principle).

8. First to apply for RCA television equipment is WTMJ, Milwaukee (owned by the Milwaukee Journal) and the prospective outlay of about \$100,000 suggests the costliness of going into television in even a small way. WTMJ envisages a 1,000-watt transmitter. Studios, cameras, coaxial cable, channels, lighting, properties, sound equipment, etc., add up the initial investment. (Lubke-Don Lee visio in California is off-standard for America, using a 375-line image instead of the 441-line approved at present by the Radio Manufacturers Assn.)

## ATLANTIC REFINING DATA

One Game Rated 66 in C.A.B. — Lowest Was 10

Philadelphia, Jan. 1. Tally just completed by N. W. Ayer & Son for Atlantic Refining reveals that oil firm during the season just passed bankrolled 20,000 hours of football airings, or 181 games on 71 stations, increase over 1937 and 1936, when it began sponsoring sports. First year it aired 129 games on 42 outlets and in 1937 156 contests through 60 transmitters. Ayer reported the sponsor that C.A.B. ratings taken one Saturday in October and one in November gave a composite figure of 23.6 for all games being played those days. Highest single rating, and one of the top-notchers in all radio, was the Pitt-Duke game, in Pittsburgh, for a C.A.B. grade of 68. Lowest rating found was 10. Largest single hook-up was the Harvard-Yale game, 41 stations.

## Sweetheart Soap Back;

### Sponsoring Jack Berch

Sweetheart Soap goes back on the air Jan. 11 with Jack Berch on a curtailed CBS net. Berch is set for two 15 min. slots a week, Wednesday and Friday at 7:45-8 p.m. CBS Artists Bureau set the singer through the Franklin Bruck Agency. Soap makers recently dropped a commercial airing of Little Theatre plays with William A. Brady.

## Toscanini's BBC Series

London, Dec. 24.

BBC is organizing a series of eight Beethoven concerts at Queen's Hall in May, all of which will be conducted by Arturo Toscanini. Already flooded with application for seats.

It was much the same when Toscanini was here in 1937 when even some of the highest in the land couldn't rustle up a ticket, but had to be satisfied with picking it up on their radios.

## Rock Island on Mutual

On Jan. 14 Rock Island, Ill., station WHBF, simultaneously raises its power to 1,000 watts and joins Mutual. It's 110th affiliate of Mutual.

## BLACKETT YEN FOR BIG TIME POLITICS

Chicago, Jan. 1. Though the Republican campaign on behalf of Alf Landon resulted in a record-breaking Democratic victory, Blackett-Sample-Hummert execs are still politically ambitious. Would like exploitative connection with the 1940 Republican campaign. They feel that despite the cost and defeat, they obtained contacts with otherwise aloof gentry. This offset the defeat and the cash outlay to Hal Blackett and others personally.

Now have angles out for contacts with Landon and will guess for the Taft of Ohio as their guesses for the Republican presidential nomination. Will again splurge with their favorite angle on radio assistance: and hinting to stations of a five-year license for stations should the Republican nominee win the nation's vote.

## FOX OF KDYL ENTERS PROGRAM WAX BIZ

Salt Lake City, Jan. 1.

Presumably with an eye on the profitable side ventures of WXYZ, Detroit; KMBC, Kansas City, and some other local stations, S. S. Fox of KDYL here will shortly set up a transcription cutting department. Engineers have been doing ground work for several months.

Will record KDYL-produced programs for sale outside this market.

## Andrews Girls with Dole

Andrews Sisters have been added to the talent lineup on the Dole Pineapple show set to start on a CBS net Jan. 14. Girls supplement Phil Baker and will work with the Eddie Delang orch, which was signed last week.

Trio is currently fulfilling a two-week date at the Paramount theatre, New York.

# Radio Outlook For 1939 Is Good

## TOTAL RADIO TIME SALES: 1937

From FCC Data	
NETWORKS.	\$33,902,487 retained by major networks
	1,857,102 retained by secondary networks
	\$2,949 retained by other networks
	\$35,812,538
	\$35,812,538
	\$19,266,127 paid stations by major nets
	698,642 paid stations by secondary nets
	135,626 paid stations by other nets
	\$20,100,395
	2,040,742 paid stations for commissions, etc.
	\$22,141,137
NETWORK TOTAL.....	
\$57,953,674	
National Spot.....	
23,117,136	
Local.....	
36,838,163	
ime Sales).....	
\$117,908,973	

The above figures are before agency or broker discounts. They do show, however, 'trade discounts' for the networks—i.e., frequency discounts. The broadcasting industry in 1937 paid out \$16,982,960 in commission to agents and brokers.

In duplicating the FCC terminology as regards network designations, it is assumed that 'major' networks means NBC, CBS and Mutual; 'secondary' networks means regionals; and 'others' means part-time or very small hook-ups.

Those who compare this chart with the FCC charts may note that the total network figure is \$57,953,674, whereas the FCC (table 4, FCC summary of information) gives it as \$55,917,189. This is due to the fact that this chart includes all time sales, whereas the FCC included (in the chart mentioned) only time sales to ADVERTISERS. The difference of \$2,036,484 is made up in payment to stations for commissions, sustaining programs, or other contract methods. Therefore, figuring only TIME SALES TO ADVERTISERS would give 1937 a total of \$115,872,488.

National spot business includes figures only from stations with net sales of \$25,000 or more during 1937. It is assumed that stations having a smaller net than \$25,000 did entirely local business. Their amount of national spot would be too small to disturb the figures above.

## BUSINESS INDICES: 1935-1939

	1935	1936	1937	1938	1939
Dept. Store Sales Index.....	79	88	92	85	92
Business Week Index.....	86	105	112	86	105
Automobile Production, 4,120,000	4,620,000	5,020,000	2,500,000	3,500,000	
Residential Construction \$478,800*	\$801,624*	\$905,293*	\$980,000*	\$1,100,000*	
Farm Cash Income... \$7,100,000*	7,865,000*	8,521,000*	7,600,000*	8,000,000*	

All figures in the 1938 column are preliminary, and all computations in the 1939 column are VARIETY estimates, compiled after consultation with J. A. Livingston, staff economist of Business Week.

It should be specifically pointed out here that while economists feel pretty safe in making 1939 estimates, they cannot estimate a month-by-month or season-by-season pattern. Thus, it is safe to say that 1939 will surpass 1938 by a considerable margin and compare favorably with 1937; but it is impossible to say whether this will be accomplished via an exceptionally high spring and fall, or via a steady trend from one end of the year to the other.

(\*) Indicates that 000 are omitted.

By Edgar A. Grunwald

Prediction of radio's dollar volume prospects in 1939 can definitely be prefaced by a clearcut statement—it will be better (possibly much better) than in 1938.

From the network angle there can be no doubt of this, at least so far as the start of the new year is concerned. From the spot-local angle, the same situation would seem to apply if statistics on general business activity are brought to bear.

Translating a relatively certain outlook into relatively certain dollar signs, however, is plainly impossible. It would be tea-leaf reading. And it would be double folly in view of the fact that somebody first has to find out for the broadcasting industry on what basis dollar volume is to be computed.

For a long time annual computations were carried on by the National Association of Broadcasters. The NAB arrived at the gross by adding together the sales figures of major networks, regional networks, spot business, and local business. In the case of the major networks at least, the 'gross' was understood to be card rates before any discounts whatsoever.

This summer (1938) the FCC issued a gross sales intake for the year 1937. However, the FCC played havoc with network revenue. For whereas the major networks reported (to the world at large) a combined 1937 gross of \$69,612,480, the FCC whittled this category down to \$53,277,905. The \$16,400,000 got lost in frequency discounts and similar 'trade' discounts. It was, in short, the difference between card rates and what actually went into the cash box.

Summing the whole thing up, the FCC credited the radio industry with gross time sales of \$117,908,973 during 1937. By certain additions and subtractions necessary to translate this figure into 'gross time sales to advertisers' instead of mere 'gross time sales' (which would include intra-industry sales of facilities), the actual total boils down to \$115,872,488. An accompanying table shows the division of this money by category.

### 1938 Revenue

What 1938 amounts to in terms of dollars is not yet known. The major networks, still counting by card rate, will do a possible combined \$72,055,000 if NBC is credited with \$41,780,000, CBS with \$27,340,000, and Mutual with \$2,935,000. That's roughly 4% above 1937, though there's no telling what the figure would turn out to be if the card-rate angle were discarded in favor of figures actually on the books.

Meantime, ASCAP's radio intake has been estimated to be off several percent during 1938. Since ASCAP revenue is based on that portion of network sales passed on to affiliates, plus local and spot revenues, it would seem apparent that at least two of these factors—local and spot—de-

clined in revenue, either singly or in combination. The industry as a whole, therefore, seems to be about where it was in 1937. Shifts in revenue downward may have occurred, but so far as actual calculation now goes, they appear to be quite small.

As against this picture, 1939 promises first of all a much brighter network outlook. A half dozen large network programs are already scheduled for the first of the year, and agencies predict a continued upturn in activity.

From a wealth of data (for which acknowledgment is hereby made to Business Week) certain factors especially pertinent to the radio industry may be singled out as hinting what 1939 has in store. These factors would tend to show that activity for the new year will compare rather favorably with 1937, a good year all things considered.

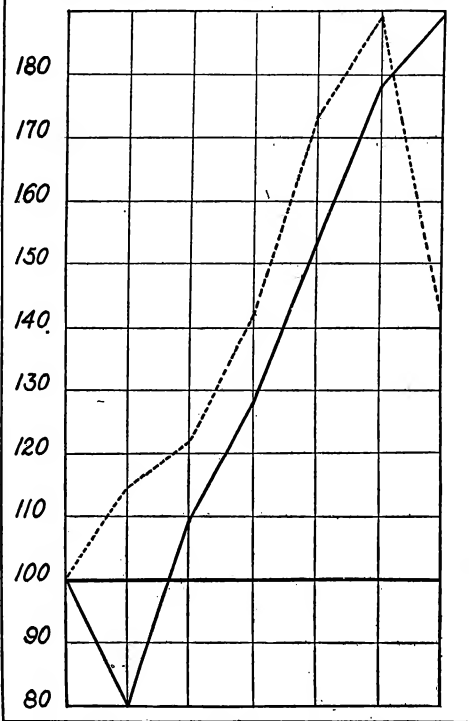
Thus department store sales are estimated to hit an index figure of 92 in 1939, the same figure as in 1937. General business levels could easily show a 20% gain over 1938. Auto factory sales (production) are slated to rise by 1,000,000 cars, and possibly more. Cash farm income (including benefit payments) should be increased by a half-billion dollars.

But the really heartening estimate concerns new residential construction. Not only is an upturn here valuable to radio as a lever for plugging associated lines of goods accompanying residence building, but the anticipated construction total itself actually promises to surpass the robust 1938 total.

To all of which must be added the inevitable government role as a distributor of money. If the expenditures continue steadily throughout the year—an apparently logical expectation—this tendency would naturally be reflected, to some extent, in a steadily high level of national income through the year.

Factors less intimately followed by the broadcasters, but highly important to those lines of activity most often scrutinized, are: credit, influx of foreign capital, and inventories. Credit should be 'easy' during 1939 because of the banks' backlog of coin, and the desire of the government to obtain cheap money to finance its deficits. Inventories meantime are not clogged up to excess, indicating

1932 1933 1934 1935 1936 1937 1938



Running index of network gross revenue (solid line) and general business as indicated by BUSINESS WEEK INDEX (dotted line).

## RADIO UNION'S 1938 RECORD

Outstanding development in the affairs of the American Federation of Radio Artists during 1938 was easily the union's contract with NBC and CBS for minimum pay and working requirements for sustaining programs. Negotiations began in January and the agreement finally went into effect late in the summer.

Negotiations with a committee representing the American Assn. of Advertising Agencies, which began at the same time, have been virtually without result, the admen having stalled every effort of the union to conclude an agreement. AFRA is now readying more drastic measures.

AFRA held its first national convention in mid-November in St. Louis. It was the first time a performer union had ever had such a get-together.

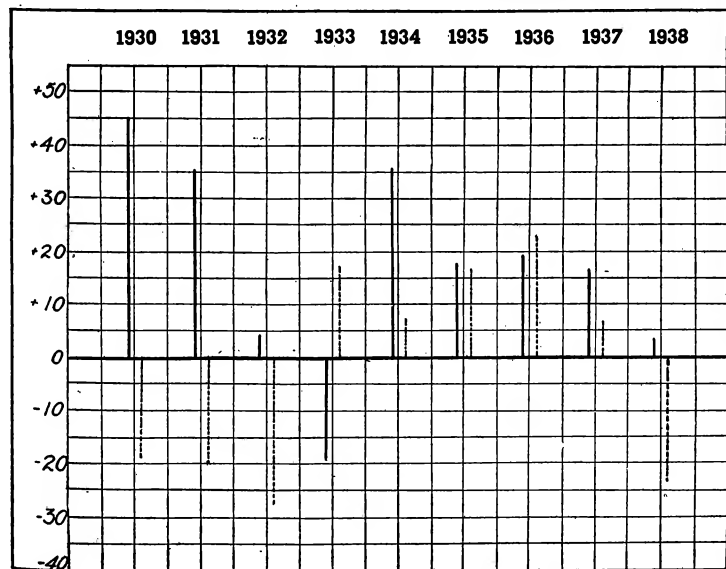
AFRA won reinstatement of employees discharged from Cincinnati and St. Louis stations for alleged union activity. It has a vital case pending before the NLRB, involving the question of whether announcers should be included with actors and singers in negotiations with St. Louis stations.

Although efforts were made to effect a merger with the unaffiliated American Guild of Radio Announcers and Producers, no agreement could be reached. Latter organization has been rather inactive during recent months.

In mid-December the statement of Chester La Roche of Young & Rubicam, brought the question of agency attitude toward the situation into the open.

The necessity for continued replacements.

An accompanying table gives the trend for a number of these factors for 1935 through 1938 and estimates for the coming year.



Index of gain or loss over each previous year for general business as indicated by BUSINESS WEEK INDEX (dotted line) and network gross revenue (solid line).

# Soap and Cinema Stage Big Meeting of the Minds

By Jack Hellman

Hollywood, Jan. 1.

Spirit of camaraderie between the picture studios and radio has at the moment reached such a benign pass that it is hard to believe that such soul-mates ever were anything but. Time was, and not so far into the dim past, that the mere mention of the air trick in a film factory would send execs into quotation marks.

A little matter of education (or was it publicity?) has brought a new blush to the situation. It was accomplished, in the words of Danny Danker, "by playing ball together. More of the Danker philosophy."

"By proving to them that we had an understanding of their problems we won their confidence. We kept it by showing that we are on the level and not just interested in getting a star on the air. We tried not to interfere with production, saw to it that the player was well protected by an expert script and went out of our way to insert a plug for the picture and studio without any insistence or prodding. That won them over and there's no reason why it should be any other way?"

Danker may well be the spokesman for the Hollywood radio industry. He is one of the pioneers and, most important of all, knows the price tag of perhaps 500 film players by rote, which minimizes the necessity of bargaining. It's a matter of availability rather than price.

**East Meets West's Problems**  
Other first line talent buyers, to name a few, Joe Sauter of Young & Rubicam, Bill Ecker of Benton & Bowles, Tim Ruffner of Ruffner & Ryan, Tom McAvoy and Jack Runyon of Lord & Thomas, Mann Holmer of Lennen & Mitchell, are taking a leaf from Danker's book and making it easier all around. It took a while for the lads from the east to savvy Hollywood production problems and front office whims. But they're bright laddies. Rotten news sources but definitely bright.

"Ask any talent buyer which is the toughest studio to deal with for a guest star and he'll fumble for an answer, finally sputtering, 'Why, none of them is tough.' Don't believe 'em. Metro is, and for good reason. Studio made an exclusive package sale to General Foods for its 'Good News' show and that doesn't leave many available for outside shots. However, those on whom waivers can be had are okay by Louis K. Sidney with good grace.

At 20th-Fox players can be had for the asking but the rub here is the price. Studio matches the player's pay for its cut, which runs up the price around double of what would be paid to a star of comparable value from another plant. Paramount has Rubey Cowan as radio liaison, and no reasonable demands are refused. Studio, however, has little to offer in the way of talent as several of its personalities have been over on programs. Bing Crosby, Bob Hope, Jack Benny, Burns and Allen, Martha Raye, Bob Hope and a few of lesser prominence are exclusive to their sponsors.

For a time Warners was not so easy to crack. Not that the studio isn't air-minded but it had its own idea how to best make radio do an exploitation job for its pictures and players. Several package shows were wrapped up for sale but nothing happened and the principals were made available for guest shots. RKO-Radio is represented by Frank Healey, whose job it is to see that script and handling of the player is in the approved manner. It's a sn't contract list at this spot but with the exception of Fred Astaire, who isn't to be had, there's little need for the buyers to prowls Gower street.

**The Stars Come Out**  
United Artists group plays ball all the way and theirs is a star-studded list. Most of the players enjoy star rating and retain for themselves radio privileges. In this constellation the earnings from radio in some cases exceeds the income from pictures. Always in demand are Carole Lombard, Fredric March, Madeleine Carroll, Brian Aherne, Constance Bennett and others who freelance.

Of the smaller indie plants Republic has a solid demand for talent in the publicity accruing to pictures and personalities through radio. Studio show headed by Gene Autrey will hit the lanes in short order as a Columbia sustainer, to whom up interest in the company's product and player list. Outfit doesn't care

whether the show is sold out or not, figuring it will pay its way in exploitation.

Picture execs have finally come around to a unity of opinion that no publicity medium can do the job of radio. Carrying the message into millions of homes is looked upon as dwarfing all other media. Given a proper air setting, the player can make more friends than by peering from lithographs or printers ink. It's the next thing to direct personal contact, which has minimized the necessity of personal appearances so that the star can rub shoulders with her public.

Yep, radio and pictures are getting along like newlyweds.

## 33 FORM CORPORATION

Business Men Assure WPFT's Continuance in Raleigh

Charlotte, N. C., Jan. 1.

Some 33 business and professional men are organizing the Carolina Radio Corp. to take over Station WPFT from NBC and prevent its possible removal from Raleigh. NBC last month exercised its \$210,000 option on the station that has been owned and operated for a decade by the Durham Life Insurance Co.

Action followed rumors that a Greensboro group was seeking the 5,000-watt station. Julius C. Smith, Greensboro attorney, whose name was mentioned in the rumors as front man denied all knowledge of any such move. Meanwhile William C. Hedges, Frank Russell and Percy K. Lader, of NBC, are due in Raleigh soon to make deal.



FRANK GALLOP

"Greetings"

"Gang Busters"—"Hilltop House"—"Nancy James"—New York Philharmonic Symphony.

And thanks for everything.

## WTOC, SAVANNAH, IN GROUP VS. WSB

WTOC, Savannah, has served notice on Paul Raymer that it is quitting him for the Katz agency. The change became effective Jan. 1.

Savannah outlet has allied itself with WMAZ, Macon, and WGST, Atlanta, for the purpose of selling themselves on a combination basis against WSB, Atlanta 50,000-watt. Threesome calls itself the Georgia Group. Katz will represent all three either individually or as a group in the national field.

# A Slight Case of Hollywood

INTER-OFFICE CORRESPONDENCE  
LORD & THOMAS

To Mr. George McGarrett, New York

From Mr. Elmer Droop, Hollywood

Subject The 'Double Burp' Program

Date Dec. 26, 1938

Dear George:

Three months ago I packed my stopwatch, said good-bye to all the New York ingenuities and came out here to make a name for myself as producer of the Double-Burp Theatre of the Air. Well, the programs have all burped on schedule, but I keep getting a funny feeling that someone is following me—I keep turning around and there's nobody there. The doctor says I've got rehearsal midew.

Well, the first broadcast was from a bleeding heart. I got the script at the last minute and grab a cab to the studio. By the first red light I realize it's a blueprint for a clambake. The rehearsal is at 10 a. m., and me up all the night before on the teletype machine taking down those free verse commercials. I was asking myself without any answer why I was knocking myself out just because some Message-to-Garcia guy has gotten a hot feminine slant on the product from a dame he met at the Stork Club and has been inspired to mow me down with a change in the Client's story.

You know what I put into a show, what I have to give. Right now, let me say, George, that I'm a guy who don't mind losing a little sleep even if it don't help the stomach ulcers none. As you say, the thing to do is to put on a good show and take the shots later.

Anyway, I guess you're reading the Crossley as usual and shaking your head, but everybody knows that Crossley is a phoney, and if they had one on Sales Results it would be something! I hate a Frankenstein monster like a silly report the same I hate any two-faced guy. The boys out here like the show and it's been swell hearing them say the things they do.

Oh, yes, I was telling you about the first show. Well, our star is very happy now and thinks the show is a knockout. I guess they must have told you about what I did. Our star threw it out of course. That puts us in a spot, but I called up Hymie Hendrickson and he loaned me Sam Bernwitz and Kelley Nathan from the Lust Show and that helped me out a lot, even though the boys were a little tight during rehearsal and got in a fight with our conductor so that he fired his arranging staff and it walked out taking its arrangements and the band had to ad lib. I guess that explains why you thought the music was a little fuzzy.

The soprano gave us a lot of trouble, too. She said she knew the client from Chateauau, and no guy like that was going to forget his obligations.

Really, George, the band was superb even if they had to ad lib, and if she sounded a little fuzzy it must have been because the engineer I drew was fresh out of a Radio Repair Shop. Of course, I had to set up the band myself while the writers were going over the material with our star.

About the guest stars—well, I guess it must have sounded silly after all the publicity had been released and everything, to have to put on a lot of tired acts,

but just as we were going into a dress, the studio called and cancelled because the director needed our talent on location somewhere, so they had to leave and I had to get Ben on the phone to fix me up with something!

I know our star went over, and our client can thank me for cutting the picture plugs from 40 to 35. Being around out here the way I am does pay off some dividends. Personally I think our star is terrific—he'll run that LT into three figures before he's through!

But I started out to tell you about the first show. Well, George, with a bad script, new acts, a temperamental comic, a New York name leader with a local union band, I had my hands full of the well-known Sack, but I'm keeping myself under wraps because I see I'm going to have to handle the thing without blowing my top. I get that soprano out in the foyer and give her the business.

I get those writers straightened out; I get the network to come through with Stock for the band, so it won't be laying out 84 bars on every tag; I get those sad novelties lined up in the one, two and three spots; I get the commercials ironed out so they make some sense in English; I get our star down to the Bar for a few quick ones and make him purr and everything looks jake for the show.

Mind you, nobody's talkin' to anybody, but I feel I got a show anyway, and as they say out here if you can't tell it—leave it alone!

Well, I guess the rest is History, George. I get the whole thing on its feet and standing in front of mikes waitin' for the Air. Then the phone in the control room rings and they tell me we're cancelled on account of a Fireside chat!

I ain't saying The Thing got out of hand, even though we were a little upset, and the hot milk I had afterward going in the drugstore brought back the old ulcers. But why we had to be told after all I went through is only something I'm going to take up with the network when I feel all right again. Only I don't guess I can find anybody over there to do anything about anything except show me a chart or a framed slogan. Sometimes I am sorry I left the Long Island Railroad for Radio, but what the aitch, if a dentist can do it, so can a Ticket Seller—as you always used to say. But, anyway, George, I am better now and have been writing the script myself, and George, don't you worry about the show! Tell the client that everything is Pear-Shaped, and we all feel out here that next week's show will really be something to give Crossley writer's cramp.

Best of everything to the gang.

Butch.

P. S. The Five Grand in my miscellaneous item on last week's expenses was for that Jill our Comic has been hot for. I think it's worth every cent of it to keep him happy.

## ADMEN'S REFUGEE AID

David Noyes of Lord & Thomas Is Exploitation Chairman

Chicago, Jan. 1.

David Noyes, chief of the Lord & Thomas agency here, is Chicago chairman of Jewish Welfare Fund drive. Out to raise \$2,000,000 locally for European refugees.

Noyes called a meeting of radio and newspaper executives here, all of whom promised full cooperation, according to the policies of their respective organizations. On the radio publicity division committee are Henry Selinger, Leonard Erickson, Leslie Atlass, E. Voynow, Niles Trammell, Larry Seiz, Herb Sherman, Sid Strotz, Lou Lipstone, Holly Shively, David Stotter, Ken Laird, Maurice Needham, Sam Gerson, Richard Kross, Ralph Atlass, Ed Wood, Henry Kastor Kahn, Art Link, Bob Jennings, Clarence Monsier, Nate Pumpian, David Horwich, Glenn Snyder, Stot Sherman, Hays McFarland, O'Neill Ryan, Jr., Maurice Lipsey, Nathan Perlstein.

In the newspaper and periodical group are Leo Abrams, Lou Cowan, Rev. John Evans, Nate Gross, Jerome Karpf, William McDermott, Jacob Siegel and Leon Stoltz.

## NILES GATES AT WCAU

Philadelphia, Jan. 1.

New post of 'sales counselor' has been added at WCAU, effective today (Tuesday). It's S. Niles Gates, formerly of General Electric.

Gates will do merchandising, market research and co-ordinate work of the sales and program departments.

Hollywood, Jan. 1.

There's been a lot of loose talk and double-talk about radio broad-casts from Hollywood. Which is considerably less important than the loose change and the double-checks (payroll) that imbue Hollywood with a fascination that New York can't match for big names and buyers' big names. The swimming pools are here to stay because what's goose for the films is bound to get a rise out of radio. Or vice versa (if you're an advertising man).

Is NBC crazy—building a pre-tentious studio setup just to have its cables letters big? Is CBS soft in the noodle because it thinks Don Thornburgh deserves an expensive setting? Would Danny Danker be a big man in Janssen's Hofbrau on Lexington Avenue? Is the weather nice, are the ingenuities nicer, in Manhattan?

Look at the facts obliquely in the face and find out what anchors the radio on these Pacific shores. Lenox Riley Lohr even admits, 'Say, I'd like to live out here myself! There you have the one big item, there's two. The other has to do with economics. What's the wage-earning shot (for talent anyway) which is not to be had anywhere else in this democracy of ours.

What, no badminton courts in the background? Radio sponsor makes a crack about going back east after the picture is finished. "What's give up Palm Springs, Arrowhead, Santa Anita and the shack on the hill? Why, you must be crazy, man. I'm here to stay! Only one stern Puritan, Fred Allen, refused to give in. Rudy Vallee periodically finds it hard to break through the fog. He's had a good show in L. A.) Now Fibber McGee and Molly are here and that's Chicago's loss.

What's to dislodge radio? One hears a lotta talk about 'overdoing the Hollywood thing' but you have to hold those corn-busking events where corn in growing. The big names have taken root here and radio follows the names whether you believe it or not. When Ward Wheelock padlocked Hollywood Hotel and went east for Dr. Brown Wells the alarmists chorled, 'There's the break; others will follow.' That one was knocked into a cocked hat. Fast. Comes the new year and three new biggies: Kellogg's hour show, Wrigley's Gateway to Hollywood and Screen Actors Guild Show for Gulf. That puts Hollywood show two up.

Tabled side by side the east still holds an advantage in total commercial hours. Hollywood's claim is for the big shows, the ones requiring production and lavish outfit of coin. Not to rub it in, but what's the east to compare with Chase & Sanborn, Texaco, Kraft Music Hall, Kellogg, Good News, Lux? After you've said Fred Allen and Kate Smith, what then? In the half hour bracket the Coast is away overboard on names that east can't match. Don't get me, however, the bugle is all toward the east. Just as one-sided is the coin being tossed around these parts for air workers.

**\$20,000,000 Payoff**

It has been figured by fairly conservative analysts that during the 39 weeks of the current broadcast picture names alone will take over \$20,000,000 out of the pot of gold. That might sound like Hollywood hyperbole, but the lads who make such claims have endured much linen at the Brown Derby to arrive at their conclusions. All right, will you believe \$15,000,000 then? Now trot out the N. Y. talent payroll for the same period, and toss in Chicago and Cincinnati for good measure, and what has Hollywood to be ashamed of?

The hours belong to the east. The coin is all west by just as wide a margin.

## Art Kemp Sales Chief For CBS on Coast

Hollywood, Jan. 1.

Arthur Kemp, special rep on the Coast for Columbia's Radio Sales, last week was named sales manager for the CBS Pacific network. Kemp is making his headquarters at KNX, which station he served as sales promotion manager during the Guy Earl regime.

**Frank Gagliano's Accident**

Milwaukee, Jan. 1.

Frank Gagliano of the WISN engineering and continuity dept., had two small boxes of "safety matches" explode in his hand.

His physician predicts that he will never have any feeling in the tips of his fingers.

## Inside Stuff—Radio

Cornerstone of Buffalo's new convention hall about to be built will include a transcription of the ground-breaking ceremonies. Voices of council president and public works commissioner and others who participated were grooved via the WGR-WKBW mobile transcription unit. Platter was used in a WGR broadcast and has been turned over to officials for the cornerstone.

Harry C. Butcher, Washington vice-president of CBS, reported last week he has wipped out his interest in the network through sale of 300 shares of Class A stock.

Conquest Alliance Co. states that it will continue to represent KGMB-KHBC, Honolulu, in all United States areas except the west coast on an exclusive basis under a contract which doesn't expire until June 1, 1939. Statement is made, explains (partially) Conquest, "because of some misunderstanding which appears to be circulating through the trade."

John Blair has the west coast franchise.

## ROOSEVELT DENIES SHIFTS AT FCC

Washington, Jan. 1.

Recurrence of rumors that FCC personnel shifts are in prospect drew another denial of official quarters last week. This time President Roosevelt himself bluntly sought to put the silence on whispering that the Administration will perform a major operation on the regulatory agency. Although he did not quiet all gossip, the Chief Executive flatly disclaimed any thought of setting up a different set of machinery to police the communications business and hinted repeatedly that Commissioner George Henry Payne is due to depart. Only feeble light, however, on Payne's recent visit to the Executive Offices, which set tongues wagging and caused wish-thinkers to conjecture about possibility he is being kicked upstairs.

The President's denial was the third in less than a month on the matter of replacing the seven-man board with a three-man body or a single administrator flanked by some semi-judicial review unit. Early last month, Chairman Frank R. McIninch and Thomas Corcoran, prominent member of the brain trust, joined in dousing cold water on the yarn that legislation was being drafted. Even before that, McIninch refuted suggestions he had urged some radical changes upon the President.

Definite answer to question of whether the President intends to alter the Commission membership is expected before the end of this week. In accordance with custom, he should send to the Senate without delay the name of Gov. Norman S. Case, to whom he gave a recess appointment only a few days after Congress quit last summer. If there is any prolonged wait, the implication will be that the Rhode Islander is to be supplanted, contrary to the general expectation that he will be nominated for a full seven-year term.

## 'ELECT' GEO. MURPHY TO M. C. GULF SHOW

Hollywood, Jan. 1.

Screen Guild show for Gulf Oil will make a quick bid for dialer preference by triple starring the initiator next Sunday (8). In the upper bracket will be Jack Benny, Joan Crawford and Judy Garland. Reginald Gardiner is also in the cast of a musical revue being whipped up by Morrie Ryskind. Oscar Bradley has the music assignment for the series. Mitchell Olsen directs the show and Tom Lewis of Young & Rubicam produces.

George Murphy was assigned by Screen Guild officers to emcee show. They took a vote.

On the second show Jan. 15 will be Fred Astaire, Herbert Marshall, Loretta Young and Franklin Pangborn in a comedy with music. Script being supervised by Dwight Taylor.

## Cecil Widdifield to N. Y.

Cecil Widdifield, radio director of the Russel M. Seeds agency, goes into New York this week for a talent hunt expedition.

'Is angling for a comedy headliner on new 30-minute show idea that the agency has lined up for a new client.

## Murderer on Lam After Jail-Break Is Quizzed Over Air by WOW Sleuth

Gretna, Neb., Jan. 3.

Poster May of WOW, Omaha, mike in hand, participated in the capture of four jailbreakers here, one of them a convicted murderer. May had the murderer on the air in an interview before the police arrived on the scene.

Foursome broke jail in Omaha, robbed a beer tavern of \$35 and made for open country (27). May took out WOW's mobile unit, followed the police to where the bandit car was crowded in a ditch. Occupants were momentarily under cover of darkness. May, with two Omaha World-Herald reporters, holed up in a nearby barn to keep warm.

First bandit, the murderer, came into the barn, cold, tired and bloody, seeking warmth. Ready to give up anyway, the man readily talked on the air. Meanwhile, the W-H reporters scouted up two more of the bandits. Airing was around 2 a.m.

## USES WFIL ORGAN FOR WIP PROGRAM

Philadelphia, Jan. 1.

Henry Patrick, billed as 'The Romantic Troubadour,' yesterday started a daily chirp shot on WIP to the tunes of WFIL's new \$22,000 organ, in one of the trickiest deals ever worked out here. Sponsored by Dr. Mallas, Dentist, Patrick does a daily show on WFIL at 11 p. m. and on WIP at 8 p. m. But WFIL has an organ and WIP doesn't. So, through the efforts of the Feigenbaum Agency, which handles the account, Patrick will do his WIP warbling in WFIL's studios and the show will be piped five blocks down the street to the other transmitter.

Feigenbaum, incidentally, last week complained to KYW about its billing of a 'Wandering Troubadour.' Said it was conflicting with Patrick's nom de radio, KYW, thereupon, switched its tag to 'Wandering Minstrel.'

## Levy Boys on the Lam

Philadelphia, Jan. 1.

Wandering Levys are on the loose again. Doc, prez of WCAU, in Florida over the holidays, will return tomorrow (Wednesday). Then Ike, v.p., who not so long ago returned from California, will sneak away again until it's Doc's turn to go back to Florida in February.

Doc also planning a trip to the Coast later in the year to look over rebuilding work on Arrowhead Inn, hostelry that was burned to the ground in recent California forest fires. He and Ike own a chunk of it.

## Brown Moved to L. A.

San Francisco, Jan. 1.

Charles Brown, sales promotion manager for the NBC's Western Division, leaves tomorrow for Hollywood to make his headquarters at the web's new studios.

Brown is the last of the network execs to be transferred south.

## ADAPTS BOOK ON SPEC

Radio rights to 'We Saw It Happen' current best-seller by 13 New York Times writers, have been bought from Simon & Schuster by Roy Post. He will adapt it for a series.

Book deals with stories behind the news.

Burt Lambert joins Mutual sales staff in New York, Jan. 3. Formerly with Hearst Radio and KYW, Philadelphia.

## ATLANTA COUGH SYRUP NOT MAGIC, SEZ FTC

Washington, Jan. 1.

M. L. Clein & Co., Atlanta, Ga., makers of cough-syrup and cold tablets, spanked last week by Federal Trade Commission for exaggerated and misleading advertising contained in radio broadcasts. Mentho-Mulsion—bark-stopper, manufactured by the company—does not cure every cough 'irrespective of the cause,' Commission insisted, nor is it capable of stopping coughing spasms, as advertised.

Also cracked down on Malco Cold Tablets, made by the same outfit, for beckoning to radio listeners on the grounds that it is capable of 'driving colds entirely out of the system.'

Complaint was issued against the company and against Max L. and Sadie B. Clein, prez and v.p., respectively. Cleins must file answer in 20 days or receive a cease and desist order.

## FRANK WALKER STICKS TO RCA

Frank Walker has decided not to leave the special recordings division of RCA Manufacturing Co. for a proffered post with the American Record Co., which recently became a CBS subsidiary. Out of the offer came a salary and an executive board membership for Walker in his present organization. His new job will place him not only in charge of all the company's recording activities, but he will also direct the sales and merchandising for this division.

Edward Wallerstein, who quit the sales management of RCA Victor's phonograph record division to become president of the latest CBS acquisition, is slated to take over at ARC this week. Turndown by Walker of an ARC contract came as a disappointment to both Wallerstein and Columbia Broadcasting. Walker was to have charge of all ARC recording and manufacturing operations.

## WALTER ELY SUCCEEDS BAKER

Lincoln, Jan. 1.

William Baker, manager of KGFW, Kearney, has resigned effective Jan. 1. Walter Ely, chief engineer since station was constructed last August, succeeds.

Fred Christensen, manager of KGFW's Grand Island remote studios, moves in as his assistant.

## Sales Reps and Agency Buyers

By Ben Bodec

Station reps have got around to the point where they admit that agency time buyers are people. That in itself is quite a progressive step in the relations between the two clans. Not that there is any overt hostility between them. But boys will be boys and once out of sight or hearing of the other down will come the hair and the vocabulary.

It wasn't so long ago that station reps, which also takes in their sales staffs, split the time buyers into two classifications. They were either reasonable or good fellows or just something under the garden rock. With the time buyers, even those assuming a scholarly seriousness about their work, the personal equations used to be a little more complicated. They used to marvel how guys with such limited knowledge of the radio business could accumulate such large income from station commissions.

This personal regard has changed somewhat, and for the better. Station reps are more inclined to credit the buyer with a knowledge of relative values and a tendency to curb the personal angle. Some buyers make no bones about having their favorites but contend that this personal leaning is justifiable. From experience they know that anything such favorites tell them is on the up and up. They can also depend upon them to produce requested material even if there's no assurance of a contract or of the solicited account okaying a spot campaign.

### Not Just Social

These same time buyers pooh-pooh the effect of social entertainment. The friends they cultivate in the trade make more than pleasant companions. Invariably they're the sort that help the buyer along the rocky path of his job with co-operation and information and don't figure that every gesture in either direction entails an obligation. This philosophic sentiment is no gag either, solemnly assure these selfsame buyers.

Gripe that is most frequently aired among station reps and their salesmen concerns the limitation of their contacting spheres. It's a straight line to the agency time, buyer or else. Unlike the situation that prevails in the newspaper field, they're not only cut off from direct contact with the client but they mustn't take their story to the account executive. All this, say the reps, has created the kind of relationship that still makes them stepchildren of the advertising business. In the case of newspaper reps and space buyers even there's a more marked feeling of confidence. The

time buyer shrouds most of his inquiries in mystery with the result that the rep can't get the information from the station in all the fullness and frankness that the buyer has requested. These close-clipped queries make the rep feel that the buyer fears that he may tip off another agency to what's in the works.

### Office Boys

Trouble in many of these agencies, say the station reps, is that they have to deal with youngsters whose rating in the office isn't much above that of apprentice. They lack the reputation or acceptance that is required to impress an executive after they're convinced they have a good idea or something that ought to be passed on to the client. But this criticism is tempered with a sense of fairness. The reps realize that until stations adopt a uniformity of method in presenting information about themselves time buyers will continue to lead frustrated lives. Under the present system the task of co-ordinating the material for intelligent transmission to the client is frequently a brain cracker.

From the buyer's viewpoint most reps are no bargain when it comes to co-operation. A request for information is invariably followed by a demand to know whether it's for an account that is actually set to go on the air or whether it's for an account that the agency would like to sell on a campaign. Past experience has got the buyers in the habit of either the agency buyers see it, themselves or stating that it's ready business. If the buyer is honest and replies that it's something that the agency is working on the rep says something about trying to get the information and, with few exceptions, proceeds to forget all about it. As the agency buyers see it, the matter of getting information should be an avoid duty of station representation, whether it means immediate business or otherwise.

Their job, say the ratecard students, is becoming increasingly complicated. The client is all the time getting smarter about radio, and unless the agency can marshal the facts upon which to base a sound recommendation it is spot broadcasting itself that will remain the major loser. After all, there are other media.

## ROOSEVELT TALKED 32 TIMES ON NBC IN '38

Washington, Jan. 1.

President Roosevelt talked 32 times to radio audiences during the past year, NBC report shows. Total broadcasts over NBC since his inauguration in 1933 added up to 157 at year's end.

Next in line with his chief, postmaster General James A. Farley rang the bell with 17 speeches during the 11-month period. Henry A. Wallace, U. S. Secretary of Agriculture, was third with 16 broadcasts up to Dec. 1, and Secretary of State Cordell Hull trailed with an even dozen. All remaining Cabinet officers used the NBC network 17 times among them, but Assistant Secretaries hogged the air with a total of 34 broadcasts.

Usual orations by members of Congress were recorded, showing the Senate with a long lead over the House. Although only 98 Senators, as against 435 Representatives, Upper House members made 97 broadcasts in 11 months compared with the Lower House total of 111.

NBC brag also listed 'six Ambassadors and Ministers, 51 Army and Navy figures and 164 other Federal officials . . . 25 state Governors, 38 other state officials and 48 municipal officials—bringing total of Government officers broadcasting up to Nov. 30 to 479.

## W. R. Baker to N. Y.

William R. Baker, Jr., vice prez and Coast radio head of Benton & Bowles agency, returns to New York Jan. 8 to represent the firm on General Foods accounts. Tom Revere, B&B radio chief, arrives after first of the year to pass a couple of months here, thereafter dividing his time between N. Y. and Hollywood.

Baker has headed the local office for the past 18 months, having succeeded Herschel Williams.



**DEL SHARBUTT**

Thanks for Everything

Season's Greetings to Everybody, Especially to The Colgate-Palmolive-Peet Co., The General Electric Co., The Lorillard Co., The Coca-Cola Co., and All Prospective Companies.

# BRITAIN'S FABULOUS INVALID, VAUDE, OWES MUCH TO DOCTOR KILOCYCLE

**Operating Experience and Theories of British Broadcasting Corp. Seek Harmonious Relations With Box Office**

They don't use the vernacular of show business at the BBC. In the matter of words, everything within that institution is governed by self-determined standards of English, whether spoken or written, and the utterances of departmental chiefs cannot exempt from the standing rule.

If, therefore, the contribution which follows may appear in parts to exude the comfortable phraseology with which readers of VARIETY are more familiar, it needs explaining that the article has been by permission translated from original material which was impeccable in language.

By JOHN WATT  
(Director of Variety, B.B.C.)

London, Dec. 20.

Show business spends most of its time knocking the BBC. That's ungrateful, because radio has given at least one side of the entertainment world the biggest and most continuous boost it ever had—and that aside from its nonstop plugging of other sections.

Just like the United States, England for years carried its own fabulous invalid—the variety theatre. All up and down the 'United Kingdom famous old music halls were putting up the shutters or, worse, drifting out to the all-quieting motion pictures. There remained, right until comparatively recent times, only a handful of key theatres that held true to the old traditions. It looked bad for business. Because, as the field closed in, the market for talent dwindled; there seemed no future for up-and-coming vaude performers. So the whole variety world looked set to be slowly strangled in its own vicious circle.

Then what happened? Along came radio with its potent serum, applied a hypodermic syringe to the invalid—and gave it such a shot in the arm that, not only were the flagging tissues fully restored, but new life went coursing through its veins, imparting a vigor such as it never had before.

It's a fact, and here's some of the evidence.

**Exhibit A**—Practically every top-liner on the road today is a personality or team that made good on the air; even the biggest of the old-timers have to fight to get their names bolder on the bills than those of the crooners, comics, instrumentalists or what have you who are familiarly known to millions of plain folks who heard 'em and liked 'em on the ether.

**Exhibit B**—Some of the regular acts shows that we built big on our program schedule are now packing the music halls. 'Kentucky Minstrels,' 'In Town Tonight,' 'Carroll Lewis' Discoveries,' 'Kerbside Kabaret,' and more recently 'Band Wagon,' are surefire bets of this nature. All of these shows were developed by BBC.

**Exhibit C**—And now we're getting down to cases—the drift from vaudeville to films was first arrested, and then the pendulum began a swing in exactly the reverse direction. Today, something of a landslide has set in throughout the country, and so fast are the old halls reverting to type that it's even got the picture people bothered. There's more active variety at this time in the U.K. than ever there was—even in the days when films hadn't been thought of.

Can you take it? I could dish out more facts still, except it's clear the case is already well proven. Maybe the defense might put up a line of argument to dispute my claim. I wouldn't know.

**Sees Little Sign Of Surfeiting the Fans**

An angle dangled in front of my face by a VARIETY member when we talked this case over was that radio might in the long reckoning do disservice to the music halls by so gorging listeners with vaude shows that they would tire, or by putting up the big shots of the variety stage so frequently that their technique

would become threadbare. Familiarity breeds contempt?

Well, I didn't rise to that bait, first because I don't see any sign of it, secondly because what a trained observer of show business might notice wouldn't be apparent to John Public, who knows what he likes and is happy when he gets it. Of course, it's a point, but we in Broadcasting House are not too dull-witted to manipulate our programs so as to prevent, as far as we can, killing the goose that lays our own golden eggs; in other words, giving the fans an overdose of their own favorites.

One contention I heard when I got in another argument on this same subject was that the biggest names in radio variety are those that established themselves on the boards long before broadcasting became a force in the land. But beyond a handful of names which immediately spring to mind—though I'm not going to fall into the trap of listing them here—where are the top-liners of the music halls? Admittedly, such as there are, are personalities in their own right, craftsmen at their job, and they didn't need radio to establish them, but they couldn't carry the whole variety business on their shoulders. What do you think?

The way it strikes me that there are exceptions that prove the rule, and all the arguments you like to put up to challenge vaudeville's debt to radio go so far and no further.

We ran some months back a 'listeners' log,' an idea of mine to try and establish a cross-section of what the customers thought of the service they were getting. We listed all the different types of programs for which the department is responsible—all the many classes of light entertainment from organ recitals to straight variety shows—and invited our audiences to pass on them. Out of 47,000 listeners who offered to cooperate, we selected 2,000 at random, who hearily listened to everything on the list, whether good, medium or lousy, and week by week marked off their likes and dislikes for our guidance.

**Dance Music Ranked**

**Low in Popularity**

After the statistical experts had analyzed, collated, correlated, cross-referenced and given the results a

complete workout, what stood out a mile was that 92% liked variety and wanted more. That's just how popular vaudeville has gotten since the BBC.

Other fact that came at us like a poke in the eye was an emphatically expressed distaste for dance music! Why it happened that way I still can't figure out; but imagine what brain-flogging it implied if we were to accept the verdict and give them more variety and less music. Isn't it enough that we have to juggle and take all day to give 'em sufficient without either letting the shows go stale or drop steadily in quality?

Still, we had to solve it, and we flatter ourselves we discovered an answer that will satisfy everybody. We worked from the two factors aforesaid—loud pedal for variety, soft pedal for music—and out of those we created what we call the band show, a continuous entertainment with a band as its framework, but tricked out with comics, specialties and what all into a conglomerate whole.

It clicked! We started with 'Monday Night at Seven,' a regular weekly program that has in it a bit of everything, the same features recurring week by week. Then we raised the ante on 'Band Wagon,' and of all the shows we regularly put over, that is the one that has jelled and tickled the pop fancy. This program has a slick band, Miff Ferrie's Jakdauz (a well-liked harmony trio), an organist, a couple or so other interest items—and a permanent comedian, Arthur Askey, with his sidekick, Dickie Murdoch.

Comics stick themselves in wherever there is a pause between acts, and the resultant impression is of a slick comedy show. The listeners love it; but don't realize just how they have been fooled.

Why? Because they get a 60-minute show, and out of that 60 minutes comedy merchants are probably not on the air for more than 12. Everybody is happy, the customer gets a swiny show with a variety atmosphere about it, and the BBC doesn't have to overwork its available comedy talent.

There isn't any secret about the fact that, though variety is tops for appeal in the light entertainment class—which is all that concerns my department—we give listeners less straight programs of this nature than anything else. You haven't got to tell us that a slapping variety program, putting over half a dozen acts,



RALPH EDWARDS

Procter & Gamble - Chrysler Corporation - Horn & Hardart - Kellogg Company - Thanks for the Honor of Serving You.

wam! wam! wam! is the best air show of them all. We know. But we'll tell you where we are going to get sufficient talent to fill out the bills we have to find three or four times a week—and keep up the quality.

**Outlook of English,**

**Americans Not Similar**

Barring a common language, English and Americans are foreigners to each other. The outlook of one is so entirely different from that of the other that there must be complete localization in approach to the job of providing entertainment. You might say that films contradict the argument, but, without overstepping on to some one else's territory, I still contend it goes to prove my point. Movies that are natural in America are often less enthusiastically received in England, and it was only the backwardness of British production that caused audiences in this country to come to rely on pictures made in Hollywood, reflecting the American view and the American outlook.

Where radio is concerned, I'm pretty sure the average strong American program would not score in the U. K. Five gets you ten, in fact, that if Jack Benny's or Charlie McCarthy's hour were presented over the BBC air exactly as they now go forth, but without any indication of the talent taking part, they would be as like to flop as not. There are ideas in American broadcasting, naturally, that can be applied to our programs—and vice versa, we hope—but if either borrows a formula from the other it needs revamping more than somewhat if it is to be good.

A program like our 'Band Wagon'

is possibly the nearest approach we get at the BBC to the Rudy Vallee hour, for instance, but a similar broadcast has had to be done in English to satisfy our listeners' own conceptions of comedy, rhythm, tempo and atmosphere. Or, if a parallel is sought with the fast type of American band broadcast, the hour on our schedules that most nearly coincides with the formula is a recent series of shows introduced by Jack Hylton, in which the hot and sweet playing of his boys is supported by vocal comedy interludes and gag presentations, played through without interruption. Even that, though, had to be re-conceived to suit the local taste.

**Imitation Misguided; Audience Research Needed**

You can't solve problems by imitating the other fellow. You've got to be guided by audience research alone, which is far more difficult for us than for American networks, where response to sponsored programs can more easily be keyed, if not to the satisfaction of listeners, at least to that of the guy who is spending good money on the show.

But we certainly got on a winner when we hitched our wagon to variety as kingpin of our light entertainment section. If our work has put the music hall stage on the upgrade, it's quite incidental, though no less pleasing and stimulating. At the BBC, we assume it is our job to give radio listeners the best show that means and circumstances allow. We are, as a precise fact, in show business.

For that reason, if for no other, we do not seek antagonism with other sections of the entertainment industry. As far as conceivably possible we make it our aim to work shoulder to shoulder with picture and stage interests. We may, at points, be rivals, but that is a broad issue for the higher-ups than a departmental head.

A recent radio transcription of 'Alexander's Ragtime Band,' as an example, gave the 20th Century-Fox picture a grand West End send-off. We were only concerned with it as a radio program, and I imagine our audiences agreed we did the right thing. The picture was a broadcast version of Disney's 'Snow White,' which earned us much praise.

Regarding the stage, BBC has for some years aired as a weekly feature excerpts from current West End productions, in the intention of giving listeners an impression of what is happening in the London theatre. Players have been interviewed at the mike for 'In Town Tonight,' all of which means nationwide publicity.

We cannot see eye to eye the whole time with those elements which regard us as their opposition, which is only a natural thing. It was a disappointment when we were prevented from putting the Royal Command Performance on the air from the Coliseum, but even there the theatre folk had legitimate grievances. Our compromise was to engage many of the principal performers for a Saturday Music Hall bill just in advance of the event, when we could give our audience an idea of what the Performance would be, and at the same time pick a night when we would be less likely to clash with theatre business.

On the balance the department is very good friends with those same elements. It is understandable that we should, perhaps, sympathize most closely with the variety section and do our best to give it a leg up, because that's the section of show business we ourselves are in.

So, if we broadcast programs glorifying the showmen or the old music halls of England (as, in fact, we are doing at this time), or take an O. B. variety Artists' Ball or the Water Rats Club, we are killing two birds with one stone and effectively serving two masters—our industry and our audience.

**NBC's Happy**

San Francisco, Jan. 1.

Chimes which duplicate the tones of NBC's signal for station breaks are being used in the radio departments of several local department stores to attract salesmen when customers are waiting, following distribution of 13 of the chimes as Christmas gifts from the press staff of KFO and KGO, NBC stations here.

Unanticipated use of the chimes in that manner helps keep both salesmen and customers NBC-conscious.

## INTERNATIONAL RADIO

By Bob Landry

Any consideration of international radio must necessarily be broken down under a variety of sub-headings. Term international radio may cover widely separated and diverse activities and manifestations as Fred Bate reporting the Wimbledon tennis matches for NBC to the Cuban sales penetration of Sterling Products. International radio may refer to the respect-commanding news coverage of an Austrian or Czechoslovakia crisis by American networks, or it may be scented with the peculiar flavor of a fugitive doctor quack-quacking from some semi-illegal border station in Mexico.

Broadly speaking international radio's future importance to American business is in connection with and as part of the present effort to keep South America insulated against German, Italian and Japanese trade blandishments. In the Latin republics the opportunities for a widening export trade for American manufacturers suggests that the native radio stations will get increasing appropriations.

America is, by all odds, the world leader in broadcasting technique. Some 70,000 programs a year of all kinds are put on the air and the range of stellar personalities regularly available to the listener is way beyond the best array of talent or productions offered elsewhere. BBC in Great Britain is second to America in showmanship, finesse and regular scheduling of air entertainment on a pretentious scale.

What's right and what's wrong with BBC has been discussed by experts. One of them, J. B. Priestley, the English dramatist, writing on this theme in the London Sunday Express in July of this year, asked the question, 'Why is the BBC so often and so severely criticized?' and answered by saying, 'What is really wrong with BBC is that it represents a monopoly. No other broadcasting system is allowed. Competition is barred. There is only one runner in the race. The listener is told to like it or lump it.'

Our American system of broadcasting under advertising auspices and substantially, although not entirely, for merchandising objectives is repudiated by Great Britain and South Africa adopted in modified form by France, Canada, Australia, New Zealand and

loosely imitated by most of Latin America. Such hideaway spots as Yugoslavia, various Chinese ports, an obscure corner of Ireland, the Grand Duchy of Luxembourg, are also identified with radio advertising, whereas Holland, Belgium, the Scandinavian countries, Switzerland and other European countries do not let Ex-Lux into the parlor, and do not, in fact, have by American standards a very advanced organization of advertising. It is noticeable that in some of these non-sponsor lands consumer cooperatives enjoy considerable eminence.

Commercial radio is doing nicely—in a small way—in the southern counties of England where satisfactory signals from France and Luxembourg can bring in English-language programs. This provides a gross advertising volume annually of perhaps \$3,000,000.

**Mexico, the Bad Hombre**

Mexico has been the bad boy of international radio and has not given any evidence thus far that it proposes to bring its 100 odd stations into any kind of conformity with other countries. So long as Mexican stations, notably those operated by American slickers just over the border, are able to continue their nauseous broadcasts, a smudgy stigma on the escutcheon of international radio will stand out.

And right now international radio in general is 10-12 years behind radio in America. This starts with equipment, much of which is obsolete, or discarded apparatus brought second or third-hand from the United States. Another handicap on international radio is the ranting style of advertising almost universal with announcer-salesmen. In marathon commercials, finesse is unheard of and printed advertising rates merely a starting point for haggling. Entertainment is apt to be confined to phonograph recordings in many countries and so-called 'networks' are sometimes strictly hit-or-miss conversion of short-wave signals into local longwave.

This crudity and backwardness is, however, being overcome as more advertisers, including Americans, are supporting native stations. Cuba and Argentine in 1938 showed considerable zip.

In the next few years an upsurge of importance is no prophecy for international radio.

# Sponsored Radio In Great Britain

By Ian Radcliffe

London, Dec. 20.

Most Americans, except readers of **VARIETY's** International Radio columns, will be surprised to learn that sponsored radio does exist in Great Britain—or at least listening to sponsored radio is general throughout this country, although the programs are transmitted from across the English Channel. It is generally thought that the British Broadcasting Corp. has the monopoly of broadcasting in English, and, although this is true for programs originating in Great Britain itself, radio waves know no frontiers. BBC gives a choice of two programs at most times, but vast numbers of homes in Great Britain actually prefer to listen to English programs transmitted from the continent of Europe and containing advertising plugs for British-made products. No sponsored programs are accepted by the BBC, so the I.B.C. (International Broadcasting Company, Ltd., and other companies operating concessions obtained from stations abroad, broadcast regular schedules of radio programs designed to please the ears of the British listening public—and that the programs really do please is evidenced by the results of the investigation carried out by Crossley, Inc., of New York, only some two months ago. It rather seems to show that, as in every other field, competition sharpens the wits and makes possible many things which were thought impossible before competition started.

So, although all sorts of different interests in Great Britain have done everything they can to keep radio advertising out, yet, there it is—eagerly looked forward to and enjoyed in English homes and now accepted as a regular advertising medium by many of the biggest concerns in this country.

## How It Began

Of course, it wasn't an easy thing to get started and when the first efforts to reach the English market were made as far back as 1926, those few people who noticed the effort thought that Captain Leonard P. Plugge, the originator of the idea and the founder of the I.B.C., was crazy. With a few hundred thousand sets, most of them crystal or two-valve, how could anyone hope to penetrate into England from a distance of over two hundred miles? However, the first commercial radio program in England was the result of a fashion talk, sponsored by the American-founded store of Selfridges, duly took the air from the Eiffel Tower station in Paris in the autumn of 1926. Exactly three listeners took the trouble to write to the sponsors and say they'd heard it. And that was the extent of advertising to the British public for 1926 and some time to come.

However, with the development of receiving sets and the increase in power of the transmitters, 1930 saw the formation of the I.B.C. and regular commercial broadcasting started—one half-hour on Sunday nights from 10:30 to 11 p. m. from Radio Toulouse, sponsored by a phonograph record manufacturer. About this time, experiments were made from all sorts of stations in France, Belgium, Holland, Spain and as far away as Poland. None of them lasted long and time-salesmen had a tough job even getting a hearing. Still, Radio-Paris came into the field the next year and from 1930 onwards some commercial programs in English were on the air every week, though many didn't last long. At one time every phonograph record company was on the air in the course of the week from one station or another, but it didn't seem to occur to any other type of business that radio could do a job for it.

## The Language Problem

### Made Stations Reluctant

By the spring of 1932, two important developments had taken place. Radio-Paris, now well known for its transmission in English, was running two hours of entertainment every Sunday, one sponsored by the Gaumont-British Picture Corp. and the other by the Sunday Referee (a newspaper which was promptly thrown out of the Newspaper Proprietors' Association for failing to use radio) and Radio-Normandy had started regular sessions of sustaining programs far into the night. All BBC local programs finished—and still do—at midnight, but Radio-Normandy, a 500-watt transmitter situated on the north coast of France

and only just over 100 miles from London, made itself known to late-night knob twiddlers as the only transmitter on the air in English after midnight.

## Irish Government Ended

### Athlone Sponsored Shows

In June, 1933, the 60,000-watt Irish Government station at Athlone threw open an hour a day for sponsored programs and a rush started which resulted in the whole hour being booked out within four months, with an extension of four hours on Sundays a couple of months later. This station was short-lived, however, as a commercial broadcaster to England, as after 13 months' operation the Irish Government decided that English-made goods should not be advertised from an Irish station, and I.B.C.'s first year's concession was not renewed.

In the autumn of 1933 the French Government took over Radio-Paris, which ceased its English transmission, but at the same time the 200,000-watt transmitter in Luxembourg got going and this finally began to set the scene for the present-day position. About the same time the 60,000-watt Poste-Parisien transmitter at Paris started to broadcast a regular programme in English each evening from 10:30 p. m. From that time on, development has been steady and today Radio-Normandy (now 20,000 watts) broadcasts an English schedule of 73 hours weekly, Radio-Luxembourg 50 hours, Poste-Parisien and Radio-Lyon (a comparative newcomer) about 20 hours each week. Many of the transmission times are right outside the times of the BBC broadcasts (Radio-Normandy starts the day at 7 A. M., Radio-Luxembourg at 8, while the BBC starts at 10 o'clock) and the programmes from the Continental stations are regularly heard by millions of English listeners and used by dozens of manufacturers, including such well-known names in the American market as Horlicks, Kraft Cheese, Lux, Pepsodent, Phillips Milk of Magnesia, Colgate Palmolive, Alka-Seltzer, Oxydol, Quaker Oats, Kool-Aid and many others.

With all commercial stations lying outside Great Britain, the two most vital questions in building up a listening audience are geographical position and power. Radio-Normandy, with only 20,000 watts, has a much greater audience in England than Poste-Parisien, with 60,000 watts can ever hope to have. Situated only just over 100 miles from London, it can now be heard in the whole of the southern half of England in daylight—the Paris station, although three times more powerful is not so easy to get and Radio-Lyon (some 400 miles away) with 25,000 watts cannot be heard at night at all. Radio-Luxembourg's 200,000 watts and channel on the long wave band enable it to penetrate England thoroughly, but even so, the signal is much stronger on the eastern side of the United Kingdom and the majority of its listeners are concentrated there, in the same way as the majority of listeners to Normandy are concentrated in South of England.

## Cross-Channel Radio

### Faces Many Difficulties

Some 163 hours a week of sponsored radio look mighty fine, but when you start to look a bit deeper into the workings of commercial radio in England, you begin to wonder how it ever got going at all. Here, very briefly, are some of the problems which the broadcasting companies have to contend with:

To start with, except for a few hours on Sundays, no commercial transmissions in English are on the air between 6 p. m. and 11 p. m. The stations require some time to broadcast in their native French language and put over types of programmes which do not appeal to England. So, practically speaking, the whole business has been built up on day-time broadcasting—to the tune of about \$6,000,000 annually. It took literally years to convince prospective sponsors that anybody listened to radio in day-time, and until one or two firms, more enterprising than the rest, tried out programmes at breakfast and tea-time, the broadcasting companies had big spells of sustaining programmes without a chance of a sponsor.

Once again, however, it's been

proved that if the entertainment appeals, the listener listens. Results from day-time broadcasting have been phenomenal and many of the firms already mentioned have been 'on the air' for two, three and four years without interruption. The record is held by a firm whose commercial plugs have been aired from Radio-Normandy for nearly seven years without a break. Apart from Sunday, when any time between nine o'clock in the morning and seven at night is booked solid on 52-week series, week-day mornings are booked pretty solid on both Luxembourg and Normandy and if the 1939 book-ings are any criterion, it seems that the afternoons will be nearly as well booked before long. So, even the lack of night-time broadcasting (except a limited amount on Sundays) hasn't really slowed things up much.

## British Commercials

### Strictly Transcription

Then the program. British Post Office controls all lines to Europe. 'Rent them to commercial broadcasting companies for radio advertising?'—'Never!' So the broadcasters record all their programs, even when they're in theatres, and they go over the air a few days or even weeks later. Even this hasn't stopped the top artists going on to the commercial air. Gracie Fields, England's No. 1 star, is currently tops for *Faith Soaps*; George Formby, England's No. 2, for *Peen-a-Mint* (both handled by Erwin Wasey), while Charles B. Cochran, England's premier showman, composes the current *Lux Theatre of the Air*, and Bebe Daniels and Ben Lyon are on the *Rinso Mucil* Hall (both by J. Walter Thompson). Reginald Foort, for two years the B.B.C. resident organist, has just signed with Maclean's Toothpaste (leading brand in England) before going on a tour of the provinces, and one of the I.B.C. outside recording vans will follow him around making platters for airing over Radio-Normandy Sunday afternoons and Radio-Luxembourg Sunday mornings. So, once again, where there's a will there's a way, although what the final way is to be has yet to be decided. The majority of transcriptions are recorded on discs, but up to a year or so ago quite a large number of programs were recorded on the sound track section of ordinary films. Of course, this method was very much more expensive than disc recording, without offering any particular advantage, except that the average layman could easily visualize a half-hour program running continuously on film, whereas he knew that disc had to be cross-faded. The fact that the average sound-head only holds film for about 11 minutes and has to be cross-faded also, was not stressed when the film interests which at

that time were handling some of the time on Radio Luxembourg realized that they had studios installed, primarily for films, which could be used to make radio programs. The break-away occurred when the J. Walter Thompson Company provided a radio studio in the basement of Bush House, London, and installed the Phillips Miller strip system of recording. This system saved quite considerably over film, bringing the recording cost of a quarter-hour down from about \$150 to about \$95, while still retaining the strip idea. On the other hand, disc recording can be obtained for as little as \$60, according to the studio used. Newest likely development is direct process recording, which it is estimated will halve costs for advertisers and still do a job. Since three copies of programs are the maximum required (no sponsor using more than three stations) those in favor of direct process claim that it is wasteful for the advertiser to go to the expense even of using wax when the advertising campaign gains nothing by its use and merely makes the return obtained by the sponsor more expensive. Direct process may cost as little as \$25 to \$30 for recording a 15-minute program, and it seems the obvious move that unless some new and still cheaper process becomes available advertisers will eventually standardize on this system. Broadcasting companies hope that they will put the money saved back into talent or time.

There are only four or five studio set-ups available to sponsors. Latest news is that I.B.C. is just pulling out the back of its premises to make room for a third studio, which will be the first to have an audience gallery. The majority of programs are recorded with audiences, but some of the larger shows are staged at the Scala theatre or in film houses and produced on the same lines as the Chase & Sanborn hour or Jack Benny's show.

## Audience Participation

### Programs Breaking Out

Audience participation programs are coming in, too, and modified versions of Quiz programs have made their bows from both Luxembourg ('The Riddle Master' for Brown & Polson) and Normandy ('Teaser Time' for Genoa brand toothpaste) within the last two months. Up to a few months ago stations would not accept any programs containing less than 65% of music for fear of repercussion among Continental listeners who were liable to kick against too many foreign language broadcasts being put over their stations. The bait of Monday through Friday script shows offered to stations last fall by Blackett - Sample - Hummert proved

much for the stations, however, and have resulted in a considerable relaxation of restrictions. While Luxembourg still insists on a certain amount of music in each quarter-hour period, this has not prevented some five or six of this type of programs being aired daily, and Normandy allows complete 15-minute periods 'without music', provided script spot is well cushioned by music either side.

Sustainer programs have up to recently consisted of phonograph records announced by local station announcers (all companies maintain staffs of English announcers at the transmitters), but a recent development of the I.B.C. is to produce a certain number of their sustainers in their London studios. Luxembourg, with a smaller broadcasting schedule and fewer periods to sustain, still uses phonograph records.

## Talent Costs Moderate;

### Time Fees Sound Big

Cost of talent is still comparatively low, and although Horlicks Picture House (4 to 5 p. m. Sundays, Luxembourg and Normandy; 5 to 6 p. m. Paris) is said to cost \$2,500 for talent for the hour's broadcast, \$500 for a 15-minute program is still among the higher expenditures. Many 15-minute programs cost no more than \$250 to \$300.

News broadcasts are so far non-existent because of the inability of the broadcasters to rent lines or obtain news from regular services, and an amusing sidelight to this aspect of the question is the football results. Everybody in England is as crazy about football as are Americans over baseball, as much because of a natural interest in the game as because most Britishers have a sixpence invested in football pools, which pay gigantic prizes for accurate forecasts of results. So, naturally, they want to hear the results as soon as possible. But because it takes time to distribute the evening papers the results aren't known till nearly 6 o'clock, except in the centre of London, and are not broadcast from the B.B.C. until 8:10 p. m. Matches are all over by 5 o'clock, but when the commercial broadcasters wanted to radiate them quickly and applied for a service from the recognized sources, they were met with a blank refusal. So the I.B.C. set up its own service, gets the results to London headquarters by express telegrams and telephones them to Luxembourg and Normandy, and the listener gets them about an hour earlier than he did before, and two sponsors (one each station) cash in.

And so it goes—everything wrong from every point of view, everything more difficult than it ought to be, every vested interest against it—and yet a steadily growing business giving a vast and varied entertainment to the listeners and doing a swell job for the sponsors.

## Advertising Rates

It has been several times mentioned in **VARIETY** that the rates for time on Radio-Luxembourg are the highest in the world. (Radio-Normandy isn't much lower; \$425 a 15-minute period as against \$500 for peak time on Luxembourg). True, the rate is high, but where else in the world can an advertiser cover an area of nearly 10,000,000 radio homes at that sort of cost?

Actually, Radio-Luxembourg can be heard pretty well all over England, with one or two bad spots, but it's listened to mainly in the eastern half. Radio-Normandy (its range vastly increased in recent years) services the southern half primarily, with about 10% of its audience scattered over the north. Although the two stations are in competition, advertisers find that to get complete coverage of Great Britain they've got to use both and most of them do. Normandy's strength of reception in the south holds the majority of listeners and Luxembourg's coverage of the remainder of the country is unchallenged, so between them almost complete coverage can be obtained. Paris and Lyons claim listeners in the Manchester and Liverpool area, less well serviced by the bigger stations, but they're usually only brought in after the bigger stations are already being utilized.



**DR. CHARLES M. COURBOIN**

Heard Sundays at 12 noon, EST, on Mutual Broadcasting System, Canadian Broadcasting Corp., and short wave to Belgium.

R.C.A.-Victor  
Recording Artist

Available for  
Guest Appearances

# FCC BAR ASSN. GIVES DETAILED STUDY OF VALUE VS. SALE PRICE SINCE '35

**Calls Bare Bones Theory Erratic—Impossible to Guess Commission's Policy—Wide Range Sometimes Sanctioned, Other Times Refused**

Washington, Jan. 1.

Inconsistency of the FCC in applying the public interest yardstick to station sales was highlighted last week by a study of 34 cases in which the regulators rendered formal opinions since September, 1935. Analysis published in the Federal Communications Bar Association Journal revealed that in half the instances relatively wide spreads between valuation and consideration was tolerated and only three applications for permission to shift ownership in which the price question was important resulted in adverse action.

Point of the summary is that the strict interpretation of the act, voiced by the Commission majority in the recent Travelers Insurance Co. matter (WTIC, Hartford, and four short-wavers), can be put on and taken off as easily as a hat. No fixed principle has been followed, while the occasions when the regulators have looked askance at fat profits are about as frequent as blossoms of a night-blooming cereus.

Without making any extended comment, unidentified herd-rider observed tartly that while "various theories have been urged upon the Commission at oral arguments by counsel appearing in behalf of applicants... no fixed policy or theory has yet been adopted." No attention was paid the cases where the Commission rubber-stamped the requests without bothering to take testimony or to set forth its reasons for final action.

## Guessing Game

Starting with the WTAQ, Eau Claire, Wis., sale more than three years ago, the summary showed the Commission by implication has followed the policy that owners are entitled to recover past losses when disposing of their plants; that often no thorough analysis is made of financial condition of the properties involved, and that it has been a guessing game whether the FCC would find the public interest benefited through change of ownership.

Although other factors may have been responsible for the adverse action, in the following cases the regulators felt no alarm about ratifying deals where the purchase price was materially bigger than the declared valuation:

**WKYC, Lancaster, Pa.:** present appraised value \$19,000; price, \$22,500 for 70% of the stock of the licensee corporation although the station ran at a loss for previous two years.

**KNX, Los Angeles:** replacement cost \$217,327; purchase price, \$1,250,000.

**KGFG, Oklahoma City:** depreciated value between \$11,000 and \$15,000; price paid for 133 1-3 out of 200 shares of stock \$22,500 although station had incurred losses.

**KMPC, Beverly Hills:** replacement value \$48,225; price \$125,000.

**WFEN-WRAX, Philadelphia:** replacement value, \$89,353; price, \$166,000 for 450 out of 750 shares of WFEN common stock, all WRAX preferred stock, and 60 out of 90 shares of WRAX common.

**KFJZ, Fort Worth:** net worth, \$33,981; price, \$57,500.

**KFXR, Oklahoma City:** replacement value, \$4,067; price, \$65,000.

**KRUB, Watsonville, Calif.:** original cost, \$28,054; price, \$35,000.

**KMAC, San Antonio:** replacement value, \$22,031; price, \$13,000 for half-interest.

**WRAB, New York City:** replacement value, \$55,459; price, \$85,000.

**WJIM, Lansing, Mich.:** replacement value, \$20,255; stock worth \$50,000.

**WNAX, Yankton, S. D.:** replacement value, \$34,550; price, \$200,000.

**WELX, Lima, O.:** replacement value, \$24,937; price, \$27,000.

**WMPS, Memphis:** replacement value, \$36,578; price, \$50,030, plus underwriting of \$47,700 worth of obligations.

**WOLS, Joliet, Ill.:** replacement value, \$13,809; price, \$30,000.

**WAXX, Waukegan, Ill.:** replacement value, \$9,944; price, \$20,500.

## On the Other Hand

Only in the following instances where the spread was substantial did

the Commission withhold consent for the proposed transaction:

**WGAE, Cleveland:** depreciated value, \$77,922; price, \$139,000 worth of stock (notation was object).

**WREN, Lawrence, Kan.:** depreciated value, \$68,562; price, \$285,000.

**WTIC, Hartford:** replacement value, \$513,473; price, \$500,000, plus assumption of \$1,500,000 liabilities. The analysis brought out the lack of uniformity in obtaining evidence. On some occasions only the original cost was given while on others only the depreciated value of replacement value (latter usually is much higher) was listed; a few times none of the figures were cited while now and then two of the three figures were mentioned. Here and there net worth was taken into account. Many times the profit and loss statement was overlooked.

The bulk of the approvals, regardless of difference between worth and consideration, have come in the past year since Chairman Frank R. McNick—advocate of the bare-bones theory—took the helm.

## DENY WFIL TO OPERATE WHAT

Philadelphia, Jan. 1.

Reports current here that WHAT will be operated jointly with WFIL if its sale to Bonwit-Teller is approved by the FCC were repeatedly denied this week by Sam Rosenbaum, WFIL prez. Despite the fact that financial control of the two outlets will be in substantially the same hands, Rosenbaum said they would operate as separate entities and on a competitive basis.

WHAT is now owned and operated by the Evening Public Ledger, which itself is reported under option. Permission for transfer of 200 shares of stock, involving majority control, was asked last week. Bonwit-Teller, largest woman's specialty shop in town, is owned by Albert M. Greenfield financial interests, who also own Lit Brothers, which is a half owner of WFIL. Rosenbaum is v.p. of Albert M. Greenfield & Co.

F. Raymond Johnson, prez of Bonwits, said the station is being purchased purely as an investment, although the 100-watt time-sharing outlet has admittedly never made a profit in the entire eight years of its existence. W. Porter Ogelsby, g.m., is son-in-law of John C. Martin, Ledger publisher.

Greenfield interests are also reportedly eyeing WTBL, with which WHAT shares time, so that single station full-time operation could be achieved.

Sale of WHAT to Bonwits actually took place on Sept. 8, it was revealed in Philly Friday (30), but was kept under cover until application for the transfer was made to the FCC. Terms of the sale were a full purchase price of \$10,000, to be paid \$1,000 down, \$1,000 within five days of the approval of the transfer, and the remainder at the rate of \$2,000 a year for four years.

## Clear-Again on Mutual

Chicago, Jan. 1.

Clear-Again cold tablets have bought three 15-minute weekly on the Mutual web starting Jan. 4 for a Hollywood gossip show by Stella Unger.

Set on nine stations, through the Erwin-Wasey agency.

## Axton Takes Onslow

Boston, Jan. 1.

Axton-Fisher Tobacco (20-Grand Cigarettes) will sponsor Coach Jack Onslow over WNAC, Boston, in a series of 130 15-minute "Sport Roundups."

Five times weekly from Jan. 16 to July 14. Through McCann-Erickson, New York.

## Call Pabst Radio-Minded

Chicago, Jan. 1.

Lord & Thomas agency here has acquired the Pabst-Premium beer account.

While the beer product has backed away from radio in the past couple of years, it is understood that L. & T. agency is readying a coast-to-coast ether set-up for the account to start early in the spring.

## FCC AIMS AT 'FIX IT FOR YOU' GENTRY

Washington, Jan. 1.

Closer ogling of station sales was set in motion last week with adoption of a new application form which will give the FCC mass of data never before required for consideration in trying to agree whether public interest would be served by change in ownership. Blanks are still subject to revision but will be put into use immediately in place of the familiar form in use for several years.

As result of attempts to standardize the yardssticks, the Commission is demanding lengthy and elaborate pedigrees. Not merely enough to give the bare outlines of the tentative transaction. From now on, the regulators want to know everything about the financial and operating plans, the corporate set-up, the identity of behind-the-scenes principals, the other interests of the prospective purchaser, the past activities and possible other stakes in radio, etc.

Rubber-stamped by six of the seven members, the blank concocted by the Rules Committee is intended to remove anonymity and to bring into public sight the real controlling factions throughout the industry. Even transactions where minority blocks of paper may change hands must be submitted to the Commission in the event the result would be a virtual shift of control. Strict interpretation of the new rules and the instructions on the form will require a report in situations where several small deals are being engineered.

Regulators have made deliberate moves to crowd intermediaries, brokers, and disguises out of the picture. Henceforth, applications must state not only the actual officers and chief owners, but the original incorporators and the names of engineers, lawyers, operators, or other experts consulted in connection with the deal and the request for official sanction. Nearly every salient bit of personal history except social security numbers must be unwrapped.

## FRED WILLIS HAS NEW SHORTWAVE JOB

Frederic A. Willis, assistant to the CBS prez, William S. Paley, has been assigned to take charge of the network's shortwave broadcasts. It's a new executive post and was created in recognition of the rapid expansion of such operations, particularly as directed at South American audiences, has been making the past several months.

Willis, whose authority will be analogous to that of Frank Mason at NBC, will at the start co-ordinate the various phases of Columbia's network activities.

## Crowley's Hospital Discs

Philadelphia, Jan. 1.

Jerry Crowley, one-time program director at WIP, has been named chief of the radio exploitation department of the three-cent-a-day hospital service here. He is now making a series of discs on the hospitalization plan for use on local stations.

They will also be made available later to similar services throughout the country.

## 'Power to Inflict License Revocation Diabolical Weapon of Censorship'

By Louis G. Caldwell

(Washington Radio Attorney)

Washington, Jan. 1.

Of the many problems that have attended Federal regulation of broadcasting from the outset, the three most important are (1) the necessity for improvement of broadcast service in the physical sense, through elimination of interference and through increasing the strength of radio signals over wide areas and to large populations not now receiving good service, (2) the danger of government censorship of broadcasting, an agency of mass communication which ranks with the press, and (3) the prevention of any attempt by a small number of private individuals or corporations to monopolize broadcast facilities.

The first is important because obviously the benefits of this modern miracle should, so far as possible, be made available to all the people in all parts of the country, throughout the hours of the day, the seasons and the years. The second is important because, in the use of this medium to reach the public, liberty of expression is essential to the advance of civilization, is the cornerstone of democratic government and is the principal barrier against autocracy. The third is important because without competition in the market of ideas the principal social justification for freedom from government censorship crumbles.

There has, in fact, been government censorship of broadcasting since the enactment of the Radio Act of 1927. It has been based on a peculiar interpretation given the Act first by the Federal Radio Com-

mission and, since 1934, by its successor, the Federal Communications Commission, notwithstanding a provision in the Act which expressly forbids censorship or any interference with the right of free speech. The degree of censorship actually exercised has, in general, increased from year to year. It has been greater during the past year than during the preceding year, and, unless some measure is taken to check the tendency, will be greater in 1939 than in 1938. If proof of this be necessary, it will be found in the grounds on which applications for renewal of license are constantly being set for hearing, in scattered pronouncements found in examiners' reports, Commission decisions and press releases, and in the attitude and practices of broadcasters. The Mae West, "Beyond the Horizon," and Orson Welles incidents were only the more sensational developments, in which the tendency emerged from the procedural labyrinth in which it is usually buried.

Those who deny the existence of censorship rely on an emphasis on form with a disregard of substance. In its true meaning, censorship includes any governmental power of action which, through fear of penalty, prevents the utterance of facts and opinions and deprives the public of free interchange and competition of ideas. The loss of a license to broadcast is a punishment more feared under most circumstances and by most licensees than a fine or even a term in jail, and the power to inflict this penalty for past conduct at successive six-month intervals is the most diabolical weapon of censorship yet devised. To destroy a broadcast station for offenses in program service is about as reasonable as decreeing that a railroad cease operation because it has occasionally carried passengers traveling in violation of the Mann Act.

## Broader Than Any Law

To be safe, the broadcaster must refrain from broadcasting any and all programs which some present or future majority of the Commission may, without advance warning, declare contrary to "public interest, convenience or necessity." No statutory prohibition could be as broad as this in practical effect. Rules or standards are almost completely lacking and in making its post facta determinations the Commission employs a loose procedure unaccompanied by most of the safeguards traditionally regarded necessary for protection against arbitrary deprivation of the right of free speech.

The vital question is not whether the listening public is or is not to be treated to a Mae West broadcast. It is whether the power of a federal agency shall be allowed to swell to such dimensions that, if and when a demagogue with a dictator's complex is elected to high office, he will have this great means of mass communication at hand to control and abuse for his own purposes, with no legal or constitutional obstacle to bar his way.

Radio is a fast growing art and it is but natural that in its development problems are uncovered which require prompt solution. However, censorship is not the cure for these problems. In fact censorship is an even greater threat to our democratic form of Government than the evils it proposes to cure.

The will of the people rules only if it stands unopposed to speech expression. That is why the Constitution guarantees freedom of religion, of assembly, of the press and of speech. Radio, which is also a means of communication of thought, must likewise be kept free and competitive. The power to determine what the people shall hear must remain with the people. No government agency will ever be wise enough to be entrusted with this power.

If the people of America fully appreciate the importance of the freedom of radio, and if the radio industry continues to be alive to its responsibility, we shall never have censorship. The danger lies in the possibility of impulsive action taken by the people at the time of an unfortunate incident, or action taken by an administration in the spirit of retaliation.

## Engineers Testing Gas-Filled Coaxial Cable in Cleveland

Cleveland, Jan. 1.

After 10 months of installation work, WTAM is testing a new type of gas-filled, aluminum coaxial transmission line developed by NBC. Invention is called the only one in operation in the country, running from transmitter building to antenna, and is part of station's \$50,000 engineering improvement program.

Coaxial cable has two tubings, with space between them filled with compressed dry nitrogen gas to keep moisture out and prevent freezing or breakdowns. Exactly 460 feet long, line is set on rollers in narrow runway to allow for expansion or contraction of at least three-and-half inches.

Developed by NBC with Raybould Coupling Co., Isolantite Co. and Aluminum Co. of America, it is regarded by William S. Dutcher of Radio City's engineering staff as answer to establishment of a television network throughout the country. Advantage of it over copper television lines costing \$5,000 per mile is that it's not only cheaper but more practical. Only 1,000 pounds of lightweight aluminum are used in contrast to 3,000 pounds of copper used in previous set-ups. A new type of coupling also does away with soldering and speeds repairs.

Although not planning to transmit sound programs yet, WTAM claims coaxial cable will increase its reception in Northern Ohio and Eastern Pennsylvania by eliminating spurious radiations of power at other frequencies.

## KFBI Moves Nearer

Wichita, Kans., Jan. 1.

Removal of radio station KFBI from Abilene, Kans., to Wichita was a step nearer Saturday when Federal Communications Commission announced charges of "prejudicial conduct" against Examiner George H. Hill had been dismissed. Charges had been made by Marcellus Murdock, publisher of Wichita Eagle, which is owner of station; Howard T. Fleeson and Russell Lowe.

KFBI is owned by Farmers & Bankers Life Insurance Co., which has home office here.

# THE THEAT OF CENSORSHIP

By Bob Landry

Although ostensibly a social problem, censorship directly bears upon both entertainment and advertising, the mama and the papa of broadcasting. What happens to radio on its public service front has or may have a direct bearing on radio, as a trade. Radio is the trade of the propagandists' eye. Demagogues love the radio and correspondingly hate and revile those who set up rules that keep them (the demagogues) at arm's length. Probably broadcasting as an industry is big enough, and American democracy is sturdy enough, and the crackpot and reactionary threats presently are not dangerous enough, to justify too much fuss over the question. Still a re-reading of the 1938 news stories in *VARIETY* on the trade side and the news stories on the general side does not encourage pleasant musings.

Is censorship a greater or a lesser threat today than, say, a year ago? It would seem so. There are more people now disposed, in the words of Edward Klaubner, to say "the Government ought to do something about it" and in the words of Oswald Garrison Villard who also responded to a request for a statement on the subject: "The question is serious and is certain to become more so if the country cannot get itself out of the depression and put millions of unemployed to work."

Outbursts of racial, religious and class hatred are just unusual enough in the United States to encourage nervous stomachs among the free style worriers. This is probably a good sign in itself; prejudices and their ugly symptoms are not taken for granted, their very articulation when bold and open causes shock.

There have been intermittent flare-ups in American history. One election, it will be recalled, was thrown by the unfortunate phrase, "Rum, Romanism and Rebellion" used by a Protestant clergyman. In the anti-Masonic, anti-Catholic, anti-Negro, anti-Semite passages the history books remind us that from the old A.P.A. and Ku Klux Klan to the modern epidemics of "hate thy neighbor" virus the paralysis of hard times has nearly always preceded.

What makes the present eruptions menacing is that radio gives the quick, the rabble-rouser, the venom-spitter an audience of a size never previously possible. On the other hand the same radio, used defensively and wisely, can, and perhaps may, lead the populace safely through the bogs of vicious intolerance.

So great is the timeliness of this theme of censorship that the following expressions are especially worthy of study. They are appended alphabetically.

**ROGER N. BALDWIN**  
(American Civil Liberties Union)

"Censorship of the radio is really two problems, first, political censorship by a Federal agency, and second, editorial selection by station managers. By far the greatest obstacles to freedom on the air have come from station managers. Political censorship by the FCC is trifling in comparison with it, although the threat constantly remains, despite the prohibition of Congress, in the system of license renewals.

"Station censorship is based on fear of arousing antagonism by discussion of controversial issues. Some stand down in the law, and others for political candidates by opening their programs to all sides of controversial issues. This is the right method. But the trouble in practice is that the conservatives with the money get the air and the liberals or radicals who lack it don't get it. What Mr. Cameron can say in behalf of employers on Mr. Ford's sponsored program can be answered by Mr. William Green or Mr. John L. Lewis only on sustaining time. The networks, anyhow, will not sell Mr. Green or Mr. Lewis time.

"Another obstacle to free speech on the air is the fear of libel or slander suits against stations. That fear compels the submission of manuscripts in advance, with not infrequent warnings and deletions. The law should be changed to relieve stations of this liability in the discussion of public issues.

"Viewing the long record of complaints of censorship by stations and of indirect program pressure by the licensing agency at Washington, it is my observation that station managers have become more tolerant,

sometimes even courageous, in their handling of public issues. But the tendency to some form of censorship by the licensing agency has doubtless grown. It can be successfully resisted only if the grounds for complaint are abolished by a legal requirement that stations must deal as fairly with controversial issues as they now must with candidates for public office."

**GEORGE V. DENNY**

(President, Town Hall, N. Y.)

"In spite of the westward march of dictatorship and censorship which, of course, go hand in hand, American radio is the freest institution in the world for the dissemination of news and information. Under the radio law, radio's primary responsibility is to the public. From the commercial viewpoint, its primary responsibility is to the public. During my three years' contact with the industry, I have never known a group in private business more keenly aware of their social responsibilities than the men and women in radio. They, like everyone else, are subject to human error, and that mistakes in judgment should be made in this relatively new industry operating under public scrutiny over seventeen hours a day every day in the year, can only be expected.

"I feel that the present system of competitive stations and chains licensed by the Federal Government is a body is thoroughly democratic and in the public interest. I hope that any changes in the radio law will not depart from these basic principles."

**ROY S. DURSTINE**

(President, B.B.D. & O.)

"Now that the tumult has died down about the person who has indicted I don't think there is any more chance of Federal censorship than there was a year ago and I don't believe there was any chance of it then. Certainly the networks and the agencies are more conscious than ever of the dangers involved, and inside and outside the present anxiety of some advertisers over hurting the medium by pressing too hard, I think the outlook is very wholesome."

**MARK ETHRIDGE**

(Vice President and General Manager, Louisville Courier-Journal)

"My own feeling is that the threat of censorship of radio has somewhat subsided, but that it should never be regarded lightly. Radio must always be on the lookout for it. Censorship will come if radio broadcasters are not intelligent enough to adhere to non-partisanship and to good taste. No radio broadcaster has a right to use his station to propagandize for his own views, nor does he have a right for the mere sake of money to transgress the bounds of decency.

"There are some who want democracy, and there will be some notes in radio as long as it is free. There should be some notes, because it is the best evidence of freedom. The only media of expression which play in symphony are those which speak with the voice of one man. I hope America is never so deluded as to feel that there is anything to be gained by giving any public agency or individual the right to set standards for her radio. The result would be bound to be mediocrity in the first place, because such an agency would be so timid and constricting that it would strangle creative enterprise. In the second place, it would inevitably take the color of biased news presentation shaped to fit the policy of the administration then in power. In the third place, instead of elevating the standards, it would tend to lower them, because the standards of any committee are mass standards, and mass standards are always lower than the standards of creative individuals who are groping for new techniques. Nothing worse could happen to American radio than for the power to censor it to be reposed in a group of men."

**DONALD FLAMM**

(President, WMCA, New York)

"The past year has witnessed greater stress upon management in radio for responsibility of opinions expressed on the air. In this connection, there is a measure of censorship exercised by radio which is manifest in the obligation of management to the public welfare. This type of censorship, which has been clearly defined as the station's responsibility rather than any Governmental agency, is not only desirable

but is expected by the Government and by the general public to safeguard good taste and democratic ideals.

"I think that events during the past year have demonstrated one particular factor in censorship not sufficiently stressed previously. That is, the obligation of a station to determine to the best of its ability the accuracy of facts in a speech calculated to assist public thinking. The usual waiver of responsibility is not enough because any harm that may result from distorted fact is already accomplished once the broadcast is permitted without refutation.

"This brings up the difference between opinion and fact. Radio should exercise no censorship on opinion, other than that which is in the interest of good taste. But it has a moral obligation to safeguard the accuracy of facts upon which the opinions are based. Show up the inaccuracy of fact and the public can be depended upon to realize the illogical position of the opinion. But permit distorted facts to go unchallenged and you confuse and incite the public to unreasonableness."

**GAYLE GRUBB**

(Manager, WKY, Oklahoma City)

"Regarding Government censorship, it would seem the FCC is going to continue to leave the matter in the hands of the individual stations and networks, which in the past few years have done much to allay the fear of such governmental interference in broadcasting operation. Strict censorship of commercial copy is today being observed by most stations, which are watching more closely their program schedules as they apply to one of the fundamental demands of their licenses, namely, public interest.

"It is our judgment that the industry will more and more become its strictest censor, making the future possibility of Government censorship very remote."

**HUGH S. JOHNSON**

(Columnist, Commentator)

"There was never any attempt to censor me on the air except on a special occasion on which censorship was a mistake by a subordinate official. It was corrected later.

"However, it is a fact that sponsors who would like to have returned me to the air for political comment were afraid to do so because some of my talks had been critical of the Administration. These fears were based on nothing definite but a sort of vague apprehension.

"The broadcasting companies, themselves, have never made an attempt to direct or delete any observation of mine."

**EDWARD KLAUBER**

(Executive V.P., CBS)

"Columbia Broadcasting System. My impression is that an interest in broadcasting grows, and more and more people come to realize its importance as a social force, there are an increasing number of demands for censorship. These naturally come from people who think 'the government ought to do something about it' whenever they believe anything is wrong, and of course from people whose idea of free speech is that it should be a privilege only of speakers with whose views they agree.

"There are, however, three encouraging signs. The first is that every suggestion of censorship is met with much more emphatic and widespread opposition today than ever before.

"The second is, that in the great majority of cases, people who learn the actual facts in connection with a given situation which has aroused their criticism, usually become friends of broadcasting as soon as they realize the earnest efforts that are made to handle it properly under varying circumstances.

"The third reason for encouragement is that apparently the public is becoming pretty well aware that the broadcasters can, and do, act very swiftly to correct a fault when they find it, and thus the public is surely learning that the industry's powers of self-regulation will in the long run be their best reliance."

**LENOR R. LOHR**

(President, NBC)

"In any discussion of censorship it is first of all necessary to define the

term, for censorship has almost as many shades of meaning as there are persons discussing the subject.

"The term comes from the Latin word, *censere*, meaning to value. Originally, censors were Roman magistrates who took the census, and gradually became overseers of morals and conducts. Hence, censorship implies an official or governmental jurisdiction over speech and action. It has come to mean, to a great extent, control of any kind. Therefore, we speak of government censorship, censorship by other groups, and a personal censorship or self-control.

"Censorship, in the broad sense, is one of the most important problems in radio, and has been from the beginning. The danger lurks in the degree to which it is exercised, and by whom. Prohibition as well as privileges are essential. This control comes from two sources: in broadcasting, from the broadcasters themselves and from the vast listening audience.

"It has been said that one man's rights stop where another's begin. In broadcasting, this truth is acknowledged and care must be taken that the sensibilities of one portion of the public are not sacrificed to gratify the preferences of another. The obligation of radio is to enforce the simple code of civilized behavior, respect of one man for another, honorable dealing and honest intention, served with courtesy, good manners and good taste.

"This, the broadcaster, advised by the listeners, is better fitted to do than any other agency. Any attempt of the broadcaster to shirk this duty, or of any agency to usurp it, would tend to destroy one of the fundamentals of democracy. The government does not want this, the public does not, nor does the radio industry. Despite periodic agitation by those who, for their own purpose, would attack this freedom of the air, I do not believe that an iron-clad official censorship would ever be permitted in America."

**FRANK R. MCINCH**

(Chairman, Federal Communications Commission)

"Nowhere do I see any real danger of Federal censorship of radio broadcasting. So far as I know no one in the Government wants to blue-pencil the programs. Certainly I do not.

"If a censorship measure should be brought before the Congress for consideration, I would vigorously oppose it. It would be a Pandora's box out of which would spring to plague us innumerable and unimaginable evils. Sometimes the ghost of censorship by the Government is summoned up merely to frighten us and our insistence upon the broadcasters censoring themselves, as they must do under the law and in the public interest, even if at times they lose money by it. Broadcasters hold valuable Government licenses for the use of frequencies which belong to the whole people and are obligated as trustees for the public to send their programs critically and to try to better them.

"The proper and final arbiter of radio programs is the listening public. The Communications Commission has its function of regulation to perform, especially through the renewal of licenses. But as for censorship, the only kind we have in this country is exercised when the programs are selected and edited.

"The broadcaster is the one to exercise power over this and to answer to the public for the manner in which he exercises it."

**PAUL W. MORENCY**

(Gen'l Manager, WTIC, Hartford)

"The problem of radio censorship is important not merely to the radio industry but is of much greater importance to the people of the United States. As I see it, radio in the United States is already censored by the best and most critical censorship possible—the public. Any delegation of authority to censor radio programs to a body large or small, public or private, would be the first great step toward the suppression of the free expression of opinion on all problems. The Congress, wisely recognizing the importance of this fact, specifically denied to the regulatory body which it created, the power to exercise censorship. The head of that regulatory body has already expressed himself to the effect that there is no desire to impose censor-

ship by that body, and further, that it has no power to do so.

"The various critical organized bodies which have criticized radio on one point or another do not seem to realize the implications of some of their proposals. As changes are necessary in the radio structure they can be made by the regulatory body under the present law and by the industry itself. Any deviation from this system will inevitably lead to an entirely different system of broadcasting than that which the people now enjoy."

**JAMES D. SHOUSE**

(Vice President, WLW, Cincinnati)

"It seems to me that any discussion of the dangers of approaching censorship in radio assumes that such does not now exist in effect; self-imposed, it is true, and through being self-imposed reflecting a wide variety of divergent individual reactions as to what should or should not be said, advocated or discouraged on the air.

"Programs are already censored, not uniformly but through the application of extremely heterogeneous standards. This is not necessarily an unfortunate situation; but I believe that clarification of the whole subject is indicated."

**JAMES G. STAHLMAN**

(President, Nashville Banner)

"Radio is in for censorship of some degree, whether it likes it or not. The present government is determined to control every method of communication possible. It can easily control radio, because of license. Unless radio be on guard against every encroachment beyond the law, it will soon be wholly at the mercy of those who would hamstring it, just as they hope ultimately to hamstring the American press."

**OSWALD G. VILLARD**

(Former Editor, The Nation)

"The question of radio censorship is serious today and is certain to become more so if the country cannot get itself out of the depression and put the millions of unemployed to work. That means a threat to property, and the instant that threat appears the effort to keep men from saying things unpalatable to those whom Woodrow Wilson called the 'masters of America, the great capitalists' will become intensified. Today the menace is self-imposed here. It may be that Boake Carter was not forced off the air, as has been stated, because of his outspoken peace views, but there were a number of people gunning for him. There are others the radio chair managers probably do not dare invite to speak.

"It is usually self-imposed by the managers of the big stations who are dreadfully afraid of offending the FCC, often, I think, unnecessarily so. When I attacked Hoover over a well-known station just before the Presidential campaign in 1932, its managers got the fitters. Yet what I said was no more obnoxious than what Mr. Roosevelt and other Democrats said after the campaign was under way. The managers said they agreed with me, but they were afraid of what the commission might do to them. I continued to talk only because I had paid for my time.

"Censorship is nearer than a year ago. The threats to free speech on or off the air multiply as shown by Boss Hague in Jersey City, and others elsewhere. Nothing but eternal vigilance will save the freedom of the air."

**HARRY C. WILDER**

(President, WSVR, WJTN, WNBX)

"Broadcasters on this side are at the crossroads. The American system is on trial as never before, as we have the bizarre spectacle of the air propaganda of European dictators producing chaos in international affairs. Decisions in this country have again to be made on free speech and censorship.

"A member of the British Parliament recently told me that all Europe has been saturated with German and Italian propaganda over the air so that it has become difficult to obtain popular support for any position, except that of Hitler's at the Munich crisis.

"The nation is one that must not be placed in such an unhappy predicament, but what if is censorship passes out of the hands of licensees."

# In Los Angeles, That Ga-Ga Burg; Radio Becomes Self-Conscious

By Jack Beaman

Los Angeles, Jan. 1. New highs in the commercial coin brackets of independently owned radio stations in the Los Angeles area, exclusive of network owned or affiliates, were reached during 1938. Season just closed has been considered one of the most successful in the history of broadcasting on the West Coast, according to Leo P. Tyson, president of the Southern California Broadcasters Association, Inc., and general manager of KMPC in Beverly Hills.

Concentrated efforts to build programs that appealed, offering of foreign language news broadcasts for the cosmopolitan population of the southland and airing of old-time stage productions and reviving of minstrel shows for the air were some of the contributing factors for the increased sale of air time.

## Child Commentator

Quiz games and audience participation programs along with educational series for the kiddies are other types of airters that have helped boost the stations' income. One small indie operator has virtually paid his freight with a child commentator who interviews top name picture people and has little difficulty getting guests. Program has helped set for the station's bankrolling.

Hillbilly still hold their own for programs during the recent political campaign one Hillbilly devoted his entire efforts to winning the Congressional nomination on his sponsored program. He was defeated in the run-off when his attorney-opponent went on the air with a girl singer of the range songs.

## Special Funds Help

Politicians gave the needed boost to host some of the smaller broadcasters over the top for the season. California's Ham and Egg proposition dumped more than \$500 weekly for three weeks into the local air lanes. Musicians Mutual Protective Association, leading the drive of other unions, dumped approximately \$10,000 into the radio cash registers in two weeks to defeat a non-picketing ordinance.

Then Los Angeles had a cleaner-upper campaign dethroning Mayor Frank L. Shaw by recall and putting Judge Fletcher Bowron into the City Hall throne chair. Some \$8,000 in radio time went into this campaign alone. It was purely local and grew to many of the smaller stations.

However, when the campaigns simmered down, in time, generally speaking, was rapidly filled in with commercials on the 15-minute spot announcements and variety programs.

As a result the outlook for the first quarter of 1939 stands out as a bright spot in the business. Build-up of commercial general with local merchants taking to the air through the local stations in greater volume than ever before.

## Not So Conny

Little over a year ago, when Tyson took over the reins of the SCBA, he directed a campaign for better programs, closer cooperation between sponsors and agency executives and the radio station and the newspaper advertising men. National agency men and bankrollers were also called into these meetings, along with network executives. As a result the independent station owners are offering an entirely different type of program schedule throughout the day. Where the different air lanes were cluttered with hodge-podge offerings of the filler type, they have been revamped for programs that fit the time of day.

SCBA is the only incorporated organization of its kind in the country. It has raised the standard of broadcasting in the southland region as well as making competition keener. Trade account regulations have been tightened and free air time for charity propositions must have the complete sanction of the association before any station releases plugs.

As a result flesh airshows have been given a decided hypo and are helping to work the stations onto the black side of the ledger. On the nine independent stations in Los Angeles county the increase in live show time reached 21% this year as

compared with last year. Programs on these stations are bankrolled to the tune of 723 hours per week out of the 1,198 hours they are on the air.

Increase in general business for the year will run from 23% to 27% over the same time last year. Stations included in this survey are KEHE, KFAC, KGER, KGFJ, KMPC, KFOX, KFCD and KMTR.

Network owned, or affiliate stations, not included in this group are KFI, KECA, KNX, KHJ and KFVB.

# WHEELER NO LIKE MILLER STATEMENT

Washington, Jan. 1.

Stern disapproval of the protectionist policy outlined for the guidance of National Association of Broadcasters recently came into sight last week and foreshadowed further repercussions from the attempt of radio to handle the problem of spiliers who incite religious and racial animosity. Sharp slap at Neville Miller, trade unit president, by Senator Burton K. Wheeler of Montana, one of the industry's severest critics.

In a Voltaire act, the Montana solon—who yields influence by virtue of being chairman of the Senate Interstate Commerce Committee—charged Miller with censorship inclinations and warned that the Constitutional guarantee of free speech must not be infringed. Although he did not defend bigotry and intolerance, Wheeler asked 'Who is Mr. Miller that he should set himself up to say when free speech should be denied to any citizen of the United States? What special knowledge does he possess that he can judge when I or anyone else abuses free speech?'

The solon explained he does not share the political views of Rev. Charles E. Coughlin—whose bitter anti-Jew microphone talks have ignited a raging controversy—but declared that any station which shuts him off is equally as intolerant as the radio has been accused of being. No question of agreeing or disagreeing with opinions is presented, according to Wheeler, but the danger of denying privileges set forth in the bill of rights.

'In times of hysteria which sweep through this country, there are always those super-patriots who believe the actions and speech of their fellowmen,' the Montana law-maker commented. Added the resistance to the Coughlin talks is evidence that such hysteria 'is very apt to lead us into war with Germany or some other totalitarian power.'

## Here and There

Don O'Brien, KMBC announcer, enlisted Paul Fonda, station engineer, in a race against the clock last night at KFRU, Columbia, Mo., where O'Brien, a private pilot, flew O'Brien to Omaha, where his wife was confined in St. Joseph's hospital. Before the father arrived baby (girl) was born.

Paul O'Brien was returned to Kansas City studio after missing less than a day's work.

George R. Guyan, program director at KFRU, Columbia, Mo., father of baby girl.

Art Rekart, chief engineer of KKOK, St. Louis, and KFRU, Columbia, Mo., commuting between two stations on his quest for a quiet life.

Toby Nevius, comes for KKOK, St. Louis, worked for station all day and for a night half of the night. Trying to stretch hours in a lance act.

Haskell Schwartzberg, free-lance actor, doing Santa Claus stint for KKOK, St. Louis. Jingle contest woven into program adds interest.

George Guyan, former program director of KFRU, Columbia, Mo., has been upped to asst. to Station Manager C. L. Thomas.

For past years Shafer, Jr., tabee Ann Hopkins, WOW scripter; Jack Hansen, KFOR program director, and Vera Nelson have gotten together in Lincoln for the holidays.

'REFUGEE THEATRE OF THE AIR' (Songs, Talk, Drama, Orch. 30 Mins.—Local)  
HOROWITZ-MARGARETEN  
Wed, 7:30 p. m.  
WMCA, New York

(American Advertiser, Inc.)

Openly borrowing the billing originated by WHN some weeks ago, Debut (29) of this troupe of unfortunate, all refugee actors from Austria, sounded anything but felicitous. It wasn't their fault because among the 10 of them there was solid and worthy talent. Impediment was the sloppiness of the production. It not only reeked with bad showmanship, but gave evidences of poor taste in building up sympathy. Most of the dialog which sought to paint the troupe's background and the plight that befell them when the Nazis took over Austria was so forced and slapdash that the story lost much of its inherent force.

Interlarded through the scenario were dramatic recitations and songs, with much of the latter being during the dialog and recitation phases and the lyrics confined to their original Viennese. Among those whose talents stood out were the mixed pair of Hederberg and comedienne who did a folk character study in Yiddish. The m.c., whose English was approximate enough to have him set up at one point to an excerpt from Shylock with telling effect.

Underwriting this venture is Horowitz-Margaret, manufacturers of matza and noodles. Program closes with a few letters. These refused the announcer states, had he dared to learn the English language. They need a word of encouragement. The listeners in writing would do well to turn the greatest turn by suggesting that the program get itself a competent producer and dialog writer. A program of similar title was launched some weeks ago on WHN.

## 'BATS TO YOU'

Will Fred Russell, Will Hay, Will Fyffe, Wee Georgie Wood  
Monday (5)  
BBC, London

First time the Grand Order of Water Rats' greatest association of members of the variety profession has been on the air, and done by them for the sake of their own charity fund. Listener interest centered on the program's most every top-liner of modern vaude in a composite show, though few had opportunity to do more than sing out a line or two. The apart, narrated history of the Order, the touch of romance, because Mr. Man-in-the-street is always a sucker where the glamor of the footlights is concerned.

Given an hour to put over show, Rats necessarily presented a sketchy entertainment, but excellent emcee work by Will Hay and the informal, but interesting production job by BBC's John Sharman, who is a member of the Order, kept it alive. Those who contributed bits included Will Fyffe, Georgie Wood, the Pals, Harry Gray, George Truitt, Claude Dampier, George Jackley, Charlie Kunz, Clarkson Rose, Ronald Frankau, George Doonan, and dozens who were not mentioned by name. Along with its snatches of melody, unforced gaiety, comedy and interest was a note of sentiment, meaning it was all of a good entertainment.

BBC Variety Dept. got a star-studded bill at a ridiculous fee at the same time as the Water Rats coined a welcome contribution to funds.

'HEADLINES OF PRAIRIE FARM' With Dan Hasmer, Marie Nelson, Rita Asot, Ken Fagerlin, Chuck Grant, Fred Howard, Dick Earl, George Menard  
Rural Serial  
Monday (5)  
WLS, Chicago

Presented by Prairie Farmer paper who owns WLS, the show is a weekly rural talk with a solid farm life without a comedy rube, and as such, okay piece of radio drama and story-telling.

(Show is bucking a tough rival by sports itself against the last hour of the Chase & Sanborn program.)

It's a typical family of father, mother, two sons, and a daughter, a grandfather and the hired hand. They talk of selling cattle and of the harvest, of the International Livestock Exposition, of basketball and picture shows. There is love interest and human interest, comedy and a touch of serious, and good old-fashioned elements in the simple design of the story-telling by Walter Hank Richards.

Cast is able, with Hasmer as the grandpa, vying into his role with a touch of comedy and a solid character. Marie Nelson as the mother and Rita Asot as the daughter are turning in warm impersonations.

NATIONAL LAWYERS' GUILD (New York Chapter)  
Talk  
30 Mins.—Local  
Sustaining  
Tuesday, 9 p. m.  
WMCA, New York

This is a series of debates on social problems which the local chapter of National Lawyers' Guild proposed. Though definitely an instructive and informing type of program, there must be some underlying motive behind barristers. Manage to sneak in sufficient number of plugs for themselves and counseling in general. Looks to be goodwill builder designed to beat the ethical law of 'don't advertise.'

Third is rather irregular series (there's no set time or dates) presented by George Gordon, Editor, Dr. John Haynes Holmes and New York Post columnist Ernest L. Meyer word-battling on whether or not there should be a law prohibiting incitement to racial or religious hatreds, etc.

Topic was thoroughly covered with Stanley Faulkner of Guild acting as feeder.

John McCormack 'Scrapbook for 1937' with Gertie Millar, Patrick Curwen, Andrew Churchman, Lionel Gamlin, Eve Currie, Griffith Brewer.  
Tuesday (6)  
BBC, London

Two famous personalities who had never met, met at a BBC studio previously lent lustre to what would else have been no more than an average contribution to 'Scrapbook' series, normally brilliantly assembled by the compilers, Leslie Bailey and Charles Brewer. John McCormack sang Irish ditties to put a period to his recent farewell to the concert stage, and Gertie Millar, now the General Countess of Dudley—was on hand to recall the days of her musical comedy fame and link her contributions with that of McCormack, who was his debut as a singer in the year reviewed (1933).

McCormack gave three homely folk songs and also entertained listeners with his joyous Irish brogue and gave a century of the best such a first radio appearance should also be a farewell performance.

Gertie Millar sang, making a truly valiant attempt to recapture the lilt and imperiousness of the number from 'The Toreador' at the old Gaiety with which she scored her first hit. She described vivaciously memories of a first century of the Gaiety. Her too, was an artist whose superb mimic technique suggested a seasoned performer rather than a debutante.

Bill included as well such historic 1933 events as the death of King George V, the sealing of the Entente Cordiale in Paris, Orville Wright's first flight (from his own description, supplied to BBC), Madame Curie's discovery of radium, and a line with the Dictionary days of the stage coach. A laurel wreath to Patrick Curwen for flawless emceeing.

## Follow-Up Comment

Joseph M. Schenck, 20th-Fox chairman, spoke in behalf of the motion picture industry on NBC's red network show, 'Thursday Outing on Business' (Thursday, 7:29 p. m.), stressing optimism of the producers despite setbacks in 1938. Schenck, speaking from Palm Springs, Cal., gave a summary of the year of the Association of Motion Picture Producers.

Pointing to the way American pictures served as advance salesman for U. S. goods and the nation as a whole, Schenck stated that the industry felt the Federal Government should furnish encouragement to the film business for what it has done for American trade. He indicated that more money than ever would be spent for productions in 1939, the silver jubilee year of the industry.

Representatives of the automobile, food, publishing, banking, drug, railroad and retail industries also spoke on this 30-minute broadcast. Something was said by many of them when the representative speaking for the railroad companies was tuned in from Washington, not being named among the list of Explanations finally came through from the N. Y. end, after he had concluded.

Andre Kostelanetz was saluted by Edgar Guest, the Lake Erie bard, of the Household Finance program last week. Compared to the slithery verbal syrup that Guest poured, the usual radio fare of the usual brush-off. Guest made it clear that Kostelanetz was not just an able musician, but a public benefactor. It may have been a little over the top, like a super-whopper, but build-up. To others, perhaps, it was cheapened by the lack of restraint and common sense. Nor is Andre Kostelanetz one of the orchestra conducting gentry that can safely be allowed to open his mouth. His speaking voice is thick and unpleasant, and his baton.

The formula 'It Can Be Done' is good, but does the flattery have to run to the consistency of taffy?

ANDY WALKER With Otto's Melodians  
15 Mins.  
ALVIN LAMPS  
Sunday, 4:30 p. m.  
WGTV, Schenectady

(Presba, Fellers & Presba)

Series of transcriptions possess mellowness, sentimentality and restfulness that should please the group at whom they are primarily aimed, ruralites in lamp-lit homes. Unusually pleasant to the ears, old, the farm, can be held, too. Fact: plates are lousy with advertising probably will be no great hindrance.

Walker, who emcees another disked farm program, means here is a skillful, but not too, fact: plates are lousy with advertising probably will be no great hindrance.

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## WHY THEY DUCK SUSTAINING PROGRAMS

By JOHN HUBLEY

Rebelling at routine type of programs they have to conduct, some of the NBC musical guiders are balking at use of their names on such shows. Complaint is that association with any old thing that comes along many of which are frequently poor, places a stigma on their work which it is hard to work off when commercial possibilities move in view. Politics and teacher's petting of favorites who get better things is also in the complaint.

Conductors are frequently made subservient to mediocre singers which hurts prestige. Further damage is done, it's claimed, by tone of general performance. Absence of proper buildup for publicity is also deplored. Boys figure they get the stiff job off as well as the brush off. Rather be anonymous if obliged to star the gaff. Situation is slightly similar at CBS but the complaint there is not as strong since it is considered that CBS is more liberal in build-up to staff people.

Musical economy is another obstacle. Programs start with sizable number of musicians and then gradually cut, sometimes in half. Musicians are shifted around shop, never making for regular body or organization familiar with each other's work. Latter condition is again practised more on smaller fry, hurting quality. Use of stock arrangements and library stuff, with little time to alter same, improvement, is still another blow.

A comparison of number of graduates to commercials and better things on both nets is regarded as proof of the beef. Whereas CBS has graduated Mark Warnow, Andre Kostelanetz, Howard Barlow, Freddy Rich, et al., NBC points to Peter Van Steeden.

## WANT SPIELERS PUT IN WITH ENGINEERS

Philadelphia, Jan. 1.

Joint contract covering both announcers and panelmen at WIP is being sought in confabs with prez Ben Gimbel by the Broadcasters' Division of the American Communications Association, CIO. They have refused to negotiate further with Gimbel on a new term for the knob-twirlers, which expired at the end of the year, unless gabbers are included in the talks. Spielers a staple weeks ago came into the ACA in a body.

Contract being sought at WIP will have separate scales of wages for the two groups of employees, but all working and other conditions will be uniform. Term for the fishbowlers at WFIL is also about to expire. Fact for WIPB panelmen is under discussion now with vertical contract for all WIPB employees is being redrafted and ready for inking this week.

## Normandy's New Wave

London, Dec. 20.

Radio Normandy has been shifted to 274 metres (1095 k.c.). New wavelength lies slightly above British Broadcasting Co.'s station at St. Mary and the London, North and Scottish transmitters.

International Broadcasting Co., which builds Normandy's programs and sells its time, has launched an extensive advertising campaign to call attention of British listeners to the change. Drive includes, film theatres, magazines and billboards.

Harry Clarke to CBS

Hartford, Jan. 1.  
Harry Clarke, speller of WTIC, has resigned to join the announcing staff of CBS. Successor not chosen as yet.

At WTHT new faces include Thomas York, operator; Sylvia Crowley and Jeanette Demilleers, commercial department.

Massachusetts Federation of Taxpayers Assn. 26 15-minute programs, 'What's Happening in Massachusetts' from Jan. 6 to June 30. Through Advertising Management, Inc., Boston.

## Slap at Press Agent

Washington, Jan. 1.

Those free television sets for President Roosevelt and Federal luminaries never were delivered, it turned out last week, because the White House would not lend itself to a commercial build-up. Plan to install latest model sight-sound receiver in the White House went awry when Marvin H. McIntyre, secretary to the President, got wind of publicity being inspired by the American Television Co., schedule's donor. Arrangements were cancelled in resentment at the free advertising play.

## WCAU Recites Fears Of Losing CBS Connection; Brief Raises Eyebrows

Philadelphia, Jan. 1.

Hearing is slated in Harrisburg Tuesday (3) on an injunction demanded by WCAU against new Pennsy law which forbids the furnishing of private leased wires for the dissemination of gambling information. Anything concerning horse racing is made prima facie evidence by the act that the wires are being used for gambling. It prohibits, therefore, Pennsy outlets from airing the Kentucky Derby or any of the other famous races which are regularly broadcast.

Principal point in the plea for the injunction is that the station's contract with CBS is jeopardized by the law. Brief, which was filed Dec. 19, points out that WCAU's contract with CBS pays it \$250,000 a year, in return for which the station must broadcast concerts, news events, sports and other occurrences without question, comment or alteration. If CBS sees fit to cover a horse race, the brief declares, WCAU must carry it or abrogate its contract.

Observers here cocked a brow at WCAU's obeisance to the web, disregarding the legal aspects of the brief. Further cause for a chuckle, of course, is the outlet's fear of losing its CBS terms, inasmuch as Dr. Leon Levy, WCAU prez, is third largest stockholder in Columbia; Isaac D. Levy, WCAU v.p., is second largest stockholder, and Bill Paley, CBS prez and largest stockholder, is Doc Levy's brother-in-law.

Suit was filed for WCAU by former Attorney General William A. Schader in Dauphin County (Harrisburg) court. It asks a rule against the five members of the Public Utilities Commission to show why an injunction should not be granted to prevent any action being taken against the Bell Telephone Company, the plaintiff, or any other person or corporation by reason of the phone company's leasing of private lines or wires.

## G. E.'s Wanderlust

Maxon agency has again requested NBC to clear a different half-hour for the General Electric show with Phil Spitalny and Dorothy Thompson.

Program is now opposite the Lux Radio Theatre Monday nights and the account has become convinced that the competition makes it impossible for the name combination to draw anything like the audience that it would be entitled to otherwise.

## Survey of Loathing

Philadelphia, Jan. 1.

WDAS is running a program popularity poll in reverse.

Working on the premise that listeners forget the shows they like, but remember forever those that irked them, it is questioning its listeners as to those programs they found most distasteful during the year. Query is: 'What Didn't You Like About WDAS and Its Programs During 1938?'

John Dodge's Sea Trip

Washington, Jan. 1.  
John Dodge, WRC-WMAJ sales manager, Washington, off on Jan. 27 for a 21-day cruise to South America.

Will visit principal ports of S. A. via the Grace Lines and make a study of South American broadcasting in his spare time.

# The Producer Should Hold the Bag

By Walter Craig  
(Street & Finney Agency)

When an advertiser invests from \$500 to \$25,000 per month in a series of Radio Programs, only to have a gigantic flop on his hands, he yells bloody murder. This too-well-known cry is the agency's cue for routine A—the regular give him service routine which consists of (1) Tinkering with the band (2) Getting a new script, writer, producer (3) Riffing through talent lists for new and better (or, at least, more expensive) voices to replace what probably is already a thoroughly competent cast. Never, (oh well, hardly ever) does anyone question the production of the program.

Nevertheless, if radio entertainment is to improve, that improvement must come in more effective production. It certainly can't come from bigger names. The advertisers' coffers have been bled white paying for the biggest names in the entertainment world. No, that's not the way out. Radio will have to begin to offer entertainment instead of enmeshments. Webster says production is to create. Radio seeks to define it as keeping split second timing of a radio program by means of a stop watch. Sooner or later, radio will have to concede the point to Webster.

With all the money at its command, with all the best actors, writers and facilities in the palm of its hand, why has radio so neglected this matter of production? Why is there so very little of it? There are certainly many, many reasons. But it is just as certain that they are all born of one basic mistake on the part of the goat himself—the advertiser. Some day, advertisers as a whole will wake up and shed the whole system. Then there'll be hell to pay—and much better radio.

This basic mistake on the sponsor's part is allowing—yes, even demanding—that the agency pass the buck directly to the advertiser himself. What happens when a Captain of Industry decides to spend a million or so in radio advertising? The agency gets together an audition—a complete performance of the proposed radio production—and presents it to the advertiser for his consideration. Object, 15% of that million! Whether or not said agency gets its depend on whether or not said audition "clicks" with the advertiser. Ergo, the show is designed, not to please the public, but 'his nibs'. Long association with 'his nibs' has made the agency thoroughly familiar with each of his separate likes and dislikes. The program will feature his favorite artist (whether he's locally "long" or not). It will present his favorite songs (whether they routine and pace well or not). It will avoid touching on subjects that the agency knows are 'taboo' with 'his nibs' (even if such avoidance cuts all the drama out of the presentation). It will be low budget, for 'his nibs' necessarily short on showmanship. But it will get that million.

### Stay Away In Doves

When this little private entertainment gets on the air and the listeners stay away in doves, who's to blame? Why, the advertiser, of course. The agency doesn't blatantly tell him so—doesn't have to. He picked it and, nine times out of ten, he'll defend it. 'A rotten Crossley? Must be his band!—the star—or the script writer. Seldom, if ever, will he admit that there wasn't any show there in the first place—only a hodge-podge of things he liked and a conspicuous absence of the things he didn't. Yes, he's a victim of his own system. Choosing the show may solve his vanity, but it surely puts him in an awful spot. The agency is satisfied. It gets 15% of the million, shoulders no blame and can spend the next million in newspapers and magazines where it knows what it's doing.

Like Topsy, the present system 'just grew'. And like a house or a city that's built without a plan, it eventually arrives at the point where alterations are essential. Excellent manufacturers and first rate advertising men have been stumbling along trying to learn show business themselves instead of delegating that highly technical work to the people who've given it their entire attention for years. Under this system, money is substituted for thought. For a bigger and better show, the average advertiser and his agency have only one formula—bigger and better names. Radio buys its glamour 'on the hoof'. But we're rapidly ap-

proaching the day when there'll be no more ready-made glamour for sale. For radio not only buys its glamour... it also destroys it!

How many times have you heard a star, glamour acquired in some other branch of show business, brought to the microphone with, 'And now Lizzie Gilch will sing...' As far as the listener is concerned, there she stands in a bare-walled room containing only a microphone. How long can any star stay glamorous under such conditions? Performers are just people... believe it or not, just ordinary human beings... with a little talent. The average glamourous whet some producer, in one branch of show business or another, creates a bit of 'make believe' around them that enhances those talents. He 'sells' them to the public with 'production'. Zeigfeld used to work weeks, 'I'm told, just designing a glamorous entrance for a star. Hollywood goes further and keeps huge publicity departments busy making stars glamorous off as well as on the screen. And radio says, 'And now, Lizzie Gilch will sing...'

When the stock of ready-made glamour runs low, radio is going to have to mend its ways. For the most all showmen seem to agree that 'it won't be long now.' A sufficient number of flops and any advertiser is driven to one of two things: (1) Dropping the air as an advertising medium, or (2) recognizing and rectifying the basic mistake about which we've been talking. If he follows the former course, his competitors are liable to run away from him in sales. If he follows the latter, something like this will happen.

### Kidlife

Our new-era Advertiser will call in his agency man and say, 'Joe, we've decided to institute a radio campaign. We're convinced that radio is a powerful advertising medium, so we want to go on the air to sell Spelvin's Spiffy Sponges. Now, we know a lot about sponges but practically nothing about sponges. Show business is not our racket. We want you to put on a radio show for us that will get a big audience to stick to our sell sponges. We've appropriated a million dollars for this campaign—the rest is up to you. Let us know when the program starts on the air so we can tune in the first performance.'

'Puts a different complexion on things, doesn't it? The agency is now on its spot. He's got to deliver—or else! If he's at all cautious (and what advertising man isn't) he'll want to play it as safely as possible. He might even try to dig up a showman and ask advice. Suppose he does. What has he a right to expect? He has a right to expect a production in the form of an amateur show... an entertainment instead of a group of entertainers. Every good entertainment should be a one-man show with the producer handed and holding the bag. He should be responsible not only for the selection of the script, cast and music, but for the creative work and effort necessary to weave these units into a well rounded and cleverly dovetailed entertainment that the vast radio audience can see as well as hear... and I do mean see.

### An Ear Picture

For the radio listener is, of necessity, a visualizer. Give him a series of recognizable sounds arranged in the proper sequence to suggest a complete picture and his imagination does the rest. This partnership with the listener's imagination is what makes radio entertainment possible. It gives the radio producer everything to work with that his Broadway contemporary enjoys costumes, scenery and lighting effects. For costumes, there are dialects, delivery styles and voice qualities. A wide Irish brogue will costume a man as completely as Gutenberg himself could do it. Scenery is a matter of only a few suggestions and carefully chosen sound effects. Sometimes the latter alone are sufficient. A ship's whistle and a water tank are all you need for the finest ship set any Broadway producer ever boasted. For lighting effects, the radio producer can employ music to light the stage producer dims his stage and spotlight two characters for a love scene, the radio producer uses soft, beautiful music to mellow the scene and spotlight his characters by putting them right on mike.

No, the limitations of the medium are no alibi for unsuccessful produc-

tion. As a matter of fact, when a showman is turned loose in radio, he experiences the same sort of reaction that John Murray Anderson once voiced to me on a Hollywood set during the filming of his first celluloid production. Murray couldn't get over the absence of any limitation. 'Wonder' he said, 'you ask for the world with a fence around it... and they build it for you!'

If the limitations of the medium are not responsible for so much bad production (or perhaps we should say such an absence of production) then we must conclude that the trouble lies in the producers' lack of showmanship. Perhaps we throw the title 'producer' around too lightly. Of course, under our present system of passing the buck to the advertiser, there isn't any need of showmanship. Just take the boss's formula and get it on in a half-hour. A stop watch, and you're all set. Anybody out of college can do it. Even the college isn't necessary. But under the new-radio-era plan, when advertisers wake up and rectify this mistake of such long standing, the title may again come to mean something. To earn it, perhaps a man will have to be a showman... will have to be able to select talent, supervise script, direct the actors, pace the show, make use of costumes, scenery and lighting effects to give his production that glamour which has been the very essence of show business since time began.

### The Comedy Shows

You've heard of the exception that proves the rule? Radio has its exceptions too. These are notably the comedy programs on the air today. The fact that, as a class, they are the most showmanlike examples of radio is directly ascribable to the fact that they are supervised by the comedians themselves... men who have had a long training in the theatre, actual contact with many audiences and hard knocks in the school of experience. In most of these programs, one thing leads naturally to another... seems to be done in preparation for the following unit of entertainment. As a matter of fact, it is like a chain of links, the exact place where one unit stops and another begins... albeit they are carefully arranged for variety of mood, pace and tempo. The scenery is always there... costumes and lights too. There's a complete production for the listener to enjoy... not just words. When such a perfectly produced program is tuned in, the end comes around before the listener knows it... certainly before he is ready for it. And that's as good a formula for the air as it always was for vaudeville... 'Leave 'em wanting'. In radio it means they'll tune in next week and hear your exact story all over again. Yes, if all types of shows gave as much thought to production as do our popular comedians, radio would be a safer place for advertisers today.

So, Mr. Advertiser, before you start to tinker with the band, change the script writers, fire your vocalists and malign your actors, check up on your production. Is it a showman's idea of a program—or your own? Are the scenery, costumes and lighting all they should be? Has everything been done to give the entertainment pace, tempo, continuity and a veneer of glamour? Are you giving the radio audience a production... or just a lot of voices and sounds? Can they see or only hear your show? Are you creating a bit of 'make believe' for them... or offering bought glamour in a void of studio walls? Perhaps a little attention to these details will turn your clambake into a radio show.

## OBSCURE TUNES USED

By TENOR HAYWOOD

Charles Haywood, tenor, frequently heard with New York Oratorical Society, has started a five week series of American folk songs over station WQXR, N. Y., beginning Monday evening (2) at nine p.m.

Haywood sings songs of early white settlers in various sections of the country.

My-T-Fine desserts (Fenick & Ford) is supplementing its NBC campaign with the placement of disc versions of its 'Circus' show on stations in a half dozen cities.

# Canadian Radio In 1938

By Robert McStay

Toronto, Jan. 1.

Opening of two new high-powered stations, one to serve the Maritimes and the other the three Prairie Provinces, will mark the completion of the first stage of the Canadian Broadcasting Corp.'s policy of national coverage whereby CBC programs will be carried from Coast to Coast over its own transmitter system.

CBA at Sackville, New Brunswick, is scheduled to go into operation in early April, the 50-kilowatt station to serve the Atlantic coast area. CBK, a similar powered station, will go into operation this summer at Watrous, Saskatchewan, and will cover that province together with Manitoba and Alberta.

In surveying the development in Canada throughout 1938, it should be remembered that when the CBC took over, there was a basic plan for nationalized radio; but existing equipment consisted of only a few small stations. The first aim, therefore, was to bring into being a system of high-powered stations that would serve all regional needs.

Because of population concentration, the first two units in the new set-up were CBL, Toronto, and CBF, Montreal. Both these 50-kilowatt stations, serving Ontario, the Great Lakes region and Quebec, went into operation on Xmas day, 1937, but did not really get into their respective strides until the early part of '38.

The establishment of CBR, Vancouver; the modernization of CBO, Ottawa, and the establishment of a modern and efficient switching system at Windsor, Ontario, comprising MBS and CBS programs, rounded out the CBC engineering operations of '38. (NBC programs for CBC coverage are switched at CBL, Montreal.)

With the completion of the new Prairies and Maritimes stations, the first stage in the plan of nationalized coverage has been achieved. The second stage will be the erection of smaller stations in certain areas which, because of terrain or atmospheric conditions, are not now adequately served. These additions will be made from time to time as CBC resources permit.

## Noticeable Improvement.

### In Program Quality

Noticeable has been the pronounced improvement in the quality of program transmission in recent months. The CBC system is a long established set-up, but the population being mainly centered within a narrow Coast-to-Coast strip. In addition, the Rockies and the wastes of the Northland must be surmounted; but transmission has reached the stage of outstanding and even glowing.

There is one exception, however, and it is hoped that this will be remedied during 1939. That is the Mexican interference which is destroying the reception of CBC's Toronto station programs in certain parts of the province. While the Havana agreement of 1938 distributed available broadcasting channels among the United States, Canada, Cuba and Mexico, the latter country has not as yet set its signature to this allocation.

Despite diplomatic representations that have been made by the Canadian Government to Mexico regarding the blasting out of CBL, Toronto, the offending Mexican station continues to operate in the same channel. Attempts to have this situation remedied will be one of the CBC tasks of '39.

In connection with the avowed intention of CBC to increase national broadcasting hours, these have doubled during the past year, early jumping from an average six hours a day to a minimum average of 12 hours daily. In some areas, the network service is averaging 15 hours a day.

Sequel to the trans-Canada survey jaunt of Rupert Lucas, CBC production chief, a more tightened system of general operation and the dovetailing of balanced program broadcasting has been an outstanding feature of nationalized radio in this country; it is expected that, in the light of experience, this will be carried to an even more efficient degree during 1939.

During 1939, the field of exchanges will be enlarged. CBC is now carrying musical programs from Germany and opera from Italy; arrangements are nearing completion for regular

programs from France and the Netherlands. It is also hoped that exchange programs with other units of the British Empire will be increased. Arrangements for the 1939 schedule, for instance, have been completed with Australia.

From the cultural standpoint, music and the drama hold an important place in the CBC schedule. In addition to the American programs already mentioned, CBC is carrying during 1938-39 the Toronto Symphony, the Montreal Orchestra, the Calgary Symphony, and Les Concerts Symphoniques de Montreal. During the summer of '38, the Promenade Symphony series from CBL, Toronto, had a heavy listener interest over the CBC national network.

In the field of drama, the Shakespeare cycle of 13 plays was the most ambitious undertaking in the short history of CBC. Such stage stars as Walter Huston, Dennis King, Walter Hampden, Eva Le Gallienne, Margaret Anglin and Nan Sunderland journeyed to CBL, Toronto, to play the lead roles supported by Canadian talent. The first important drama offering scheduled for '39 is a radio serialization of the 'Jalna' books which will run in nine weekly one-hour installments.

## Anschluss and Munich

### Widen News Coverage

News coverage of a type never attempted by CBC before was an outstanding activity during 1938. A policy of obtaining exclusive rights to Canadian sports events was adopted, the mobile unit being used for such activities as the Allan Cup hockey series, the Canadian Golf Open, the Davis Cup matches, the Canadian football championship, and the King's Plate turf classic.

Use of mobile equipment also stepped up the calibre of such actuality broadcasts as the arrival of the Mercury pick-a-back plane after its trans-Atlantic crossing, the National Parks descriptive series, the Calgary Stampede, and the Ivy Lea international bridge opening by President Roosevelt which CBC supplied exclusively to the three American chains and to BBC.

The use of mobile equipment is expected to be heavy during the Royal visit in Canada in May and another unit is now under construction which, after the departure of Their Majesties, will be turned over to CBF, Montreal, for French-language actuality broadcasts. Coverage of the Royal itinerary in Canada will be exclusive to CBC but will be made available to the three American chains and to BBC in exchange for past and current favors.

In the field of commercials, approximately 15% of CBC's national network time is occupied by sponsored Canadian and United States programs. These include such shows as the Chase & Sanborn Hour, the Jello program, Ford Symphony, General Motors, Imperial Oil, Imperial Tobacco, St. Lawrence Starch.

In connection with the national coverage given by CBC's chain of high-powered stations, CBC has also entered into an arrangement with a number of private stations who agree in principle to accept CBC programs and undertake to accept CBC commercials. These 34 basic stations, which get a percentage of the revenue from commercials contracted for by CBC (this agreed upon according to population, area, type of market served, etc.), coupled with the CBC stations, is giving Canadian listeners bettered coverage.

## Role of American

### Sponsors in Canada

By MORI KRUSHEN

Montreal, Jan. 1.

During the past year radio has come into its own in Canada (belatedly by American standards) as an accepted medium for the dissemination of news. This has roused the resentment and fear of powerful publishing interests who see in radio news broadcasting a form of competition which publishers have as yet found no means of offsetting.

Activity in the Canadian radio program field has been limited. Overshadowed and topped by superior American production methods, the great reservoir of talent from stage, screen and Broadway available to American radio, added to practically unbridled bankrolling, American radio programs have con-

tinued to dominate listener interest in Canada.

### Popular Shows

Canadian production continues to lag through lack of sufficient financial backing. With the exception of a few local French-language shows like 'Fridolin', the American programs like Charlie McCarthy, 'Information Please', Jack Benny, Bing Crosby, Lux and others still top the field for both French and English listening audiences.

French and English-language serials are popular. So is opera and symphony. But the strongest draw is still exerted by musical variety shows, song and comedy programs. American programs and American sponsors are still the mainstay of Canadian radio.

There has been a marked improvement in regard to technical performance in Canadian broadcasting from the studio end. There is more widespread use of better and more up-to-date reproducing equipment and especially greater care and study in the use of the latest equipment. And while program production has lagged behind the technical end of radio, the old idea of throwing a batch of performers into studio and waiting for a show to come out is beginning to fade.

## Rural West Tastes Run To Strictly Homefolksy

By ANDY McDERMOTT

Regina, Sask., Jan. 1.

With nearly two-thirds of her population rural and half-minded, Saskatchewan still places 'homey' programs above anything else in radio. That goes for music, plays, comedy and what-else.

Recent surveys by radio stations showed that tops was a department store's recorded program of home melodies, sacred songs, etc., heard over the radio stations in the past 10 years. Similar style stuff on other stations. This like reflected in big following for 'Big Sister' and similar type serials. 'One Man's Family' over combined U.S.-Canada nets, and Art McEwing's Farmer Fiddlers on CBC. Cowboy and ballad singers are considered delectable.

### Serials Spiced Badly

Only kick on serials is they're too badly spiced, coming one after another as they do.

Rating right up with Old Time stuff is news and sports. News has leaped into first place over sports with recent European crisis. Interest is tremendous, beyond anything eastern or metropolitan radio expects realize, principally due to crop failures that left farmers in a lurch to buy papers, making radio their only news source. Sports, especially hockey, draw tremendous audiences. Tops is Imperial Oil Hockey network from Toronto-Montreal weekly.

Top American network show used to be Jack Benny but Lux Theatre has major audience now with Benny second, and McCarthy the Dope third. 'One Man's Family', Bing Crosby, 'Big Sister' and 'Good News of 1938' rate high, while 'Carnation Hour' tops imported musicals. Symphonies are well down list, though N.Y. Philharmonic-Symphony has good audience.

## WXYZ Invades Yukon

Detroit, Jan. 1.

First of WXYZ's new series of drama 'Challenge of the Yukon', will hit ozone this week over parent station and Michigan network. Will be aired each Tuesday and Thursday at 6:45 p.m. Written and produced in WXYZ studios, new serial will be directed by Charles Livingstone, station's dramatic chief, with Jay Michael in lead.

New show glorifies the band of 20 police officers who were sent into the Yukon territory of Canada when the first great Klondike gold strike was made in 1896. 'Yukon' brings to four the number of dramas now being produced at WXYZ, the others being 'Lone Ranger', 'Green Hornet' and 'Ned Rager', Secret Agent, which was recently added.

J. Walter Thompson (San Francisco), placed 50 and 100-word announcements for the Washington Wenatchee, Wash., on stations in 25 State Apple Advertising Committee. The committee is now in the country in a three-week campaign during the holiday season.

# Nat'l Emergency Council Charts Radio

## Undertakes to Get Detailed Facts on Gov't Use of Air—To Avoid Boreome Stuff

### Comparison

Jerusalem, Dec. 10.

At recent press conference of the Palestine Broadcasting System it was stated that the entire annual budget of the P.B.S. was less than the money spent by the British Broadcasting Corp. on flowers and decorations every year.

Only one transmitter here for Hebrew, Arabic and English.

Washington, Jan. 1.

Centralized direction of government broadcasting activities, in manner that should lighten the burden on station executives and provide more fruitful use of facilities, lies just below the horizon. Scheme already is getting a limited test, with more ambitious efforts nearing the starting point providing Congress approves and requisite cooperation can be achieved.

In accordance with idea outlined exclusively in VARIETY several weeks ago, the National Emergency Council—super-administrative agency to coordinate various Federal activities—has completed the most complete and comprehensive survey ever made to find out how much use government units make of radio, nature of programs, and extent of duplication, overlapping, and conflicts. Similar review of transcription activities also nearing an end. Object is to find out whether there is any hogging of microphones and if so the identity of offenders.

Discriminating any desire to apply censorship or use coercion, officials of the N.E.C. promise the chief aim is to reduce boring, tedious, and uninformative speeches and harangues, including the complaint that the government is doing about problems and government operations, and cut down the pressure on stations for time. Not an attempt to invade show business, since the government people realize the inquiry can do a better job in most instances and the principal reason for using the airwaves is to educate and inform, not entertain or divert.

**Some Programs Flopped**  
Survey and trial stunt are the result of awareness that some government ventures flopped through insufficient preparation and poor technique. The complaints that an excessive din is resulting from the oratory instincts of some Federal creations. Network people have yipped about impossible requests for facilities, while political foes have accused New Dealers of trying to perpetuate themselves in office through airwaved propaganda. Excursions of unauthorized government officers into controversial fields also have caused embarrassment and dissatisfaction.

Some concrete problems are being studied. As for instance whether the Farm and Home hour, veteran N.E.C. feature, cannot be used to accommodate all of the government agencies trying to hit the farmers. This would cut down—if the thought proves practicable—some of the demands from field men for local station time. Another angle is the wasteful rivalry between persons who love to hear themselves speak and who often compete with each other in the race for auditors. Desire to reduce expenses also is behind the study.

In the transcription field, the N.E.C. has discovered extravagance. Wide array of prices for platters looks unjustifiable in some cases. Instances turned up where minor bosses, fired with enthusiasm, misjudged the possible worth of their radio ventures, piling up stores of superfluous discs. Bad program building is another headache, since it creates a prejudice against government recordings in general.

Some signs of progress already. During the chain-monopoly hearings, the FCC recently heard from NBC execs that steady spicers in the government have come, through experience, to appreciate the technical problems confronting station and web managers and now are more reasonable in their requests. But there still are too many occasions when some little wig with officious manner screams and rages to the point where licensees make costly donations to avoid incurring displeasure of Uncle Sam.

The scheme being perfected is admittedly not perfect. Leaves room for abuse if the wrong approach is used and may prove to be the egg of a Frankenstein. So far, however, the promised benefits appear likely to outweigh the potential disadvantages, providing the N.E.C. continues to maintain sympathy for both the broadcasters and the listeners' viewpoints.

Gillette (electric shaver) renews for 39 participations in Yankee Network News Service, thrice weekly, starting Jan. 2.

# STATE TOLD, DON'T BOTHER WITH NBC

Trenton, Jan. 1.

NBC got a permanent injunction from a special statutory federal court last week restraining New Jersey's Board of Public Utility Commissioners from interfering with the operations of one of the network's experimental stations in Bound Brook, N.J. The commission had insisted that NBC conform with a state law requiring builders of radio transmitters to apply for a certificate of public convenience and necessity, but the statutory court took the position that no state body has authority to regulate interstate broadcasting.

In asking for the court order NBC argued that the state board was trying to arrogate to itself authority that has been invested in a federal body by the 1934 communications act, and that the Jersey statute passed in 1930 was unconstitutional. FCC has already approved the station's construction.

## NAB-RMA Booklet On American Way in Radio Now Ready for Distrib

Washington, Jan. 1.

Long-awaited 'radio primer', through which the National Association of Broadcasters and the Radio Manufacturers' Association will furnish the listening public with an understandable explanation of the mysteries of broadcasting, came off the presses last week and is ready for distribution. Stated for free distribution with all new radio sets, 50-page booklet—tagged 'The ABC of Radio... So That The Average Listener May Understand How It Works In America'—contains capsule resume of the elementary mechanics of broadcasting, explanation of the powers and duties of the Federal Communications Commission, dope on programs, explanation of network setups and other factors. Numerous pokes at 'controlled' foreign broadcasting throughout the pamphlet, with particular emphasis on freedom of U. S. air.

Attired in sky-blue covers, latest NAB product, booklet contains rattle of black-white-and-blue and salmon and black full-page prints, showing course of sound waves from transmitter to receiving set, family groups conjuring up scenes from the 'world's theatre' while listening to programs, and pictorial explanations of various phases of the industry. Liberally decorated on the margins with sketches of antennas, spinning globes, dance bands and other insignia denoting transmission and production of programs.

While not all purchasers of new sets are expected to read the book from cover to cover, and some customers were undoubtedly stumped by terminology, radio primer is written with a breezy style which should make the contents easily understandable to anyone with average vocabulary. Starts with ABC explanation of actual physical process of transmission and reception—illustrated in color—and wraps up with page on transcription programs.

# **YOUNG & RUBICAM announces** **TWO IMPORTANT NEW RADIO** **SHOWS for 1939**



Early In 1939, Young & Rubicam will initiate two new, widely different radio shows for Young & Rubicam Clients...



## **The Screen Actors Guild**

All the motion picture stars, with the cooperation of their writers and directors, in the greatest radio effort yet attempted by Hollywood. Unusual combinations of stars in dramatic, comedy, and musical shows. Premiere on January 8 includes Jack Benny, Joan Crawford, Judy Garland, Reginald Gardiner, George Murphy, and Oscar Bradley's Orchestra—produced by Young & Rubicam for the Gulf Oil Corporation...Gulf Refining Company.

*Premiere Sunday, January 8  
7:30 P.M., C.B.S.*



## **Phil Baker**

With Bottle, Harry Von Zell, The Andrews Sisters, DeLange Orchestra, and the "Man in the Box"—a new comedy program—produced by Young & Rubicam for the Hawaiian Pineapple Company, Limited.

*Premiere Saturday, January 14  
9. P.M., C.B.S.*

## **Other radio shows put on by Young & Rubicam for Young & Rubicam clients...**

FRED ALLEN in "Town Hall Tonight" for Sal Hepatica, Ipana and Minit Rub

JACK BENNY for Jell-O

BEN BERNIE and Lew Lehr for Half & Half Smoking Tobacco

EDDY DUCHIN and his orchestra for Pall Mall Famous Cigarettes

"HOBBY LOBBY" with David Elman for Fels-Naptha Soap Chips

"LONE RANGER" for Silvercup Bread

LUM & ABNER for Postum

MARY MARGARET McBRIDE for LaFrance & Satina

"AL PEARCE & His Gang" for Grape-Nuts and Grape-Nuts Flakes

"THE PHANTOM PILOT" and "NEWS DRAMAS" for Langendorf United Bakeries, Inc.

"SILVER THEATRE" for International Sterling Silver and 1847 Rogers Bros. Silverplate

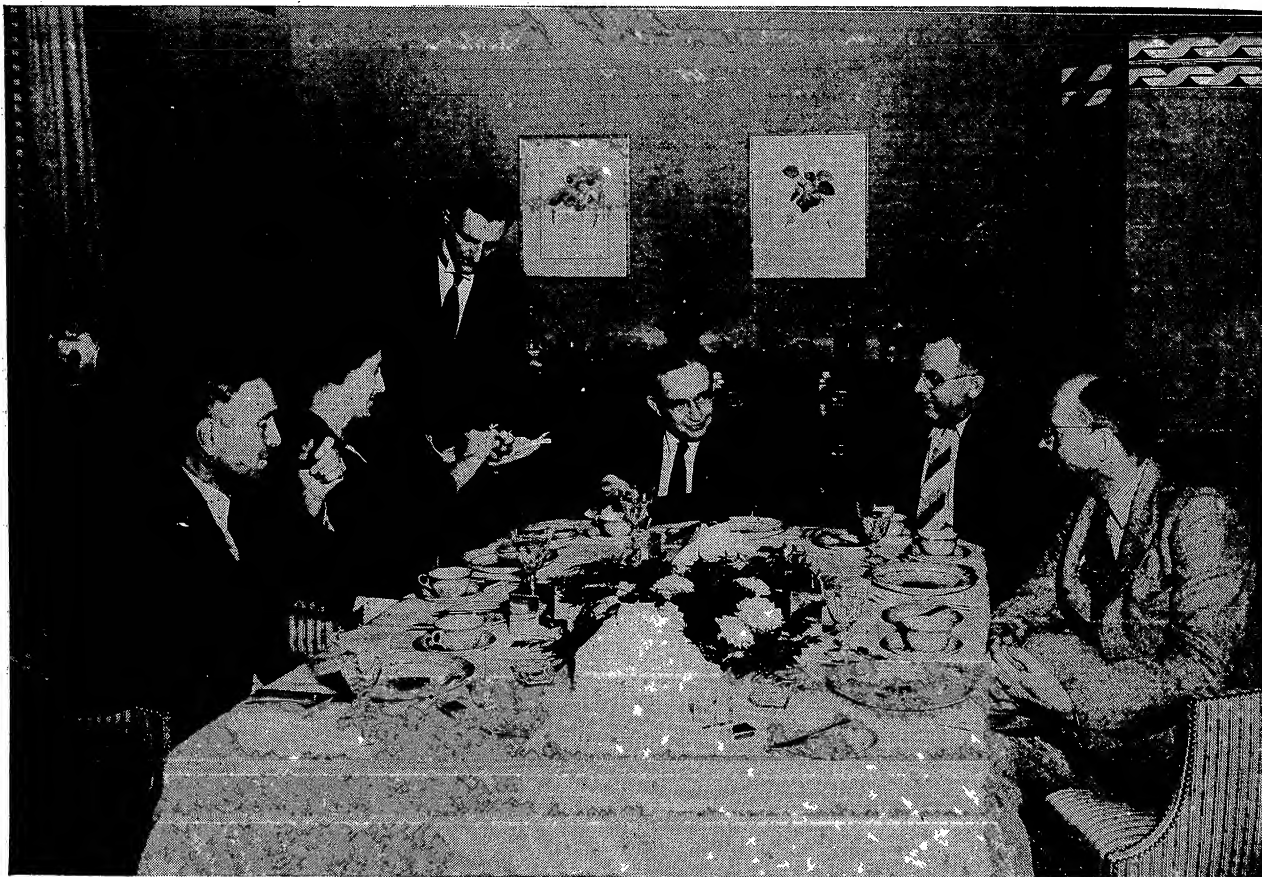
KATE SMITH in The Kate Smith Hour for Swans Down Cake Flour and Calumet Baking Powder

"WE, THE PEOPLE" with Gabriel Heatter for Sanka Coffee

# **YOUNG & RUBICAM, Inc., Advertising**

NEW YORK • CHICAGO • DETROIT • HOLLYWOOD • TORONTO • MONTREAL

# Columbia sets the table.



Mr. Robert E. Lund

Mrs. Robert V. Russell

Mr. Lyman Bryson

Mr. Alexander H. Watt

Mr. George H. Soule

## *A few of the subjects discussed on "The People's Platform"*

Public Opinion and the Press  
 Public Opinion and the Radio  
 Should We Spend Our Way to Recovery?  
 What is a Liberal?  
 Do We Need a Larger Army and Navy?  
 What Should We Do About Our Surpluses?

Public Opinion and Magazines  
 Is There Politics in Relief?  
 A Third Term for Presidents?  
 Do We Need a League of American Nations?  
 Should We Admit the Refugees?  
 How Can You Succeed in the Arts?

## *.and people talk!*

Mr. Amos Pinchot dined with a cabby. A housewife from the Bronx and a Connecticut grocer exchanged views with an industrialist and an economist. A pacifist and a rear admiral debated armaments. Secretary Wallace and General Hugh Johnson had coffee—and an argument. A truck driver, a former president of Panama, a policeman's wife and a famous socialist—all have been Columbia's dinner guests, all have helped make The People's Platform, created by the CBS Department of Education, one of the most provocative and most interesting of all radio programs.

Every Sunday night, a little before seven, a small group of people meets for dinner in Columbia's dining room. Each week it is a different group, men and women from all walks of life, brought together at the dinner table by Lyman Bryson, chairman of Columbia's Adult Education Board. Each week a subject of particular moment is introduced, and conversation, stimulated by good food and pleasant surroundings, flows smoothly across the board.

No microphones are in evidence. Hidden under flowers, they are suddenly and silently cut in as the discussion gathers momentum. No person in the room knows just when the voices go on the air. Nor does he care. He's much too interested in what is being said and what he wants to say.

For a half hour, spontaneously expressed opinions and beliefs—and sometimes heated arguments—are broadcast from coast to coast. Unrehearsed and informal, they reveal a cross section of American ideas, the ideas of groups of different occupations, different party affiliations, different economic levels. And Columbia, while having no editorial interest in the opinions expressed, is pleased to present them to the American radio audience as an immediate reflection of American thinking and American feeling.

### *The Columbia Broadcasting System*

GREETINGS

**JACK BENNY**

and me too

**MARY LIVINGSTONE**



Management—ARTHUR S. LYONS • LYONS & LYONS



**AIR FEATURES**  
INC.

247 PARK AVENUE  
NEW YORK



NEW YORK'S  
HIGH-FIDELITY  
STATION

The Only  
Station  
That Reaches  
People Who  
"Hate Radio"

Owned and Operated by  
INTERSTATE  
BROADCASTING  
CO., INC.

730 Fifth Avenue  
NEW YORK  
CO. 5-6366



**"THE EARLY BIRD"  
CATCHES THE WORM**

... and the worm in this case is a load of sales for the participating sponsors of this easy-to-start-the-day-with program filled to the brim with music, weather signals, temperature reports, etc., under the direction of popular Charlie McCarthy. Write, wire or 'phone for details.

**{WHN}**  
DIAL 1010  
NATIONAL SALES REPRESENTATIVES  
EDWARD PERRY & CO., INC.

**TOM FIZDALE**  
INC.

- NEW YORK... 485 MADISON AVE. TEL. ELDORADO 5-5580.
- CHICAGO... 360 N. MICHIGAN AVE. TEL. CENTRAL 7571.
- HOLLYWOOD... 8532 SUNSET BLVD. TEL. WOODBURY 6-3101.
- LONDON... 17 SOHO SQ., W. 1. TEL. WHITEHALL 7010.



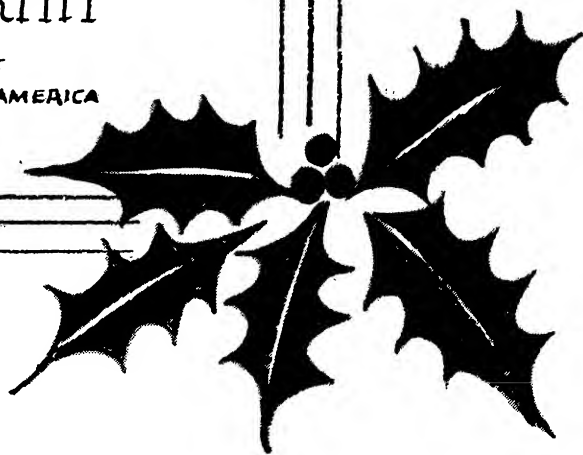
# The Season's Greetings

FROM

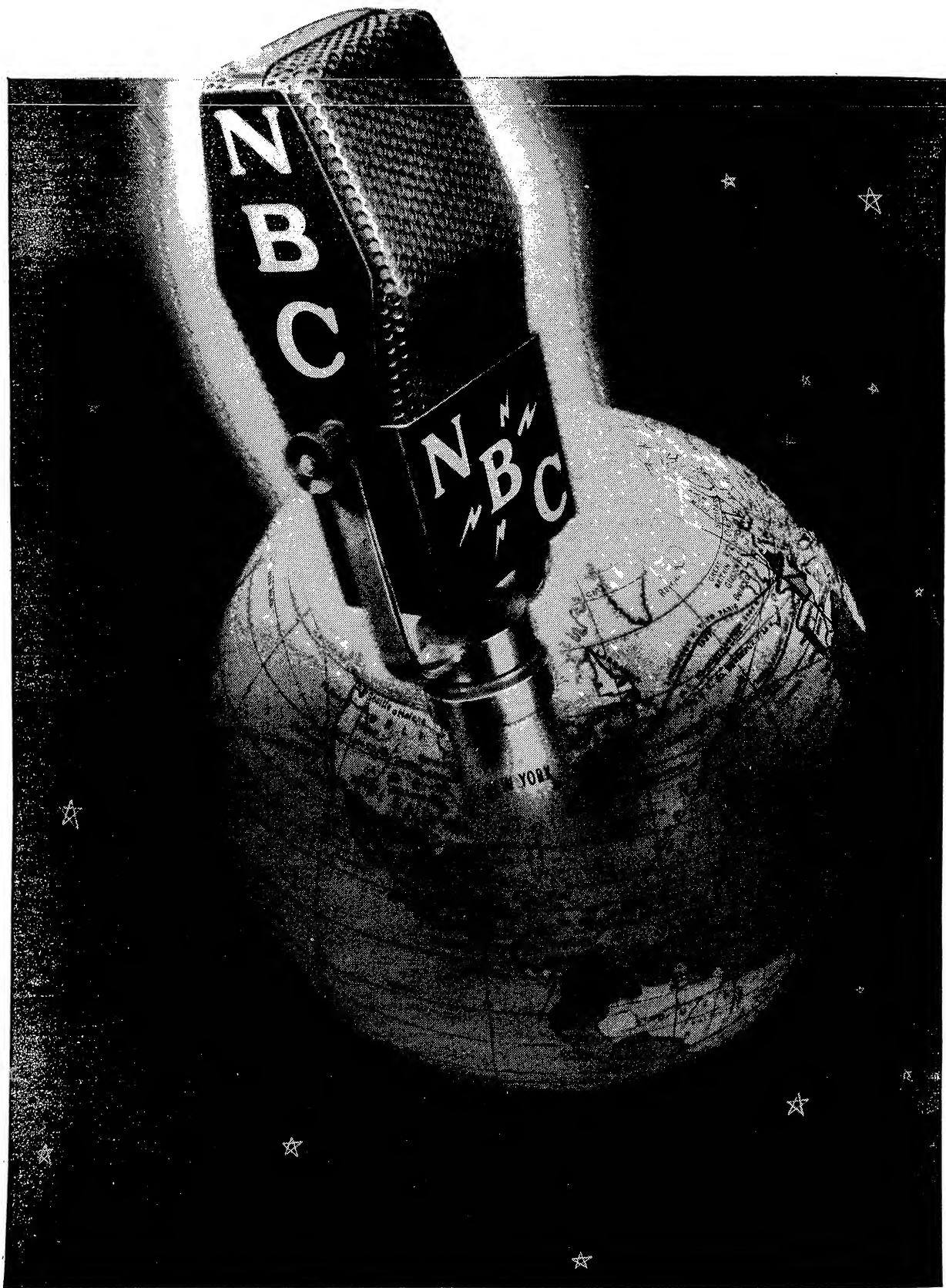
EDGAR BERGEN

CHARLIE MC CARTHY

EXCLUSIVE MANAGEMENT  
MUSIC CORPORATION OF AMERICA



# The World's Greatest



# Broadcasting System

## is a title that NBC has earned by performance

**T**HE reference to NBC as The World's Greatest Broadcasting System is no self-imposed title. Everywhere, the majority of listeners consider Radio City, New York, to be the world center of broadcasting. Radio City is the home of NBC. A brief glance at some of the outstanding NBC services explains how NBC has rightfully won its title—The World's Greatest Broadcasting System.

### *Program Leadership*

The Red and Blue Networks of NBC are each on the air for an average of 17½ hours a day, or a total of 35 hours. During the year 1938, NBC has sent out more than 56,000 programs. All of these programs were free for the tuning to some 26,000,000 radio owning families in the United States. In addition, many of them reached other millions through shortwave and through arrangements with broadcasting organizations in other countries.

At its inception, NBC felt that one of the most essential features of successful broadcasting would always be the planning of programs. Throughout 12 years, the style in programs has been set by NBC. Many of the most important types of programs now broadcast were first conceived and put on the air by NBC.

### *Network Leadership*

Through its two great networks, NBC offers double nation-wide service for advertisers. The NBC Red Network provides more intensive nation-wide circulation than any other network. With unexcelled station facilities and top flight programs it commands the biggest audiences in broadcasting. On the Blue Network, NBC offers national circulation at the lowest cost per listening family ever offered by any network. Advertisers obtain this unapproached low cost through means of the new economy discounts recently established for the NBC Blue and important supplementary groups.

Whether the advertiser wishes to obtain the most intensive available nation-

wide circulation, or whether he prefers to "go National" at a new all-time low cost, NBC can serve him.

### *Leadership in Transcriptions*

The outstanding entertainment provided by NBC Transcription Service is the result of facilities which no one else can offer. To produce these transcriptions, NBC and RCA cooperate. Through RCA is obtained the benefit of leadership in mechanical reproduction recording of sound.

National spot and local advertisers can obtain from the NBC Record Program Service complete facilities for the creation, casting, and recording of programs. The NBC Thesaurus is used by 221 station subscribers.

### *Leadership in Spot and Local Advertising*

By every measurement NBC Managed Stations are unquestionably "Tops in Spot." Spot advertisers find these stations particularly economical because fewer stations are needed to cover broad territories. The majority of these stations are super-power transmitters on clear channels covering major markets. The combination of adequate power and favorable frequency delivers the most complete obtainable coverage.

### *Leadership in Artists' Service*

One of the largest talent organizations in the world is the NBC Artists' Service. As a division of NBC, this Service provides artists with personal management, and in addition, valuable guidance. NBC Artists are available for every type of entertainment, both public and private. A particular function of NBC service is to provide radio advertisers and their agencies with talent specifically suited to the advertiser's sales problems. In addition, the service furnishes sound program ideas and complete casts.

### *"In the Public Interest"*

At all times the National Broadcasting Company aims to operate its networks

in the interest of the public. We feel it is our obligation to provide through radio an instrument of free discussion ...to give both sides on important public questions an equal opportunity to weigh the evidence each side offers in support of its opinions. And, in this way, an informed electorate is built up—an electorate which can express itself intelligently at the polls.

News of national interest to American citizens is reported skilfully and impartially... "in the public interest." This principle accounts for such notable services as the reporting of the Czecho-Slovakian crisis, and the day by day broadcasting of events at the Lima Conference, as well as hundreds of vital news broadcasts, from at home and abroad. Our basic principle of impartiality also governs the conduct of all programs which go out over the NBC Networks.

That these and similar services of NBC are outstanding in broadcasting is due in large measure to the fact that NBC draws freely upon the experience, research and resources of the Radio Corporation of America, the only organization that makes and does everything in radio and sound. All the points of leadership enumerated above are the factors which make NBC The World's Greatest Broadcasting System.

# NATIONAL BROADCASTING COMPANY

THE WORLD'S GREATEST  
BROADCASTING SYSTEM

A RADIO CORPORATION  
OF AMERICA SERVICE

# First FOR 10 YEARS

## KSTP

Northwest Leading Radio Station

For the past 10 years, every authentic survey in the Twin Cities Area has shown KSTP with more than 50% of the listening audience. That means *more listeners per dollar* in the 7th U.S. Retail Market, where Annual Retail Sales total a billion and a half dollars ... and the **BEST BUY** in the entire Northwest.

**FIRST** in the Nation for Showmanship.

**FIRST** in percentage of renewal contracts each year.

**FIRST** in the Leading Test Cities in the 500,000 population group ... Sales Management 1938 survey.

**FIRST** choice and designated as the Twin Cities official radio station in 1938 Salesmen's Crusade.

*It's no wonder*  
that **MORE** local and national advertisers select KSTP  
FOR GREATER COVERAGE IN THE NORTHWEST

## KSTP

Northwest Leading Radio Station

MINNEAPOLIS

SAINT PAUL

Stanley E. Hubbard, Pres. & Gen. Mgr.

EXCLUSIVE OUTLET BASIC RED NETWORK N. B. C.

For Rates and Schedules, Address: Ray C. Jenkins, Sales Manager, KSTP, MINNEAPOLIS—ST. PAUL, MINNESOTA, or our NATIONAL REPRESENTATIVES: In New York, Chicago, Detroit, and San Francisco—Edward Petry & Co., Inc.

Joyous Greetings

### JACK MILLER

and HIS ORCHESTRA

Expressing our appreciation for the many years of joyous association with KATE SMITH and TED COLLINS.

SEASON'S GREETINGS

## GUY LOMBARDO

AND HIS ROYAL CANADIANS

LADY ESTHER  
MONDAYS 10 P.M. EST CBS NETWORK  
FRIDAYS 10 P.M. EST NBC NETWORK

HOTEL ROOSEVELT  
NEW YORK CITY  
NOW

Management—MUSIC CORPORATION OF AMERICA

## WFBR PREDICTS FOR BALTIMORE 1939

☉ January, February: Lots of cold, lots of precipitation, lots of slush, lots of "dirty weather."

Baltimoreans will buy drugs, cold remedies, coal, fuel-oil, anti-freeze, skid-chains, galoshes, good, solid foods! And a lot of them, fleeing to kinder climes, will buy vacation togs.

☉ March, April: Spring rains, spring sunshine, re-lapse into winter, Easter weather.

Baltimoreans will splurge on spring flairs, new cars, more gas and oil, will attend races and "Point-to-Points", will visit the cherry blossoms in Washington. Lots of parties; grocers and liquor dealers wear happy smiles.

☉ May, June: Spring flowers and a foretaste of summer. The Preakness at Pimlico. Graduation. Brides of Beautiful Brides.

Baltimoreans go home-hunting, furniture business booms, jewelers celebrate their "second Christmas", caterers work overtime. Golf gets going; nineteenth hole gets busy.

☉ July, August: "Is it hot enough for you?"

Brewers and bottlers rush; ice cream goes on the daily diet. Summer clothes and air-conditioning sales soar, sun-burn counts its victims by the thousands. Lots of Baltimoreans vacation right on the beautiful Chesapeake, so food sales in Maryland know no summer drop-off.

☉ September, October: Late hot spell that lingers after Labor Day—then snappy fall—with Indian summer. Football weather at last.

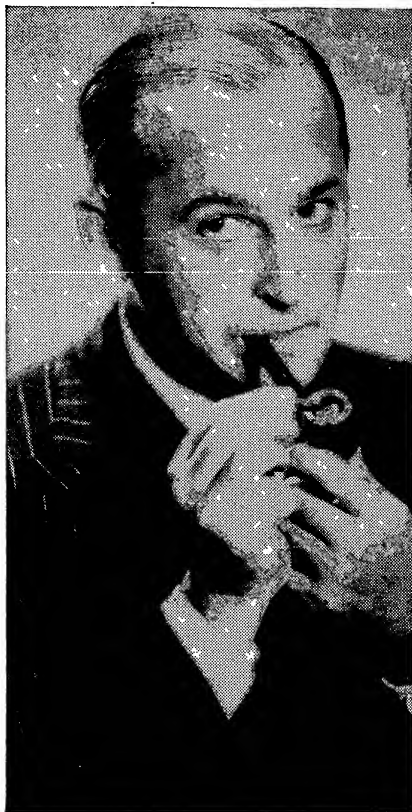
Baltimoreans change into winter-weights, lay in season's supply of fuel, shop for new oil-burners.

☉ November, December: From Indian Summer to zero. Auto Show—Last of the races; Turkey Day and Christmas Spirit.

Baltimoreans will spend more money in November and December than in any other four months!

In short—there are going to be lots of business opportunities—and the best way to meet those opportunities half way is on Baltimore's favorite air-way—WFBR.

IN BALTIMORE IT'S  
**WFBR**  
NATIONAL REPRESENTATIVES  
EDWARD PETRY & CO.  
ON THE NBC RED NETWORK



*It may be a third of a century to youse guys, but it's Half and Half Tobacco to the Ole Maestro and All the Lads. Yowsah!*

EACH SUNDAY AT 5:30 P. M. E.S.T.  
VIA CBS FOR AMERICAN TOBACCO CO.

**THE NATION'S  
LARGEST  
INDEPENDENT  
STATION**

**W J J D**  
CHICAGO

**20,000 WATTS**

Extends Greetings of the Season

Season's Greetings

from

**W-I-N-D**

CHICAGO'S FAVORITE SPORTS STATION

**W-I-N-D**  
"The Tip-Top Spot on Your Dial"  
GARY

National Sales Offices  
201 NORTH WELLS ST., CHICAGO, ILL.

WILLIAM G. RAMBEAU CO., National Representatives  
5,000 Watts Daytime—560 Kcys.—1,000 Watts Nighttime

# "HER HONOR NANCY JAMES"—

An ED WOLF PRODUCTION

MONDAY THRU FRIDAY—CBS—12:15 P.M. EST

Presented by KLEENEX

## BARBARA WEEKS

STARRING

### As NANCY JAMES

## BASIL LOUGHRANE

Director

GUY HER HONOR  
LOMBARDO NANCY JAMES

For  
LADY ESTHER SERENADE

For  
KLEENEX

JOHN GRIGGS

AS  
ALFRED KANE

KATHLEEN NIDAY

as MRS. PHYLLIS MARTIN  
Also "HILLTOP HOUSE"

KAY STROZZI

AS  
EVELYN WHARTON

JOAN BANKS

AS  
ELLEN CLARK

KINGSLEY COLTON

AS  
LARRY

LEW WHITE

(VICTOR ARTIST)  
ORGANIST

DAVID VICTOR and HERBERT LITTLE, Jr.

Writers of "HER HONOR NANCY JAMES"

## Greetings Everyone

GABRIEL HEATTER

## THANKS

for

## 1938

MORE

NATIONAL SPOT ACCOUNTS

MORE

NETWORK ACCOUNTS

MORE

LOCAL ACCOUNTS

than ever before in  
the history of

## WIRE

INDIANAPOLIS

DO YOU HAVE ALL THE  
FACTS CONCERNING  
THE NEW WIRE?

REPRESENTED BY  
THE KATZ AGENCY

## AL MAISTER

Radio Script and Gag Writer  
Season's Greetings  
Meet the Ma(ster)pieces:  
Organ Grinder  
and Song Meets Author series  
20 Browning Ave., Boston (DOR.), Mass.

Season's Best Wishes to All My  
Friends and Listeners  
Everywhere

N.B.C.'s  
**ALICE REMSEN**

GREETINGS FROM

## THE KING'S JESTERS

and

THEIR ORCHESTRA

CONSOLIDATED RADIO  
ARTISTS

SEASON'S GREETINGS

from



## JOSEF CHERNIAVSKY

In Charge of Music WLW—CINCINNATI

SEASON'S GREETINGS

## DON VOORHEES

GREETINGS AND CONGRATULATIONS TO

**VARIETY**

## HAROLD BETTS

"DOGGY DAN"

Sponsored by JOHN MORRELL & CO.

Originates from Station WHAG, Monday Through Saturday  
12:30 to 12:45 Noon  
Direction FRANK FERRIN, HENRI, HURST & McDONALD

Afraid you'll have a Prosperous Year



I HOPE, I HOPE, I HOPE!

## AL PEARCE

Exclusive Management: FANCHON & MARCO

HAPPY DAYS

From

## CARL HOFF

and ORCHESTRA

GRAPE NUTS PROGRAM

GREETINGS  
FROM

THE SWEETHEARTS OF THE AIR

## MAY SINGHI BREEN

AND

## PETER DE ROSE



# New Year's Greetings...

For  
1939:

## NEW TRANSMITTER

Its new RCA Type D High Fidelity transmitter, with 586-foot tower now in operation, WLS offers for 1939, 862,660 additional radio homes in its .5MV/M area. WLS offers this improved coverage and improved signal at no increase in rates.

## NEW RECORDS

750,000 persons have paid to see 354 performances of the WLS National Barn Dance at the Eighth Street Theater since March, 1932. Millions more have attended personal appearances of WLS acts from coast to coast and border to border. 1939 will be another "sell out year."

## NEW REPRESENTATION

WLS has appointed John Blair & Company as new national sales representatives. John Blair offices are located in key cities throughout the nation: New York, Chicago, Detroit, Los Angeles, San Francisco and Seattle.

For  
1938:

## ANOTHER "MILLION LETTER" YEAR

With another million letters in 1938, WLS again proves its loyal and responsive audience, for "Audience mail is Audience Proof." 1938, another year and another million, and WLS mail has reached more than Nine Million in Nine Years! WLS GETS RESULTS!

National Representatives: JOHN BLAIR and CO.

Exclusive WLS Artists Booking  
WLS ARTISTS, INC.

Earl W. Kurtze

George R. Ferguson



**THE PRAIRIE FARMER STATION**

Burridge D. Butler, President (Chicago) Glenn Snyder, Manager

# Through the years...

**W**HEN important radio stations for four, three, or even two successive years continuously use one transcription service there can be but one reason. These stations have received year in and year out recorded programs that build listening audiences and that return dividends to themselves and to their sponsors.

**W**E originally offered our recorded library to broadcasters in August, 1935. We are proud that through the years most of the stations that began with us are still among our growing list of subscribers. Nine stations that subscribed the first month of our existence, eighteen that joined us the second year, and twenty-three that joined us the third year are still subscribers.

**T**O the many broadcasting stations that have recently become Associated subscribers we pledge the same quality product as will make them also continued users of Associated Recorded Program Service down through the years to come.



ASSOCIATED MUSIC PUBLISHERS, INC., 25 WEST 45th STREET, NEW YORK CITY



## GERTRUDE BERG

AND RADIO'S BELOVED

### "The GOLDBERGS"

Now in Their Tenth Year of Broadcasting

Extend  
Holiday  
Greetings

Sponsored by Procter & Gamble for OXYDOL

CBS Network • Mondays Through Fridays • 1 P.M. EST

# Lord & Thomas offers congratulations to show business on 33 years of Variety

**WE** ARE GLAD to join the throng who are wishing Variety many more years of usefulness. Thirty-three years of success is quite a record in a country where things change the way they do in the United States.

Lord & Thomas have seen lots of changes, too. Fact is we have been at our job for 65 years, and that just about covers the history of adver-

tising. Time was when we were not so conscious of Variety. That was before radio tied the knot between advertising and showmanship.

Another nice thing about Variety. The pages are large enough so that when we run an ad like this we also have room to say a few words about ourselves. So what we'll finish off with is a list of some of our own efforts in radio on behalf of our clients.

## *A Few News Items of Interest at L & T*

**89,000 seats behind the demand...** So many people want to see Lucky Strike's Kay Kyser's College of Musical Knowledge, that 89,000 are now on the waiting list. We doubt whether this record has ever been faintly approached in radio.

**Oldest show on air renews for 13th year...** The Cities Service Show has just been renewed for another year, its 13th, making it the oldest major show on the networks, its 13th year of continuous appearance. It is still building an audience and getting listeners at an extraordinarily low cost per thousand.

**Your Hit Parade continues to set the pace in popular music...** The Lucky Strike Hit Parade, shortly to begin its fifth year, is still the guide by which the popularity of all songs is gauged

and with the addition (7 weeks ago) of Lanny Ross and the Raymond Scott Quintette it becomes more of a radio "must" than ever.

**First or second every year...** Since radio began and through 1937, Lord & Thomas has been first or second among advertising agencies in total billing with the two major networks every year save one. (In 1935 we were fourth.)

**New shows during 1938...** Among the new shows presented for our clients during 1938 are Kay Kyser's College of Musical Knowledge for Lucky Strike, the Bob Hope Show for Pepsodent, Guy Lombardo for Lady Esther (twice a week), the Sophie Tucker Show for Roi-Tan (three times a week) and Her Honor Nancy James for Kleenex (five times a week).

## Some L & T "Firsts" in Radio

**First Daily Radio Contest of National Scope**—It rocked American streets with conversation. Made an average of 10,000 one-dollar sales a day for months.

**First Daily Network Strip Program**—Started a whole new technique of commercial program building.

**First to Rebroadcast Commercial Program**—Repeat same program late at night for Far West coverage.

**First Big Hit Variety Musical Show Sponsored on Network**—Set the pattern for big commercial musical production shows in radio.

**First Commercial Broadcast of Metropolitan Opera Series**

**First Commercial Series of Pick-ups of Foreign Dance Orchestras**

**First Sustained Commercial Series of Spot Pick-ups**—Artists and orchestras from all over the country picked up on same program.

**First to Present Authentic Police and Department of Justice Dramas**

**First in Contest Returns**—2,250,000 forty-cent purchases in two weeks.

**First Chain Sponsorship of Football**

**First Network Daytime Serial Show to Women**

*Some of the talent first sponsored or popularized nationally through us*

Amos and Andy; Bing Crosby; Eddie Duchin; Bob Hope; Hal Kemp; Walter O'Keefe; Phil Cook; Kay Kyser; The Goldbergs; Louella Parsons; Fred Astaire; Lucille Manners; Lum and Abner; Walter Winchell; Jack Pearl; Clara, Lu and Em; B.A. Rolfe; Mary Marlin.

# LORD & THOMAS

NEW YORK

CHICAGO

HOLLYWOOD

LOS ANGELES

SAN FRANCISCO

TORONTO

PARIS

LONDON

# WWL

## NEW ORLEANS

### Now 50,000 Watts

**PLUS** established preference through leadership in covering local events.

**PLUS** dominance in the prospering Deep South.

**PLUS** the economy of using 1 station with five times the power of any station within 400 miles.

**Tell—Sell—over WWL—the 50 Thousand Watt Station in New Orleans**

C B S AFFILIATE ☆ REPRESENTED BY THE KATZ AGENCY, Inc.

VINCENT F. CALLAHAN, GEN. MGR.

Season's Greetings

### LOUISE WILCHER

Staff Organist and Pianist

WOR

### CHARLIE WAYNE

EMCEE

BOONE COUNTY JAMBOREE

WLW

Griffin Shoe Polish

NBC

Vick's Vaporub

Agent

CROSLEY RADIO CORP.



Season's Greetings

ELAINE  
STERNE  
CARRINGTON

Author of

"PEPPER  
YOUNG'S  
FAMILY"

NBC-RED NETWORK  
3:30 P.M.

BLUE NETWORK  
11:30 A.M.

Five Times Weekly

and

SIX

"Doctor Christian"

Shows Starring  
JEAN HERSHOLT

WABC-CBS NETWORK  
10 P.M. Tuesday

Results  
COUNT  
MOST

**WTAG**  
WORCESTER,  
MASS.  
Leading Station in  
Worcester and  
Central  
Massachusetts

**WEED & COMPANY**



**RADIO STATION  
REPRESENTATIVES**  
NEW YORK • CHICAGO  
DETROIT • SAN FRANCISCO

Sports and  
Special Events  
Greetings from

**DICK  
FISHELL**

WHN and N.B.C.

SEASON'S GREETINGS

## ABBOTT and COSTELLO

"COMEDY STARS OF THE KATE SMITH PROGRAM"

EDWARD SHERMAN  
Personal Manager

Special Material by  
JOHN GRANT

WILLIAM MORRIS AGENCY, Inc.  
Exclusive Representatives

## CONGRATULATIONS TO *VARIETY* ON ITS 33rd ANNIVERSARY

*Rudy Vallée*

### A MIDNIGHT CALL!

It may be a call at midnight that sends announcers, production men and technicians hurrying to the scene of a disaster. It may be a feature that has been on the BBC's Special Events calendar for weeks—but you may be certain that when something unusual happens in Buffalo it will go on the air through BBC stations!

*BBC's remote truck with its portable transcription equipment travels more than 1,500 miles each month covering special features. It goes to the airport for an interview with H. V. Kaltenborn as he waits for plane connections. It goes to Central Terminal, where the current celebrity is put on the air. It takes listeners to fires. It covers the waterfront!*

That isn't all! BBC's idea of "Mikemanship" starts with scheduling. Did it happen during the day when many listeners were at work? Record it and put it on at night. When Prime Minister Neville Chamberlain returned from Munich his memorable speech was broadcast to this country in the afternoon, but listeners in Buffalo also had an opportunity to hear it at night. We think that is a public service. We also think it's good showmanship!

*When speakers request time BBC discourages the cut-and-dried dial twisting "talk." We dramatize the idea or make it a round table discussion. We think that, too, is a public service. It makes the message more effective. We also think it's good showmanship!*

**WGR...AT THE ENDS OF THE DIAL...WKBW**

FREE & PETERS, Inc., Nat. Rep.

## McCANN- ERICKSON, INC.

*offers*

Complete Radio Services

in all four major radio centers

IN NEW YORK -

285 Madison Avenue

IN CHICAGO

910 S. Michigan Avenue

IN HOLLYWOOD, 448 S. Hill Street, Los Angeles

IN SAN FRANCISCO

114 Sansome Street

# JESSE L. LASKY'S

## "Gateway to Hollywood"

### C. B. S.

Sunday, 6:30-7:00 P.M., E.S.T.—3:30-4:00 P.M., P.C.T.

Talent Search  
for  
R.K.O. RADIO PICTURES, INC.

Sponsored by  
WM. WRIGLEY, JR., COMPANY  
The makers of Double Mint Gum



★  
**BOB  
HAWK**

★  
THE  
QUIXIE-DOODLER  
ON THE  
People's Rally

Mutual Network Sun., 3:30 P.M. EST  
For the Mennen Co.



## GREETINGS TO ALL RADIO PERFORMERS

From the  
AMERICAN FEDERATION OF RADIO ARTISTS  
(Affiliated with the American Federation of Labor)

Representing more than 6,000 Radio Artists  
throughout the United States and Canada

NATIONAL HEADQUARTERS  
2 West 45th Street, New York City

### NATIONAL OFFICERS

EDDIE CANTOR President	JAMES WALLINGTON Vice-President	PAUL N. TURNER Council
LAWRENCE TIBBETT Vice-President	EMILY HOLY Executive Secretary	HENRY JAFFE Associate Council
NORMAN FIELD Vice-President	GEORGE HELLER Asst. Sec'y and Treas.	LAURENCE W. BEILENSEN Associate Council
JASCHA HEIFETZ Vice-President	LUCILLE WALL Recording Secretary	

LOCAL OFFICES IN  
Chicago - Los Angeles - San Francisco - Detroit - St. Louis  
Cincinnati - Denver - Montreal

## EASY ACES

Season's Greetings  
**SCHWIMMER & SCOTT**  
ADVERTISING  
CHICAGO

For specialized  
and intimate approach  
to the FOREIGN RESIDENTS

**69%**

OF METROPOLITAN  
NEW YORK

the answer is **WBNX** NEW YORK  
1000 WATTS DAY AND NIGHT  
The Station that Speaks Your Language

## PICK and PAT

For MODEL SMOKING TOBACCO

8:30 Monday Nites, EST

CBS

TUMS PRESENT

# BERT LYTELL

in

## "DRAMA TIME"

Radio Versions of the Famous Short Stories from Liberty Magazine

## WJZ New York

SUNDAY, 5:45 P.M., EST

Management—WM. MORRIS AGENCY

FRIDAY, 7:45 P.M., EST

# Which are the *important* radio programs?



Here are some of the people who have  
appeared regularly on **IMPORTANT** radio programs  
directed by the J. Walter Thompson Company during 1938

*During 1938 we have directed radio programs  
for the following advertisers:*

P. Ballantine & Sons  
Bowman Dairy Company  
Canned Salmon Industry  
The City Baking Company  
Coca Cola Bottling Company  
of Los Angeles  
J. & J. Colman (U. S. A.) Limited  
Elgin National Watch Company  
Emerson Drug Company  
The R. T. French Company  
Griesedieck Western Brewery Company  
Group V (The Savings Banks of  
Brooklyn & Queens)  
Johns-Manville Corporation  
Kellogg Company  
Kraft-Phenix Cheese Corporation

Lamont Corliss & Company  
Lever Brothers Company  
Libby, McNeill & Libby  
The Northern Trust Company  
Penick & Ford, Ltd., Inc.  
Safeway Stores, Incorporated  
Scott Paper Company  
Shell Petroleum Corporation  
Standard Brands Incorporated  
Swift & Company  
United Air Lines Transport Corporation  
Washington State Apples Advertising  
Commission  
Weco Products Company  
The J. B. Williams Company  
W. F. Young, Inc.  
Zenith Radio Corp.

PEOPLE often speak of "important" programs. By an "important" program they mean one that is conspicuous.

The fact is that every radio program—big or little—local or national—has an important job to do.

The list of the ten most popular programs for many years has contained from three to seven J. Walter Thompson Company productions. Less spectacularly but none the less importantly, many smaller programs directed by the Thompson Company are accomplishing substantial results for their advertisers.

Certain situations call for a dominating hour coast-to-coast; others for a ten-second announcement in a single city.

Big or small—the program most important to you is the one that will bring the most profitable sales return.

## J. Walter Thompson Company

NEW YORK CHICAGO ST. LOUIS SAN FRANCISCO LOS ANGELES HOLLYWOOD SEATTLE MONTREAL TORONTO LONDON PARIS ANTWERP THE HAGUE BUCHAREST  
BURNOS AIRS SÃO PAULO RIO DE JANEIRO CAPE TOWN JOHANNESBURG BOMBAY CALCUTTA SYDNEY MELBOURNE LATIN-AMERICAN AND FAR EASTERN DIVISION

**SEASON'S GREETINGS**

FROM

**FIBBER McGEE and COMPANY****JIM JORDAN****BILL THOMPSON****IRENE VERMILLION and CO.****SYLVIA CLARK****PALACE, CHICAGO****Week of Jan. 6th****THE FOUR NOTES****HAROLD PEARY**

★

**THE NATION'S  
GREATEST  
REGIONAL NETWORK**

**DON LEE**

**BROADCASTING SYSTEM**

★

**L. A. WEISS . . . Vice-President and General Manager**  
**1076 West Seventh Street Los Angeles, California**  
**REPRESENTED BY**  
**JOHN BLAIR & CO.**

**AFFILIATED WITH**  
**MUTUAL**

# AT YOUR SERVICE!



For fifteen years, W-G-N's staff of expert producers, salesmen, program advisers and talent have been serving advertisers with consistent success. In the hands of these men and women, whose production record is unequalled in the Middle West, your company, your name and your product are not only safe, but assured of the best creative thought, the most brilliant program execution and the soundest follow-through. The production record speaks for itself. Three hundred employees, from page boys to executives, are **AT YOUR SERVICE!**

## Go Commercial

WITH

# WGN

CHICAGO

441-445 NORTH MICHIGAN AVENUE

•  
50,000 Watts—720 Kilocycles

*Eastern Sales Office:*

**WILLIAM E. McGUINEAS**  
220 East 42nd Street  
New York City

*Pacific Coast Office:*

**EDWARD S. TOWNSEND**  
Russ Building  
San Francisco, Cal.



Here's a market with total retail sales only a fraction under that of Metropolitan New York! A single area in which the effective buying income is more than twice that of Chicago! A compact territory in which there are more than two and one quarter million families . . . their wants supplied by over one hundred thousand retail outlets! It's your market within the Golden Horseshoe . . . that part of the great Middle West blanketed by WJR, the Goodwill Station, Detroit, and WGAR, Cleveland's Friendly Station. There's gold for you within the Golden Horseshoe. And these two great stations are your pick and shovel!



**W·J·R**  
THE GOODWILL STATION  
*Detroit*



**W·G·A·R**  
THE FRIENDLY STATION  
*Cleveland*

**THE GREAT STATIONS OF THE GREAT LAKES**  
Basic Stations. Columbia Broadcasting System


Edward Petry & Company, Inc., National Sales Representatives

"The SINGING VIOLIN"

**JACQUES RENARD**  
And HIS ORCHESTRA

COCOANUT GROVE, BOSTON, MASS.

Mutual Broadcasting System (WOR)  
Monday-Thursday-Friday-Saturday  
Management WILLIAM MORRIS AGENCY



**NBC**

Tues.  
Thurs.  
Sat.

**JOSEPH RINES**  
and His Orchestra  
HARRY RICHMAN'S  
ROAD TO MANDALAY  
WILLIAM MORRIS AGENCY

# ALL NEW YORK IS TALKING ABOUT THE NEWEST WMCA PROGRAM CREATION

*"Jimmy Walker's  
Visiting Hour"*

## REMEMBER?

"RICH KID" with Freddie Bartholomew and the Dead End Kids  
"CAT-WIFE" with Boris Karloff  
"DARK WORLD" with Joan Crawford  
"ADAM AND EVE" with Can't-mention-the-name  
"I DO" with Henry Fonda and Brian Aherne  
"ALTER EGO" with Bette Davis  
"THE HARP" with Maurice Evans and Brian Aherne

## ARCH OBOLER

RADIO PLAYWRIGHT

WILLIAM MORRIS AGENCY

NBC

## SEASON'S GREETINGS GARNETT MARKS

ANNOUNCER  
NEWS AND SPORTSCASTER

YOUR BEST BET  
FOR  
1939 BASEBALL REPORTING

Exclusive Management  
JACK LAVIN  
The Park Central, New York

# RAY BLOCH

Thanks Everybody for a Record Year

Management  
CBS ARTIST BUREAU



# Thanks, Variety!

**WE** APPRECIATE your recognition of an Ayer client, **THE ATLANTIC REFINING COMPANY**, in your 1938 Showmanship Awards.\* In 20,000 station-hours of broadcasting during the past football season, ATLANTIC has made entertainment of its listeners paramount. No untimely commercials. It has found that "once over, lightly" does the best job.

We also appreciate the splendid co-operation of the 71 stations that formed the Atlantic Football Network, and of the 40 expert play-by-play and commercial announcers who helped to earn VARIETY's pat on the back.

**N. W. AYER & SON, Inc.**

\* This is the second consecutive year that ATLANTIC football broadcasts have received a major award. Last year they were given the ADVERTISING & SELLING award for excellence of commercial announcements.

**WOR**

PRESENTS

A ★★★★★ STAR COMBINATION

★ **ERNIE FIORITO**

AND HIS ORCHESTRA

in

**"Studies in Contrast"**

featuring

★ **DON  
ARRES**

Continental  
Singing Star

★ **SHIRLEY  
HOWARD**

Popular  
Songstress

★ **NOVELTY CHOIR**

SEVEN BRILLIANT VOICES

Every Monday, 8-8:30 P.M. EST  
COAST-TO-COAST, MUTUAL NETWORK

Produced by WILLSON M. TUTTLE

## STEADFAST POLICIES

KOIN has consistently refused advertising of spot medical accounts, alcoholic beverages, advertising dentists, small loan companies, per inquiry basis and all other objectionable programs and announcements.

## THE RESULT

KOIN enjoys the complete confidence of the Northwest's largest radio audience and should be on any schedule which includes the great Oregon market.

— Representatives —  
Free & Peters  
World Broadcasting

# KOIN

PORTLAND, ORE.

## VARIETY IS THIRTY-THREE YEARS OLD!

### SO WHAT?

The Bronx Zoo is 39 years old.  
Grant's Tomb is 41 years old.  
The Aquarium is 42 years old.  
Ellis Island is 46 years old.  
The Statue of Liberty is 54 years old.  
The Brooklyn Bridge is 55 years old.  
The Union League Club is 75 years old.  
Snug Harbor is 107 years old.  
A Pen in the Main Post Office is 80 years old.  
A joke in Hellzapoppin is 460 years old.

WHAT HAS VARIETY GOT TO BRAG ABOUT?

Don't Ask

## FRED ALLEN

"Town Hall Tonight"

Ipana-Sal Hepatica

Direction, WALTER BATCHELOR

# CROSSLEY, INC. REPORTS

**WNEW first as local station!**  
**WABC first as chain station!**

—From Variety, June 22, 1938

# WNEW

## NEW YORK

### ON THE AIR 24 HRS. A DAY

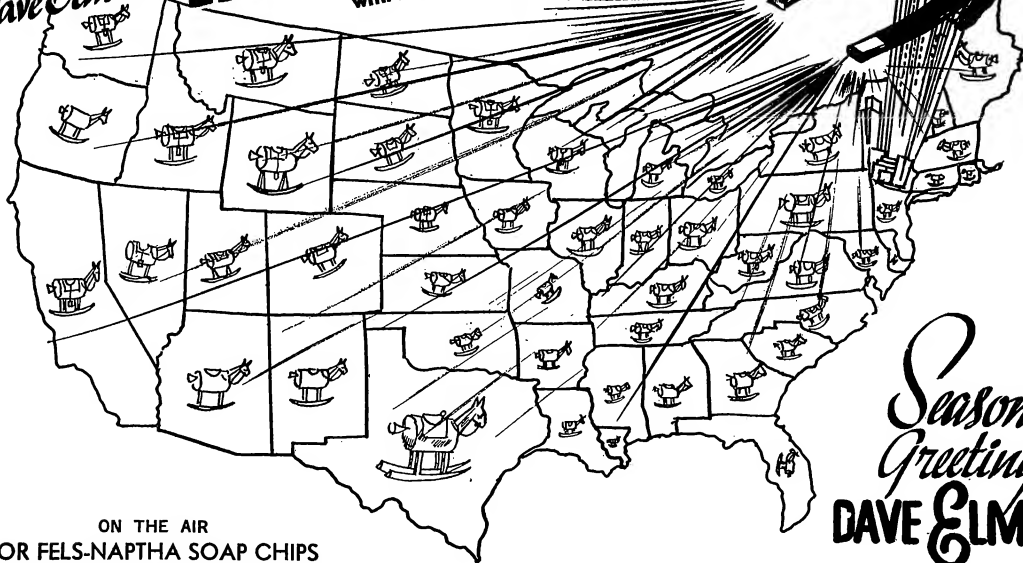
Serving New York City and  
its environs . . . the entire  
Metropolitan Trading Area.

1250 KILOCYCLES  
2500 WATTS BY DAY • 1000 WATTS BY NIGHT  
STUDIOS—501 MADISON AVENUE, NEW YORK CITY

## The Nation's Hobby

# HOBBY LOBBY

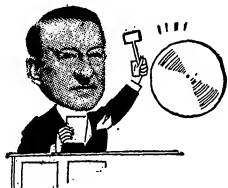
*Dave Elman's* with HARRY SALTER and his ORCHESTRA



*Season's  
Greetings*  
**DAVE ELMAN**

ON THE AIR  
FOR FELS-NAPTHA SOAP CHIPS  
EVERY WEDNESDAY, 8:30-9:00 P.M. EST  
WJZ BLUE NETWORK, NBC  
YOUNG AND RUBICAM

485 MADISON AVE. • NEW YORK CITY



**MAJOR BOWES' ORIGINAL AMATEUR HOUR** ... Sponsored by Chrysler Corporation for Plymouth, Dodge, Passenger Cars and Trucks, DeSoto and Chrysler Motor Cars.



**EDWARD G. ROBINSON** in "BIG TOWN," with **Claire Trevor**. The racket-smashing serial of the newspaper world. Sponsored by Rinso.



**AL JOLSON** with **Martha Raye** and **Parkyakarkus** on the Lifebuoy Health Soap Program.



**TOMMY RIGGS**, with "Betty Lou," his famous child character creation. Sponsored by Quaker Oats Company.

# 12 OUTSTANDING RADIO PROGRAMS

PRODUCED BY RUTHRAUFF & RYAN

★Ruthrauff & Ryan radio programs for 1938-39 reveal unusual diversity in the kinds of entertainment represented. This is characteristic, for Ruthrauff & Ryan programs are not limited by any one formula, nor restricted to any particular type of show.

All major classifications of radio entertainment (comedy, musical, variety, drama, daytime serial shows, "spot" broadcasts, etc.) find one or more Ruthrauff & Ryan programs among the national leaders.

Such diversified success is not the rule in the agency field. For example, some agencies excel in producing daytime shows,

others in producing evening shows. But very few agencies have enjoyed outstanding success in producing *all* types of shows.

In addition to producing leading network programs, Ruthrauff & Ryan was virtually the pioneer of "spot" broadcasting. Today this agency directs hundreds of "spot" campaigns, including news, sports résumés, transcribed programs and station breaks on stations from coast to coast.

**RUTHRAUFF & RYAN, INC.**  
NEW YORK Advertising CHICAGO  
ST. LOUIS DETROIT HOLLYWOOD  
SAN FRANCISCO SEATTLE



"PROFESSOR QUIZ," originator of the popular "Battle of Wits" program. Sponsored by Noxzema Skin Cream.



"THE SHADOW," in a new series of mystery dramas sponsored by D. L. & W. Coal Company for 'blue coal.'



"GOOD WILL HOUR," with **John J. Anthony** as conductor. Sponsored by the Ironized Yeast Company, coast to coast.



"AUNT JENNY". In the popular daytime dramatizations, "Real Life Stories," broadcast 5 times weekly. Sponsored by Spry Shortening.



"BIG SISTER," with **Alice Frost** and **Martin Gabel**. Dramatic daytime serial, broadcast five times a week, coast to coast, for Rinso.



"SMOKE DREAMS"... In the popular musical-variety program sponsored by H. Fendrich, Inc., for La Fendrich Cigars.



"VOX POP," the original and best known of the audience participation type of program, conducted by **Parks Johnson** and **Wally Butterworth**. Sponsored by Kentucky Club Pipe Tobacco.



"GIRL ALONE," popular daytime serial broadcast 5 times a week, coast to coast. Sponsored by Quaker Oats Company.

## WHAT ABOUT SALES?

Radio is a fascinating medium. As a result, very often the glitter and glamour of show business are likely to obscure the fact that the most important thing in radio is **SALES!**

Mindful of this, our radio departments in New York, Chicago and Hollywood maintain special staffs of commercial writers whose sole job is to put "SELL" into the radio programs of our clients. Masters of radiosalesmanship, these writers weave into each program powerful, reason-why sales messages that create a desire and demand for the product advertised.

How productive this "sales-minded" view of radio has proved for many of our clients should be interesting to executives who are contemplating a radio promotion now or later. Why not have your secretary arrange an interview at your convenience? There is no obligation, of course.

Season's Greetings



**Chick WEBB**  
featuring **Ella FITZGERALD**

Seasons Greetings

N.B.C. ARTIST

**Miss ~~Easy~~ Rose Marie**

Greetings from the

**Four Ink Spots**



Greetings from the 20th Century Gabriel

**Erskine Hawkins**  
& HIS ORCHESTRA

MANAGEMENT

Gale INC. 48 W 48 STREET N.Y. CITY



Season's Greetings



**WARWICK & LEGLER, INC.**  
Advertising

130 PARK AVENUE MURRAY HILL 6-8585

Greetings

## BENNY GOODMAN

Just Completed a  
10-Week Engagement at the

WALDORF-ASTORIA HOTEL  
NEW YORK

"CAMEL CARAVAN"  
Program

9:30-10:00 P. M. (Tues.)  
WABC

Commencing Jan. 4

**PARAMOUNT THEATRE**  
NEW YORK

Direction  
MUSIC CORPORATION OF AMERICA



# Home Town Stations Grow Up

Michigan Radio Network affiliates now broadcast Big Time shows (commercial and sustaining) with resulting distinction of doubled listening hours per family in the big Michigan market of over 4,000,000 people. . . . Entertainment from all over the world originating from the National Broadcasting Company (blue) and WXYZ, Detroit, keeps each local station tuned in consistently every day in the year. The far-reaching effect for national advertisers is now recorded on many a sales chart.

## The Radio Buy of 1939

The only regional network in America operating. In one state on a full time schedule that includes for advertisers 100% merchandising and sales service.

(1) Doubled market value per station through doubled listener volume—(2) Only one radio station in each market zone (except Detroit)—(3) More intensified retailer identity per market zone—(4) Home Station in each market is heard loudest and clearest insuring audience supremacy—(5) Audience supremacy makes for maximum opportunity for sales volume increase—(6) Combined markets present broad scope of buyers from farmers to city folks embracing industrial, commercial and professional classes—(7) Rejoining of WBCM, Bay City and Saginaw markets, completes the primary coverage of Michigan Radio Network in Michigan's eight major markets.



WXYZ (Key Station) DETROIT

Bay City Flint Lansing Jackson  
Battle Creek Grand Rapids Kalamazoo

## SEASON'S GREETINGS

**FROM**

# HAL KEMP

## AND THE GANG

JUDY STARR  
MICKEY BLOOM  
PORKY DANKERS  
EKE KENYON  
CLAYTON CASH

BOB ALLEN  
EDDIE KUSBY  
C. A. VAN NORDSTRAND  
HARRY WILIFORD

SAXIE DOWELL  
JACK Le MAIRE  
JACK SHIRRA  
LEO MORAN  
BEN WILLIAMS

**A HAPPY NEW YEAR  
TO YOU!**

**WTIC . *speaking for***  
***Southern New England***

50,000 WATTS, HARTFORD, CONN.

**The Travelers Broadcasting Service Corporation**  
Member NBC Red Network and Yankee Network

**Paul W. Morency, General Manager** • **James F. Clancy, Business Manager**  
**Representatives: Weed & Company**  
**NEW YORK** • **DETROIT** • **CHICAGO**

## How Wages-Hours Works in K. C.; Tough for Writers to 'Create' On Any Fixed Time Schedule

By JOHN QUINN

• Kansas City, Jan. 1.

Survey of local broadcasters finds all stations complying with wage and hour law thoroughly. Stations in general were operating previously on a basis comparing favorably to the specifications of the new law. Regulations have caused revision of operating schedules at most stations and have brought out couple of other problem angles already.

Chief difficulties appear with continuity departments where scripters previously have been allowed to get it done when and how they please, or when and if the idea strikes. New time schedule is proving too confining for this department in particular.

At KCMO strict regulation of the continuity writers required Manager Larry Sherwood to add Charles Busch to the staff of scripters. While at KCKN, Kansas City, Kansas, 100-watter, Ellis Atterbury found it necessary to add Dave Hamlin to the writing department.

KMBC is following advice of NAB legal department and that of its own counsel, both of whom see eye to eye on the interpretation. NAB counsel thus far has been the needle point of the compass for all its member stations hereabouts. Changes at KMBC have required only the addition of a part time janitor to the staff.

WDAF, property of the Kansas City Star, which in turn is owned by the employees, has operated on a 40-hour week basis since NRA and

has continued without any appreciable changes.

Operating only on daylight time, WHB is experiencing no difficulties in keeping within requirements.

### Time Clock

Ellis Atterbury, boss of KCKN, Capper outlet; has also found it necessary to add Don Macon and Wayne Stipp to the announcing staff and to employ two more fems on clerical work.

Moot point generally is creative departments where new law is claimed to be working hardships on initiative and originality, but benefits as a whole are figured to offset this.

One exec expressed opinion the new law would eventually find radio stations on a time-clock punching basis as in any factory, but had hope that future interpretations would give some latitude to the air industry.

At KMBC the subject was chief interest at the annual party attended by all 80 employees. Plans for employees group hospitalization and credit union were also brought up, but thus far await action.

## Gordon Owen Back to KYA

San Francisco, Jan. 1.  
Gordon Owen is back on the staff of KYA, local Hearst station, as account executive.

He left the sales force some months ago to go on the payroll of KUTA, Salt Lake City.

## *Season's Greetings*

# 'ROCHESTER'

# JACK BENNY'S PROGRAM

# GREETINGS BILLY HOUSE

JUST COMPLETED 26 WEEKS AS  
**SKIPPER OF WRIGLEY'S 'LAUGHLINER'**

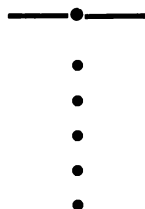
CBS (112 STATIONS) COAST-TO-COAST

Produced by ROBERT HAFTER

Written by HUGH WEDLOCK, JR., and HOWARD SNYDER

OPENING TOUR  
**PALACE, CHICAGO**  
WEEK JANUARY 13

CINCINNATI, DAYTON  
CLEVELAND, PITTSBURGH  
TO FOLLOW



DIRECTION  
—•—  
*Personal Appearances*  
**INGALLS & DAVIES**  
RKO BUILDING, NEW YORK

*Radio*  
**HERB ROSENTHAL**  
COLUMBIA ARTISTS

**"WE KNOW—DON'T WE?"**

## HUGH WEDLOCK JR. AND HOWARD SNYDER

Now on Our Tenth Typewriter

JACK BENNY  
BEN BERNIE  
EDDIE CANTOR  
STEWART ERWIN  
JACK HALEY

MARK HELLINGER  
JACK OAKIE  
PARKYARKARKAS  
GEORGIE PRICE  
CHARLIE WINNINGER

Also 20TH CENTURY-FOX

**JUST COMPLETED 26 WEEKS FOR BILLY HOUSE**

JOHN BARRYMORE  
ANDY DEVINE  
JIMMY DURANTE  
ALICE FAYE  
SAM HEARN  
ADOLPH MENJOU

UNA MERKEL  
MARTHA RAYE  
ERIC RHODES  
LIONEL STANDER  
SOPHIE TUCKER  
LUPE VELEZ

Personal Rep. DAVID WARNER

# The Finest Organ in the Land



## ... SO WHAT?

So THIS: WKY ranks high among the finest radio showplaces of the nation. In beauty, design, completeness and technical excellence WKY's new studio facilities far outclass those of any other Southwestern station.

WKY's physical perfection has been directed toward a consistent goal of service. Staffed with experts, WKY's policies and programs have built the largest, the most loyal and the most responsive day in and day out listening family in the entire state of Oklahoma.

only measure of the value of the methods and machinery at its disposal is the ability they possess to increase the quality of service they can render in this important marketing area.

WKY is a station built of the best... given always to the same pioneering spirit that prompted the famous "Run" into Oklahoma just fifty years ago... guided by a management whose

# WKY Oklahoma City

NBC AFFILIATE

900 KILOCYCLES

THE OKLAHOMA PUBLISHING CO. • THE OKLAHOMAN AND TIMES • THE FARMER STOCKMAN • MISTLETOE EXPRESS  
KVOR, COLORADO SPRINGS • KIZ, DENVER (Affiliated Management) • REPRESENTED BY THE KATZ AGENCY, INC.

### A NETWORK FEATURE FOR LOCAL SPONSORSHIP

## Fulton Lewis Jr. NOW AVAILABLE!



70 MUTUAL Stations Coast to Coast. People everywhere are interested in news from Washington. Fulton Lewis, Jr., is the only daily commentator from the Nation's Capital offered on any network! This network feature is now available for local sponsorship, Monday through Friday 7 P.M.

National Representatives:  
WM. G. RAMBEAU CO.

# ★ WOL ★

WASHINGTON D. C. — 1000 WATTS — 1230 KC  
Affiliated With Mutual Broadcasting System

• GREETINGS •  
**DAVE BACAL**  
ORGANIST  
WBBM - COLUMBIA, CHICAGO

### FOURTEEN ACCOUNTS HAVE USED

## WOWO

For a Total of 103 Years

Conclusive Proof That the WOWO Family of Listeners  
Supports the Station's Advertisers

Write for your copy of "Half a Million Good Mornings" telling the story of the Morning Roundup—one of the fine audience-building programs which keep WOWO advertisers and listeners constant through the years.

## WOWO FORT WAYNE

Westinghouse Radio Stations, Inc.

10,000 Watts  
NBC Basic Blue

1160 KC.  
Clear Channel

NATIONAL REPRESENTATIVES

**FREE & PETERS, Inc.**  
INDIANA'S MOST POWERFUL RADIO STATION

## PAULINE ALPERT

WHIRLWIND PIANIST

**WOR**

## BYOIR WANTS FREE TIME FOR A. & P.

Washington, Jan. 1.

Pointed reminder to broadcasters that radio is entitled to an even break with newspapers contained last week in notice from the National Association of Broadcasters that the Carl Byoir agency is trying to chisel free time. Stations were encouraged to turn down offer to supply free disc tagged 'Parade of Business.'

Rebuff was provoked by inclusion in the waxed program of remarks by John Hartford, head of the Atlantic & Pacific grocery chain, on the subject of anti-chain store propaganda. Radio trade group observed the A&P—reported to have given Byoir carte blanche in building up good will to ward off Congressional enemies—saw fit not long ago to splurge to paid newspaper campaign.

### Washington Lobby

Washington, Jan. 1.

Chance to make more money on the outside has lured a second FCC attorney into private practice now that the old two-year rule has been modified. Latest government barrister serving notice is Theodore Pearson, who has been aiding the chain-monopoly investigation. He will leave within a few weeks to hang out his own shingle.

Round-up of good recorded educational programs is being attempted by National Association of Broadcasters and the American Council on Education. Stations are being asked if they will allow suitable programs to be waxed and would provide copies of script for school-room use. Movement has the backing of American Federation of Musicians, which has been fighting for years against any step which might discourage employment of union members.

Tiff between the radio lawyers and the FCC about practice and procedure did not end with promulgation of new rules several weeks back. After thorough analysis, many barristers have found conflicts and jokers in the regulations which Chairman Frank R. McNinch hailed as constructive attempt to simplify procedure. Principal grievance is the Commish failed to accept many of the customs in the Federal courts which simplify filing of papers. Another complaint is the new FCC code does not prevent harassment of applicants by last-minute interventions.

Trouble is feared from the recent N.L.R.B. decision establishing American Federation of Radio Artists as the spokesmen for all talent at KMOX, St. Louis. Ruling opens the door for AFRA organizers trying to enlist announcers, who belong to various unions, and raises prospect of jurisdictional squabbles. Board snooted the argument that announcers are in a different category from singers and actors because their duties are routine, pointing out that often these three groups perform the same work.

Another get-acquainted move is being made by NAB to help the industry counteract threats of undesirable legislation. Every station belonging to the trade fraternity has been asked to present personally to members of Congress a copy of the new 'primer' about the American system of broadcasting. That personal touch is deemed highly important in building up political fences.

Moral victory over FCC Chairman McNinch was scored last week by Hampson Gary, ousted general counsel, whose execution marked the start of the recent Commish personnel purge. Despite McNinch's assertions that he was unqualified to steer the FCC legal department, the former Texan connected as solicitor for the government-owned Export-Import bank. Appointment effective Dec. 16, day after his accumulated annual leave from the FCC runs out.

Radio Rogues, currently in 'Hellzapoppin' at the Winter Garden, N. Y., will do a repeat guest Jan. 28 on the Tommy Riggs program.



# A Curtain Call

## FOR BRILLIANT ARTISTS!

The Radio Corporation of America applauds those who made the Magic Key of RCA even greater in 1938!

**E**VERY Sunday from coast to coast, listeners tune to NBC Blue Network stations to hear the parade of great artists who lend distinction to RCA's "Magic Key" program.

Because the nation has shown its appreciation of this kind of radio entertainment, the Magic Key of RCA now begins its fourth year on the air. The Radio Corporation of America takes this opportunity to thank

the many stars who enhanced the reputation of the "Magic Key" in 1938.

**NBC Programs are known by the vast audiences they keep!**

All America is covered by the Red and Blue Networks of the National Broadcasting Company, 35 hours a day, NBC programs hold vast audiences... giving artists on NBC nation-wide network shows an opportunity for fame.

**How new stars are made**

NBC Artists' Service, as many of today's major artists will tell you, is one of America's greatest star-builders. This division of the National Broadcasting Company helps launch and guide careers of scores of new stars each year.

### PERSONALITIES APPEARING ON THE RCA MAGIC KEY PROGRAM SERIES—1938

**Magic Key Orchestra**  
 Frank Black, Director  
 Joan Edwards, vocalist  
 Mrs. F. D. Roosevelt  
 Carl Hartmann, tenor  
 Kirsten Flagstad  
 Karen Flagstad  
 Victor Glee Club  
 Emma Boynet, pianist  
 Dusolina Giannini, soprano  
 Vincente Gomez, guitarist  
 Nola Day, singer  
 Ezio Pinza, basso  
 José Iturbi, pianist  
 Philadelphia Orchestra  
 Eugene Ormandy, Director  
 Ria Ginster, soprano  
 Jean Ellington, singer  
 Walter Damrosch  
 Glenn Darwin, baritone  
 Tunetwisters, vocal trio  
 Helen Jepson, soprano  
 Charles Kullman, tenor  
 Felix Knight, tenor  
 The Revelers, quartet  
 Bruna Castagna, contralto  
 Ania Dorfmann, pianist  
 George O'Connor, singer  
 Carlos Salzedo, harpist  
 Jan Kiepura, tenor  
 Norman Corwin, comedian  
 Hortense Monath, pianist  
 Pasquier Trio (chamber music)  
 Gladys Swarthout  
 Yale Glee Club  
 Zinka Milanov, soprano  
 Ferde Grofé, guest conductor  
 Helen Traubel, soprano  
 St. Louis Symphony Orchestra  
 Valdimir Golschmann, Director  
 Lotte Lehmann, soprano  
 Golden Gate Quartet  
 Mme. Marie Flagstad, pianist  
 Lauritz Melchior, tenor  
 Cincinnati Symphony Orchestra  
 Eugene Goossens, Director

(To and including December 18th)

Marjorie Lawrence, soprano  
 John Charles Thomas, baritone  
 C. M. Tremaine, speaking for the  
 National Music Week Committee  
 Lew White, organist  
 Cecilia Loftus, impersonations  
 Leonard Warren, baritone  
 Marian Anderson, contralto  
 George Gaul, reading Arthur Guiterman's  
 "Ode for Memorial Day"  
 Morton Downey, tenor  
 Larry Clinton Orchestra  
 Art of Musical Russia Chorus  
 Ann de Ohla, singer  
 Georges Barrere, flautist  
 Yella Pessl, harpichordist  
 Bob Hope, comedian  
 Benny Goodman Swing Quartet  
 Bunny Berigan Orchestra  
 Rose Marie, singer  
 Irving Caesar, songwriter  
 Igor Gorin, baritone  
 Nathaniel Shilkret Orchestra  
 Jane Froman, singer  
 Sonny Schuyler, baritone  
 Anne Jamison, soprano  
 Hal Kemp Orchestra  
 Cornelia Otis Skinner  
 Edward Becker, baritone  
 Roy Shields Orchestra  
 Edward Davies, baritone  
 Vic and Sade, sketch  
 The Vass Family, vocalists  
 Colonel Stoopnagle  
 Richard Himber Orchestra  
 The Songsmiths, quartet  
 Suzanne Fisher, soprano  
 Clifford Menz, tenor  
 Sammy Kaye Orchestra  
 Clifton Fadiman, M. C.  
 Franklin P. Adams  
 Tudor Masaroff, tenor  
 Cesare Sodero Orchestra  
 Cesare Sodero Jr., violinist

Doris Doe, contralto  
 Conrad Thibault, baritone  
 Ozzie Nelson Orchestra  
 Harriet Hilliard, singer  
 Beveridge Webster, pianist  
 Irene Wicker, "The Singing Lady"  
 Tommy Dorsey  
 Marion Telva, contralto  
 Greta Stueckgold, soprano  
 Lubeshutz and Nemenoff, piano duo  
 Gray Gordon Orchestra  
 Joan Britton, singer  
 Arty Shaw Orchestra  
 Efreim Zimbalist, violinist  
 Ignace Jan Paderewski (from Switzerland)  
 Oscar Levant, pianist  
 Fred Stone, sketch  
 Sabu, Hollywood "Elephant"  
 Alec Templeton, pianist  
 Virginia Rea, soprano  
 Elizabeth Lennox, contralto  
 Rose Hampton, soprano  
 San Francisco Opera Company  
 Gaetano Merola, Director  
 Richard Bonelli, baritone  
 Dino Borgioli, tenor  
 Ebe Stignani, mezzo-soprano  
 Yoichi Hiroaka, xylophonist  
 Benny Goodman and Budapest String Quartet  
 Emanuel Feuermann, cellist  
 Minnie Dupres, sketch  
 Margaret Speaks, soprano  
 Gertrude Lawrence  
 Ransome Sherman, M. C.  
 Swor and Lubin, comedy team  
 Vivian Della Chiesa, soprano  
 Fairchild and Carroll, piano duo  
 Marie Caniglia, soprano  
 Sheila Barrett, monologist  
 Leonard Joy Orchestra  
 Marie Louise Quevli, contralto  
 Dorothy Chapman, soprano  
 Alan Holt, baritone  
 Eric Blore, comedian  
 Schola Cantorum  
 Hugh Ross, Director

Listen to the "Magic Key" every Sunday, 2 to 3 P. M., E. S. T., on the NBC Blue Network



## RADIO CORPORATION OF AMERICA

RADIO CITY, NEW YORK, U. S. A.

National Broadcasting Company  
 R.C.A. Communications, Inc.

RCA Manufacturing Company, Inc.

RCA Institutes, Inc.  
 Radiomarine Corporation of America

**JAMES M. CECIL, JOHN H. CECIL** and **CHARLES PRESBREY** are happy to announce, that effective as of January 1, 1939, the firms of Cecil, Warwick & Legler, Inc., and the Frank Presbrey Company have united under the name of Cecil & Presbrey, Inc., with head offices at 247 Park Avenue, New York.

Cecil & Presbrey, Inc., is fortunate in being able to present to its clients as special associates

**PAUL CORNELL**

**NORMAN BEASLEY**

**ALEXEY BRODOVITCH**

All Cecil & Presbrey, Inc., radio, television and motion picture programs will be produced under the personal direction of **HENRY SOUVAINÉ**

We wish the entire professional trade a most Happy and Prosperous New Year.

**CECIL & PRESBREY INC.**

247 PARK AVENUE, NEW YORK

MIAMI

RICHMOND

CHICAGO

NEW YORK

*Season's Greetings*

**HARRY SALTER**

AND HIS ORCHESTRA

Now playing on Dave Ellman's

"HOBBY LOBBY"

*Express their appreciation to Young and Rubicam and Fels Naptha*

*Season's Greetings*

**ED. STRONG**

Visit Our New Studios

At 71 West 45th Street  
NEW YORK

BRyant 9-5758

**HAUNTED**  
by the thought of  
**TURNING HANDS**

You can power a station with a billion watts and send a signal roaring around the universe. But all in vain—unless the hands that turn the radio dials want to stop at the proper place to hear that station. Here at WSM we think in terms of entertainment designed to stop those turning hands. That is why we maintain a huge and varied talent staff of our own. Why we comb each commercial, study each script to eliminate any hint of offensiveness, the faintest evidence of poor taste.

Having taught a goodly portion of American hands to turn to the WSM wave length and to enjoy and trust what they hear from WSM, we consider it good business, for us as a station and you as an advertiser, never to relax our vigilance.

The hands that stop belong to people who buy your goods. May we show you how our concern for stopping hands can start a flood of buying for your products?



*The Faith of Our Audience Comes First*

**'THE O'NEILLS'**

By LANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS and HEART-THROBS

Presented by Ivory Soap - 99% pure

**LISTEN TWICE DAILY**

NBC Red Network, 12:15 to 12:30 P.M. EST  
CBS - WABC 2:15 to 2:30 P.M. EST

**IN ..**

**COAST TO COAST**

Dir. COMPTON ADVERTISING AGENCY  
MGT., ED WOLF—RKO BLDG., NEW YORK CITY

*SEASON'S GREETINGS*

**LOUIS KATZMAN**

*Musical Director*

**HEARST RADIO**

# A MEETING OF MINDS

It takes many minds and diverse talents to create, produce and present a radio program. This is the season of appreciation. Let me, therefore, step out of a solo role to acknowledge the individual contributors to the "HUSKIES" show. Here they are:—

**SPONSOR: GENERAL FOODS CORPORATION**

**AGENCY: BENTON & BOWLES, INC.**

**WRITERS:**

**DON PRINDLE - SID CORNELL - WENDELL NILES**

**PRODUCERS:**

**KENNETH MACGREGOR      MAX E. HAYES**

**ARTISTS:**

<b>ROY ATWELL</b>	<b>GAY SEABROOK</b>
<b>CLIFF HALL</b>	<b>DICK RYAN</b>
<b>MARGARET BRAYTON</b>	<b>JOE FORTE</b>
<b>MEL BLANC</b>	

**LYRICIST-COMPOSER:**

**HAL RAYNOR**

**ANNOUNCER:**

**LEW CROSBY**

**MUSIC:**

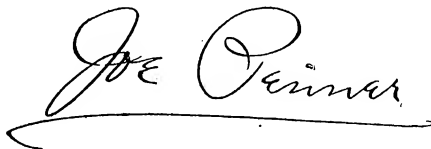
**BEN POLLACK AND HIS ORCHESTRA**

**VOCALISTS:**

**TOMMY LANE - - THE "HUSKIES" OCTETTE  
AND THE STAFF OF CBS**

**To each and all, my sincere recognition of their  
generous cooperation, my thanks and best wishes.**

**Cordially.**



**Rockwell-O'Keefe, Inc.**  
Radio Representative

**Monroe M. Goldstein**  
Personal Representative

**The "HUSKIES" program is presented every Thursday evening. over the  
Columbia Broadcasting System, at 7:30 EST, 6:30 CST, 6:30 MST, and 5:30 PST.**

# WLW

## Plays Santa Claus to the Food Industry!

Thousands of Retail Grocers (in WLW Territory) Identify  
Their Stores with "Give Foods for Christmas" Drive

FOOD can be an everyday, somewhat prosaic necessity, or one of the most glamorous compliments to a connoisseur's taste. As such it deserves extremely honorable mention on ANYbody's gift list, and we deemed it an especial privilege to turn the spotlight on the hundreds of grocers who were ready and waiting to help their customers play Santa Claus with "GIFTS FOR APPETITES."

Glancing along the well-stocked shelves of the average or finest grocery store is like taking stock of WLW's food advertisers, and we deemed it our especial privilege to give those fine products an added boost for 4 weeks previous to Christmas.

### TIME and TALENT!

A fifteen-minute program, broadcast three times a week, was dedicated to all retail grocers in WLW territory, stressing the idea of giving FOOD and other grocery-stocked products for Christmas. The lovely Janette, and Steve Merrill—both prime favorites with Nation's Station listeners—were featured, with an all-string orchestra under the direction of Josef Cherniavsky.

### POINT-OF-PURCHASE Display Materials!

Display sets, consisting of window streamers and star, broadside for ways to use materials in various size stores, reprints of article telling how to make up Christmas baskets from the December issue of Grocers' Bulletin, were supplied to all grocers upon request.

MERCHANDISING LISTS were also supplied, featuring WLW-advertised products, with the suggestion that these products be allowed to add their tremendous impetus of their sales acceptance to the sale of Christmas baskets.

### IT WAS A GIFT . . .

Grocers wishing to participate were under no obligation, charged nothing. If we succeeded in turning a few customers' heads toward "Gifts for Appetites"—if the beam of our spotlight served as pathfinder to the doors of more grocers who, in turn, used the power of the persuasive selling appeals behind all WLW-advertised products—then we feel more than amply repaid; grateful recipients of a little of that warm, benign glow that every Santa Claus must feel when he looks back—after it's all over—and determines, fervently, to do a BETTER job NEXT year.

These things, too, we think are part of the story of

# WLW

## N. Y. BASEBALL MAY NOT AIR WEEKENDS

Disposal of the broadcast rights to the home games of the N. Y. Giants and the N. Y. Yankees has developed a new complication. The Giants' owners don't want any broadcasting on Saturday and the Yanks' management no like the idea of airing the team's Sunday games. Both fear that the loudspeaker reports might interfere with field attendance on these peak business days.

All concerned in the Giants and Yankee deals aren't doing much but marking time. While General Mills has obtained estimates of time from WABC, CBS key, and WJZ, New York release for the NBC-blue link, the Lorillard Co. (Old Gold) has evinced an interest in getting the rights to the Yankee games. Indications are that the two teams will sell to the same underwriter.

Elimination of Saturday would prove agreeable to Columbia since it holds the rights to champion tennis and golf matches and major horse races which usually break on that day.

**5,000** Watts  
Day  
1,000 Night

**ALL YOU  
NEED IN  
CENTRAL  
OHIO**

**CBS**  
**wbns**

**Columbus, Ohio**  
**John Blair, Rep.**

**DON  
REDMAN**  
and His  
**ORCHESTRA**  
Concluding 14  
Weeks Run  
**SAVOY BALLROOM  
NEW YORK**  
AVAILABLE  
AFTER JAN. 8  
Management  
**JOE GLASER, Inc.**  
RKO Bldg., Radio City, New York

*The Very Thought of You*

# RAY NOBLE

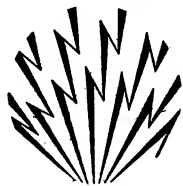
WITH BURNS and ALLEN

ON

CHESTERFIELD PROGRAM

COLUMBIA NETWORK, FRIDAY EVENINGS, 8:30-9:00 P.M., E.S.T. — 8:30-9:00 P.M., P.S.T.

Management: WILLIAM MORRIS AGENCY, INC.



**WHAS** *New York*

**WBAL** *Baltimore*

**WCHE** *Pittsburgh*

**WLS** *Chicago*

**WSAI** *Cincinnati*

**WISN** *Milwaukee*

**WACO** *Waco*

**KNOW** *Austin*

**KTSA** *San Antonio*

**KOY** *Phoenix*

**KHKE** *Los Angeles*

**KYA** *San Francisco*

**KOMA** *Oklahoma City*

**TEXAS** *State Network*

*Exclusive Representatives*

**INTERNATIONAL RADIO SALES**

20 East 57th STREET

NEW YORK

CHICAGO

LOS ANGELES

SAN FRANCISCO

SEASON'S GREETINGS

.

**GEORGE BURNS**

AND

**GRACIE ALLEN**

.

Exclusive Management Lester Hammel  
WILLIAM MORRIS AGENCY, INC.

*Again*

**KSL**

*Thanks You*

For a greater program schedule than ever before in its 18 years of brilliant radio history!

1939 promises even more noteworthy advancement for "The Voice of the West" in business, in showmanship, in service to its loyal listening audience.

**KSL**

Columbia's 50,000 Watt  
Affiliate in Salt Lake City

## TUNING IN THE WORLD

By Eric Gorrick

Sydney, Dec. 15. It's summer in Australia at present and the best listening time to overseas' air material ranges from 9 p.m. until 6:30 a.m. the following day. Any fan with the courage to stick by his set over this entire period, as this VARIETY mugg did recently, will find the doorway to the world open. Most powerful station heard here is the Berlin DXer, with 'Uncle Billy' listed as the chief announcer of the English shows (10 p.m. Sydney

time is 1 p.m. Berlin time). Quarter hour is devoted to 'news' which is propaganda from start to stop. It is also possible to tune-in a Japanese station and get an earful of a German announcer insulting the other Powers.

With Germany on the urge for a return of colonies, and with the Australian government controlling New Guinea, which was formerly a German possession, it is understood that politicians are paying particular attention to all matter being aired here by Berlin. Apart from the propaganda stuff, however, the musical

programs presented via Berlin are unequalled elsewhere. Highlights are the band recitals from Kiel and the symphony concerts from Vienna. In every instance reception is perfect.

### British

British Broadcasting's DXer at Daventry is now shooting out some fine programs. Best coverage from entertainment viewpoint is in the small hours of Sunday morning—Saturday night in London. Recently, Gary Cooper was heard giving a short interview prior to proceeding to Paris with his wife. Cooper talked a little about pic-making, and also of his early life in Montana. This was followed by a wandering mike session in which chatter was given by people waiting in a line to

see the show at the Ambassadors. After this came community singing with Elsie Day, to be followed by a session of corking dance music.

After listening to them BBC it's clear just how slavishly programs presented in Australia's radio imitate London. 'In Town Tonight,' is heard here weekly from a local commercial with exactly the same routine including music and effects as in England. Another, 'The Man in the Street,' is aired daily here by the Australian Broadcasting Commission. Biggest thrill, however, to any Aussie with a DX set is to hear the chimes of London's Big Ben direct.

### American

U. S. units, excepting the amateurs, do not strike Australia with the same power as either German or British air units. With the U. S. football season in full swing, Station WIXAL came through with great clarity with descriptions of the various games played Saturdays—early Sunday over here. Cornell-Dartmouth tussle was a highlight, and on the following Saturday there was exciting coverage of the Yale-Harvard match. During the intermission, a guy named George Perkins thanked U.S. listeners for sending telegrams concerning the broadcast.

With U.S. operation of a high-powered DX station beamed this way Pacific dwellers would have a better understanding of U.S. radio fare. American amateurs and the Antips a happy hunting ground, and they are doing grand work in cementing a friendship between the two nations.

Sensation Cigaretts through Lennen & Mitchell agency, add stations KSO, WHK, WKBW, WSAY, WSYR, WMT and WNEB to Mutual net coverage on Jan. 24.

Season's  
Greetings

... and thanks a  
million for your  
help in making  
1938 a banner year

The  
POPULAR  
STATION

Now  
5,000  
LISTENERS

KOYL

SALT LAKE CITY  
Representative:  
John Blair & Co.

NBC  
RED  
NETWORK

WBAL  
means business  
in Baltimore

Our Congratulations to  
**VARIETY**

**WADE**  
**Advertising Agency**  
and Complete Radio Staff

W. A. WADE, Director  
P. C. LUND, Asst. Director

### RADIO PRODUCTION

W. E. JONES  
E. E. SIMMONS  
R. E. DWYER

### RADIO CONTINUITY

G. A. WARNE  
L. W. DAVIDSON  
JEFF WADE

### RADIO TIME

E. N. NELSON  
L. J. NELSON

The National Barn Dance — Uncle Ezra Programs  
Murphy Jamboree — Sachs Amateur Hour

208 W. WASHINGTON ST., CHICAGO

For a Prosperous 1938

**THANKS**

To The Finest Clients Any Agency  
Could Ask For

Allis-Chalmers Mfg. Co.  
West Allis, Wis.

Keystone Steel & Wire Co.  
Peoria, Ill.

Brown & Williamson Tobacco Corp.  
Louisville, Ky.

The Pinex Company  
Fort Wayne, Ind.

General Mills, Inc.  
Minneapolis, Minn.

W. A. Sheaffer Pen Co.  
Fort Madison, Iowa

**RUSSEL M. SEEDS  
COMPANY**

CHICAGO

Indianapolis

Cincinnati

# From FIVE-A-DAY to FIFTY

VARIETY'S third-of-a-century has seen both vaudeville's five-a-day and radio's fifty.

*Fifty shows a day?*

More than that. At least at WBBM, middle-west key station of the Columbia Broadcasting System.

From early morning until late at night, every day, WBBM broadcasts the best in music, drama, news, comedy, education — CBS programs and local programs — broadcast with 50,000 watts and *invited into the homes* of the second largest market in the nation. A market that likes it.

*What does market have to do with it?*

Plenty! The size of the market and WBBM's leadership in popularity have made programs over

WBBM highly profitable to some of the country's shrewdest advertisers.

More listeners tune to WBBM more regularly than to any other Chicago station; and they buy WBBM-advertised products . . . so well that for more than five years WBBM has led all other Chicago stations in advertising. And WBBM's renewal ratio is consistently more than 80%!

Because of the excellence of its more than fifty shows a day, every day, WBBM has built up a leadership with *audience*, with *dealers*, and with *advertisers* in this great market that cannot be denied; and it means one thing: if you have a product to sell, the one most effective way to sell it is . . . use *WBBM*.

## W B B M

50,000 WATTS • CHICAGO'S CBS STATION

Owned and operated by the Columbia Broadcasting System. Represented nationally by RADIO SALES:

New York Chicago Detroit Milwaukee Charlotte, N. C. Los Angeles San Francisco

# The Network Viewpoint

By Niles Trammell

(Executive Vice-President, National Broadcasting Co.)

I wonder whether the members of the advertising profession often pause to realize the vital part which advertising has played in the creation and development of radio broadcasting in the United States. For it is advertising which has made it possible for Americans to enjoy a radio which is free in every sense of the word. Americans not only enjoy the best programs in the world without cost, but, infinitely more important, we have the privilege of hearing both sides of every subject of public interest.

Like the press, radio in America can be free because it can pay its own way, and both press and radio can pay their own way because of the revenue they obtain from advertising.

To realize just what a free radio means, we have only to go back to recent European events. NBC, for example, has received many letters from European listeners who stated that our broadcasts brought them their real knowledge of what was happening in their own lands. When we realize that the people so close to the scene of action knew little or nothing of what was going on, we can appreciate what a free radio as in the United States means.

American business besides constantly striving to better its own sponsored programs also provides the revenue which enables the networks to present such outstanding non-commercial programs as the National Farm and Home Hour, the Toscanini concert, the Metropolitan Opera broadcasts, America's Town Meeting, the NBC Music Appreciation Hour and the University of Chicago Round Table. Of the 20,000 hours of programs which our company broadcast last year, 30% were commercially sponsored. The remaining 70% were sustaining programs, paid for out of the revenue obtained from commercial sponsors.

It is the money paid by our advertisers which enables us also to place our facilities at the disposal of eminent authorities for the discussion of important public issues of the day; to schedule regular periods for the religious programs of Protestants, Catholics and Jews, and to keep our listeners informed of the news of the world. Some 12 years have passed since the broadcasters adopted the present plan of free radio. What has been the result? Has the American system of broadcasting proved satisfactory to its audience?

The answer is to be found in the number of American homes which now are equipped with receiving sets. In 1926, the year our first national network was established, the number of radio homes in the United States was perhaps 6,000,000. Today the number of radio homes is estimated at 26,600,000.

The advertisers who foot the bill for the entertainment of these 26,600,000 American radio families are not, of course, trying solely to entertain. Like all good business men they must receive a fair return on the money they invest. Has radio proved as satisfactory to the advertiser as to the listener?

The answer to the question of radio's value to the advertiser is revealed most graphically, however, in the appropriations of sponsors for advertising during the past 11 years.

## The Burst

Radio has, of course, been criticized for a number of things, one of them being the advertising message on its sponsored programs. There was a time when people said they would enjoy radio a great deal more if they did not have to listen to the advertising. I believe that people now are becoming more and more conscious of the fact that an advertiser, in seeking a few moments of their time in which to tell them of his product, asks little enough in return for finer entertainment than the wealthiest monarch of any other land could buy.

There never has been a medium which has given to the public so much and asked so little in return.

We welcome constructive criticism, but attacks on radio advertising in general are not only attacks upon the principle of advertising, and therefore upon our entire economic system, but they are attacks upon the very existence of a free and uncensored radio. I believe the overwhelming majority of our people would realize this, and see the dangers inherent in such attacks.

## Dealers

The dealers, the last link in the chain that connects the manufacturer with the consumer, deserve special mention. It is impossible for the advertiser, no matter how effectively his campaign is planned to do the whole job of selling. By means of display material and personal salesmanship, the dealer must follow through. When the dealer uses the display material furnished by the advertiser, he places himself in position to capitalize to the fullest extent on the pulling power of a radio campaign. When I use the term 'pulling power,' I am reminded of what I once heard an advertising expert say. It was this: 'A sale is composed of two things—a pull and a push. Advertising furnishes the pull, and it is up to the dealer to furnish the push.'

Finally, what do the advertiser and the broadcaster owe to the public?

On the part of the advertiser, this obligation means the adherence to high standards of accuracy, common sense and decency in his advertising copy. Not only his obligation to the public, but his own interest, compels him to adhere to these standards. In the long run, he will only be selling his product by doing otherwise. American advertising has long realized this, and has demonstrated its belief by a willingness to be governed by reasonable restraints.

## Must Be Unbiased

On the part of the broadcaster, the obligation to serve the public means the presentation of the finest programs available; strict adherence to taste and decency, and, most important of all, the maintenance of an unbiased attitude on all controversial questions of public interest.

Our experience has proved the wisdom of several basic policies in this respect. We do not, for instance, sell time to any religious group or to any group wishing to present a controversial public issue. We refuse to sell time to such organizations because we realize that the group possessing the most money would obtain the advantage.

Instead we offer our facilities free to the leading religious groups of this country, and to eminent authorities on both sides of every question of national public interest.

For the same reasons, we exercise editorial supervision over what is broadcast through our facilities. Because of the peculiarly intimate nature of radio and because of its great appeal to the emotions of its listeners, we forbid for instance, the overlap of insubordination in dramatic programs. We forbid the dramatization of suicide, the ridicule of physical infirmities, derogatory references to racial and religious groups, appeal to superstition and any misrepresentation of fact.

These, and many other standards have been established and followed in our effort to serve the public.

We believe that, with the indisputable support of advertising, the American system of radio does serve the public, and serves it well. We believe this because we know that our system of radio provides the best programs in the world; we believe it because ours is a free radio, dedicated to the unbiased presentation of every side of all questions of national public interest; and finally, we believe it because, by increasing the sale of American products and thus lowering prices to the consumer, the American system of broadcasting has raised the American standard of living.

## WCAU's DX Linked With Shortwaver of CBS Net

Philadelphia, Jan. 1. Sked for alternating service to Europe and South America has been worked out between W2XZ, CBS shortwaver, and W3XAU, WCAU's high-frequency transmitter. As soon as local outlets of two directional antennas are completed, plan is for it to beam to Europe while the Columbia station aims south and vice versa. When shows of particular importance to either continent are slated, both stations will beam in that direction, resulting in no difference in frequencies. Its own program department was recently set up for W3XAU.

# F. C. C.'s WASHINGTON DOCKET

Washington, Jan. 1.

(Week before Christmas was marked by sudden spurt of energy on the part of Commissioners anxious to clean up pending biz before enjoying themselves. Holiday scramble resulted in announcement of nine decisions in condensed form in addition to earlier actions which appeared in regular form. New policy is in effect whereby decisions are announced immediately—followed in a day or two by detailed info.)

## PRELIMINARY REPORTS

**District of Columbia:** WJVS (CBS), Washington, granted juze-jump from 1 to 50 kw, installation of new equipment, including directional antenna for all-time use, and permission to use transmitter to new location. **Principal reasons for decision:** Elimination of difficulties resulting from harmonics to the services of Army and Navy receiving stations and to aircraft station reduction in existing interference to KSTP, St. Paul, Minnesota; need for extension and improvement of service.

**Florida:** Martin Anderson, Orlando, denied new station to be operated on 1600 kw with 100 watts nights, 250 watts days. Reason: No showing of public need; adequate service from contour at night.

**Kentucky:** WLAP, Lexington, denied frequency change from 1450 to 1270 kw and power jump from 100 to 1500 watts day to 1 kw all times. Reason: No sufficient need for proposed service, in view of severe limitation which would occur to the proposed transmitter from WXYZ, Detroit.

**Massachusetts:** Hampden-Hamshire Corp., Holyoke, denied new station to be operated on 1240 kw with 500 watts nights and 1 kw day, and certification for allotting a regional frequency in the locality.

**Minnesota:** KSTP, St. Paul, granted power jump from 10 to 50 kw and night use. Reason: Existing night interference with WJVS, Washington, would be reduced by the grant and public need served.

**New York:** (1) Citizens Broadcasting Corp., Schenectady, denied application for use of frequency 1240, with 1 kw nights, 5 kw day, and power jump from 1250 kw to 1500 kw to a city which requires only a local service; serious limitation would result to the proposed transmitter from WXYZ, Detroit.

(2) Thomas J. Watson, Endicott, denied new station to be operated on 1240 kw with 1 kw, using directional antenna nights. Reason: No sufficient need for proposed service, in view of severe limitation which would occur to the proposed transmitter from WXYZ, Detroit.

**Washington:** KUJ, Walla Walla, denied frequency change from 1270 to 50 kw, and power jump from 100 to 250 watts. Reason: No need shown for additional facilities; limitation by existing radio service to KUJ's 3.35 millivolt per meter contour at night.

**West Virginia:** Williamson Broadcasting Corp., Williamson, granted new station to be operated on 1270 kw with 100 watts day and night. Reason: Public need exists for proposed service; no interference problems concerned in the application.

## MAJOR DECISIONS

**New York:** Doghouse occupied by WMBO, Auburn, over possibility that it had violated the Communications Act, vacated last week when the Commission decided to okay transfer of control from the company to J. H. Albertson, Auburn Publishing Co. No violation of the act was involved in a contract agreed to by the interested parties in July, 1937, whereby the company agreed to transfer the station to Albertson, who had been operating it since 1934. The company exercised control over the management of WMBO, although \$15,000 was paid to Albertson for all of the stock of the company.

On Oct. 13, 1937, when its application for regular license renewal was at stake while the F.C.C. investigated charges of control of the station by the company, Albertson, with its consent, in granting the application, Commission also returned the regular six months license previously granted to the company. In the meantime, the \$15,000 purchase price, in advance of Commission permission, was due to the hot water Albertson was in over the matter. He had been operating the station in 1936. It was shown, when he found the corporation in urgent need of capital for purchase of the station, that he had been operating it since 1934. He had claims and law suits not disclosed until after his purchase of its stock. Money advanced by the Auburn Publishing Co. was used to pay the purchase price of the station and purchase necessary equipment, and loans approximating \$20,000—additional to the \$15,000 purchase price—were used for the same purpose.

Applicants were represented by H. H. Shilnick. **Texas:** Tangled affairs of KFDM, Beaumont, finally straightened out by the Commission. The station was assigned of license from Macnolia Petroleum Co., owner of the transmitter and Sabina Broadcasting Co., licensee, and Beaumont Broadcasting Co., licensee.

**Station,** which was started in 1934 as a non-profit venture, was rented in 1935 to the Sabina group at a monthly rental of \$100—plus an option to purchase the station for \$100,000 for not more than \$100,000. License was assigned, with the use of the old Federal Radio Commission, to the Sabina Co., but the option was not exercised. The monthly lease expired in the summer of 1937 and was never renewed. The F.C.C. continued operation under the control of Sabina Broadcasting.

Second move was an option agreement—entered into by Sabina and Beaumont Broadcasting Co., which was assigned to a total consideration of \$115,000. Under this scheme, \$90,000 was to go to Macnolia, with the remaining \$25,000 earnings to go to Beaumont. The agreement provided for payment of Sabina's debts. A supplemental agreement substituted the Beaumont Broadcasting Co. for Sabina, but a provision in the agreement provided that the Beaumont Co. as creating a mortgage upon the right to operate the station as security for payment of purchase money obligations. Agreement between the three participants must be modified to exclude the objectionable statement which secures the notes of the purchaser by a chattel mortgage lien on all assets purchased by the Beaumont Co. and on all other rights pertaining thereto or connected therewith. Commission decided.

**Beaumont Broadcasting Co.** is capitalized at \$125,000 and is authorized to issue 1,250 shares of stock at a par value of each. All of the stock has been subscribed and \$75,000 has been paid in full. While the licensee operation has been heavily involved financially, at all times permitted an outsider to take over the operation of the station. The F.C.C. was not involved in the matter. It was found that the proposed assignee of the license, Beaumont Broadcasting Co., was not a corporation, and that the services of KFDM would be materially improved by the change. Subject to deletion of the offending paragraph in the agreement, the license was granted to the Beaumont Co. George E. Elliott appeared for all three applicants.

## MINOR DECISIONS

**Alabama:** B. H. Hopson, Birmingham, application for new station to be operated on 1310 kw with 100 watts nights, 250 watts days, denied.

**Alaska:** KGBU, Ketchikan, present license further extended on a temporary basis only, pending action on renewal application.

**California:** KCSN, San Francisco, granted renewal of license on temporary basis, subject to condition that it shall not be construed as finding upon the application for renewal of license now pending before the Commission.

**Illinois:** WCRW, Chicago, present license extended temporarily, pending determination on application for renewal, but in no event longer than Feb. 1.

**Massachusetts:** WRN, Worcester, temporary renewal, subject to Commission action on pending application for renewal.

**Michigan:** WMBC, Detroit, granted temporary renewal pending Commission action on application for renewal.

**Minnesota:** WMIN, St. Paul, granted renewal of license temporarily only, subject to action by the Commission on the pending application for renewal.

**Mississippi:** WQBC, Vicksburg, present license extended temporarily, pending determination on application for renewal, but in no event longer than Feb. 1; Julius H. Dixon,

Tupelo, application for new station to be operated on 1500 kw with 100 watts nights, 250 watts days denied as in cases of default of applicant to file a written appearance at hearing.

**New Mexico:** KOB, Albuquerque, granted extensions of special temporary license to operate on 1310 kw with 100 kw with 10 kw, authority directional antenna system after sunset at Portland, Ore., until Jan. 22.

**New York:** WCRW, New York, granted temporary renewal of license subject to action of the Commission on pending application for regular renewal.

**Oregon:** KRAN, Portland, renewal operation on 1180 kw with 5 kw until Jan. 32.

**South Dakota:** KOBH, Rapid City, granted renewal of license on temporary basis only, subject to Commission action on pending applications for renewal and assignment of license.

## SET FOR HEARING

**Arkansas:** KPFW, Southwestern Hotel Co., Fort Smith, book day power from 100 to 250 watts, install vertical radiator, and make changes in equipment (designated for hearing because of involving interference to KHHB).

**Michigan:** WMBC, Detroit, renewal of license for regular period, set for hearing, and temporary license granted subject to Commission action on pending applications of the licensee for renewal of license for regular period, and temporary license granted during unlicensed hours, and the pending application of J. H. Horvath, which requests part of the hours now licensed to WMBC for facility WCRW.

**New York:** WCNW, Arthur Fiske, Brooklyn, install vertical radiator, move transmitter locally, make changes in transmitting equipment and install automatic frequency control equipment (designated for hearing because of violation of Rules 132, 143, 131, 172B and 142, and to be heard in connection with application for renewal and with application for WCRW for facility WCRW).

**Oregon:** Southern Oregon Broadcasting Co., Grants Pass, new station to be operated on 1310 kw with 100 watts (designated for hearing because it would involve interference with KBNB and to determine economic conflict with a pending application for new facilities in Grants Pass by the Oregon Broadcasting System).

**Virginia:** WTAR, Norfolk, boost night power from 1 to 5 kw, using directional antenna for night operation, install new equipment, make changes in transmitting equipment, and to be heard by the Commission—designated for hearing because of violation of Rules 120 and in order to determine need for additional nighttime power.

**Washington:** Lee D. Mudgett, Everett, application for renewal of license (designated for hearing and temporary license granted pending outcome of hearing. Application set for hearing to permit an inquiry into the validity of the station, his financial ability to control operation, whether or not he has been in the business of operating a radio station, and into other matters normally considered upon any such proceeding. Commission also designated for further hearing Mudgett's application for renewal of license to be heard by the Commission—designated for hearing because of violation of Rules 120 and in order to determine need for additional nighttime power.

**West Virginia:** Williamson Broadcasting Corp., Williamson, granted new station to be operated on 1270 kw with 100 watts day and night. Reason: Public need exists for proposed service; no interference problems concerned in the application.

## EXAMINERS' REPORTS

**Alaska:** Shift in technical ownership of KFOD, Anchorage—result of falling out between J. H. Albertson, owner, and Examiner Tyler Berry, despite failure to comply with FCC regulations. Report also used denial of same group's application for permit to operate on 1310 kw with 100 kw, station using channels 349.25 to 6425 kw with 175 watts. Effect of the transfer of control would be academic, since R. E. Albertson, President of the company, had been in possession of the station since 1934. In agreeing the rules were disregarded, the examiner remarked that the company had to flout the government and that denial of the belated application would give an outlet in an area where radio service is badly needed.

**Examiner** rejected charges of J. P. Hannon, seller, that fraud and misrepresentation occurred in October, 1934, when he sold his 15 kw station to the company. He said the plan, fraud-choudering the proposal to erect an experimental plant, Berry said other agencies are better off than he is. He said the large and the research program outlined in support of the request was not sufficiently definite or promising. James W. Gum was applicant's representative.

**Kentucky:** Lack of need for additional coverage caused Examiner Robert L. Irwin to enter adverse recommendation of station WROMI, Henderson, for frequency change from 1500 to 1200 kw. Power, 100-250 watts, would not be changed. Management claimed the move would add 14 miles to the secondary area of service. Irwin said the plan renders meritorious service and resulting objection would be slight; he could not see any public benefit. Alan B. David did the legal work for the applicant.

**Minnesota:** Additional time for KWNO, a daytime 250 watt at Winona, was recommended by Examiner Irwin as being necessary after day-long outages. He said the station, lacking primary signals at night. Extra hours would permit the station to solicit more business and benefit listeners who are in the area. The station is in the daytime, but after sunset, remaining on its present 1200 kw ribbon. Clarence C. Dill and James W. Gum were attorneys.

**Utah:** Granting of license to operate on 1310 kw transmitter at Victoria, heart of recently discovered oil field, was recommended by Examiner Irwin. Station would be owned by Elmer W. Pratt, a local contractor. It would be given another channel unlimited time. Sponsor is Fred W. Bowen, oil operator, who will be president and has put up the money to launch activities. The station is connected with numerous stations in the Southwest, will become a regional station and station management is improved by the \$25 hourly during day and \$35 at night. No local service in this section, which is 95 miles from Corpus Christi, nearest large city. Legal chores by Melvin D. Hildreth.

(2) Frequency change for KPBO, Longview, which will permit higher power and unlimited operation, was cheered by Examiner Tyler Berry, who recommended the move to the 1240 kw ribbon. Plant, now running only day-time with 250 watts on 1370, coincidentally would become a full-time station. The move would be given another station. Mutual and Texas State Network affiliations cited—and better signal over a wider area saved Berry. Day audience would be virtually doubled, while night audience would be given a boost. Only string tied to the report was recommendation the Commission insist the contemplated towers, shorter than the existing ones, be checked by the Bureau of Engineering. Elmer W. Pratt and James R. Curtis were the multiplexes.

**Utah:** Because of superior program plans, Examiner P. Stewart picked Clifton A. Tolboe, operator of KCHN (Citizens and Air Show), a local contractor, over a coterie of businessmen led by Democratic political luminary (using label permit to build a local plant at Provo. Station would use 100-250 watt functioning on 1310 kw ribbon. Tolboe said sufficient economic support—points to which the rival group fell down—would lead to an unfavorable report. Since the move would be made on account of inability of the town to support two transmitters and the conflicting requests for facilities, Stewart said Tolboe who previously had been given a 10% share of the station's income, would not have a network link, would run from \$23.80 to \$25 hourly for national advertising.

**Virginia:** Inadequate showing of both need and economic support led to an unfavorable report. Examiner Ben L. Irwin on plea of Fredericksburg Broadcasting Corp. for a daytime outlet at Fredericksburg. Facilities sought were 250 watts on 1310 kw ribbon. Although the station is in the Washington and Richmond, has little radio service, Irwin said the evidence did not demonstrate any strong reasons why a local station should be established. He said the move for the time being was only for limited period with no assurance of sustained revenues. Case handled by W. Marshall Kling.

# THE YEAR IN MUSIC

By ABEL GREEN

By and large it was a good year in Tin Pan Alley. Pop songs sold more in the number of hits, and the average sales topped a bit.

Significant, of course, was the fact that quite a few of the year's song outstanders came from independent channels—'surprise' hits, either by newcomers from abroad: Numbers, like 'Tri-P-Tin,' 'Cigarette Was Burning,' 'Tisket-a-Tasket,' 'Mulberry Bush,' 'My Reverie,' 'Flat Foot Floogie,' 'Oh Mama (The Butcher Boy),' an Italian importation; 'Cathedral in the Pines,' 'Lambeth Walk' (which, incidentally, placed Jack Mills' song pluggers in the position of teaching prospective plugs how to do a snatch of the dance step); 'My Marguerite,' 'Bei Mir Bist du Schoen,' and others, seemed to lend credence to the claim of certain music publishers, being heard of late. Latter have been squawking that the wet tunesmiths now seem content to hang around Lindy's and live off their ASCAP income, lacking any creative incentive. All of the above mentioned songs are by comparative songwriting newcomers or by bandman-composers who are maestros first and songwriters second (notably Larry Clinton, whose dansapiano version of 'Reverie' is one of the year's outstanders. He was also responsible for 'Dipsy Doodle').

Filmusicals' downbeat scurried quite a few writers back to Broadway from Hollywood, which did have a favorable influence on Broadway musicals and likewise on the pop song output in recent months. Furthermore, the lack of Coast filmusical creativeness achieved an even more important favorable effect in that it eliminated glutting the market with a flood of mediocre picture songs which, otherwise, would have had to be fully exploited in order to get the film title into the public consciousness.

That's always been a major bone of contention between the picture bunch and Tin Pan Alley, where Hollywood subsidy obtained, but the studios seem adamant that the screen songs get as wide a radio plug, regardless of ultimate commercial achievement, so long as the films benefit from this form of exploitation. However, Hollywood did contribute the No. 1 composite sock of the year, the 'Snow White' songs. The disks sold over 1,500,000 and the sheet music of the entire score over 900,000 to date.

In the field of sweet vs. swing, a pop song crisis that's been going on for three years now, and looks to be with us equally as long, seemingly the swingo vogue is by no means on the downbeat. If anything, it's proved a vital influence on many an heretofore smooth combination.

Furthermore, swing has been gathering new dignity from a new crop of five savants.

Swing's vogue sent Benny Goodman into Carnegie Hall for a recital where the longhair erix didn't savvy his jive, and he later this fall played Mozart with the Budapest String Quartet at Town Hall. Paul Whiteman also repeated a Carnegie Hall trick, being the pioneer of ultra-jazz recitation in classic environs.

Bix Biederbecker became the hero of 'The Boy with the Horn,' a new novel (Burgess Meredith may do it as a film). B. A. Rolfe, with Jimmy Gillespie's technical assistance, promoted a John Philip Sousa Memorial, and that, too, may lead to a film on Sousa. A George M. Cohan film has been mentioned, and Irving Berlin's 'Alexander's Ragtime Band' may also lead to sundry other filmusical cavalcades.

From swing, the jitterbugs became a national phenomenon, giving rise to jitter contests, merely a switch on old stuff. The relationship of 'muggles' and 'reefers'—marijuana cigarettes—with cats, alligators and icekeys became the subject of some discussion, since the adolescents were so closely thrown in with the 52nd street killer-dillers.

In the field of song styles and evolutions, the cycle of swinging the Scotch classics has been followed by swingo nursery rhymes, perhaps the best known of which became 'Tisket-a-Tasket' and 'Mulberry Bush.'

## Songwriters

In songwriting fields, the sole remaining established teams today are Gordon and Revel, Rodgers and Hart and Robin-Steiner. Al Dubin broke away from Harry Warren, a longtime Warner Bros. songsmith, to become a Dublin. Dubin felt the grind was too tough, sitting situation lyrics for musicals. Arthur Freed became a Metro film production executive and Nacio Herb Brown is freelancing. Johnny Mercer and Harry Warren have been on-and-off teams. Sam Coslow and Arthur Johnston have gone their separate ways.

Long with Jimmy McHugh, Dorothy Fields lyricized to Jerome Kern's melodies, but is also with divers other tunesmiths, latterly with Arthur Schwartz, who first came to the fore when writing with Howard Dietz. Burton Lane and Ralph Freed have parted. Frederick Hollander, Gus Kahn, Sigmund Romberg and Jerome Kern are also off 'n' oners, as ditto Hoagy Carmichael and Frank Loesser, although the former's 'Small Fry' and their joint 'Two Sleepy People' stem from the same Paramount film sources. Arthur Johnston and Johnny Burke and, later, Burke with Jimmy Monaco, have been other haphazard tunesmith evolutions.

## Publishing Changes

The publishing side saw many evolutions, too. Sam Fox sued Metro-Robbins-Loew and 20th-Fox for alleged conspiracy in taking away his former music affiliations with Fox Film. This was settled. The heretofore acquisitive Metro-Robbins firm concluded only one deal, with Villa Moret, on a sales agency basis. Metro-Robbins, which also has a tie with 20th-Fox, still points all its copyright pooling activities towards the future of television.

Donaldson, Douglas & Gumble became extinct when the new Bregman Voco & Conn firm bought it as a nucleus. Jack Bregman left Robbins after many years as general manager; and Rocco Voco and Chester Cohn (now Conn) are w.k. as topflight professional men. With DDG's bow-out, Walter Douglas became the first paid chairman of the Music Publishers Protective Ass'n; Harry Fox took over the licensing department and E. H. (Buddy) Morris, of the Warner Bros. music group, was elected president of the MPPA, an honorary post, to succeed John O'Connor. Mose Gumble joined WB and is now professional head for that film-music group on the Coast. Walter Donaldson, of the DDG firm, of course, has long been out of it, freelancing.

Irving Berlin, Inc., revived its ABC Music Corp. catalog into a vital sub-unit, throwing many valuable plugs to that firm, under Frank Henning, including some of the old Berlin tunes from the 20th-Fox filmusical, 'Alexander's Ragtime Band.' Harry Link, prof. head of Berlin, Inc., gave that firm

a top year with a flock of freak pop hits—wherein Nick Kenny, radio editor of the N. Y. Mirror, figured as co-author with his brother, Charles—with result that Link was wooed by Metro-Robbins to become g.m. of the Feist firm. He will move over there this month.

Though Abe Olman is g.m. of Robbins, the Olman Music Corp., which he started, has been acquired by the Lombardo freeres who use that as a subside venture. Lombardo, incidentally, switched from Victor to Decca recording this year, as did Paul Whiteman. More about the disks anon, and elsewhere in these columns.

Another major music publishing deal was Archie Fletcher's buy-up of Joe Morris Music Co., of which he had long been g.m. Morris retiring. Paramount's Famous Music almost had the Morris catalog until Fletcher decided to shell out some \$87,500.

Larry Spier rounded out the executive changes. After many years with the Dreyfus firms as managerial manager he left Crawford Music Corp., after the Chappell firm took that over when Bobby Crawford decided to become a Hollywood agent, and formed Spier, Inc. His nucleus were two old catalogs, Helf-Hager and McKinley Music.

Music jobbers Maurice Richmond and Max Mayer re-emerged, having been together before. Maybelle Weil, widowed, decided to continue Milton Weil Music Co. in Chicago, and Jimmy Campbell bowed out of Cinephone Music and Campbell-Connelly in England, to go into the radio and music management business in Sydney, Australia, with his wife, the former Betty Balfour, has stage and screen offers.

## The Perennial Payola

Other executive aspects included the perennial payola charges, which finally got to the Federal Trade Commission in Washington, which (1) frowns upon this unethical (i.e. bribery) practice; (2) likewise looked askance at an alleged dominance of Tin Pan Alley by Hollywood, thus presumably resulting in profligate subsidies for plugs.

ASCAP was told of the rampant bribery through cut-ins and co-authoring' bandleaders, resulting in the Society wanting to make sure that a writer's credit was more than that of the 'is and cross the 's. The payola thing also did not go to England with the BBC there starting to get inquisitive.

Santly Bros.-Joy and Select Music, heretofore affiliated, but indie firms, did a merger and Bing's brother, Larry Crosby, became a v.p. and financially interested along with Lester Santly and George Joy. Bing heretofore had a piece of it.

## Renewal Raids

Renewal raids became another major casus belli among the publishers. With some of the oldtime hits of 28 years or so ago having their copyrights technically expiring this or next year, a mad scramble is on for the renewal privileges. Division of copyright, between lyricist and composer; dickering with the widow, where an estate was involved (as often happened), pre-payment of advance royalty where copyrights don't lapse until two to five years hence, all complicated matters. It was cautioned that this confusion of copyright ownership defeated the very purpose for which most of the publishers want to acquire the songs—performing rights for screen, radio, etc. The film companies, no matter how anxious to use a familiar theme, which oftentimes fetches a fancy fee of from \$2,000 to \$5,000 for a single 'grand right' laid off when faced with the possibility of incurring bothersome litigation.

A leading spirit in this renewal grab has been Jerry Vogel, who frankly wants to enhance his catalog by adding oldtime hits. He has a strong nucleus in the George M. Cohan catalog, among others, plus some old Howley, Haviland & Dresser tunes, et al.

It was Vogel, incidentally, who m.c.'d a tin pan alley and radio 'salute' to Cohan on his 60th birthday, done altruistically, in this case, despite the fact that the melodies of Cohan tunes must naturally incur a generous plug. Cohan, incidentally, is still dickering with Metro for a possible screen blog on the Four Cohan's.

On the subject of 'salute' to composers, this summer, with much program time open on the air, almost every radio station utilized a reprise of this or that name composer's works as a basis for a half-hour or hour show. George Gershwin, on his first anniversary, was widely performed, and the memorial concerts on the Coast and in New York heavy sellouts.

But Vogel has by no means been alone in the renewal thing. Louis Bernstein, enterprising head of Shapiro-Bernstein, even went abroad for such valuable old copyrights as 'A Little Love,' 'A Little Kiss,' thus precipitating an intra-ASCAP row with Max Dreyfus, original copyright owner. Both are officers and directors of the Society and charges flew aent alleged usage of their office for private song deals, but ASCAP wisely concluded that these publisher squabbles are individual affairs and should be kept without the board room.

Shapiro-Bernstein, long a dominant independent publisher, and highly successful with strictly pop songs, despite the ups and downs of Hollywood's influences, also engaged in not a little litigation with film companies, and other publishers, this year. Old themes, owned by him, cropped up in several pictures, and he sued, as in the 'Bank of Monte Carlo' case, detailed later on. Song infringement activities also included the S-B firm, as with many other publishers.

Copyright suits became a nuisance in general. Metro's lawyers, because of their interest in the Feist-Robbins-Miller firms, stated in open court it was fast becoming a legal racket, and rather than be subjected to continuous mulcting, because of 'nuisance value' settlement, many a publisher is now fighting all such claims to the fullest, and making the plaguing plaintiffs pay full costs. Too often, however, they're financially irresponsible.

It was for this reason the pubs decided anew not to dicker with amateur songsmiths, although an incidental keynote that perhaps we are truly on the road to recovery was evidenced by the fact that not so many amateur song mss. were being submitted. The publishers are learning that in bad times they get more amateur songs; when business improves, they're too busy with their jobs to bother composing roundelays and cluttering up the mails.

## ASCAP's Legal Wees

More executive headaches in the publishing end of the biz included a \$850,000 legal bill to ASCAP, fighting antagonistic statutes on several fronts, with some states choosing to ignore previous U. S. Supreme Court rulings that ASCAP is well

within its legal rights as a collector of fees for the public performance of music for profit.

With the Society so vitally a financial fountain-head for the business, its \$6,000,000 annual collections now rating as the major source of revenues—instead of being the by-product that it was in former years, when sheet music sold well—all sorts of squabbles are a constant trade problem, as regards the methods of dividing the income.

The rating, by points, as it obtains in ASCAP today, brought up certain fallacies in the system, according to some proponents, who pointed to the medley of 16 tunes which a certain radio maestro galloped through in 21 minutes, playing choruses only. Another plug exploiter advocates grading the plugs according to values, as for instance, how much more it means for a ballad as spotted vocally by Kenny Baker on Jack Benny's high-Crossley-rating show, as against another performance.

## Daytime Plugs

The daytime plug advocates also steamed things up, among them Buddy Morris who argued, and not without justification, that the housewife, listening to music all through the day, perhaps spells a better potential buying market than a comparable plug at night.

In the field of litigation, the Canadian courts ruled against Shapiro-Bernstein, which complained that 20th-Fox unauthoritously borrowed 'The Man Who Broke the Bank at Monte Carlo' from an old song copyright, for a film. But on the other hand, the Warner's settled with the writers of 'Sweet Adelaide,' when WB used that as a film title, and this despite the fact that WB also owns the basic copyright of the Harry Armstrong-Richard Armstrong classic.

World affairs were reflected in Tin Pan Alley by refugee Austro-German songsmiths being unable to 'resign' from their original native organization, but that didn't deter the now regimented Nazi performing rights societies from collecting large sums due the non-Aryan writers, and keeping them. The Viennese and Berlin songsmiths, when squawking, were told they were being given a 'paper credit.' ASCAP, highly sympathetic with the march on Austria, is still non-plussed by its foreign treaties with the Naziland performing societies and finds it can do nothing, either (1) to defer accounting abroad, or (2) take into membership the names of mid-European composers, many of whom now have Hollywood and other U. S. connections, which give them sizable American incomes.

Songwriting offshoots of Hitlerism were such curious as the Austrian pop, 'We Are on the Dolfuss Road to Better Times,' written as a 'Youth Song' before 'anschluss,' and which eventually landed Hermann Leopold, its author, in a Nazi concentration camp when the march on Austria was consummated. Eventually, 'Soldier from Berlin, Girl of Vienna' sought to romantically link the political maneuvers in song. As for America, usually responsive to topical songs, we laid off any such 'war' stuff, excepting Irving Berlin's 'God Bless America,' actually an old 1917 war song which Kate Smith unearthed somehow and featured. 'Wrong-Way' Corrigan holds the distinction, in the songs-from-the-headlines cycle, as the sole pop entry.

After ASCAP took up the mid-Europe writers' situation it was appraised that 'resignation' could only be considered from non-Aryan songsmiths by 10 years notice. Kurt Weill, now active in the American theatre, who joined the Italian Society, found himself complicated also, not by another manifestation of racial restrictions, a growing phenomenon in this fascist nation, but through the similar necessity, as with the Austro-German writers, that he must first resign from the Rome society before joining ASCAP.

The Dutch courts established a precedent in the case of a refugee Viennese composer, now residing in Amsterdam, by refusing to have the Netherlands performing rights society turn over some \$5,000 to the Austrian society, because they (the Dutch courts) knew that this money would never fall to its rightful owner—the non-Aryan songsmith.

## ASCAP's \$5,926,941 in 1937

ASCAP's statistics for 1937, disclosed early in 1938, showed collections of \$5,926,941, broken down as follows: Radio yielded \$3,878,751; pictures, \$1,099,512; restaurants, \$492,118; hotels, \$209,649; dance halls, \$127,806; miscellaneous, \$119,100. Of this nearly \$6,000,000—it will be about the same for 1938—72% net was divided among the ASCAP publisher-writer members. Of the remaining 28%, 18% went for administration and the remaining 10% as dividends to foreign affiliates. Collections from radio in 1938 went off about 5%, but this was compensated for by the income from some 2,000 other licensees added to ASCAP during the year.

Another statistical breakdown for the preceding year, not by ASCAP, but VARIETY's own findings, showed the following 15 to be the top sellers for 1937: 'Chapel in the Moonlight,' 'When My Dream Boat Comes In,' 'Little Old Lady,' 'Boo Hoo,' 'September in the Rain,' 'It Looks Like Rain in Cherry Blossom Lane,' 'Moonlight and Shadows,' 'Sailboat in the Moonlight,' 'So Rare,' 'Harbor Lights,' 'You Can't Stop Me from Dreaming,' 'Once in a While' and 'Vienni, Vienni.'

ASCAP vetoed a \$25 weekly 'dote' idea for indigent songsmiths as being 'beneath the dignity' of unfortunate member-writers. The Society, of course, takes care of matters in other ways.

Licensing of coin machines, now that one group is going into commercial plugs, as part of the waxings, is also occupying both the phonograph and publishing ends.

Musical westerns gave rise to another cycle of cowboy ballads, but nothing as big as 'The Last Roundup' of yesterday came of it. It did create a flock of corral crooners, and some of them even got on the wax—notably Gene Autry, Tex Fletcher—but it was just fleeting fame.

Untimely death of Addy Brit pointed up the alleged frustration of a song plugger's career. Sam Serwer, 42, WB song exec, died from a heart ailment; songwriter Anatole Friedland, 54, after suffering leg amputation, also due to heart, died suddenly. Mort Harris, songwriter, ex-publisher and latterly in radio, was killed in an auto accident on the Coast, aged 44.

Pluggers for a time talked union; now the wage-hour law is occupying them, due to their long and irregular hours. A proposed strategy, initiated by counsel for the Professional Men, Inc., is to make 'rummy' bribery the cause for banishment from the industry.



# The Bands' Bonanza Days

By **Bernie Woods**

Dance orchestras played the most dominant role in show business during 1938 that that phase of entertainment probably has ever enjoyed. Not that bands haven't always been a major part of the industry, or that the number of ace crews is higher now than before, but the widening of opportunities made 1938 a peak that the band biz will find hard to top.

Not the least important factor in the upsurge is the close conformity of dancing styles of the younger element, of high school and college age, to the style of rhythm dished up by current crews. Theatre dates and location stops are great things for prestige, but not half so lucrative as the road where the aforementioned youngsters contribute greatly to the support of hundreds of aggregations, from big names to regional favorites.

Bandmen may be inclined to belittle the part played by these late terp styles, on the thought of anapirism and always has been the function and support of dance bands. That can't be denied, but the fact remains that the biz received tremendous impetus the past year since the introduction of the Big Apple and its many offshoots, most notable of any being the Shag. Of course the hops are based on the rocking rhythm of swing, but the wildfire spread of the screwy stomps in turn skyrocketed the stock of the band biz.

The hold that swing and its leading exponents has on the younger portion of the music-minded populace, and, it might be mentioned, a percentage of the more conservative portion, was apparent during the past summer in the series of outdoor concerts in New York and elsewhere. Most of them were benefit performances involving the presentation of as many bands as available at the time and place. First to be put on, and the biggest and most important, was the session at Randall's Island, N. Y., May 29. The later festival at Soldiers' Field in Chicago drew many more addicts than did the Randall's shindig, but that was gratis and didn't draw the talent lined up in New York. The Chi turnout approximated 100,000.

The Randall's Island outdoor, plugged for weeks in advance by Martin Block on his Make-Believe-Balloon recorded program on WNEW, N. Y., drew close to 24,000 fans from all points to listen to, 25-30 of the biggest names. That was for the benefit of Local 802 of the American Federation of Musicians and kicked almost \$14,000 into its fund.

## Outdoor Jitterbugging

This idea of Block's was followed by others along the same lines, some beneficial and others purely promotional. At Madison Square Garden June 12, baited with Benny Goodman and Count Basie's orchestras, another was in behalf of the Los Angeles Sanitarium. It was a click in every department but the box office, setting its promoters back \$5,300. On July 10 Goodman was again the draw at a concert at Jones Beach State Park on Long Island, N. Y. This one was strictly for private pocketbooks, staged by Nicky Blair, with the Shuberts who leased the stadium for Fortune Gallo's operettas, and the State Park Commission taking a cut. Goodman drew close to 10,000 at 55c to \$1.65 for less than two hours of live.

Following closely on the heels of Goodman's showing came the announcement that a series of four such sessions would be staged at Randall's Island in September for the benefit of the blind musicians of New York. It was sponsored by the National Bureau for Blind Artists and aimed at garnering \$50,000 to remove sightless musicians from the streets and provide the wherewithal to train them in legitimate music, or some other trade. Details were taken care of by George Clarke, ex-city editor of the N. Y. Mirror, and Frank Berend, a N. Y. promoter, both of whom originated the idea. First two outings managed to draw slightly over 10,000 across the Triboro Bridge and left the promoters in the red to the tune of \$5,500. Combined, the two showcased some 30-35 bands, the second being an all-colored affair. The final two outings were temporarily cancelled, then combined and re-scheduled for Madison Square Garden, N. Y., on Oct. 31. This was subsequently called off a week prior to the event. Reason for the cancellation was the fact the promoters got themselves in wrong with Local 802 by failing to pay off some of the bands concerned in the first two. They were advised, after complaints, to pay off before Oct. 15, subsequently the Local informed the Garden it didn't sanction the date, latter simplifying things by making the spot 'unavailable' due to previous commitments.

Also in the outdoor concert field, although not from a jitterbug angle, was Paul Whiteman, who drew 23,000 into the Newark Schools Stadium, Newark, N. J., and repeated \$50,000 to remove sightless musicians from the streets and provide the wherewithal to train them in legitimate music, or some other trade. Details were taken care of by George Clarke, ex-city editor of the N. Y. Mirror, and Frank Berend, a N. Y. promoter, both of whom originated the idea. First two outings managed to draw slightly over 10,000 across the Triboro Bridge and left the promoters in the red to the tune of \$5,500. Combined, the two showcased some 30-35 bands, the second being an all-colored affair. The final two outings were temporarily cancelled, then combined and re-scheduled for Madison Square Garden, N. Y., on Oct. 31. This was subsequently called off a week prior to the event. Reason for the cancellation was the fact the promoters got themselves in wrong with Local 802 by failing to pay off some of the bands concerned in the first two. They were advised, after complaints, to pay off before Oct. 15, subsequently the Local informed the Garden it didn't sanction the date, latter simplifying things by making the spot 'unavailable' due to previous commitments.

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The dates left Goodman open to many kidding notices from the press, which got a kick out of the Pied Piper of the Pantywaists performing for the Jorjennet strata. However, he's serious, evidently, about keeping a band in on both sides of the musical fence, as is shown by his continuing to book

showings at the Town Hall and Carnegie Hall, N. Y. Middle of last month his crew became the first purveyors of swing to invade Town Hall when it served to illustrate points in a discourse on the 'Rise of Swing' by John Erskine, novelist and music critic.

## More Concerting

The urge to jump the gap from popular to longhair is not only apparent in Goodman, but extends to other leaders as well. Artie Shaw, currently riding the crest of a pro-Shaw jitterbug wave, and Goodman's most serious competitor as clarinetist-leader, also invaded Carnegie Hall along with Louis Armstrong and Raymond Scott. They appeared, with Paul Whiteman in his Christmas Day concert there last week. All this seems to indicate that John Erskine, in the aforementioned discourse, knew what he was talking about when he said swing, as it is known today, will form the basis for a new style of serious, thoroughly American music. Kay Kyser also went in for serious music in a concert of light classics at Boston's Symphony Hall New Year's night.

Repeated trips of Goodman into the realm of serious stuff, and the news that several of his individual stars will leave his baton in the near future to build bands of their own leaves the trade wondering whether he is allowing his once No. 1 band to gradually come apart at the seams, while setting the stage to step into serious stuff exclusively. That's stretching the imagination, as Goodman is not averse to the lucrative side of the band biz. These thoughts are in contrast to others which have Goodman fading from the picture to step into Music Corp. of America as an official to handle new bands he would develop. Another report has him stepping into the booking end with Willard Alexander, his MCA handler.

The changing around and sniping of musicians by band leaders, a thing that's been much more in evidence the past year than ever before, is claimed responsible by many for the musical excellence, and the all-around progressiveness of the current crop of bands. This is based, of course, on the less rivalry among leaders for the top men, changes being brought about by any means possible. Although all sections of a band come in for coveting glances of the opposition, percentage of changes, comparatively, is higher among drummers.

## New Bloods a Help

The constant circulation of men keeps band standards at a high level, and the infusion of new blood when a new man is added tends toward injecting new life and ideas into a crew. This, it is opined, is the health and backbone of the band biz today. These new contracts to the practice and rivalry among leaders for the top men, changes being brought about by any means possible. Although all sections of a band come in for coveting glances of the opposition, percentage of changes, comparatively, is higher among drummers.

Almost all the ace outfits have indulged in the exchanges this past year to a point where in some instances more than half a band has been replaced, either through losing or bouncing' 'em. Outstanding among these are Tommy Dorsey, Benny Goodman, Larry Clinton, Artie Shaw, Bob Crosby, Bunny Berigan, Gene Krupa, et al. Krupa has less than half the complement he started out with, when he formed his own crew last April. However, they were mostly shakeups of a new crew settling to a style.

There have been comparatively few new outfits to hit the top brackets this year. Krupa is one of them, Larry Clinton is another, as is Artie Shaw. In Krupa's case the path to success was a little easier than for his embryonic contemporaries. Krupa was a name before he ever thought of his own crew, but if the band hadn't had the stuff, the name wouldn't have kept him working. And he's been pounding his skins steadily since debuting last April 16 at Atlantic City.

## Clinton's Upshot

Larry Clinton got two fairly good breaks to help him along beside his outfit's ability. Clinton's crew currently rates high among band lovers. Introduction of his own novelty hit, the 'Dipsy Doodle,' at a time when he was getting started didn't hinder, capped by the wide acclaim given his arrangement of Debussy's 'My Reverie.' It's one of the most popular song hits of the year.

Kay Kyser's ascension was not due as much to his band as to the 'College of Musical Knowledge' idea, the basis of his Lucky Strike radio program. His crew, however, is very popular. Split of Will Hudson and Eddie DeLange put another new band in the field. Delange starts Jan. 14 with Phil Baker on a new radio commercial on CBS. Hudson's band disbanded due to the latter's illness.

Artie Shaw, Goodman's orch-rival and very close to the latter in style, is probably the most important addition to the top name roster. Shaw's is not exactly a new crew, but its rise to prominence puts it in that category. It enjoys the distinction of rating very high in the trade, and very much to its popularity since debuting, with Robert Benchley on the Old Gold program. Blue Barron is another to step up. Though not new, the band made a name for itself while

located at the Edison Hotel, N. Y. Remotes helped Barron plenty. There are other lesser knowns which have come along but so far haven't made much of a splash.

Mentioning Barron, who was quite a fave in the middle west before shifting east, brings up the fact that for every big name crew operating in the keys, with remotes to impress their style on hinterland listeners and possibly set up good trips through the one-nighters, there are two or three comparatively unknown regional favorites just as popular. These bands seldom if ever reach the prominence, nationally that is, that others enjoy, but in their own territory they have the ability to draw just as heavily. In some sections they outdraw the big guys.

That's not so strange in view of the fact that different sections of the country have definite likes and dislikes among various styles and crews. Some of the biggest names in the biz lay an egg in sections adverse to their stuff, and naturally are sure to be topped by local faves. Very few of the biggies are powerful enough to draw wherever they light.

## Sweet vs. Swing

This past year also made the question of sweet vs. swing more acute than ever before. It's been the subject of numerous arguments among proponents of both styles, and was even carried to a point where the Hitz Hotels ran a poll to determine which style its patrons preferred. Sweet isn't minus swing; it's simply more refined than the blaring output of some of the brassier sending aggregations. At the end of last month the Paramount, N. Y., which conducts a poll of the popularity of bands it has played, gave a prize to the No. 1 leader, Benny Goodman took down the award, but says he is sections adverse to their stuff, and naturally are sure to be topped by local faves. Very few of the biggies are powerful enough to draw wherever they light.

This controversy over the two brands of swing was brought on mainly by the upsurge of Sammy Kaye, Kay Kyser, Blue Barron, and others employing less headachey methods of swinging the latest pops. It's bound to make even bigger inroads during the coming year, for various reasons. Most important is that swing is settling down; getting away from the hysteria of its start when it was thought, this is the swing, a band had to be loud. Out of a that point of view, it is wise that the music-buying public, no matter how much in the jitterbug groove, still leans toward sentimental ballads.

The controversy between the two top sweet outfits concerning the origination of the style of singing titles of tunes also came to a head this year. Sammy Kaye and Kay Kyser both use the methods of heralding forthcoming tunes. As a matter of fact neither introduced it and both admit it. Their argument is over who picked it up first for current use. Research gives the palm to Gus Arnheim, who included it just once on a record he made. Even then there are rumors of an earlier use. Blue Barron also sings his titles, but he doesn't count in the set-to. His is a copy of the two mentioned.

As far as Sammy Kaye is concerned the singing title angle takes a back seat to his tag line. Kaye's 'Swing and Sway' catch phrase is probably the best known of all and is probably the youngest of the known bands employing the tags. It's also probably more indicative of his style than the phrases of any other. It's a natural from all angles, rhyming with his name, and perfectly labelling his style. It's analogous to the pioneering 'Lopez Speaking' as a radio signature.

## Now It's 'Tic-Tock Rhythm'

Recurrence of arguments over ownership of tags used by several bands at once also was quite prevalent last year. Earlier in the year Teddy King, Tommy Tucker, and Gray Gordon were threatening lawsuits over 'Tic-Tock Rhythm.' Then came George Hamilton and Johnny Messner's glares over 'Music Box Rhythm,' which went to the Musicians' Union for settlement. Then came Henry Busse, Lee Shelley, and Jan Savitt's orchestras with claims of prior rights to 'Shush Rhythm.' Busse dropped out of this by changing his to 'Busse's Rhythm,' but Savitt threatened Shelley with suit, which hasn't been settled yet, as both bands are still using the tag.

While some of these tag lines are indicative of style, or the proficiency of a leader on some instrument, others are so much prestige appendages. Such as the new Art Kavelin band's 'Cascading Chords,' Blue Barron's 'Music of Yesterday and Today Styled in the Blue Barron Way,' Dick Barrie's 'Linger Awhile with the Dick Barrie Style,' Lou Breese's 'Breezing Along with the Breeze,' Frank Dalley's 'Swing and Go Rhythm,' another name for the Sammy Kaye style, Richard Krimm's 'Musical Rhythm,' and others, attached to big bands and lesser knowns, but too numerous to mention. Himmer's 'Pyramids' has sufficient substance to become a formidable box item in 1939. Catchphrases or no, if a band hasn't got the stuff it doesn't get far.

Though 1938 was a peak that the band biz will find hard to top, 1939 should provide the opportunity for it, and renewal of opportunities for bands so far unable to hit the high brackets. That should come about with the further widening of theatres with name band policies such as the Paramount and Strand, both on Broadway, coupled with more locations with remotes for the benefit of hinterlanders, and the effect of the New York and San Francisco World Fairs which will undoubtedly go far toward hyping all forms of entertainment. Name bands are in for a particular boom at the latter expo.

## On the Upbeat

Louis Prima's band reports for work in 'Rose of Washington Square' at 20th-Fox.

Jackie Brooks and orchestra at Stage One in Hollywood.

Wingy Mannone signed to CRA management this week.

Austin Wylie plays midwinter ball of Penn State, Feb. 11.

Charlie Agnew signed to Rockwell-O'Keefe office.

Manuel Contreras' tango band into Hotel Henry's Silver Grill, Pitts-

burgh, New Year's Eve for indefinite engagement, replacing Nita and Her Townsmen. Placed by Ralph Harrison.

Larry Clinton set for a Warner short.

Frances Carroll's all-girl crew just completed a brief for Warner.

Eddie DeLange orchestra signed for series of shorts at Warners.

Ezti Covato of Pittsburgh goes to Jacksonville, Fla., late this month for winter engagement and will be succeeded at Italian Gardens, Pitts., which Covato owns, by Joe Schaffer band.

Frank Gagen's orchestra playing

De Witt Clinton Hotel, Albany, and broadcasting over WGY, Schenectady.

MCA will book Four Swinging Strings, Pittsburgh strollers.

Leonard Keller's orchestra opened Dec. 29 at the Marcel Lamaze, formerly Club Seville, in Hollywood.

## CREDIT VALUE OF PLUGS

Only One Cent More in Final Quarter Over Third

Credit value of a performance point for publishers in the royalty distribution of the American Society

of Composers, Authors and Publishers for the final quarter of 1938 figured only 1c. more than it had for the previous quarter. Lowest amount allowed for a plug was the 12c. paid as part of the divvy for the third quarter. Just before that period the pubs got 19c. a plug.

It was after the second quarter of 1938 that the ASCAP management decided to boost the performance base substantially with the twofold purpose of discouraging radio performer payoffs and obtaining a broader insight into usages. When the pubs got the cumulative plugs amounted to 1,600,000. By the subsequent quarter this base had been increased to 2,087,000 performance.

## KAYE'S CIVIC STAFF A LA MAJ. BOWES

Sammy Kaye starts a key city musical salute policy Jan. 7 on his tour long Saturday afternoon. Musical air spread from the Commodore Hotel, N. Y., where the band is located. Somewhat along the lines of Major. Bowes' salute to various cities. Worked via hookup with Scripps-Howard newspapers. Week prior to the broadcast describing the civic virtues of a town and its industrial setup, local S-H sheet will publicize the airing and poll readers for a fave tune which will be played. Debuts with Columbus, Ohio, Jan. 7. City and Houston follow.

# Plugging Through the Years

By Mose Gumble

A third-of-a-century ago song plugging (exploitation, if you please, at the present time) was something of a romance, as the saying goes. Yes, sir, I can remember my boss telling me that for the weekend I could go to Coney Island and stay there Friday night, all day Saturday and all day Sunday. What a treat to me that was when he first told me I could go! Just think, Coney Island over the weekend—what a thrill! But wait. He decided to send a singer with me (as I was a pianist in those days), with these instructions: First, he said, while there take a bunch of orchestrations and professional copies and 'make' all the places. There were many music halls, cafes, etc., where many of our headliners of today received their start, as well as quite a few dance halls spotted around the village.

Here was the routine. First find a room to live in, and how tough that was to find one! I said room. Boy, oh, boy, what a room! Then, arrange your orchestrations and copies. For a good time start up or down Surf avenue. About every other door was a dance hall, cafe or music hall, as they were called in those days. We would go in and see the manager before shows (they ran 15 or 20 shows a night). It was a case of waiting around to catch the singers between performances. They usually had a piano backstage, and then we would do our stuff.

Now, in those days, even as it is now, it was a sales talk—but then, they would give us an opportunity to play the songs over and would immediately put them on for the public's approval. We would move on from there to the saloons or cafes, and try to interest the singers, grouped around the piano, to do our songs. After a siege with those boys and girls, we would make the big dance halls, such as Stauch's and many others, often carrying a megaphone with us to sing one or more choruses with the band, for that was considered a great plug on a song. In the interim there were the big vaudeville music halls, where we would go backstage and contact the performers. When we were fortunate enough to land them it was really something.

## The Ill. Song

At about this same time, or a little further along, came the illustrated song; that is, picture slides with an extra chorus so the mob could join in and sing. All this helped to popularize the songs.

Now comes a period with a little more class to song plugging, or should I say, contacting? We moved into the better music halls, where to land a headliner with a pop song. If the headliner used it every act in the country wanted to pick it up. With so much vaudeville in those days there was plenty of work for the song-plugger. The greatest stars of today started in vaudeville; many of 'em still living. There was nothing as interesting as song plugging along those lines.

In conjunction with that there was many a musical show into which the publishers thought, or hoped, the pluggers could interpolate a song or two.

'Tin Pan Alley,' originally on 28th street, moved up into the now famed roaring 40's. Along with the moving came better days and better ways of exploitation; the real vaudeville acts with full scores to give a contact man a great start on a song.

**Same Routine, New Backdrop**  
Publishing offices have now moved further northward and eastward. Rockefeller Center is the high spot in the song field. With the progress of radio the big commercial programs on the air, handled by the large advertising agencies, now engage the greatest stars in the world. Thus, today the contact man has a new angle of plugging. He can't just walk in, lay his music down and say he would like to have the numbers on the air. Oh no, it can't be done that way!

First of all, the man's chief job is to sell himself. Very important contacts can be made by the professional man during the artist's leisure hours by enjoying the same amusements—golf, bridge, fights, etc. Contacting necessitates attending orchestra lead-

ers' openings', and also many of their closings.

The advertising agencies are a great medium to popularize songs, and their friendship, as well as that of the artist, is very necessary. Deft placing can literally make a song a good spot with an outstanding band or a nationwide hookup is invariably surefire. Yea, verily, the work of the contact men these days is much different from a third-of-a-century ago. Between the rehearsals of the commercial programs, visits to the radio stations, openings, closings and 'special nights' that are going on at the present time, his hours are as variable as the wind.

# STOKI-DISNEY NOVELTY FOR S. F. EXPO

San Francisco, Jan. 1.  
Leopold Stokowski has a musical invention that may be revealed at the Golden Gate International Exposition starting in Feb. Stokowski was here last week for negotiations with Harris Connick, the Exposition's managing director. Words 'electric orchestra' have been used in discussing the invention of which Walt Disney is supposed to be the co-inventor. Stokowski is reported to have described the invention as 'revolutionary.'

Stokowski is reported to have told Exposition officials that, if and when he comes to terms with them, he wants to write his own description of the invention and be his own press agent.

# Eastern Publishers Scornfully Call H'wood Masterminds Flop-Pickers

By Ben Bodec

THOSE responsible for the exploitation of picture songs apparently haven't a kind word for Hollywood producers. Mention the subject of Coast studio relations and the retort bristles with scorn, invective and indictment. The opinions are the same, regardless of whether the music publishing firm is producer-owned or it's just a contractual affiliation.

Exploitation faction are agreed on one point, and that is that the producers haven't the least conception of what constitutes a good commercial song. They don't pick 'em with an ear to the public, but according to their own tastes and circumstances. All a staff writer has to do is get a producer in a spot where he can demonstrate his song. Producer may be tone deaf and totally impervious to the cadence of a lyric, but if the mood strikes him, or the writer is a good salesman, the song goes in.

What especially gripes the fellows that have to sell the picture tunes to band leaders and radio vocalists is that they're never consulted about the score material in advance. They feel that they're closer to the public's musical pulse than those that have to worry about stories, screen personalities and the interplay of studio politics. By personal contact with the writers it might be possible to bridge two conflicting motives or points of view. The producer pays big salaries to the writers and is mainly interested in getting performances. The publisher is primarily interested in getting music that will sell sheet copies and help him show something on the credit side of the ledger.

## Values Lopsided

Another source of resentment on the eastern side are the lopsided ideas that the producers have of the value of their scores. You're only as good as your material. Bands and vocalists on the air are no longer impressed by the fact that the manuscript derives from a film musical. If

## Philly's Name Bands

Philadelphia, Jan. 1.  
Arrangements have been completed by Benny (the Bum) Fogelman with Music Corp. of America to bring name bands into his niterie here.

New policy will start in February when present six-month termers with musicians' union for a local band expires.

# FULL STRENGTH MUSIC WANTED

Pittsburgh, Jan. 1.  
Saturday afternoon audiences at Pittsburgh Symphony Orchestra concerts refuse to be pampered. They've been in indignation and by an 80% vote demanded that the 'heavy' Friday night programs be repeated for them. Because many school-children attended the matinee sessions, Fritz Reiner, conductor, has been substituting simpler selections for heavier fare following evening before.

Policy caused so many complaints that afternoon subscribers were asked to vote on issue. Four out of every five balloted for the regular program. As a result, beginning this week-end, same selections will be played at both concerts.

## 'THE GOLDBERGS' ON CJOB

Vancouver, B. C., Jan. 1.  
The Goldbergs' added to the CJOB picture starting Monday (2). CJOB picks up plenty of transcription business due to 125 mile agreement Seattle stations have with NBC and CBS networks which keeps certain network commercials off CBR, government outlet here, which are carried by the rest of the government chain across Canada.

Big accounts want Vancouver representation with consequent break for local.

# COLLEGE RHYTHM

The ninth and last of a series of articles on collegiate likes and dislikes as regards dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

## MISSOURI

By Geo. J. Schulte, Jr., '39  
(Missouri 'Showme')

Perhaps because of the general conservatism of the middle west, the Showme campus frowns on jitterbug music. Jitterbug talk is even smiled at as too, too modernistic for college men. The undergraduate instead prefers smooth dancing over the eccentric steps in vogue as the present jitterbug style. Rather the Missouri prom-goer chooses a flowing, even moving type of music to the college movie version.

In this section of the Bible Belt, popular choice for honors goes to Kay Kyser as the leader in swing. Despite a few brief mad flights off to applaud fast music, the general preference is by far in favor of his brand of smooth and sweet melody. Few really topflight orchestras ever hit the Missouri campus, but certainly interest is shown in radio programs. Definitely the leader, Kyser's soft melodious tone is aided by the personal and friendly touch he puts into his programs.

Preference for Kyser depends a lot upon his individuality in introductions and also upon an outstanding group of vocalists—a rare combination that supplements a perfectly smooth style. Little fast music! But sweet swing makes the popular Kyser appeal at Missouri.

An unusually fast climbing favorite at Columbia is Larry Clinton. Clinton's 'Reverie' leads the league of popular music with 'Heart and Soul,' another favorite, especially among the Greeks (frats). But in swing talk-fests, Clinton is judged as being a bit out-Goodman Benny.

Elia Kazan seems to lead the chore of vocalists. Her 'Ticket-Takete' is played again and again at student sessions, whether under the control of a local band or imported orchestra.

Branching off into colored bands, of those who have visited the Missouri campus, Andy Kirk's outfit proved most popular. His orchestra showed all the Negroism of Harlem music, yet had the appeal of good music. Lots of fast pieces by Earl 'Father' Hines during his visit to the Missouri campus did receive a fair reception. A good show, typically Negro swing, won over a college audience usually opposed to such tactics.

Chick Webb depends strongly upon Ella Fitzgerald to carry his combination. Fats Waller's wallerisms have definitely passed out, at least out this way. Every piece the same, a college audience soon tires of them. Too much yeh-man and tritely effervescent syncopation stifles the effect after hearing him several times.

Unique arrangements form the mainstay of the Fletcher Henderson aggregation. Following in his footsteps, though at a slower pace in the middle west at least, is brother Horace Henderson, a coming band in radio popularity.

Probably the best trumpet player in the world, Louie Armstrong's satchel-mouth detracts but still allows music that is liked. High note specialty pleases a college audience. Passing on to Duke Ellington, we come to the No. 1 Negro outfit. Excellent musical interpretation, by a musical genius. Ellington's ability to compose is often talked of in the 'Black and Tan Fantasy' and, in general, his ability to interpret the modern Negro is notable.

For showmanship rather than good music Cab Calloway leads in the Showme state league. Scat singing, however, overshadows the band and many times lites vocalizing spoils the performance.

## Kemp, Waring, Dorsey and Lombardo

Jumping back to leaders in college bands in the east, the opinion is that Hal Kemp's brasses bring out a leader. Exact precision of the brass section definitely places that orchestra in the outstanding category. Loss of Skinny Ellis and the shaking up of a train wreck set this aggregation back, but the band still holds tight to the reins of popularity with the campus crowds, probably because of the collegiate background of the members.

The Fred Waring vogue has pretty well died down in the middle west. An outstanding show band, we thought long of the chance of bringing Waring to Columbia, Mo. They broadcast a rollicking yet dignified and artistic radio performance, and while novelties receive a great deal of interest on a college listener, for a prom the band must be able to sit up on the platform and play social dance music.

Tommy Dorsey's outstanding arrangement of 'Marie' stamps his band as a modified swing band, far more smooth than the run-of-the-mill, so-called swing. Jimmy Dorsey's frivolous saxophone allows revelations comparable to the famous Clyde McCoy 'Sugar Blues' renditions.

Guy Lombardo, though pleasing to many, has slowed up in the consideration of the Missouri man. Stereotyped sweetness spoils the pleasantness of the music after a short time. Lombardo, though, ranks tops in this class of super-sweet. Wayne King and Jan Garber align themselves in a sub class under the same heading.

Soft and sweet Ted Weems ranks near the top in college estimation. And here again vocalists come in for a large share of the applause for Edna Turner and Perry Crovo all the bill to give a real show. Bands, nationally famed, such as Paul Whiteman and Freddy Martin, receive good support of course. Martin's smooth style particularly creates awe hereabouts on the first hearing. Definitely the Martin way of easy rhythm is the Missouri way.

time overdo this device to the point where it will be laughed off as vogue by the public, as happened eight or nine years ago.

The situation between the producers and themselves, aware the exploiters, has also its humorous side, even though the humor is on their side and it is tinged with wormwood. The studios have got into the habit of blaming the publisher if the film musical flops. Its score hadn't received enough and the right kind of exploitation. It has also become common for the studio to advise the publisher to advise the affiliate that the fate of the musical (the box office depends on how it's ballyhooed over the air. The music boys say that instead of becoming filled with a sense of responsibility they merely shrug their shoulders with despondency. The oncoming score must indeed be terrible. Otherwise there wouldn't have been the SOS.

## Band Bookings

Carl Moore, Music Box, Omaha, Jan. 31 to Feb. 12.  
Don Bestor one-niting for CRA in Midwest.  
Earl Mullen, 400 Club, Wichita, Kan.  
Dean Hudson touring South for Gus Edwards office.  
Dusty Rhodes current at Greyhound Club, Louisville, Ky.  
Howard Jacobs, 500 Club, Atlantic City, N. J.  
Freddy Fisher's Schnickelfritzers, St. Paul hotel, St. Paul, Jan. 9, four weeks.  
Maurie Sherman, Oriental Gardens, Chicago, Dec. 30.  
Bob Grayson, Van Cleve hotel, Dayton, O., Jan. 5, four weeks.  
Howard Le Roy, Lowry hotel, St. Paul, Dec. 31, two weeks.

# 15 Best Sheet Music Sellers

(Week ending Dec. 31, 1938)

My Reverie .....	Robbins
*Two Sleepy People .....	Famous
Deep in a Dream .....	Harms
All Ashore .....	Shapiro
Umbrella Man .....	Harms
*You Must Have Been .....	Remick
They Say .....	Witmark
You're the Only Star in My Blue Heaven .....	Shapiro
While a Cigarette Was Burning .....	ABC
Mexicali Rose .....	Colp
I Won't Tell a Soul .....	Crawford
*I've Got a Pocketful of Dreams .....	Sanly
I Must See Annie Tonight .....	Bregman
Hurry Home .....	Spier
*This Can't Be Love .....	Chappell

\* Indicates film musical song. † Indicates stage production song. The others are pops.

## ASCAP Squad in West

Field force of the American Society of Composers, Authors and Publishers, which Richard Powers heads, will operate in California for the next four months. Crew's job is to standardize rate structures and check up on music users that aren't licensed.

Powers' assistants, George Kopp and Larry Schulms, left New York Sunday (1) and are due to join Powers in Dallas for a joint trip to the Coast.

## PUTTING TEETH INTO BRIBE CONTROL

Walter Douglas, chairman of the Music Publishers Protective Association, will call a meeting of the association's membership in a couple of weeks to consider the plan of the Professional Music Men, Inc., for eliminating bribery and other evils from song-plugging. PMMM's idea is to make this plan binding on publisher-employers so that the latter will have no alternative but to drop men deemed by the PMMM to have violated the pluggers organization's by-law on unethical practices.

This by-law as devised by Samuel Jesse Buzzell, new PMMM counsel, was approved by a special PMMM committee last week. Douglas is mailing out copies of the by-law to publishers for study.

## Shut Out of Performance Fees By Nazis, Refugee Attaches German Funds in United States

### T. Dorsey's Date Book

Tommy Dorsey replaces Kay Kyser at the Pennsylvania Hotel, N. Y., April 21. Dorsey leaves his current spot at the New Yorker Hotel, N. Y., plays a series of one-nighters and theatre dates, and opens at the Paramount theatre, N. Y., April 5, following it with the Penn opening, Jimmy Dorsey replaces Tommy's crew at the New Yorker. Tommy's band is booked solidly until next Sept. 17.

No new vocalist to replace Edythe Wright, yet signed by Tommy Dorsey. Expected deal with Nan Wynn went cold on money.

### 'SIGMA CHI' BOYS NEVER REPEATED

Chicago, Jan. 1. Melrose Music Co. here has snagged the renewal rights to 'Sweetheart of Sigma Chi.' Song was originally written by F. Duddeligh Vernor and Byron Stokes while students at the U. of Michigan, strictly as a frat song. Walter Melrose bought the publishing rights in 1928 for popular distribution and it has been established since as a top standard tune.

Team of Vernor and Stokes has never written any other successful tune. Stokes is in ad biz in Chi and Vernor is an organizer in Detroit.

Robert Katscher, noted Austrian composer, rates as the first refugee who has attempted to collect royalties due him from a Nazi-dominated performing rights society through resort to American courts. His counsel, Sol A. Rosenblatt, has attached \$1,700 in funds belonging to the Austrian performing rights society, Rosenblatt proposes to move for a summary judgment in Katscher's favor in a New York court the latter part of this week.

Katscher, who wrote, 'When Day Is Done,' came over last summer and worked on the Shubert's production of his 'You Never Know,' which had been adapted from his own score of 'Candle Light.' Katscher's equity in the Austrian performing rights society, AKM, was wiped out when the German Nazi government by decree merged AKM with the German performing rights society, STAGMA.

### Hears From Berlin

After Katscher had retained Rosenblatt to see what could be done about collecting money due him from AKM the lawyer discovered that the foreign organization had some \$1,700 on deposit in a New York bank. Rosenblatt got a court order attaching this money and then served notice of the act on AKM through publication. Last week Rosenblatt received a letter from a Berlin lawyer representing STAGMA which informed him that AKM had been liquidated and that under such circumstances it could not be sued. Since this Berlin lawyer had no authority to act in the New York courts Rosenblatt put the letter in an envelope and mailed it back to him.

It is expected that Katscher's action will serve as the forerunner of a number of similar suits in the United States against Nazi controlled organizations. Pertinent to this case is the finding of a Dutch court which recently held that the defendant, a Viennese composer, was entitled to similarly seized funds since the Nazi collections will never reach the rightful sharers.

## New Nebraska Atty.-Gen. Called Anti-ASCAP Law Offside from the Start

Lincoln, Jan. 1.

No reason why ASCAP shouldn't lobby in Nebraska with a glint of happy New Year with Attorney General Richard C. Hunter skidding from office (5) in favor of recently elected Walter Johnson. Hunter's office prepared the case for the anti-ASCAP bill, passed in the 1937 legislative session, which slaps any music combo for price fixing \$5,000 fine for each operation in the state.

Walter Johnson was a member of the 1937 legislature, which passed the measure, but he wouldn't vote for or against it at that time. Said he believed it was unconstitutional then and has nothing brought to his attention to change his mind.

When the case was filed Judge Munger, one of the three to look the bill over for infringement on powers of congress, said he had 'grave doubts' about the bill passing constitutional inspection. This, with Johnson's known feeling, leaves the legislation standing pretty well alone.

## Harry James Pencilled In

New band to be headed by Harry James, first trumpet with Benny Goodman, goes into rehearsal Jan. 6. Embryo outfit has already been dated for a short stay at the Statler Hotel, Boston, opening Feb. 10. James has taken Buddy Rich from Bunny Berigan's orch to handle the drums.

Lionel Hampton and Teddy Wilson, also stars in Goodman's band, will not pick up their own batons for some time yet. Ed Steln will manage James on the road with Willard Alexander and the Music Corp. of America booking.

## HARRY LINK JOINS METRO SETUP

Harry Link has quit Irving Berlin, Inc., to become general professional manager of the Metro-Robbins publishing group. He assumes his new post after a two-week vacation in Florida on which he started this week. Link will function under a contract which will give him professional authority over the professional activities of the Robbins Music Corp., Leo Feist, Inc., and Miller Music Co. He will also serve as the studio contact for all three firms.

Under the terms of the contract, which stipulates five years and an option for five more, Link will receive a guarantee of \$20,800 a year, 5% of the profits earned by the publishing group and necessary expenses. Although he wasn't required to report on his new job until Feb. 1, Link succeeded in straightening out pending matters with Saul H. Bornstein, v.p. and general manager of the Berlin firm last Friday (30). After establishing his staffs in the three Metro-Robbins companies and co-ordinating their operations Link will make a trip to Hollywood.

While Jack Robbins had talked to Link about coming over for months the latter didn't decide to yield to the proposition until last week. Link then engaged Samuel Jesse Buzzell to represent him in drawing up the contract.

One of Link's main causes for hesitancy was the treatment that he got from Bornstein around Christmas. Berlin not only gave him a bonus of \$12,500 but arranged to have Link take a Florida vacation at the company's expense. Link joined Berlin as professional manager three years ago, coming from Donaldson, Douglas & Gumble where he had a piece of the business.

Before departing for Florida Link arranged for Elmore White, now with Kalmars-Ruby, to join Feist as New York professional manager. Also for Mary Murray to move over with him from Berlin.

## FROSTBITTEN SNOW BALL

Pittsburgh Won't Pay \$5 a Couple—Russ Morgan's Handful

Pittsburgh, Jan. 1.

Local backers of 'first annual' Snow Ball at William Penn hotel Xmas night took it on the chin to tune of several grand when less than 150 couples showed up for music of Russ Morgan, Tommy Tucker and station WCAE's Airline. Steep tariff of \$5 couple and worst storm of year combined to produce woe. Also bad break for Morgan since date was figured to help publicize his coming engagement Jan. 27 at Stanley theatre.

Flopperio just about washes up one-night biz for names in Pittsburgh for time being inasmuch as promoters have been dropping heavy sugar consistently since early last summer in effort to snare dance coin. Kid: date has switched to the cheaper roadhouses where they can hoof it all night and sit at tables for buck minimum.

Snow Ball was an attempt to revive old Xmas interest in shindigs here when at least 2,000 couples used to pack entire 17th floor of William Penn at \$10 a throw. No dice in 1938.

## ASRA, NAPA Merge

American Society of Recording Artists, of California, has merged itself with the National Association of Performing Artists. Al Jolson, who was president of ASRA, becomes v.p. of the amalgamated group. Jolson retains his title of NAPA prez and Maurice Speiser remains general counsel.

Liquidated outfit was the first to attempt to set up a licensing right for recording artists. Arthur W. Levy, who started the California proposition, becomes a member of the NAPA board of directors.

Eddie Cherkose and William Lava wrote two songs for Republic's second Higgins Family series. Tunes are 'Daddy Mine, I Love You' and 'Over the Hill to the Poor House.'

## BOOM ON WAX IN 1938

By Ben Bodec

Phonograph record industry has just closed its most prosperous year since 1930. This business, which only four years ago showed every sign of being its last throes, sold 35,000,000 records in 1938. These figures have convinced the manufacturers that Americans have again become disc conscious in a big way, with the outlook so bright that they wouldn't be surprised to see two or three new recording firms bloom out during the current year.

Comeback of the industry has been more of a bounce than a gradual upclimb. Phonograph records reached their lowest ebb in 1934. The turnover was 10,000,000 records. Whereas in those days a Leo Reisman version of 'Night and Day' selling 40,000 copies became an item of trade wonder, today the sale of a 75c label in 150,000 quantities, as happened in the case of Tommy Dorsey's variations on 'Marie' and 'Song of India,' is treated as a natural development in the trend of the industry.

Manufacturers themselves aren't in close agreement on what started the comeback and why the pace in their favor has been so rapid. One talks about the new merchandising approach. Another holds that the boom has been mainly due to the public's discovery that on records it can get a style and quality of entertainment that is not readily available in radio.

### Credit College Trade

A third analytical viewpoint credits most to the college trade. With a vast majority of the collegiate element the phonograph record was a new experience. Before the depression they were too young to appreciate it, while during the depression their folks probably couldn't afford to buy a phonograph machine. As enthusiasts the collegiates have few equals. As swing slowly but determinedly filtered into the stream of dance music the interest from source quickened and the matter of discovering new styles and leaders became an exciting avocation as well as diversion.

In the opinion of most record manufacturers the contribution of coin-operated machines to their sales was an aftereffect rather than a cause. The recording companies had developed distinctive styles and styles which the nickel-dropper craved but could not obtain at his own convenience from the radio loudspeaker.

Of the total amount of records sold last year 20,000,000 of them

came within the popular classification. The manufacturers contend that the number of coin-operated machines in this country have been considerably over-estimated. Their count is 175,000 such mechanisms. It is pretty well agreed among them that these machines absorb about 60% of their popular output.

Foreign Biz On record trend is the fact that as business has gone up in this country sales in Latin American and other foreign language versions have fallen off. The manufacturers can't account for this reverse movement unless it is that the Latin American trade is now going through the phase that was experienced in the United States prior to 1930. Radio set sales have been on the sharp upbeat in recent years through the South and Central American companies and it is likely that the new found toy has forced he wax-playing mechanism into temporary disarray.

Another contributory cause to the increased sales of the past year or two has been the resourcefulness of American set manufacturers in turning out low priced turntables that could easily be attached to the living room radio. Practically every set manufacturer now offers a combination machine. An added stimulus to sales has been the wide spread of record clubs. RCA Victor, which has made this angle an important part of its merchandising policies, figures that its own record club absorbs a minimum of 4,000 of its own labels a month.

Of no little uncton to the pride of recording managers is the attitude of the general run of performing names. The very artists who but a couple years ago scorned having their talent imprinted in phonograph records are now anxious to tie up with some label. Quite a number of the top-runners who quit when the royalties got paltry are to be found on one or another of the current release lists.

As for major sellers in the pop field RCA Victor gives the nod to Benny Goodman, Tommy Dorsey, Larry Clinton, Sammy Kaye and Hal Kemp. Decca finds the call best with the product of Bing Crosby, Russ Morgan, Al Fitzgerald, Jimmy Dorsey and Bob Crosby. Latter label's top sellers for 1938 were Crosby's version of 'Lilani' and Ella Fitzgerald's 'A-Tisket A-Tasket' (both in the 250,000 class) and the Andrews Sisters' 'Bei Mir Bist Du Schoen.' In the realm of the American Rec-

ord Co. the mainstays' under the Brunswick label proved to be 'Eddy Duchin with Patricia Norman ('Ole Man Mose'), Duke Ellington ('I Let a Song Go Out of My Heart'), Kay Kyser ('Out of My Heart') and Red Noble-Mildred Bailey ('Weekend of a Private Secretary'), while the leading Vocalionites were Johnny Hodges ('Jeep's Blues'), Slim 'n' Slam ('Tutti-Frutti') and Al Donohue ('Stop Beating Around the Mulberry Bush').

The richest manuscript source of the past year for the entire recording business was the score of Walt Disney's 'Snow White and the Seven Dwarfs.' The record turnover all around on this one was well over the 1,500,000 mark.

### CBS Buys Columbia

From an organizational viewpoint the biggest event in the recording industry for '38 was the purchase of the American Record Co. (Brunswick, Columbia and Vocalion) by the Columbia Broadcasting System from the Herbert J. Yates interests, I. D. and Dr. Leon Levine, CBS stockholders and owners of WCAU, Philadelphia, have 20% of the new acquisition. While the Yates-CBS negotiations were going on reports cropped up that Harry Cox, formerly head of the Columbia Phonograph Co., was preparing to return to the industry with Ben Selvin as his recording chief, and that Paul L. Deutsch, president of the World Broadcasting System, proposed to enter the phonograph record field this spring.

Problem of no mean proportions which faces the phonograph industry involves the demand of music publishers that they be counted in on the rewards stemming from the coin-machine business. The legalistic wedge that the pubs have elected is based on that provision in the copyright law which invests the copyright owner with the exclusive right to make arrangements of his work. The disc manufacturers have so far declined to recognize this right as part of a new publisher's licensing form with the result that they must either pay the statutory 2c. royalty or refrain from including the latest tunes in their forthcoming releases. Even if they pay the 2c. fee there's the question as to whether the copyright owner would, by injunction proceedings, restrain the manufacturer from selling such records for other than home use. As 1938 ended the manufacturers started to show the effects of this dilemma. Fear agitating them was that the situation might seriously diminish that major source of their income, the coin-operated machine.



# DECCA RECORDS, Inc.

Congratulates **VARIETY** on its  
"Third of a Century"



# DECCA RECORDS, Inc.

## Band Reviews

**HAPPY FELTON Orchestra** (20)  
With Lorraine Barrie, Louise Dunn,  
Billy Galbraith, Eddie Platt  
Sherman House, Chicago

Felton is a newcomer to Chicago but on his first week's reaction in the College Inn he indicates that he

can stick around. It's hokum entertaining band, and for medium-priced, general-run-of-public spot, Felton's group rates.

Felton is a big overgrown fellow with ease of movement and a relaxed personality that will grease with most audiences.

Felton's orchestra goes in for a flock of special material items. Practically every song, even the straight pop tunes, has a special lyric sprung in on it somewhere. They open with a special lyric routine, and close with a specially written finale. It's all nice stuff, intelligible and pretty clever. It's hokey for the most part, but the audience gobbles it.

Besides Felton's easy yodeling there are four standard warblers with the outfit. None of them is permitted to snare the center of the floor and wear out the microphone.

They are on and off quickly after one or two songs. Eddie Platt sings semi-pop songs with plenty of deep baritone and power; Billy Galbraith is an Irish crooner and okay; Louise Dunn is the femme counterpart of Platt, singing semi-classical stuff with plenty of soprano, and Lorraine Barrie is the swingerop sister and full of jive. Clean-cut and youthful. Entire band has an air of youthfulness that gives it a bouncing quality highly suitable for the type of entertaining they toss out. *Gold.*

**GRIFF WILLIAMS ORCH.** (13)  
With Buddy Marino  
Hotel Schroeder, Milwaukee

Griff Williams offers sweet interpolations of swing. A likable lad, Buddy Marino, only member left of the original band organized five

years ago, rates okeh on the pipes and is smooth on interps of swing ballads. Williams strives for the unusual and orchestra is built around his piano duos.

Direct from Victor Hugo in Hollywood, after stretch here, Williams shifts next to the Aragon, Chi. *Weber.*

**AL KAVELIN AND ORCH.** (19)  
With Patti Morgan, Al Shelleday  
New Fenn, Pittsburgh

New band and a new idea for Al Kavelin. 'Cascading Chords' is the rhythm style tag Kavelin's peddling and it's ear magic and danceable, too. Steel guitar effects are obtained by melodic successions in the reed section, with the saxes hitting them off first and then the clarinets, buried in large megaphones for muted sweetness. Showy and original. Crowd gathers around the bandstand trying to figure out how Kavelin achieves tones.

It's a small crew, three reeds, three brasses, drums, guitar and piano, in addition to Kavelin, who picks up the fiddle only during broadcasts, but for style Kavelin's concentrating on, that seems to be sufficient. Particularly when in the swings for dansapation, band sounds as if it has double the personnel. All in the arrangements, and what batoneer labels the 'cascading.'

In these days of stylized combos, Kavelin's been wise in happening on something that not only sounds good, but also makes 'em talk and wonder. *Cohen.*

Edward Kay did the scoring for 'Tough Kid' at Monogram.

Johnny Lange and Lew Porter sold 'A Rainbow Is Riding the Range' to Sam Katzman for his next Tim McCoy western.

## Music Notes

Gus Kahn and Ormond Ruthven, ditted 'Rendezvous in Rio,' to be sung in 'I Take This Woman,' at Metro.

Constantin Bakaleinikoff scoring Metro's 'Woman in White.'

Sigmund Romberg and Edward Heyman clefted 'The Night We Named the Day' for Metro's 'Ice Follies of 1939.'

Herbert Stothart handling the score of 'Idiot's Delight' (M-G).

## THE HOUSE OF 1000 HITS

Nearing the Top!  
**WHAT DO YOU KNOW ABOUT LOVE**

Watch Out For  
**AMONG THOSE SAILING**

Xavier Cugat's  
**NIGHT MUST FALL**

Emery Deutsch's  
**BEAUTIFUL DANUBE**  
No Wonder You're Blue

Joe Cherniavsky's  
**STRANGE**

EDWARD B. MARKS  
MUSIC EDITOR

## Season's Greetings

## DYNAMIC MUSIC CO.

CASE KUSBY, Pres.  
EDDIE KUSBY, Vice-Pres.

An acknowledgment of a most agreeable and pleasant three and one-half year association with Mr. IRVING BERLIN, Mr. SAUL BORNSTEIN, and Mr. MAX WINSLOW, and many thanks for the splendid co-operation of my staff whose integrity and loyalty I appreciate so much.

HARRY LINK

December 31, 1938

Season's Greetings  
**JULIAN T. ABELES**  
745 Fifth Ave., New York

*Interoffice Communication*

From—**JACK ROBBINS**

To...—**HARRY LINK**

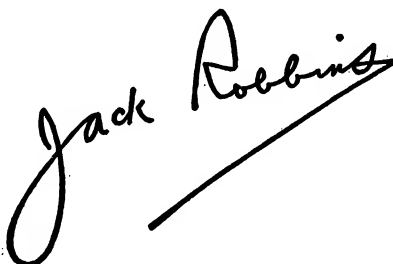
At...—**LEO FEIST, INC.**

January 3, 1939.

We're all thrilled, Harry, because we regard you as the top man in our profession.

Each and every one of us is with you one hundred percent.

Good luck!

A handwritten signature in cursive script that reads "Jack Robbins". The signature is written in dark ink and is positioned above the typed name and company information.

FOR

**ROBBINS MUSIC CORPORATION**

**LEO FEIST, INC.**

**MILLER MUSIC, INC.**

## Nitery Reviews

### EARL CARROLL'S (HOLLYWOOD)

Hollywood, Dec. 26.  
Harrison & Fisher, Susan Miller, Beryl Wallace, Reginald Craig, Dorothy Garron, Denise, Vivien Fay, Paul Gerrits, Three Sophisticated Ladies, A. Robins, Arren & Broderick, Archie Bleyer Orch, Edward Durant Orch.

Picture mob sampled an Earl Carroll nitery revue Christmas night amid the splendor of his theatre-restaurant. Carroll took a lacing from this crowd, the dressiest and most critical any night spot ever played to en masse, for unveiling his two-hour show in a half-baked

state. Everything went sour, routines askew and mechanical gadgets failed to click.

Despite it all, Hollywood went for the enterprise in a big way and will keep it going big for the first half of the new year at least. Other niteries are already feeling the effects of the spot's popularity and the casualty score after New Year's will be heavy.

It's a typical revue that Carroll is tossing in with the dinner and dancing on stage before, after and between the two acts of his extravaganza, which is overrun with girls, some 60-odd of them, brilliantly and at times scantily clad. While massive, it's also slow, but considerable tightening and speeding up of the big numbers, which is bound to

come, the revue should level off to something for which the town has long hungered. The Carroll stamp is everywhere evident and the town with its transients and racetrack devotees should give it a heavy play.

Nut is estimated at around \$17,500 a week. From present indications the weekly take should run from \$21,000 to \$25,000. Opening night was good for \$15,000 at \$10 a head. To woo the after-theatre crowd, Carroll is offering a supper for \$1.50, which includes dancing and a look at the second act, which starts rolling at midnight.

Much publicized 'inner circle' presently is serving as a wine store-room. Its completion is still three weeks off. Membership is open to anyone plunking down \$500 for the privilege of its exclusive quarters and a seat on the first terrace at show time. About 100 is capacity for the closed-off room, wherein a private bar, secluded dancing and lounging appointments are available. Thus far the 'circle' membership is

around 200, with the lists still open. The C's does not include waivers on the dinner or liquid tab.

First half of the Carroll revue is largely big production and comedy. Harrison and Fisher, Denise and Vivien Fay interpose dancing with a generous backing of female femininity. Three Sophisticated Ladies scored with their knockabout routine, a la Three Stooges. Also panicking the mob with broad comedy are A. Robins, clown, who carries all his props on his person, and Arren and Broderick, slapstick singing turn. Paul Gerrits, in for his monolog and skating trick, also m.c.s. Susan Miller has a pleasing voice.

Carroll burns out several production numbers. 'By Candlelight,' 'Can Can,' 'Temple of Beauty,' 'You're So Lovely' and radium spectacles being outstanding. Beryl Wallace's Bolero number was dropped when musicians union demanded scale for 20 dusky ton-ton thumpers.

Ray Noble opened with his band for the dance and production, but the English maestro bowed out the second night after a series of disagreements with Carroll. His band remains, with Archie Bleyer rushed in to take over. Carroll also ran into a maze of union troubles that threatened to postpone his premiere, but he squared matters and the spot is now running 100% union in all departments.

Harry Long staged under Carroll's direction. Costume and scenery designs are by Jean Le Seyeux. Original music by Louis Alter, Paul Webster, Noble, Charles Newman, Walter Samuels, Dorcas Cochran and Charles Rosoff. Eddie Prinz staged the dances and the ballet numbers are by Nico Cherisse. Helm.

### International Casino, N.Y.

Jay C. Flippen, Harold and Lola, The Bo Brummels, Tito Valdez and Corinne, Emma and Henry, The Maxellos, Gertrude Hoffman Girls, Denett and Dae, Grace and Nikko, Three Stooges, Franklin D'Amore and Anita, Ray Kavanaugh band, Eddie Brand and Rhythm Boys.

Merging the two Clifford C. Fischer shows which opened here recently—one had gone on for dinner, the other for supper—and adding Jay C. Flippen, plus other acts, the International Casino has freshened up its stage department. Plaisirs de Paris, billing of the former dinner show, is retained. Supper presentation had been known as 'Montmartre a Minuit.'

Best features and backgrounds, as

well as numbers, of the two Fischer shows, are retained and the pace is fast. A 20-minute touch-mission, however, is provided in the oldtime two-a-day vaudeville manner. During this period dancing is permitted on the stage.

Although the show is still Frenchy in background, it is otherwise quite Broadwayish, with Flippen and others helping to lend that touch. Flippen, as m.c., didn't do as much as he's capable of doing, on opening night, Wednesday (28). He probably will expand later. He's in some bits, too, and sings an unusually clever arrangement of 'Small Fry,' that's well done.

Supporting talent is only fair, though the colorful Fischer staging, the girls, costuming, lighting, etc., provide a kick. In addition to the regular showgirls here, engagements with the Gertrude Hoffman Girls in well-executed routines. A colorful rumba is included, topped by the band's specialty of Harold and Lola, holdovers, in which the girl simulates a snake effectively.

Others added to the show are The Maxellos, veteran risley artists, the Bo Brummels, a stooge type of comedy instrumental trio, who are quite funny; and Corinne with Tito Valdez in the finale with their saucy dancing.

The Maxellos are trying for laughs in a manner similar to various roller-skating acts, which have drawn recruits from the audience to participate in some risley work.

Holdovers, in addition to those named, are Franklin D'Amore and Anita, who recently doubled into the Radio City Music Hall; Grace and Nikko, comedy dance acts, more subtle than the average team; Emma and Henry, comedy acrobats, and various lessers. Ray Kavanaugh's band, playing the show smartly, replaces Yascha Bunchuk. Eddy Brand's outfit, a relief combo, is a holdover. He also performs in the Streets of Paris room. Char.

Oscar Levant and Harry Tobias turned over their song, 'Made For Each Other,' for publication by Crawford Music Publishing Co.

Max Steiner and Arthur Quenzer cleared 'Judy' for 'Dark Victory' at Warners.

### OLD SONG SUGGESTIONS FOR YOUR PROGRAMS JIMMY McHUGH'S

"I Feel a Song Comin' On"  
ROBBINS MUSIC CORP.

## Season's Greetings

from **HARMS**

The nation's favorite ballad—

### DEEP IN A DREAM

The song everybody's humming—

### UMBRELLA MAN

Still the season's novelty sensation—

## THE GIRL FRIEND OF THE WHIRLING DERVISH

Two early candidates for your hit parade—

### I WON'T GO HOME

and

### WAIT UNTIL MY HEART FINDS OUT

And this new hit will soon be ready—

### GRANDMA SAID

HARMS INC. — R. C. A. Bldg. — New York — Mack Goldman, Prof. Manager

With the Season's  
Most Cordial Greetings



JACK BREGMAN  
ROCCO VOCO  
CHESTER CONN

### SEASON'S GREETINGS

FROM

## CRAWFORD MUSIC CORPORATION

OUR BIG HIT

### I WON'T TELL A SOUL

(I Love You)

(I'm Afraid)

### THE MASQUERADE IS OVER

By Herb Magidson and Allie Wrubel, Writers of  
"Music Maestro Please"

IN PREPARATION

### SING MY HEART

By Harold Arlen and Ted Koehler  
From RKO Picture, "Love Affair"

ENGLAND'S NUMBER ONE WALTZ HIT

## THE SWEETEST SONG IN THE WORLD

### LIKE A GHOST FROM THE BLUE

PLAYWRIGHTS' PRODUCING COMPANY, INC., present  
WALTER HUSTON

### "KNICKERBOCKER HOLIDAY"

By Maxwell Anderson and Kurt Weill

### SEPTEMBER SONG

IT NEVER WAS YOU

### THERE'S NOWHERE TO GO BUT UP

From Olsen & Johnson's Broadway Success: "Hellzapoppin'"

IT'S TIME TO SING ALOHA

FUDDLE DE DUDDLE

WHEN YOU LOOK IN YOUR LOOKING GLASS

## CRAWFORD MUSIC CORPORATION

1619 BROADWAY

NEW YORK CITY

# SEASON'S GREETINGS

**CHAPPELL & CO., Inc.**  
RKO BUILDING  
1270 SIXTH AVENUE  
NEW YORK

# BERLIN • BULLETIN

*The Song That Will Bring Back the Waltz . . .*

IRVING BERLIN'S

## WE'LL NEVER KNOW

## HAVE YOU FORGOTTEN SO SOON

By Abner Silver, Edward Heyman and Sam Coslow

## IT'S A LONELY TRAIL

(When You're Travelin' All Alone)  
Dick Kenny, Charles Kenny and Vaughn De Leath

## HAVE A HEART

By Mickey Rooney and Sidney Miller

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

# ABNER SILVER

Greets Y-O-U and the New Year with

"HAVE YOU FORGOTTEN SO SOON"

and

"AN OLD CURIOSITY SHOP"

*Happy New Year  
To All My Friends  
From Hawaii to Miami  
And Oslo to Sydney*

# SAMMY

(That Old Feeling)

# FAIN

# Season's Greetings from WITMARK

A triple threat from the Cosmopolitan Production "Going Places"—

## JEEPERS CREEPERS

## SAY IT WITH A KISS

## MUTINY IN THE NURSERY

The ballad that's sweeping the country—

## THEY SAY

In preparation . . .

A swell new tune—

## GOOD FOR NOTHIN'

  
(But Love)

And a smash score from M-G-M's "Honolulu"—

## HONOLULU

## THE LEADER DOESN'T LIKE MUSIC

## THIS NIGHT

  
(Will Be My Souvenir)

M. WITMARK & SONS—R. C. A. Bldg.—New York—Norman Foley, Prof. Manager

# Season's Greetings from REMICK

The song sensation from Warner Bros.' "Hard To Get"—

## YOU MUST HAVE BEEN A BEAUTIFUL BABY

By the writers of "You Go To My Head"—

## LET'S STOP THE CLOCK

That beautiful ballad—

## OLD FOLKS

Two hits that are still going strong—

## SO HELP ME

and

## THIS IS MADNESS

  
(To Love Like This)

Almost ready . . .

A new song by the writers of the two above hits—

## HEAVEN CAN WAIT

REMICK MUSIC CORP.—R. C. A. Bldg.—New York—Charlie Warren, Prof. Manager

# Variety's' Oldest Subscriber, Or The Bad Notice Still Pursued 'Em

By Joe Hayman  
(Hayman & Franklin)

London, Dec. 20.

We became the first subscriber to VARIETY 33 years ago, and today we still remain its oldest customer. Funny how it happened. In 1904 my pal, Houdini, booked us (Hayman and Franklin) in England. We played 40 weeks and then went home for a season booked by the 'greatest of them all,' William Morris.

Proud of our success abroad, we opened at Proctor's 23rd St. theatre new act, new wardrobe, raise in wages, everything just perfect. Then came the bump. Star abroad, but just an opening act at Proctor's, New York.

A new theatrical paper was born that week called VARIETY. You should know what I called it, after I read the notice we got in its first issue. Believe it or not, everybody in show business must have read that notice, including our agent, Bill Morris. Consoling, Bill said, 'Don't you believe it.' The next day I went to the office of that new paper and met for the first time the man who owned it. I paid a year's subscription, because I wanted to make certain I would read what they said about the other actors. I paid the money to Stine personally, four bucks for a foreign subscription. The fellow who I was, his face lit up and his eyes twinkled when he said, 'Hayman, you are my first subscriber, and \$4 a year is all you are ever going to pay for my paper,' a promise which has been carried out, of course, since that day in 1905.

We got better notices later on when we changed the act around, and got acclimated, and we knew what it was all about.

But that 'first notice, wow! On the 15th anniversary of VARIETY, that lousy notice was again flung in our faces. We were stars by then in England, and VARIETY was being read by the English actors, agents and managers. Quite a few actors showed us that notice gleefully, and every time we asked for a raise in salary the managers dug up that notice. Our agent knew it by heart, no foolin'. He could recite it to us—and he did.

So what? So 10 years later, in 1930, VARIETY must have another birthday party, and—well, maybe you guessed it? They reprinted that notice again, but this time I laughed. I had ceased being an actor; I was a producer and author, and doing okay at it.

Now this 'third-of-a-century' pops up, and maybe they will do it all over again. To hell with it, I don't mind now; it's a laugh. Time mellows everything, yeah! even a bad notice.

Things have happened to the show business in England since we came here in 1904. We've seen it change from the 'music-hall' to 'variety' to 'vaudeville' and then to 'pictures'. In 34 years playing truant from N.Y. we have seen the game shot to pieces, and I'll bet you a year's sub to VARIETY that live vaudeville will be back here in the very near future.

We played for Barrasford, De Frece, MacNaghten, Adney Payne, Walter Gibbons, Sir Edward Moss, J. L. Graydon, all dead, all gone, names only a memory of days that were. Not one of those great showmen owned less than 10, and some of them 25 and more theatres where variety was played. We played 72 weeks in one theatre without moving our trunk out. That was the London Pavilion—it's a picture house now. Darn it, nearly all of them are. We played 26 weeks a year for 11 years at the Oxford and Tivoli, one show a night, an actor's paradise. It was show business then!

I've long since come to the conclusion that the late Chicot did us a great big favor. Maybe if that had been a good notice we might not have become the 'No. 1 cash customer'. Also, maybe, we might have remained in show business in the U. S., and that is too terrific a fate to even think of.

## Evelyn Nesbit's Dates

Evelyn Nesbit went into the Palace, Buffalo, Friday (30) for a week, to be followed by the Roxy, Cleveland, Jan. 6. Then shifts to the Silver Dollar club, Boston, for two weeks. Theatre date in Toronto may top that.

## • 15 YEARS AGO •

(From VARIETY and Clipper)

Denver downtown managers worried because the nabe houses seemed to be getting all the best of it. Prices were more attractive, and patrons willing to wait for the pictures.

So many church organizations playing pictures for their own profit the regular exhibs were complaining to the Hays organization.

Wired Wireless making a test on Staten Island. Claimed to have 2,000 subscribers at \$2 per month. Only radio company paying for talent.

Texas Interstate Circuit, which was playing occasional touring shows, advertised that unless patronage bettered the legit shows would be cut out. Not paying.

VARIETY getting out its anniversary number. Ran 164 pages.

One anniversary story told of the gradual disappearance of Coney Island.

Yiddish shows were selling \$100 worth of tickets for \$20. 'Benefit' system was a lifesaver for midweek business. Anyone could have a benefit who would buy out the house for 20%.

Christmas week was a disappointment to Broadway legit. Business did not come back until two days after the holiday. 'Follies' was tops with \$42,000.

In its resume of trade papers, VARIETY said: 'Clipper was in miserable shape when taken over by VARIETY. VARIETY turned Clipper into an outdoor sheet and it has been almost as miserable ever since.'

Heavy drive on for the repeal of the N. Y. censor laws. Had the backing of Gov. Al Smith. But the reformers were too strong.

Ralph Whitehead took a half page for an open letter from Rennie Riano telling him he was the best comedian ever. He agreed with her.

Palace, N. Y., faced its first damage suit over its action in refusing to recognize tickets purchased from specs. Benjamin Sachs was asking for \$10,500.

Shortage of dancing acts for productions and vaude. Bookers could not seem to dig any up.

Bill Cathoun reopened his Hawaiian Paradise in Hollywood, with Andy Iona's orchestra and Princess Luana.

Strong public yen for flesh-blood saw vaude-revue take a high swing into popular fancy during 1938. Looks like sticking that way, too, and building even higher in 1939. Australia has been good going for U. S. acts.

There are no split weeks over this way acts play a city like Melbourne for five weeks straight on two-a-day, with Sabbath show taboo, and then move over to Sydney for similar playing time. If the act clicks, then an option is taken giving added dates, plus the possibility of dates in New Zealand.

To Frank Neil, m. d., Tivoli Theatres, largely goes the credit for revitalizing vaude-revue. Neil took a chance. He saw that the only way to win trade would be to import talent from England and America. Early acts brought out were mainly Pacific Coasters. Better acts were needed. More risk. Fortunately the b.o. did go up and today quality artists are commonplace. Top ones at the moment are Larry Adler and Will Mahoney.

Imported acts got an even bigger break when Neil made a deal with Greater Union to spot them in their



GREETINGS FROM  
**SONNY KENDIS**  
and His Orchestra

Now in his second year at the Stork Club, New York.

## Indie Pittsburgh Performer Unit Reaches CIO OK

Pittsburgh, Jan. 1. Entertainers Federation of America, independent Pittsburgh group of actors and niter performers which recently broke off negotiations for affiliation with the American Federation of Actors, entered the Congress for Industrial Organization last week. Organization, which has 169 members, was granted first charter of its kind to be issued by CIO and henceforth will be known as United Entertainers Local, Industrial Union 921.

Application for charter was made, officials said, when Actors Federation refused to accede to their demands for local autonomy.

Local Entertainers Federation was formed three years ago as a social organization and last year was converted into an independent collective bargaining agency. Officers are James L. Loster, president; Bobby Fide, vice president; Sidney Magidson, treasurer; Betty Simon, recording secretary, and Amy Berlinger, corresponding secretary.

## Billy House Set for Vaude After Closing Air Show

Chicago, Jan. 1. Closing his radio show for Wrigley's after 26 weeks, Billy House, returns to vaude and has eight weeks set. Starts at the Palace here Jan. 12 and then to Cleveland, Pittsburgh, Indianapolis, Cincinnati, Washington and eastern burys.

For the most part the act will be a presentation of the radio 'Laugh Liner' comedy.

## Australian Vaude Brisk

By Eric Gorrick

Sydney, Dec. 15. Strong public yen for flesh-blood saw vaude-revue take a high swing into popular fancy during 1938. Looks like sticking that way, too, and building even higher in 1939. Australia has been good going for U. S. acts.

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Speaking of vaudeville 'firsts'—who was?—we must not forget the firsts who blazed the trail and laid the foundation of Vaudeville. Their names may mean nothing to the present generation but it was due to their skill, talents and originality that made Vaudeville the first on the list of America's entertainment for over two decades. It was through these firsts, pioneering in free-and-easies, barrooms, museums and honky-tonks that made it possible for us to have our present day stars of the stage, screen and radio. And so I give you a few of the names that learned their 'trade' the 'hard way.'

Nick Norton & Bill Emmett did the first 'double-dutch' act in 1864. They sang, 'Going to the Fight With Siegel' for a finish.

Harry Montague did the first double-entendre act in 1870.

Maggie Weston introduced the first 'Irish Biddy' in variety 1872.

Sanford & Wilson did the first musical act in 1873.

Diamond & Ryan and Scanlon & Cronin were about the first Irish tenors in 1873.

First real sketch artists were John & Maggie Fielding, 1873, followed in 1877 by another great sketch team Charles Rogers & Mattie Vickers.

The French Twins and the Raymond Sisters were the first sister acts, 1873.

The Nicholl Sisters did the first blackface sister act.

Walter Wentworth did the first contortion act in 1872.

In that same year Hughy Doherty and Add Ryman were the first to do the 'stump speech.'

First to wear big comedy shoes was Col' Burgess in 1872. Tom Hickey, of Hickey & Nelson, was also considered one of the originators of this comedy makeup.

Sam Rickey was a bit ahead of the original Pat Rooney as the first Irish comic. That was in 1872 but Pat Rooney was the first single act to ever receive \$100 a week.

The first blackface quartet was called 'Hamtown Students,' 1873.

John LeClair was the first single juggler, 1873.

The original comedy acrobatic act was performed by Johnson & Brun, 1873.

It was in 1874 that the first German comedians first appeared, Gus Williams, George S. Knight and Lew Spencer.

In that year De Witt Cook did a club juggling act.

In 1876 E. M. Hall was considered the greatest of all banjo players. Frank Bush, Howard & Thompson and Sam Curtis started the 'Jew comic' vogue in 1876.

Jimmy Bradley originated the sand-jig dance and Kitty O'Neill was the first woman to do it.

Barlow Bros. and the Girard Bros. were the originators of the double sand-jig dancing.

## Australian Vaude Brisk

By Eric Gorrick

and his 'Hollywood Hotel.' Unit clicked strongly in New Zealand and then moved over here. Howard, however, made a play for a \$3 top, but after three weeks decided to drop down to \$2. At the moment of writing he has been in this spot for six weeks with the rest of the Commonwealth as yet untouched. Australian New Zealand Theatres will undoubtedly bring out some class revues from England and U. S. early in 1939.

### Vaudfilm

Various picture managements have been dickering with the idea of trying vaude-pix policy. Paramount started off in Melbourne late in 1938 with Jack Lester as producer. So far only local talent is being used, but if policy is a click importations will follow. Snider-Dean may make a bid in Sydney at the Mayfair with same policy. All of which means there will be plenty of work on offer over here during next year.

Some pic managers will go in for presentations in a major way next year, especially the indies both in and out of the city spots. Presentation idea means just so much added employment for acts, mainly of the home variety.

In 1877, the Poole Bros. did the first acrobatic pedestal clog dance.

Gus Hill was the first outstanding club swinger in 1878.

Jap & Fanny Delano did the first man and woman talking act, 1878.

The first water tank act, such as eating under water, was Wallace, the Man Fish, 1878.

Lurline was the first under-water tank act performed by a woman.

Maggie Cline was the first single woman comedy Irish singer, 1879.

In that same year Fanny Bean, Millie and the Barretts did the first 'lady' song and dance act.

First vaudeville children stage acts were Baby Rhinehart, Little Rosebud, Baby McDonald and Master Dunn, 1879.

The first lady ring singing act appeared 1879, the Three Rankins.

Imro Fox was the first comedy magician, 1880. Bunt & Rudd did a double comedy magic act in 1879.

Carrie Swain was the first woman blackface knockabout acrobatic act, 1881.

Leon, William Harry Rice, Charles Heywood and Lind were the original female impersonators, they all did acts around 1885.

Blockson & Burns did a comedy perch act in 1888.

Will H. Fox did the original piano-log.

The American Four was considered the greatest quartet. It consisted of two two-men acts doubling up—Wayne, Lovely, Cotton and Bedue.

The Big Four came later, with Lester & Allen & Smith & Waldron.

The first 'kidding act' and 'topical songsters' were Lester & Allen.

Lew Randall was the first buck and wing dancer.

Dainty Katie Seymour (of London) was the first 'skirt' dancer.

Charles Guyer and Nellie O'Neill were the first 'roughhouse' dancers.

Deleahanty & Hengler were the first to do 'neat' song and dance.

Prof. Dave and Trovillo were the first ventriloquists to introduce the mechanical walking and talking figures.

The first 'electrical clown' was Herr Tholen. He sang with a poodle.

Topack & Steele were the first 'knockabout' comedians.

Major Burke was the original 'lightning drill' artist with musket and bayonet.

Melville & Stetson, a sister act, were the first to do imitations.

Lester & Williams, Arthur O'Brien and Lew Carroll were the first to introduce parodies.

Caron & Herbert were the first acrobatic clowns.

Borani Bros. were the first to do a somersault. They were Englishmen and the originators of the 'Borani somersault.'

Gravell Bros. the first to do the 'shoulder to shoulder' double.

The Sigrist Family were the first American acrobatic act.

Bohee Bros. the first to do a double banjo song and dance act.

Harper & Stencil were the first and about the only double one-legged song and dance men. Harper had his right leg off while Stencil had his left leg off. They wore the same size shoes and would buy a pair for both of them, one wearing the right and the other the left.

Yeamans & Titus (Annie Yeaman's daughter) did the first 'piano act.'

Jolly Nash was the first extemporaneous singer.

George Cain did the first 'smoke' singing. He would have a butt of a cigar in his mouth while singing, put the full lighted cigar in his mouth and have smoke come out while singing his songs.

George Wilson introduced the first 'laughing song.'

Al Johnson was the first to sing on his knees.

Harry G. Richmond was the first to do a 'tramp' act.

Kelly & Murphy did the first boxing act on the stage.

It was in 1905 that acrobats first starting wearing pads on head while balancing.

Lumiere's motion pictures were first shown at Keith's Union Square in July, 1895.

First 'Continuous Vaudeville' was at Keith's Boston in 1898, and at Proctor's 23rd St., New York.

It was in 1907 that the first 'Family Vaudeville' was started.

Tony Pastor had the first vaudeville 'roadshow.'

Mike Leavitt the first to use the term Vaudeville.

Jack Norworth was the first actor to write a column in VARIETY.

# FEAR-CHILLED VAUDEVILLE

By Joe Schoenfeld

Like the barroom brawler who could have licked the crowd if someone hadn't held his arms, vaudeville wasn't permitted to answer the bell this past year. It had all the healthy symptoms of a comeback except one—major circuit cooperation.

Public demand for stage shows has been at its highest pitch in 10 years; theatre operators acknowledged the need of a b.o. hypo as early as last June, when not even triple-theatres, giveaways, bingo and banks could stem skidding grosses; newspapers editorialized on the boon to the theatre in general if vaudeville showed a marked revival. And the circuits at that time appeared to lend a willing ear to all the clamor, but later, in the face of future events, they raised a barrier against a stage revival which nothing could pierce.

## Fear of Unions

One major factor worked against vaude with the circuits, and that was their fear of further union entanglements and opposition. In contrast to past seasons all of the major booking offices discounted a possible shortage of talent; the fact there was a sufficient supply of acts and enough bands around with radio buildups to fill the need of headliners. They were also prepared to spend some coin in exploiting stage shows as they hadn't been for years, but then the first union trouble exploded in their kissers and all enthusiasm died down in the home offices.

It's hard to say now just how far vaudeville would have gone had not the American Federation of Actors created a situation the opening week of the New York Strand's stage-band policy late August, but his negative effect was unfortunate. It was a threat to all the circuits, as well as Warners, and in consequence the ice began to form thick upon any plans to resume vaude in several Metropolitan New York houses and key cities elsewhere. The AFA's strike call at the Strand was straightened out (a specialty act booked with Ben Bernheim, orch being involved), but the damage had been done even though there was no interruption of the policy.

What the circuits feared most was possible monetary losses if strikes followed heavy exploitation of stage shows. Strand's initial difficulties and possibly worse, could just as well be their own, they figured. And hardly encouraging at about the same time were the demands of motion picture operators for higher salaries, plus the refusal of musicians' union locals in most spots to grant trial concessions to theatres wishing to supplement the screen with the stage.

## Trial Periods Mixed

In several spots theatre operators approached the circuits with the idea of an eight to 10-week trial period of stage shows below the usual scale for the musicians. Plan extended to the union meant that the profits, if any, during the test period would determine the future scale for the town. This idea, however, was nixed everywhere, with the musicians granting concessions only in Baltimore, where Loew's instituted a strictly pit-orch policy early in the fall at the Century. Musicals were limited to 20 minutes each show, with the house employing 40 musicians at \$35 per man. It didn't mean much to the Century's grosses. When that contract expired, Loew's began another with the Union calling for upped pay for 30-minute shows.

It's significant that Warners, for one, had tentative plans to put a name-band policy into the Branford, Newark, and Stanley, Jersey City, up N. Y. Strand. Then that idea died cold, despite the fact that the Strand's policy proved profitable right from the beginning. When the same circuit, in a pooling deal with the Fabian Brooklyn theatres, broached full-week vaudeville for the Strand, Brooklyn, it found itself enmeshed with the musicians' union on the number of pit men to be used. This wasn't straightened out until after a couple of weeks of negotiations. Theatre operators began to feel that the unions were making things a little too tough.

## Better Pix Came Along

Circuit feeling towards vaude may have still softened at that time, however, if Hollywood hadn't suddenly armed and shipped out several b.o. pictures. "Alexander's Ragtime Band" (20th) was released and started to mop up; then

"Letter of Introduction" (U), "Love Finds Andy Hardy" (M-G), and later such films as "Sing, You Sinners" (Par), "Marie Antoinette" (M-G), "Boys Town" (M-G), "Four Daughters" (WB), "You Can't Take It With You" (Col.), "Stablemates" (M-G), "That Certain Age" (U), "The Sisters" (WB), "The Citadel" (M-G), "Suez" (20th), "Brother Rat" (Par), "If I Were King" (Par), among others. Theatre operators began to lose that desperate look; that old feeling that it's still the picture that counts returned—and vaudeville was again on the wrong side of the door.

When Oct. 1 arrived, vaudeville, with the exception of the Broadway sector, was in hardly better position than it had been the year before. Broadway found itself with one more stage show house, the Strand, but on the other hand Loew's continued to hold off resuming flesh in its deluxe Capitol despite the rising tide of stage opposition. This circuit's theatre operators, while admitting on one hand that stage shows appeared necessary to buck the Strand, RKO and Paramount, reiterated that they would hold off as long as possible, probably until the World's Fair opens this spring.

In at least a couple of keys, vaude was in a worse position than it had been in 1937. Boston, for one, was entirely without a stage show house up until late November. Paramount continued to slight picture policy in the Metropolitan while RKO's two de luxe houses, Keith's and the Memorial, opened the fall season without vaude in either house for the first time in years. RKO theatre then started trial weekend vaude Xmas day. Strong picture product was the reason here as well as in Cincinnati where RKO's Shubert also continued on all-film program until late November. In Cleveland, RKO's vaudeville policy lasted only a few weeks at the start of the season, the circuit switching back to straight pictures because it couldn't get enough b.o. stage attractions. Vaude, however, was resumed in mid-November after four red weeks of all-films.

Like Cleveland, vaudeville held up grosses in every spot where tried, except at the Fox, Philadelphia. Here it never caught on, but the situation in itself was unique and working against the theatre's success with a vaudeville policy. In putting stage shows into the Fox, Warners went into direct competition with itself, the circuit also operating the policy-established Earle in the same town. WB found it was in the position of bidding against itself on acts and bands, as well as the competitive advertising and exploitation, while the Philly-ites, from long custom, continued to patronize the Earle. Another factor was the switch of WB's A product to the Earle, while the Fox was given the B pictures, with the result proving again that it's the picture that counts most. So out went vaude, with the Earle again getting the B's to supplement the stage, while the Fox went straight pictures with the A product.

## Helped in Some Spots

But in Minneapolis (at the Orpheum), Pittsburgh (Stanley), Detroit (Fox) and Indianapolis (Lyric), stage shows continued to hold up the grosses to an excellent average. Now and then these houses experienced dull weeks, which was only natural, but over a long period the vaudeville policy was found to pay excellent dividends. It counter-balanced weak picture product when it came along, and with sock films vaude sent the boxoffice to record and near-record takes in every situation.

Bands were the biggest thing in vaude the past year. The jitterbug craze plus those radio buildups made most of the pop music purveyors potent b.o. factors. They were boons to theatres in requiring little production and, in many instances, provided the entire show. At an average of \$7,500 weekly per band, they've been comparatively cheap headliners to theatres, which ordinarily have to pay from \$9,500 to \$17,500 for a name act and then have to book four or five acts besides, with the attendant billing headaches usually not experienced with bands.

No. 1 example of the clicko potentialities of a consistent name-band policy is still the New York Paramount, where the theatre of entertainment hasn't yet failed to hold the b.o. to a profitable level, no matter what the film fare. Its grosses

have held up despite the competition of the Strand up the street, which put its band policy into effect in August, and Loew's State, also on Broadway, and also going in heavily for bands, though not as consistently as either the Strand or Paramount.

## Paramount's Formula

Although the Paramount, because of its Times Square location, is nominally a transient, or drop-in, type of theatre, the house is drawing weekly regulars, much like the steady vaude patronage at the Palace when the latter was two-a-day. In the Par's case, the weekly regulars are the young jitterbugs, who come to root their swingsters home at the daytime shows. Repeat-customers aren't as noticeable among the night, adult crowds, but it is presumed that many among the latter also have gotten the habit of attending the Broadway deluxer regularly because of the consistent quality of the orchestras.

Broadway Strand's name-band policy, similar to the Par's, though the show is set on the apron, while the latter's is in the pit, also proved successful right from the beginning, evidencing that there's still plenty of patronage in New York for stage shows. It refutes the theatre operators' old alibi that nobody wants to see vaudeville any more.

Billy Rose's Casa Manana, which must be rated as the country's No. 1 vaudeville house, even though it's a theatre-cabaret, is another strong piece of evidence in vaude's favor. De luxe dining-wining-entertainment spot, now booked by Charles J. Freedman, former head of the RKO booking office, has been piling up high grosses week after week—and the tariff here isn't chicken feed. Shows are built much along the lines of the old Palace layouts and here also

repeat trade, plus swell newspaper comment, has been consistent. But here again a labor (waiters' union) situation almost forced it into a switch in policy, since settled.

All this ordinarily would have clinched the case with the theatre operators (who were already convinced last summer) that vaude can be a plenty potent b.o. factor, but the spectre of union trouble splashed 'em with too much ice water. In show business this was looked upon as regrettable. Vaudeville not only could help theatres, but also every phase of the amusement industry, showmen feel. A marked revival would have partially solved the new-faces problem for Hollywood, legit and radio, on one hand, while also proving profitable in many spots which are now howling the blues with giveaways and duals.

## No Unit Production

Fact that there is a plenitude of bands was one of the factors in keeping down unit production this past year to a hardly discernible minimum. Only shows put out were the cheaper productions for the \$150-a-day time, none of the managers evidencing any willingness to gamble with the higher-priced productions.

For the first time in several years, there wasn't a single condensed version of a former Broadway musical for the pop-priced houses; nor was there a nitery show released for the theatres, such as the former French Casino troupes, which drew high guarantees from the major circuits a couple of years back.

Heavy losses incurred by unit producers in the preceding two years was another factor in holding down production. Most of them took the financial beating because the theatres refused to play the shows on anything but a percentage arrangement and afforded no minimum guarantees. Units, nearly all of them without names, were often

coupled with poor films and the results were brutal for the bankrollers, who frequently had to put up plenty of coin to get the troupes back to New York, or other originating points.

Last fall nearly all the producers had set their minds on not putting together any shows unless the major houses offered minimum guarantees. These weren't forthcoming among the showmen, already suffering from bankroll anemia, couldn't afford to gamble. Result was no units.

Only sizeable American show was the 'Hollywood Hotel Revue,' produced by Harry Howard. This, however, had exhausted pretty nearly all the playable dates by early last summer, so Howard augmented the cast with Willie Eugene Howard and took the show to Australia as a legit musical. It mopped up and still is cleaning up in the Never-Never land.

## Agents Suffer

Like the producers, the vaude agents also found the sledding plenty tough this past year. Field is still as over-crowded as ever and, except for those salesmen who concentrate on the nitery field to some extent, incomes are lower.

Several agencies, in fact, incurred unnecessary losses last fall by expanding their offices in expectancy of a vaude comeback. Some of 'em, though, overlooked the fact that office space to accommodate the staff additions, only to find themselves deeper in a hole when the major circuits iced the revival.

At Loew's, which has but two weeks, State, New York, and Capitol, Washington, and RKO, the agency problem is acute. Franchise system, though overworked in many instances, is still in force at both theatres, but the circuits aren't receptive to the idea of cutting out the dead wood. With vaude as it is, both chains have been figuring for years that the unproductive agencies will sooner or later eliminate themselves.

Houses and towns available to the top-priest shows with their circuit or indie affiliates, are as follows:

**Loew's:** State, New York and Capitol, Washington.

**RKO:** Palace, Chicago; Colonial, Dayton; Palace, Cleveland; Shubert, Cincinnati; Golden Gate, San Francisco; RKO, Boston.

**Paramount:** Paramount, New York; Chicago, Chicago; Orpheum, Minneapolis; Oriental, Chicago.

**Warners:** Strand, New York; Strand, Brooklyn; Earle, Philadelphia; Earle, Washington; Stanley, Pittsburgh.

**Fanchon & Marco:** Roxy, New York.

**Indie:** Hipp, Baltimore; Lyric, Indianapolis; Fox, Detroit; Tower, Kansas City; Riverside, Milwaukee; Orpheum, Memphis; State-Lake, Chicago; Denver, Denver; Kurt Robitschek's Majestic, New York.

## Nite Club Dancers Talk Customers Into Daytime Brush-Up on the Rumba

Dance tutoring on the side by members of floor shows appearing in class hotel rooms and niteries around the U. S. A. is growing in importance as an income source for the individuals involved. Management sees the side-money as lessening the overhead by spreading the salary. Talent favors any new legit method of getting coin.

Getting chummy with patrons the professionals ease into a spiel about how easy the rumba, tango and so on is. These routines are usually beyond the daring of the average adult. Hence the need for lessons which are given in off hours. Nite life thus becomes a sales corridor for daytime pupil trade.

## Miller Suit Jan. 9

Jack Miller's suit against Gaston Witman, operator of Monte Carlo Casino, New York, has been set for Jan. 9. Miller, a skater, asks \$150 for breach of contract.

Decision was won by Miller on default when Gaston failed to show in court at first hearing. Judge granted permission to reopen case after new hearing Wednesday (21).

## THE HAVEN AT SARANAC

By Happy Benway

Saranac Lake, N. Y., Jan. 1.

Trials and tribulations, changes and new executives, have never changed the benevolence, humanity, kindness and tenderness of the Will Rogers Memorial Hospital. The fear and dread of coming to Saranac is a past issue. Those of the profession who here and there have been afraid of the word Saranac may rest assured that it's a far-fetched fear. The official reports of those sent home, the percentage of real cures proves that.

Since the days of Dr. Edgar Mayer and Dr. George Wilson the percentage of the NVA Sanatorium rated an 86% in cures, which is a record that cannot be duplicated by any other institution of this kind.

In later years when the NVA San became the Will Rogers Memorial Hospital, Dr. Mayer left it for private practice. Alternating from time to time, the reins of this institution were taken over by George Wilson who deserves credit for the now existing conditions at the Will Rogers. After a spell Dr. Karl Fischel was appointed medical director of the Will Rogers, resigning for a short time only to be reinstated again recently into his former position.

The Will Rogers today has one of the most able and capable staffs of any institution of this country, under Dr. Fischel who recently won the Leon Bernard Memorial Prize for Tuberculosis Research. He is ably assisted by Dr. George Wilson, Chief Medical director, Dr. Rudolph Marx, Dr. Ernest Adler, house doctors; Prof. Rudy Plank, X-ray expert; Monroe Coleman, Max Fox, lab department; Ruth Norman, head-nurse, Michael Kelly, efficiency expert; Marie Soutard, executive sec'y; Olga Larain, medical sec'y; Jack Eskins Stewart, and with many different committees to better the welfare of the patient such as Greeting, Welfare, Entertainment, Good-Cheer committees.

## Testimonials

A few comments that are of much interest to the institution are from Henry ('Hank') Hearn, Atlanta: 'I am going back to work after a siege of over a year at the hospital.'

Eddie Vogt (Vogt & Hurst): 'Little did I think that this sort of

comeback could be made. Everything and anything is being done for me. I know that I am penciled in to go back home in an O. K. condition.'

Marion Green: 'I am out of the San, and doing extra time. The NVA (Will Rogers) did this for me.'

Marie Bianchi: 'Twice I had to return to the hospital, but this last time has placed me in such a condition that I am able to work again.'

James Plunkett: 'Couldn't believe that this could be done in such a short time. Well, I am going back home and to work.'

Milton Reich: 'It took them only one year to make a new man out of me. First I was a little afraid, but look at me now, O. K. and a new man.'

John Dempsey (Fenway Theatre, Boston): 'It took four years, but I made it. Thanks to the country, under Dr. Fischel and Dr. Edgar Mayer.'

Harry Davies: 'Well I am well and that's that.'

Joseph Parker (Paramount): 'It took a long time, but they did it. Here I am working for a living and thanks to the NVA Sanatorium.'

Major Finley (Minuteman): 'I am an old man, but the Will Rogers made one new man out of me. Sure, I'll go back to minstrelsy.'

Len Grotte (manager): 'I made it, that is with the help of the Drs. Fischel and Wilson. Any one who takes their advice will come out O. K.'

Hubert Carlson: 'I am on my way to Kansas City thanks to the Will Rogers and his doctors there.'

Happiness and contentment of this Actors Colony has been made possible by many fine humanitarians. First honors go to Mrs. William ('Mother') Morris, who daily evidences an absolutely unselfish interest in the profession; Jerry Vogel, who for years has given the Colony gifts that make them happy. We note, too, on trade papers received weekly to let the patient know news of the outside world.

All in all, the consensus is that the existing conditions at the Will Rogers are what one makes them, as far as the institution is concerned. There is now nothing too good for the ailing artist, nothing more can be done—a haven, a home and a 'cure' if the patient respects the medico's routine.

# THE AGENTS—'38 MODEL

By John Hurley

Lone wolf agenting on a strictly 10% basis has gone the way of minstrel shows. Economics have forced percenters to broaden their scope from that of specialist to jack-of-all-phases in order to exist. While the chiselers will always exist, cooperation is new keynote now that few are able to stand alone. Commissions are split, departments added and interests merged so that offices rep each other in respective businesses and locale. The agency field is too crowded to permit exclusiveness in one field. Today, they all book, agent and produce. The smaller, more specialized, the major offices, and the latter depend on the little fellows to scout new talent and often, new business.

Past year has demonstrated this plenty. Period brought an unusual amount of activity in the mechanics of the business and its internal problems, particularly in the east. Organization groups, attempted legislation on agency laws, union franchising, severing of partnerships, new mergers and incursions into other fields for greater coverage were tried. Year will also stand out as a record for changes in office personnel.

On the Coast, the major agencies formed an association, somewhat exclusive, for protection against the studios, the unions, the screen guilds and their own chiseling brethren. It was hit, along with those outside the pale, by the Screen Actors Guild's franchising and regulation. The unanticipated dropoff in film production was another slap for agents. Activity for the year was centered American Federation of Radio Artists meant more headaches for boys. Supposed 'break' with move of sizeable chunk of radio program origination to the west meant little to the average agent, because the majority were stellar lineups controlled by few biggies. Profusion of quiz and other audience participation programs helped nobody, anywhere.

Across the country the American Federation of Actors started franchising nitery and vaude agents as well as closed-shopping theatres and cabarets, catching them both ways. So far, only keys have been hit such as Chicago, Los Angeles, Detroit, Philadelphia, San Francisco, New York. Last has not yet had franchising but niteries are all in line. Theaters and agents come next.

**Agents' Organizations**  
Starting with the licensing drive in New York the agents went to organizing—reorganizing in some cases—and splitting associations. Old Equity Agents Association was closed to a rebirth after being dormant several years because of legislation, licensing and poor take. Subsequently they started clamoring for more commission on engagements (5% is the limit) stating they couldn't maintain offices on meagre takings. Slightly drop in legit production and vaude has been tried, and standards made it too tough. Now bound together again they have all become licensed, are ready to cooperate with other groups and also dabble afield. The vaude and nitery agents, also plagued by similar problems, have been better organized. All they have is a name so far. That of Theatrical Agents and Artists Representatives of America.

A Coordinating Council, another step to bind all groups together, went up in smoke after proposal by Howard Winslow, president of the Entertainment Managers' Association. He later had a rebellion on his hands when exiting members formed still another association, the Associated Entertainment Directors of New York. Both are currently feuding, and the acts are in the middle. EMA, parent group, is attempting to form a national EMA association to standardize the club date business. The oppositish group, AED, is trying to sign acts to authorization contracts and stifle the EMA bookers.

For most part, larger agencies have avoided any involvement in organizations but have willingly met the licensing and legislative problems on promise of license department to help agencies with favorable legislation. All legit agents are banded in one group though it was first suggested that one all-inclusive group be formed.

Licensing has thus far netted about 300 around New York. That's more than twice as many as ever before. More recently the boys have been applying voluntarily. Couple of pinches during the year, promise of help and elimination of fee fixing clauses in new legislation, plus

promise to wipe out chiselers has them all cooperating. Threat of being outlawed via the N. Y. State Department of Labor takeover of employment aided the banding. License department has further promised a separate bill for theatricals so that would not be wiped out if the agency end of the general business laws is taken over by N. Y. State.

More worries have beset boys in past month with naming of club date bureaus as employers by the State Unemployment Bureau and Social Security Board. Makes them responsible for collection of taxes and requires a cash outlay for them personally as well. List of 1,000 is being prepared by the authorities, but boys hope to escape that labeling via rush on License Dept. to establish themselves as agents. That category was not avoided, either using artist representative, employer, manager and any other convenient status to escape licensing, with the attendant supervision and fee fixing. It's a case of taking the lesser evil now, and anyway, it looks like fee fixing is on the way out, with promised new legislation.

## Even the Concert Bureaus

Lecture and concert bureaus, long regarded as distant relatives of the other forms of show biz, are also being hit. That fight is to the death with the License Dept. and the American Guild of Musical Artists on one side, and the concert bureaus on the other. They don't want commissions curtailed in any degree and want no part of regulation by the union.

Nearly all agents book direct whenever possible, along same principle as that of band booker-managers such as Music Corp. of America and the William Morris offices. Boys must hit everything from fairs to club dates in order to exist and to hold their own. They need complete servicing. Agencies with national coverage have no trouble. Method of indies is to align themselves with reps throughout the country in locations they cannot reach themselves. Commissions are split. Clients are somewhat divided out to the agents altogether on percentage. More important indies rep each other in respective locations.

Indicative of this trend is the new alignment of the Charles Allen office with the Hartford, Winslow & Curtis on the Coast. Herbie Bernie joined Myron Selznick in New York for full coverage. Lou Irwin reps Consolidated Radio Artists on the Coast in return for same service here from CRA. Charlie Yates took over CRA's theatre bookings of bands with the Simon and Schuster Corp. America opened new branches, William Morris expanded and added departments, Rockwell-O'Keefe and CRA also added branch offices during the past year.

Further evidence of the new mode is switch by Bill Meyer, agent, to booker this year. Though an agent, he took over for Fyfe Theatre, Brooklyn, N. Y., where he employed his own acts and those of others. Eddie Sherman, booker, is another of the new school. After booking for years he, too, became a dual operator with acts such as Abbott and Costello, Ben Yost, Ed Kaplan, et al., to management contracts. He also has an agreement with the William Morris office to rep the same acts through him.

Some of the agents have been trying to shut the major offices and shutter their own shops. They are unwanted because of set ways. Morris and MCA have turned down plenty with reply that they want people from within their own organizations.

Some boys were given a break when New York City officially banned cuff shows for politics, department heads, cops, firemen, etc. Theatre Authority has also helped decrease number of phoney benefits. It had conducted an education program in this direction, trying to discourage free performances of acts for which it gets 15% of gross at benefits for splitup between its charity affiliates and the unions. It has also tended to knife the chiseling agents and bookers who used to work 'audition' and 'favor' tricks on acts when shows were actually paid for.

## Showboats, Burley, Borscht

Agents got little or nothing out of showboats this past summer. Nearly all folded after short run. Similarly rearing of burlesque to 'revue' or 'follies' meant nothing since shows remained the same regardless. The regular burley per-

centers, too, took a beating with slack-off following the 'morals' crackdown. Burley time cut from 14 to six hours and the roof fell off it, too. So-called borscht circuit upped as an income source, with such hotels beginning to pay for shows as against previous board and lodging accommodations for appearances. Even the larger offices took cognizance of this and booked some. Almost total agency units this year was another kick to agents and bookers.

South America perked a little and looks like it will improve this year. The Balnearia, Casino da Urca, Rio de Janeiro, largest down there, opened its own offices in New York last month to facilitate booking of Yank acts. Figure for greater demand than ever, aided by cementing of Pan-Americanism, etc.

Niteries took up the vaude slack to some extent for percenters. Although there were a flock of bankruptcies, the activity of openings has been greater this year than previously, all of which helped. World's Fair will undoubtedly give boys some color in their cheeks again and promise of vaude is brighter. Starting with 'Hellzapoppin' and Casa Manana, vaude picture brightened and there is promise of more, particularly in New York.

Record-breaking year of affiliations changes, that have been forced by the times and conditions are listed below in chart of events which paints full picture of the present situation around the country.

## The Shifting Sands

Rockwell-O'Keefe changes included Bill Burton leaving to manage Tommy Dorsey's band, Cecil Campbell replacing him. Danny Collins (now on his own), Dick Ingraham, Bert Lown, Jack Wittemore, Ralph Wonders all left R-O-K and were succeeded by Harry Romm, Milton Pickman, Cy Manes, Harry Secord and Frank Cooper. In R-O-K's Coast office, Ralph Wonders replaced Harmon Nelson. Arthur Weems and Norman Doyle were added to Coast staff. Dick Wheeler opened the Dallas office for R-O-K. Major change in office, however, was splitup of Tommy Rockwell and Cork O'Keefe's band. Four years, with O'Keefe opening his own indie shop, Joe Glaser also exited R-O-K setup, taking with him his Negro talent and bands. Opened his own office.

Consolidated Radio Artists had Ed Kirkeby, Frank Burke, Milton Roemer quit. Latter is managing his own office while Kirkeby switched to the Phil Phonograph. Russ Lyons, Paul Kapp, Bill Von Zehle, Milton Shaffer and Johnny Greenhut were added. Charlie Yates agency took over theatre representation for CRA while Lou Irwin took over CRA's indie office (where Larry Puck exited to go on his own), and combined his own with CRA in Hollywood. Also in CRA, Phil Brown was transferred from Cleveland to Chicago office, while Pat Lombard, Ed Kreiser, Harry Mintz, Lucille Ballantine and Dick Stevens moved to Chicago office. Stanford Zucker, v-p of CRA, transferred from New York to Chicago during year. Norman Kendall was added to Cleveland staff. CRA also opened Frisco offices with Denny Moore, Allen Powell, Lewis Allen, and Enrico Forso (former partner in band agency with Tom Coakley) and Kurt Towner. Cress Courtney was transferred from Chicago to Dallas office of CRA, while Bob Sanders took over Dallas management from Charles Moyer. Sanders was replaced by Lou Irwin in Hollywood on Talk of CRA-Rockwell merger has been squashed.

At Music Corp. of America, Arthur Keenig, Bill Von Zehle, Milton Pickman and Lathrop Mack exited. Harry Moss replaced latter after varied year of going from Mills Artists to CRA to independent, to own office to Music Corp. MCA also added Bart McHugh, Irving Lanza, George Walker and Johnny Dugan to staff.

Mills Artists' office severed its booking connection with Consolidated Radio Artists. CRA was booking Mills attractions. Mills decided to go back into booking on his own again. Norman Campbell was added and later exited. He had his own office after quitting defunct Radio Orchestra Corp., foldie of past year. Hal Sands recently closed his own shop to produce nitery shows for Mills.

Paul Whiteman's Artist Management has, during the past year, added Pat Winslow, Frank Burke, Norman Campbell, while Irving Strouse exited. Winslow now has his own agency. He was with Charlie Shribman before that. Myron Selznick, Ltd., New York, was formed just a year ago, absor-

ing the Herman Bernie office. Formerly, Leland Hayward office handled Selznick's eastern biz. Bernie is now v-p in the east with Jack Chaguenet and Bob Glentzer. Guy Martin left when two merged and joined Kurt Robitschek, agent, who has since turned vaude producer with Shuberts.

In Mark Hanna-Leland Hayward office Fred Bethal was taken on from Columbia Broadcasting. Dorothy Vernon came over to Hanna's agency from Richard Rodgers, joined by Maughan exited scene. Hayward was also joined by Maynard Morris from Walter Batcheller office, and Larry White came in from Hayward Coast office to N. Y. office.

Lyons & Lyons saw but three changes, with addition of Bill Stuhler and Don Stauffer, latter from Young & Rubicam agency. Dave Jonas left to join Bill Miller's Artists Syndicate of America.

William Morris office also had several changes during past year and looks in line for more. Lou Wolfson switched to Music Corp. and then returned. Ed Fishman left Rockwell-O'Keefe Dallas office to handle bands for Morris. Ned Dobson and Harry Friedman joined Coast branch. Wallace Jordan, formerly McKnight & Jordan, radio producer, joined recently to head Chi office's radio department. Maurice Morton is another recent radio addition. Harry Omerle joined about a year ago in radio. Jimmy Parks and Charles Hogan are no longer with Chicago division this past year. Dick Hyde, Al Schenckin and Joe Sully either upped or were transferred to different departments throughout organization. Dorothea Lewis succeeded Bob Goodhue in literary division. Al Allen left Morris little over year ago to join Ed Sherman, booker. Office also expanded over past year into much larger quarters.

The Fanchon & Marco office first severed its co-op pact with Consolidated Radio Artists and then condensed its New York offices. Paul Dempsey exited to partner with Edgar Benson, while John Schultz went off to work on the Coast. Harry Flamm also went with the drinking, and is on his own. Agency has since combined its booking and agenting activities as so many others have during past couple of years. Have smaller quarters now.

Among the larger indies, Curtis & Allen broke up, with Charles Allen remaining in New York, where he recently added radio department with Fred Norman, latter closing own office. Curtis went to Hollywood to join Winslow, Crawford & Curtis agency. Herbert Hoey and Irving Sherman also dropped out. C. G. & A. gave Simon, brother of late Ferde Simon, died this year, with Charlie Yates and brother Irving Yates taking over reins and also working with CRA on theatres. Phil Coscia became associated with them, as did Jimmy Picchiani, former acrobat, now handling fair dates. Murray Shainen came in for dates. Ben business. Johnny Dugan went from Simon to Music Corp. Phil O'ffin, who exited Simon, is now on his own. Old Leddy & Smith office severed this year, Mark Leddy remaining east while Ed Smith went Coastward. He came back fast, and hopes to try again with Bill Miller took over the Artists Syndicate of America when former partners, Matty Rosen and Lester Lee, exited. Rosen is now road agent with Ramona orchestra.

## The Indies

Among strictly indie agents changes have been very many. Jack Fauser closed his own office to work with Arthur Fisher; Irving Fishman, last with Yates, now on his own. Al Roth, conductor working out of Rudy Vallee office, opened his own booking office recently; Alex Hanlon went to Australia as agent with Hollywood Hotel unit and left Sam Sherrard in charge; Chester Stratton, former chief booker of RKO and last with NBC Artist Service, has quit the business altogether, and is now working with a national distilling house. Louis Loomis and Jack Allen have closed their office and are reading with Ludwig Satz's Jewish Repertory; Edgar Milten, former 'Pantages' booker who turned advance agent, has returned to agenting field. Added are Harold Ward, who quit Al Grossman to go for himself; Jack Hart now WPA after working with Billy Jackson; Harry Ward, former RKO agent, is now with WPA show manager now; Dan Friendly, former RKO booker, is agenting, and Al Rickard, actor, quit the Ed Sherman office and returned to ventriloquism. Sam Robbins also left de-

funct Radio Orch. Corp. and moved to Sam Stiefel office, as did Frances Foster, sister of Ed Fishman, head of Morris office's band dept.

Add to war refugees of Ed Bal-Mendones, who worked for the Balnearia Casino da Urca, Rio de Janeiro, who opened offices this year, and Frederick Bros., band-managing outfit of Cleveland, which opened New York branch. Miles Ingalls and Jack Davies have also opened an office together. Ingalls originally left Curtis & Allen to work for the French Casino Corp.'s International Booking Office. Another larger scale item was switch of Charles Freeman, Paramount and Interstate booker, to offices of Billy Rose's Casa Manana, where he books the shows and Interstate time.

## FISCHER OUT OF LOND. CASINO; SHOW TOURS

London, Jan. 1.  
Clifford C. Fischer's show closed at the London Casino Dec. 31, and goes on a vaudeville tour.  
With Fischer out of the Casino, house goes temporarily dark. Several nibbles are reported for position concerns. But the only ones likely to acquire an interest in the Casino are Charles Clore and Alfred Asdale, operators of the continuous revue at the Prince of Wales.  
Understood to be taking over any day now and will continue nitery policy, doubling talent from Prince of Wales. Also reported seeking a name comedian from America.  
Adelphi shuttered Dec. 31.

A review of Fischer's revised revue at the International Casino, N. Y., is in the current issue.

## Hollywood Rink Does Fast Fold; 12G Loss

Hollywood, Jan. 1.  
Tropical ice gardens in suburban Westwood reorganizing after taking \$12,000 loss on show.  
Repeira of St. Moritz cost \$180,000. Operators are reportedly trying to raise another \$40,000 to pay off construction indebtedness.

## Assemblyman Predicts Passage of Agency Bill

Albany, Jan. 1.  
In announcing he would reintroduce his bill to place all private employment agencies under state control, Assemblyman George W. Otterstag, Wyoming County Republican, predicted passage because 'the governor is for it, organized labor is for it, the Republicans control both houses of the legislature and we have overcome the objections offered by New York City.'  
The measure, which would also affect theatrical agencies, has been the pet project of Otterstag since he entered the Assembly in 1932.

## Nitery Notes

Marcel La Mase came opened in Hollywood Dec. 23.  
Medrano and Danna into Waldorf's Sert Room Jan. 5.  
Gloria LaMar warbling at Stage One Cafe, L. A.  
Betty Bryant singing at the Marcus Dailly, Los Angeles.  
Joe Frisco into Babe Hensley's Club 17, Los Angeles.  
Mortaine Gardens, Hollywood, opened with two flesh show nightly, and Emil Baffa's dance band.  
Texas Rockets, dance ensemble, currently at Saks Club, Detroit, for a four-week engagement.  
Treaders reopens in L. A. Dec. 29 with Ted Fio Rito's orchestra.

## Strouds Play N. Y.

Philadelphia, Jan. 1.  
Stroud Twins, current at Jack Lynch's Walton Roof here, close Wednesday (4) after a two-week run.  
Play Loew's State, New York, for a week and then head for Europe unless tentatively set dates on Rudy Vallee's air show come through.

## HOGAN TURNS INDIE

Chicago, Jan. 1.  
Charlie Hogan, vaude agent and booker, has quit the William Morris office to open his own headquarters. Hogan will continue to book Warner, Saxe and Standard theatres throughout this territory.

# BRITISH VARIETY THRU THE YEARS

By George Foster

London, Dec. 20.

When you've been in show business as long as I have, it's not so easy as you might think to cast back precisely a third-of-a-century and compare, say, 1905 with 1938. As you try to project your memory backwards, it throws up an endless panorama of names and incidents associated with a whole lifetime, so that at best you pick up highlights from here and there which you use as keystones in deciding the trend from yesterday to today.

My own life of well over 50 years in show business has been so full of people, so full of events, that it is impossible to recall at will anything like a complete history of the times. But I can try and recall some of the high spots—sufficient to show at least some pattern of your third-of-a-century—and indicate as far as I can the changes that have taken place within my experience.

When I came into the variety business away back in the 80's it was lusty and alive, broad and bawdy. For many years it continued to flourish under the compelling influence of a long line of dominating personalities reaching the highest pinnacle in the early years of the present century—just about the period when variety was born. Among them were George Leybourne, 'The Lion King,' the Great Vance, the Great MacDermott, Pat Fenny, Little Tich, T. W. Barrett, the Nobleman's Son, who sang for a hobby just to see a little life; Jenny Hill, the vital spark; Bessie Bonehill, Chirgwin, the white-eyed Kaffir, etc. Then it sank into a gradual decline, until in the years immediately preceding the Great War it was in a moribund state, faced with almost certain extinction.

So that, after those four grim years, those who were interested in bringing the body back to life had to struggle valiantly to save it from succumbing completely to the challenge of healthy rivals like the cinema and, later, radio. By drastic methods the miracle was accomplished, and today variety is nearly as virile as ever it was in its heyday of the past. But it has changed.

As I claim to have been directly associated with the revival, I'm better placed than most other individuals to discuss what it was that put the music hall back on its feet. It was the same thing that has saved the lives of many flailing invalids—fresh blood!

For years, variety in Great Britain had been relying on the same old faces, with the same old songs and same old gags, until patrons got so tired of the monotony that they began to stay away in increasingly large numbers. Just about this time, moving pictures were beginning to get into their stride, and because they offered something new, something with greater diversity and more actual variety than the music halls, the latter soon began to feel the pinch. It was new blood, new ideas, new acts that they urgently needed—and it was a visit to the United States that did more to open my eyes to this fact than anything else.

What happened as far as I was concerned is now a matter of vaudeville history. I saw that, by introducing some of the vigorous and diversified talent that was glorifying the boards of the American stage, the British music hall might be given a fillip, and audiences might be attracted by something that was absolutely fresh and undeniably stimulating. When I put the idea into effect, I was vilified and condemned, accused of 'Americanizing' the British stage and of putting foreigners into jobs that ought to be reserved for British performers.

## Foreign Invasion Proved Beneficial

Time has shown, I think I can honestly claim, that I was exactly right. The foreign talent, with its different ideas, virile technique and constantly improving routines, set a new standard of entertainment that not only stirred audiences but also inspired local performers to emulation. British variety talent learned to move with the times, and out of that sprang the flourishing business that exists today. A generation of stars has come along that deservedly now occupies the niche formerly allotted to the great ones whose memory will never die, and the top liners of the contemporary theatre will be remembered with them.

But, as I emphasized above, the variety stage has changed. It had to. The taste of the public has changed completely inside the present century, so many factors have played on it—the War, which threw values into a different focus, the spreading popularity of pictures, and then radio—while, apart from these, there was the realization that became painfully apparent before 1914 that the music hall had sunk into a rut. It was hash yesterday, hash today and hash tomorrow.

The trouble was, I think, probably that the lions of a previous decade had been too successful, and their short repertoires, which had sufficed for their own outstanding personalities, became the model for a succession of acts that never came up to the same level. Performances by the great stars like Dan Leno, Albert Chevalier, Arthur Roberts, Marie Lloyd, Eugene Straley, Vesta Tilley, to name but a few, were their own passport to music hall bliss, but it became a different matter when every other artist copied their material and wore it threadbare.

There was not, as I say, the diversity of entertainment a third-of-a-century ago that is expected today, and I remember being struck during that period with the fact that singing turns were the backbone of every variety program throughout the United Kingdom. From the earliest time in my recollection—which means going well back into the last century—the principal items had been contributed by singing comedians or comedienettes, and these stars were booked solid for year after year on the strength of a repertoire of three or four familiar numbers. And audiences loved to join in the choruses.

What a difference today! There is often more diversity in a single item, the modern dance band for instance, than in the whole of one of the old-time programs. The stage is laden not only with singers of every category—straight, ballad, crooning, comedy, etc.—but also with an endless procession of instrumentalists, dancing soloists and teams, impressions (as distinct from the great impersonators like Vesta Tilley), 'crazy comics', and a whole range of versatile and endlessly rehearsed performers who are, as you might say, almost a show in themselves. Naturally, raconteurs, cross-talk acts, trampolines and character actors are no new phenomenon, but by and large there was never any attempt in the old days to pack so much contrast into an average bill.

## Changes in Prices—And Atmosphere

Mind you, it is not only the character of the show that has changed, it is also the atmosphere—and the prices. Where now you would find a music hall in London with admissions (of two pence) in the pit and gallery and sixpence (12c) in the stalls like the old Seabright in the Hackney Road, or the Hoxton Theatre of Varieties, where the proprietor, George Harwood, used to take the twopenny of the customers as they passed in and throw them into a bookmaker's satchel slung round his neck! What is more, for these modest admissions, patrons would be regaled with some of the biggest names in show business.

And the atmosphere? It has always been a feature of the music hall to include 'spice' as part of its stock-in-trade, and I can't say there's any great harm in that. It does most of us good to loosen up occasionally, and the minority who are offended by the least deviation aren't obliged to patronize the variety theatre. But broadly speaking there is little at which to take offense, especially in these days, when music hall programs are freely picked up by the B. B. C. and broadcast direct into people's homes.

It wasn't always like that, though! If an artist were to walk onto any stage today and try to put over the stuff that the comedienettes of the 80's and 90's got away with, not only would the manager ring down the curtain, but he or she would also probably be given several months in gaol in which to cool off!

Long before the palmy days of Marie Lloyd there were artists of the calibre of Bessie Bellwood, Bonnie Kate Harvey and Jenny Hill who could bring down the house with their gestures and asides. Bessie began life as a rabbit-skinner in a South London back alley, which is perhaps a clue to her approach to her job, but in spite of her frankly vulgar methods she was acknowledged a great artist, and when she died her funeral was almost a public event. The same, of course, was true of dear Marie Lloyd, the most great-hearted person I ever trod the boards, and who left millions to weep for her at her death.

I do not mean to suggest that audiences of today do not appreciate acts that have 'savour', because you can hear them any night, not only in the West End but in remoter parts of London and other cities, roaring their heads off when a comedian draws near the danger line. But, on the whole, it is a more subtle type of spice, suggesting more but saying less, and in many instances involving far more than what old-time patrons would tolerate.

## Managers, Too, Had to Be Tough—and Resourceful

But if the chairmen were a race of red-blooded individuals, so were the managers of third-of-a-century ago. It is no disparagement to present-day managers to say so, because the latter have to meet entirely different circumstances—and do so with extreme success. The best known managers of those bygone times were, by any standards, loud and vulgar, often uncouth, but they had an even closer contact with their patrons than the East End manager of today, and time again it was proved their hearts were in the right place.

Certainly they had to be tough. There was, for instance, George English, who ran the Seabright, which I have already mentioned, who himself would often throw out obstreperous patrons neck and crop and stand no nonsense from anybody. English, incidentally, was the first London manager to start the twice-nightly system, so you see there was another side to his makeup.

Another forthright manager was Johnnie Hart, who owned the Star, Bermondsey, and he had a drastic way with audiences when they became too unruly. A tremendous hubbub arose in the theatre one night, and Hart walked from the bar to the stage to ask the chairman what it was all about. The latter explained that the audience wanted more of a certain performer, who had already left the theatre for an engagement in another hall. Thereupon the manager jumped on the stage, but the audience would listen to no explanations, giving a hearing to nobody else and demanding more of their favorite. In desperation, Hart shook his fist at the audience yelling, 'I'll show you who is boss here!', then leaned down and ordered the orchestra to play the National Anthem, which, incidentally, is played always at the end of a theatrical performance in the U. K. I. The program had been in progress for less than half an hour, but this trick beat them, and they all trooped out! A ginger-beer bottle was thrown from the gallery and missed him by inches.

I believe it is not unknown, even in this more refined age, for the chuckers-out to go into action at music halls in rowdier districts, but the nature of the shows on the whole has very much changed for the better in this respect, so that houses like the Palladium, Holborn Empire and more recently the Coliseum maintain as much dignity and renown as the best class of legitimate theatre in the West End.

The old stages decry the modern music hall and shake their heads over its future, forgetting that the past always seems more glorious than the present, and that the public's favorites of today enjoy as great a popularity as did ever the giants of a former generation. In years to come Gracie Fields will probably be remembered with as much reverence as Marie Lloyd today, and it may be that the music hall has never produced a greater artist. There are many others, also, who have built up for themselves substantial reputations which owe nothing to America, among them Will Fyfe, that master of characterization, whose knowing wink and chuckle are so rich in implication; Max Miller, most engaging of raconteurs, reaching confidentially over the footlights to take a delighted audience into his airy confidence while pointedly excluding the eavesdropping manager in the wings; G. S. Melvin, as a hiker or Salvation Army lassie; Douglas Byng, presenting the coy and buxom personnel of the pantomime; and Elsie and Doris Waters, as 'Gert and Daisy', that loquacious and immensely popular cockney pair. All these understate the mood of the music hall and the traditions from which its entertainment springs.

There is no need to compare such artists with the great ones of the past; the time and the public taste have greatly altered, and it is sufficient to know that in so many of the popular favorites today the spirit of the old music hall is still alive. The cinema cannot rival this spirit, nor ever really capture it in celluloid, for it is above all a thing of flesh and blood; the theatre does not seek to rival it for the theatre and the music hall have different functions. As for the alien influences which today are invading the music hall, they need not all be deplored. The music hall has the power to mould

them to its own particular pattern, and thus much of its individuality will always be preserved.

As a reasoned summing up of the position, I don't think it could be expressed better, except that I would go slightly further than the writer of the article as regards his comments on alien influences. It has been my constant contention that the music hall in this country badly needed talent from outside and is better for the invasion, in just the same way that noble families are invigorated by grafting healthy new bloodstreams into their family tree.

There was a vigor and vitality in the work of the Americans I saw when I first realized how British show business was placed which was sadly lacking in many of the self-satisfied acts that held top-billing here. As I found these 'aliens', they were a class who took their work very seriously, who constantly strove after new effects, and who would rehearse all day and every day until they had got a new routine or a new effect to perfection. They appreciated they were offering their wares in a highly competitive market, and it was when they began to imbue British talent with a similar outlook that variety staged its overdue revival.

I wouldn't like it to be thought my gentle strictures applied to all the stars who have kept variety's flag flying through the dog days of its career. Today we still have with us a number of old-timers who have always managed to keep abreast of times and present their material freshly and with gusto. The only fault was that there were too few of them, because the music hall stage was badly in need of a few more Harry Lauders, George Robeys, Harry Tates and others of that happy family.

## Booked Harry Lauder Without Seeing His Act

What names they are to conjure with, too, and how they stir memories! I could write a whole book, I dare say, about seeing Harry Lauder—the only artist I ever booked without first seeing his act. Lauder was first discovered, I believe, by the doughty Harry Baylis, who ran the Seabright in Glasgow, but when he burst into my office one day with the irresistible assurance of a veteran of the halls I had never even heard of him. I didn't, in fact, know how to spell his name!

Well, I signed Lauder in desperation to stop up a hole in Tom Tinsley's program at Gatti's-in-the-Road, and the moment he appeared for the first time on a London stage he seized his chance with both hands and was made overnight. The very next day I got his signature to contracts representing 300 weeks bookings at \$50 a week, a princely sum then for an unknown comic. I wonder what he thinks now of those days, after building up a world-wide reputation which was eventually to put him into the \$5,000 a week class?

I well remember, too, Lauder's first visit to the United States, which came about quite accidentally because Mrs. Marc Klaw, whose husband was the first half of the Klaw & Erlanger agency, while on a visit in London saw his act at the old Tivoli and went for it in a big way. When later they got an independent report on this great little Scots comedian it was equally enthusiastic, the upshot being a cable offer of four weeks in New York at \$1,250 a week.

The report of Klaw & Erlanger's representative who met the party at the boat—I was accompanying Lauder—is, in view of his instantaneous success with audiences of the New World, worth putting in the record. 'You've been stung, Boss!' declared this worthy on returning to the office. 'There ain't nobody looking like a comedian in the Lauder outfit, bar a small fat man with a moustache, and he calls himself Foster!'

It is a matter of history to recall Lauder's subsequent triumphs in America, during the whole of which he was managed by Bill Morris who, at the time of his first visit, was a comparatively unknown booking agent. The connection made a fortune for the agent, but aside from that there was a lasting and deep friendship between the two men which was unbroken until the death of Bill Morris, one of the greatest men the vaudeville world has known on either side of the Atlantic.

## When Chaplin Was In The '8 Lancshires' Act

Another great figure who looms through the mists of memory is one that has since passed out of the orbit of the music hall into realms of wider fame through the cinema, a figure which I first knew as a humble member of a juvenile troupe called The Eight Lancashire Lads. His name was Charles Chaplin, and he was the son of a music hall singer of the same name, whose particular line was heavily mournful ballads of the tear-jerking order. Young Charlie, of course, was later associated with Fred Karno's 'Mumming Birds', and it was through their instrumentality he reached the United States and never to return.

One prophetic thing Chaplin once said to me in his earliest days I shall never forget. Quite solemnly he assured me it was his ambition to be a great actor—not a 'flash' actor—but one who could make the people laugh one minute and cry the next! Though I don't suppose even he could visualize at the time how manifoldly successful that brave prophecy was to become.

Once pictures had claimed him, Chaplin never came back to the music hall, though I verily believe the footlights and the glamour of the backstage still stir chords within him to this day. When he paid a celebrated visit to the Old Country several years back, I met him with an open contract from Sir Oswald Stoll in my pocket, which would have earned him up to \$25,000 for a two weeks' booking. I pleaded in vain with him, but all I got for an answer was: 'George, old man, I would like fine to face the lights on a London stage and hear the roar of the London audience. But I simply could not go through with it—my nerves wouldn't let me!'

So we turn from one facet of the kaleidoscope to another, each memory emphasizing how variety is always changing, but is always the same. 'Plus ça change, plus c'est la même chose', is the French way of putting it, and how true it is of the music hall, holding its mirror up to life—even maybe a distorting mirror—and reflecting the humor of the nation for its time and its stands.

I have tried to wind down a few scenes in the history of one man who has lived over a half a century with it—a man whose first agent's fee was the princely sum of one penny. Just to prove the healthy state to which British variety has returned, today the Foster Agency has more artists on its books than ever, but they are modern artists, of the stamp who are not content to borrow songs from the pictures and sing them to death, but who strive unceasingly to keep pace with time and come up fresh each day.



# New York's Night Life In 1938

By Abel Green

New York looks back on a flock of 77Bs in 1938 brought about by a record-low tourist season this past spring and summer. Class hotels were offering air-conditioned rooms at \$3 a day, without taxers, than in any other world's capital, the sheep-herd quality, which has always been standard in New York, obtained even more vividly this year among the metropolitan N. Y. night spots.

They'd rather be jam-packed and charged heavily in the high spots than spread a little of the lucre among the less popular joints.

There are just so many regulars who are habitual goer-outs. And if their loyalties are distracted by this and that new opening some other spot must suffer. Eventually it gets back to the concentration of wealth in the fave cafes, say the Stork, 21, Morocco, Iridium, Persian and kindred rooms, but in the interest it's thinly spread around.

In the mass joints it's even truer. That takes in the Paradise, Hollywood, International and French Casino (now Billy Rose's Casa Manana), all of which parleyed themselves into 77B. Perhaps the heaviest financial setback was visited on the International, considering its basic investment, which runs upward of \$500,000. Newest tack is a "popular" type floor show at reduced scale for mass appeal.

La Conga, which last season was a highlight success and which touched off a cycle of Latin niteries, this year, through a combination of circumstances and new auspices, likewise played the 77B route. For a time the growth of the Conga dance craze loomed as a major cafe industry.

## Vaude's Major Market

On the talent end, the gravitation of vaudeville into the drink-and-dance phase remains the most salient evolution of flesh entertainment. The cafes are the most concentrated markets for vaudeville. In line with that the summer resorts even went more bullishly for acts.

Both talent and the borscht belt bistros thought it would be "more dignified" if the Russian-soup billing were buried. However, so long as the Catskill impresarios were book-

ing waiters with gigolet avocations—hoof with the lonesome mamas, in between the chopped-liver and sour cream service—the bill billing clinic. Park Avenue circuit saw much breaking down of previous taboos. Swank St. Regis' Maisonneuse Room booked a colored band, and Benny Goodman killer-dillered 'em at the Waldorf. As a compromise with aestheticism and juvenile culture, the Waldorf installed a milk bar for the jitterbug trade. Also booked socialite Cobina Wright, Jr., and, later, Alice Marble, the tennisier, into its snooty Sert Room. With Adelaide Moffatt, these, incidentally, remained the high marks of the blue-book, blue-singing cycle. Sally Clark, a Roosevelt-in-law, was non-sensational in Boston and at New York's Plaza hotel, and then decided to get married. Lois Elliman is still around, but modestly does vocals with bands. Eleanor French, also of Park Avenue background, dittoed with Dick Gasparre at the Ambassador hotel, a socialite amateur contest got Anne Francine a regular job at Le Coq Rouge, but the b. o. tops of 'em, Mrs. Eve Symington, who drew up to \$1,000 a week, decided to remain inactive this season. Miss Moffatt, at Harry Richman's Road to Mandalay, thus becomes the No. 1 money-getter. She's making show business her career.

Cafe society settled back to its accustomed route among the spots bonafide to Messrs. Sherman Billingsley, Jack Kriender-Charlie Berns and John Perona, with occasional deviations into the St. Regis, Rainbow Room and Plaza hotels.

## Russian Lambeth

At the St. Regis, Prince Serge Obolensky introduced the Lambeth Walk early in the summer atop its roof, and touched off that English importation into a moderate vogue. An ice show in the downstairs Iridium Room this fall was another innovation, as was the grill (Maisonneuse) room's adventure with Billy Hicks and his Sizzling Six, which the money hotel chose to classify as "Nubian Swinger"—attired in Russian togas no less, and vocalizing occasional French chansons.

## How-to-Keep-Them-Out Headache

Cafe society thing remains the same problem for the smart spots—how to keep 'em out. Whether it be the "no one" or the "no one" tactical question, and it is admitted, there are sometimes grave errors committed when an injudicious

headwaiter says, "Sorry, but all our tables are reserved," and the room is palpably half empty. However, that's an intra-trade headache that becomes a major individual operation, and is not without its points in favor of the management.

Graver problem will be how to cope with the midwest tycoons, attracted by the Fair, along with other important hinterlanders who, known at face value by the major domos at the door, are bound to create resentment. The smart spots realize that, and the idea still exists of building up No. 2 joints, where to shunt the overflow. The 52d Street spots themselves want to preserve amenities further by a vigilante committee to cope with any clip-jointers as when the crowds become an embarrassment of riches.

Late wine-dine thing gave rise to the idea of deferring theatre curtains until past 9 p.m., but with a flock of legit hits in town, the customers just ate and ran, if they wanted to make the theatres on time.

Florida was blab last winter; better this season.

## New Dances

Following the conga came the Lambeth Walk; then the Palais Glide (never did get started), another English importation. Now the smart hoppers are messin' around with the 'samba' or 'zamba', from Brazil, a hark-back to the old maxixe which Fene and Vernon Castle first introduced in 20s. The conga, the Lambeth, have been the shag (holdover from last year) and big apple (for a time the b.a. even forced fashionable east side bistros to call themselves La Grande Pomme), and latterly the 'little peck'. All vogues of the fleeting moment.

More hark-backs to yesteryear—a switch on the Coney Island beer-stues with free silent films—cropped up in the Coast's classy cocktaileries, with feature-lengths. In the east, some of the bars now project light films while you're quaffing. Jack Dempsey's new Broadway Bar among the first to essay that, naturally, featuring the Manassa Mauler in his past fistfights.

Among the new ventures, Harry Richman's Road to Mandalay (Delmonico hotel) is the latest. Dave Apollon unsuccessfully essayed a niterie venture with his Casanova. Clifford C. Fischer's Frenchy revue, which set a vogue in America for three seasons and which folded when the French Casino encountered trouble, came back into the Inter-

national this fall. Biz started off strong, then there was a police rap for alleged nudity, and the spot skidded. A new pop-priced show now in.

Nils T. Granlund (NTG) opened the Rising Sun, a Swedish smorgasbord spot, and he too was a victim of the authorities' anti-mixing' edict. Here, too, biz had started off big, but latterly Granlund had to file a reorganization petition, offering 45% settlement on bills, dating from Feb. 1.

## 'Mixing'

In the summer, as biz dipped, more 'mixing' was generally encouraged all over, the dame angle being the usual aftermath. But the new regime in New York frowns upon the practice, which is another thing that looms as a bit of a headache for the niterie managements. Argument is that if the Fair visitors are to be amused, the technical straight-lacedness should be eased; that the visiting firemen are here to make whoopee. However, the ABC (liquor license) regulations in New York are quite strict, and the penalty of forfeit of license is an omnipotent bugaboo to those who would dare to cut loose. Frisco Fair is already spreading the word of 'liberality' and the gambling shops which have been playing off Los Angeles waters look to a boom when the Golden Gate Expo opens.

Meantime, as part of the civic drive for virtue License Commissioners Paul Moss has been harassing the agents, particularly the office-in-hat cafe bookers, but if you'll look into the 1905-06 file of VARIETY, during its very first year, that same routine was reported then, and in almost every subsequent year.

## More New Ones

Among other new niterie manifestations there cropped up Cabaret TAC (Theatre Artists' Committee), a politico niterie, patterned after the Kabaret der Komiker (Berlin, b. H.—before Hitler) and Paris' Theatre Dix Heures (10 o'clock theatre), with its sketches emphasizing political cross-sections.

Another new tangent, offshoot of the vaudeville vogue, was the \$1.00 admission charge, for shows only, inaugurated by Billy Rose at his Casa Manana, basically as an idea to fill up the top shelf. Vaude fans sat at tables, saw the show, had the privilege of enjoying the dance music and were supposedly not obligated to buy even a drink. Of course they got a mild hustle from the waiters but, by and large, those that came to get in under the wire of the

'minimum tariffs also went for at least a drink, so the charge checks upped to \$1.80 or so. Besides it got population in the jalcany which was otherwise void. However, despite the click of the cabaret-vaudeville idea, Rose resented workers' union demands and after threatening to shut down, later reached an agreement. His newest niterie is called the Diamond Horseshoe.

Leon & Eddie's, with a weekly nut that has ranged from \$8,000 to \$10,000 a week, also inaugurated a \$1.10 admish, just for the show, sans any solicitation for drinks, etc. L & E's further trimmed its sails and set about to keep attracting the middle-class public by cutting the \$2.25 table d'holes to \$2 and now \$1.50, counting on the drink average to offset matters. It has worked out all right.

International Casino, with its costly spiral bar; its name dansation in Larry Clinton, its newly done over Streets of Paris room, and with the major spectacle within the Casino, has yet to go over the top, although still trying.

During the summer it was noted that the air-cooled did better than the rooferies, the sky-high dining rooms, with name dance music, not being enough, if not properly air-conditioned.

## Rockefellers

Major exception to this are the Rockefeller skyscraper cabarets, Rainbow Room and Rainbow Grill which, incidentally, gross \$80,000 and \$100,000 a month between them, giving the Rockefellers a \$1,000,000 gross from the Radio City eateries alone. It was figured out this year with addition of the Music Hall's \$5,000,000 annual gross; plus another \$1,000,000 from the Rockefeller Center tours, skating rink, etc; the oil family's show biz income is \$7,000,000 per annum.

These were the highlights of the past year's niterie trend, plus such curious as the Jitterbug trade, which, as in the preceding year's shagging vogue, tended to discourage the more mature type patronage; said matter customer, naturally, being of ampler spending proportions.

The guest night thing became a bit of a vogue—almost an evil—with a stage and schedule of special nights for this or that maestro, radio fave or songsmith. Being a cuffs, somebody had to pay—usually the music publisher reps. Acts, too, found themselves playing a benefit circuit, for free, but since it was also something in the nature of an audition opportunity, it has compensations.

Whalen, bring on the visiting firemen!

# London Cafes: Their Policies, Budgets

London, Dec. 20.

London's West-End night spots are spending close on \$2,000,000 in entertaining the local and foreign tourists. But it has been a bad year for most of these promoters. This is chiefly attributed to the unsettled European situation and bad stock market; while the Jewish element, conceded to be the best spenders among nightlifers, have tightened their purses, preferring to appropriate this money to helping their less fortunate brethren in middle Europe.

Majority of places are down from 15 to 30%, and, owing to the licensing restrictions, meaning no drinks permitted after 12:30, excepting on one extension night per week, it's practically impossible for niteries spending real dough on entertainment to make money.

Many hotels maintain their entertainment policies at a loss, writing off losses against advertising, and also to keep their staff, whose main source of income is from tips, together.

There is a feeling among many hoteliers that if they dropped all entertainment and dancing, their food reputation would still draw. Experience belies this. Any important hotel which has tried it for a while has invariably found itself going down hill, as gourmets will patronize certain restaurants with food reputations, but not hotels. There they seem to expect dining and entertainment on top of the food.

Biggest entertainment purveyors in the West-End are Martinus Poulsen and Fausto Stocco, who control the Cafe de Paris, Cafe Anglais, 400 Club (partly, with Abe Aaronson the biggest shareholder), Embassy Club (partly, with Abe Aaronson the biggest shareholder), Embassy Club (partly, with Abe Aaronson the biggest shareholder). In the latter, a big interest is held by Cliff Fischer and E. A. Stone.

London Casino, which set a new

fashion in London niteries, has been a consistent money spinner, till the Entertainment Tax people came along and nicked it for a hunk of money, claiming it was taxable. Since then things have not been too bright. Spot has specialized in elaborate shows, big scenes and massive tableaux, interspersed with known American and Continental talent. Some of the artists who appeared there during this season include Cinda Glenn, Herman Hyde and Sally Burrill, Four Cradocks, Bendova, Maxcellos, Christian and Duroy, 3 Sophisticated Ladies, Andre Randal, Lucienne and Asher, The Robenis, Grace and Nikko, Giovanni, Harald and Lola, Marion Daniels, Gregory and Raymond, Renita Kramer. Overhead has been as high as \$7,500 per week, which includes a bunch of international femme beauts, plus cost of production around \$40,000. Weekly intake has been around \$10,000 but at times has fallen as low as \$20,000. Spot is now depression bound, but will pick up, so it is hoped, when reconstruction comes along.

Cafe de Paris no longer has a name band of the type of Bert Ambrose, but still spends around \$3,000 for entertainment, including band. Plays best talent only, with acts including Beatrice Lillie, Yacht Club Boys, Lucienne Boyer, Pills and Tabet, Ethel Shutta, Paul Draper, Douglas Byng. Business has been erratic, sometimes very good and sometimes fair.

Cafe Anglais pays very little for entertainment, with band and solo act rarely exceeding \$600. Occasionally management breaks out with some big name, as instance the Duncan Sisters, who were in on percentage, and did not accumulate a

fortune. Kept alive by its luncheon trade.

Embassy Club caters for members, and recently acquired by the Poulsen interests. Its entertainment nut, including band, is around \$750, and from all reports is not doing too well. But is hoping.

400 Club, a spot bottle club in town, and hangout of millionaires and men about town. Doing hefty trade, and still best spot in town of its kind.

## Dorchester's \$5 Couvert

Dorchester hotel only spot in town having nerve to charge a \$5 couvert and getting away with it. Henry Sherer supplies the relaxation for the tired business man, and has been doing well for the last three years he has been in charge with contract just extended to 1940. Specializes in leg shows, in 'book' revue, invariably written by Sherer, with music mostly by Eddie Horan. Acts that have appeared there include The Hartmans, Shiela Barrett, Calgary Brothers, Naughton Wayne (Comptre), Nick Lang, John, Bobby and Maurice and Cocola, Lydia and Joresca, Russell Swann, John Hoysrad, Wences, That Certain Trio, Holland and Hent, Cyril Richard and Hermione Baddeley, Richard Haydn, Chesterfields, Oliver Wakefield, Gaston Palmer, Freddy Dots, Robinson and Martin, Hans Haal, Merriel Abbott Girls, Percy Athos Follies and Chester Hale Girls, now practically a permanent feature there. Overhead, \$3,500.

Two spots exclusively booked by Eric Wohlheim, who books with all agents, not muscling in on the 10%, just receiving a booking fee, are the Savoy hotel and the Adelphi.

Savoy hotel relies on comedy, particularly sight comedy, and dancing. Two bands that have been there for several seasons, Carroll Gibbons and

Geraldo, are as popular with the visitors as any of the attractions played there. These include Lyda Sue, Maxcellos, Harris, Claire and Shannon, Bob Bromley, Diamond Brothers, Mary Holles, Three Swifts, Josie and Patricia, Arnaut Brothers, Berry Brothers, George Desmoude, Wiere Brothers, Richard and Adrian Dancers, Frakson, Estelle and Leroy, Linder, Olgo, Maurice and Marey, Capella and Beatrice, Calgary Brothers, Joe Jackson, Bob Dupont, Hermanos Williams, Dave and Dorothy Hitts, Bob Lisa and Robinson and Martin. Overhead, with bands invariably around \$3,250, and business consistently good.

Berkeley hotel, mainly talking and singing acts, with overhead around \$1,750, including band. Acts have included Ross and Stone, Walsh and Barker, Richard Baydn, Neila Goodell, Gillie Pott, Music Hall Boys, Olgo, That Certain Trio, Hildegarde, Graziella Paraga, Marrette and Rudy D'Aix, Charlie Wright, Phyllis Stanley, Oliver Wakefield, Bob Bromley, Robinson and Martin, Gipsy Nina, Elizabeth Welch.

Overhead, Entertainment operated by Londoners, MCA, with Earl Bailey in charge. Entertainment overhead, including bunch of lookers, around \$3,250, with some of the names including Al Trahan, Three Music Hall Boys, Ross, Wyse, Junior, Edwin Styles, George Emmsy, Jacker and Sidell, Gaston Palmer, Dare and Yates, Carlton Emmy and dogs, George Hale and Paul Oscar dogs. Cover charge \$3.50, which about same as in most first-class spots.

## At the Troc

Two entertainment spots in the Trocadero restaurant are the Grill Room and the 'Troc.' Former has annual leg show, which Charles Cochran has been producing there for 14 years. Besides the gals, has three comedians, who are well attended, and a permanent institution, 'Troc' is solely booked by Charles L. Tucker with no chiseling, all agents

getting their full 10%. Acts played there invariably number five to six, all big names, and mostly headliners. There is a minimum cover charge of \$2, which includes dinner, and is always doing near capacity business. Some of the acts are Buster Shaver, George and George, Ross and Stone, Gaston Palmer, Neila Goodell, Bob Bromley, Stone and Lee, Larry Adler, Max Miller, Max Wall, Billy Bennett, Vic Oliver, Naughton Wayne, Hutch, Eddie Peasbody, Arthur Prince, As Astor, Renee Houston and Donald Stewart, Elizabeth Welch, Oliver Wakefield, Three Music Hall Boys, Western Brothers, Molly Picon, George Robey, Neila Goodell, Gail Gail, Olive White, Forsythe, Seamon and Farrell, Gipsy Nina, Wences. Practically an all-star show.

Local agent, Michael Mitchell has four spots which he books exclusively. Cuts in on the agents' commissions, instead of getting booking fee. These are Piccadilly hotel, Rumba's restaurant, Quagino's and Chez Henri.

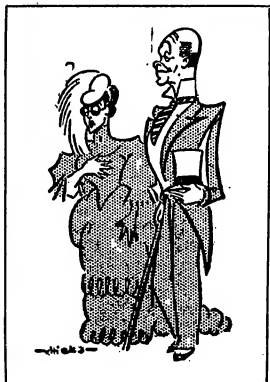
Piccadilly hotel, once the ace spot, in the days when it was booked in conjunction with the defunct Cat, is now a grind spot. Acts play four times nightly, twice in the grill room and ditto in the restaurant. Entire overhead, including three bands, does not top \$2,000. Acts are mostly continental, from Paris, who are glad to escape the falling franc, and are locally struggling along. No cover charge.

Quagino's is very ultra, and business very good. Food has big reputation. Entertainment consists of band and one act, and never exceeds \$1,000.

## Gabber Runs Air Contests

Philadelphia, Jan. 1.

Jack Steck, gabber on WFIL, is running amateur vaude contests in numerous houses here each week. Starts this stanza at Warner Bros. Allegheny.



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Leo Carrillo's original cartoon which appeared in Variety, Dec. 9, 1907.

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The aims and objects of this Association shall be—to further the best interests of the industry—to establish fair practices between the entertainer and the entertainment director—to make every effort to bring up the standards of the entertainment business—and to synchronize them with all laws governing the said business—to co-operate with any recognized organizations that are working for the most common good of all people in our industry.

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## Chicago Nite Life Altered In '38

By Dan Goldberg

Chicago, Jan. 1. Most important occurrence in Chicago's night life during 1938 was the withdrawal of the hotels from the radio, and likely the most important happening in 1939 may be their return. Two of the biggest hotels went through 1938 with their major nite rooms folded most of the time. The Morrison hotel's Terrace room opened only spasmodically and then primarily for parties and special occasions; likewise, the Congress hotel's Casino, Empire room of the Palmer House and Gold Coast room of the Drake were erratic, while the College Inn of the Hotel Sherman got by almost solely on the convention biz that the hostelry lined up throughout the year.

At the LaSalle hotel, the Blue Fountain room was primarily a luncheon gathering place and a Friday-Saturday night hang-out for the high school and young college crowd. Towards the close of 1938 the Edgewater Beach hotel, which was the last to go off the air, broke away from the other hotels and returned to a place on the air over Columbia-WBBM.

Amazing thing about that radio situation: On one day the hotel men were meeting and bragging to each other about the great spots they had on the air and how many network shots they had each week; the next day, figuratively, they were off the air in a general resistance against paying the \$100 weekly service charge to stations. There are at present several evidences of unrest among the hotels.

Hotels stated that they had no objection to the C-note tariff, but feared that if they capitulated to the first request on the part of the stations, that next year the transmitters would be seeking \$200.

Ed Lawless, chief of the Palmer House, appears to be the guiding hand in the general resistance to the stations' demands. The squawk is that the hotels feel that they have been paying coin to build up names for bands which will come back next

year and ask for increased salaries. The fact that the orchestra will drag in extra shekels because of its newly-acquired name seems to be ignored.

### How It Hurts

However, there is no doubt that being off the air has hurt the hotel's niterery biz. They still get the visiting and convention crowd, and they get solid portion of local trade; but the margin of profit that used to come from the surrounding towns has been cut down.

There is a discernible building up of trade for the honky-tonks on one hand and the high-riff, ritzy joints on the other. Invading the town with small and intimate spots for the formal mob and the easier spenders have been three new spots. First and most important is the newly-reopened Colony Club as operated by Nick DePaul—pardon—Nicholas Dean and Sonny Goldstone. Formerly operators of the Yacht club, they took over this near-northside spot when it was given up by Dolly Weisberg. They have gone strictly social and ultra with it, and it has been a genuine click in Chi's nite life. There is no entertainment in the typical nite club sense of the word, the niterery using only a single star for its entire show. It's a Dwight Fiske, a Hildegard, Nan Blackstone, Maxine Sullivan. The rest is music by the rumbra Jose Manzanera and the Hugo dePaul orchestra.

Swank hotels, Ambassador, East and the Blackstone, broke into the nite life picture, the Ambassador with its really smart Pump Room that is very, very social, and the Blackstone with its copper-floored Balinese Room. Both of these spots are havens for the society-page photos of town. No floor show in either spot, with the exception of a singing star such as Corinna Mura at the Pump Room at present and Betty Borden in the Balinese.

For an all-around nite club the Chez Paree still rates as the tops, getting the complete cross-section of the business, amusement and social worlds. It presents the town's most expensive and most complete show. Operator Mike Fritzel and Joey Jacobson are a click team.

### Sans Casino

Though its casino remained closed throughout the year, the Chez Paree still made money, grossing steadily around the \$20,000 mark, which is above anything else in town at present. And its shows often cost above \$8,500 weekly with such headliners as Jimmy Durante, Milton Berle, Harry Richman, Ted Lewis, Abe Lyman, Ella Logan, Sophie Tucker, Jimmy Savo.

Hi-Hat developed into a strong intimate niterery during 1938, with its near-northside location getting a strong play. Enlarged its space during the year and is still pretty cramped at times. Rose Bowl, formerly primarily a cocktailery, blossomed out next door to the Hi-Hat as a legit niterery under the hosting of Frankie Howard. Brought in Willie Shore, who today rates as the town's own niterery fav and who has a great persony following in Chi, to take over the floor, and he practically single-handed, has established the Rose Bowl as an important factor in the Chi niterery scene. Colosimo's, under Mike Potson,

and the Royale Frolics, with Denis Cooney, enjoyed profitable seasons as late night spots with plenty of acts and vaudeville talent on both of floor shows.

### Blackhawk's Gay Stuff

Blackhawk remained on the air and today is still an important item in the town's niterery field, especially due to its great following of suburbanites and the young shag-artists. Going in strictly for gag stuff since the great click of the Kay Kyser College of Musical Knowledge here, with all bands in the joint hurrying to hit the ether with special musical-type quiz ideas.

But perhaps the greatest advance during 1938 was made by the nitereries which are little higher than saloons, the so-called taverns. They established themselves not only for the low-salary customers, but for the guys and gals who want to let their hair down and kick over a table or two.

Unquestionably the top in this line is the 606 Club on South Wabash avenue. Starting as a small hole in the wall, it has expanded until it is now quite a large hole in the wall. But it is giving the people the longest show on record. It is commonplace to see 15 to 20 acts on a single bill, running as long as two hours. Mostly singles, but okay stuff with a large assortment of strippers. It is a gathering place for show people who pop in there at 4 a.m. after they've finished their jobs around the nite clubs of the town.

Others which are important in town are such spots as the clowning but shrewd El Dumppo, the Gay 90's, the Barrel of Fun, Blondie's, Harry's New York Cabaret, Liberty Inn, Dutch's.

And finally, there are the colored-entertainment spots which get mixed patronage. The best-rating of the lot goes to the Grand Terrace, where Ed Fox plays the best in the colored line, Fletcher Henderson, Louis Armstrong, Earl Hines or chestras and a solid aggregation of floor entertainers.

In the loop the Three Deuces is a swinger spot, and in the early days of swing was the gathering place of musicians getting a load of Art Tatum, Cleo Brown and Roy Eldridge breaking it down. On the southside, in the Harlem belt, the Club De Lisa figures as the haven for the slummers and the strictly spic-seekers. Also through the same belt are a number of boys-will-be-girls spots, and indicates that the real Barbary Coast of the town is moving away from the near northside, where things are getting more legitimate, to the colored section, where the supervision isn't so restraining.

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Thanks to ED FOX



# THE LEGIT IN 1938

By Jack Pulaski

The road was subject to much contemplation during the past year, but no solution was reached on its problems. The varied ideas submitted to revive touring were largely experimental. Showmen agreed that some type of subscription would be necessary if shows were to operate in stands other than keas cities. Managers' forecast of years ago that increasing costs would force shows from the road proved accurate, not merely a complaint.

Hollywood and its affiliates were beseeched to open up houses for occasional legit bookings, but the picture industry was more engrossed in its own problems. Film magnates were also asked to organize stock companies for their own use as talent sources, and for exploitation of screen names but there was no individual or concerted compliance.

More important perhaps is that Hollywood end its feud with Broadway so that legit would be properly financed. There was talk in authorship circles that, huddles to achieve that were in the offing. However, nothing seemed to come off in that direction.

There was no doubt that the stage had too few shows. Broadway's menu early in December fell to a new low. Thus, it was evident, there would not be enough material for touring, even if the road were made more feasible. Only practical solution is considered to be road-showing duplicate companies.

The sticks complained they had not been getting the genuine attractions, but, properly cast and presented, such shows should serve. Budgeting for the road is regarded as mandatory but if some of the proposed plans go through there should be more road shows next season than in recent years.

Broadway looks forward to the New York World's Fair. Ballyhoon for the expo has already been started on the stem. Show business looks for material sustenance from the Fair's visitors, but whether such business will support all plays through next summer is problematical.

## Musicals Lead Pack

Unless the winter production crop develops new successes, a goodly part of stage fare during the Fair will be musicals. Trend towards that type of production was indicated early in the 1938-39 season when several musicals almost overshadowed the field. At the Fair will be a theatre or music hall, which is, curiously, not expected to compete with Broadway. What type of attraction is to be presented there has not been definitely decided.

Broadway is better equipped to house summer shows because a majority of legit have air cooling systems, which the women prepared a year in advance.

The ticket situation drew the attention of show business more than ever before. The theory was that reasonable prices would entice larger audiences to shows and therefore encourage more production. The League of New York Theatres consequently drew up a code of fair practices, which is now in operation. The effectiveness is disputed, though it's claimed that the majority of sales by tickets are made at the regulated limit of 75c premium.

Equity backed the League in the code in a deal between the two. The purpose of ticket control is still to be achieved. The measure, number of clicks, too, militates against the efficiency of the code.

One of the code features is the rule against ticket buys. Brokers have an edge in their argument that buys would have saved, or at least kept going, a number of shows that proved costly flops. So far as the agencies are concerned, they are burned up over the fact that they are required to pay 3 1/2¢ per ticket to the League so that the latter can enforce the code which they oppose.

The wave of unionization spread further in 1938. The front of the house is now a factor in theatre operation. Theatrical Managers, Agents and Treasurers union, which survived the winter by suddenly coming to life and taking in all boxoffice staffs, house and company managers and publicity people. Press agents had gotten together as a non-union only to submit to TMAAT, forming a chapter with the right to have

their own rules. Similar idea was followed by other groups.

## TMAAT Gets Manager Pact

TMAAT demanded and eventually obtained a basic agreement with the managers. The union was aided by the teamsters union which threatened a strike and after some picketing the managers conceded the contract. Result was better salaries for the front of the house. In fact, the scales are believed to be the highest of any union in the country. Agreement covered the final three months of last season and extended until the end of the current season. The union, however, had expanded so rapidly it ran into financial difficulties, with changes in the personnel and cut in expenditures being required.

## Equity's Banks, Too, Were Ruffled

Burgess Meredith was temporary head of the union until the end of the last season, having replaced Frank Gillmore when the latter resigned to become head of the Associated Actors and Artists of America. During this period there was a riotous session of independent promotion during which it was charged a subversive group was running Equity.

The conservatives thereupon turned out in force at a meeting and named their own nominating committee, with none of the so-called radical group even figuring. It was the best attended Equity meeting in years. Arthur Byron was nominated for president and accepted. The job is non-salaried.

Upon taking office Byron began settling the affairs of the association. One of the changes made in actor contracts was the elimination of junior rating so far as salaries are concerned. All players must receive at least \$40 weekly and the same rehearsal pay, \$20 weekly. That had been one of the changes sought by the younger group and which doubtless impelled the managers to seek a basic agreement. For months there have been little disturbance within Equity excepting on WPA theatre matters.

Dissenters within the relief theatre outfit have hammered Equity for touring, with much of the time at meetings devoted to the reliefers. Transfers to other divisions of WPA and dismissals provoked many complaints. Pink slips handed out at New York's promise many fresh complaints.

During the late fall an order to reduce the complement in the theatre project was rescinded and then reissued. This started another campaign to forestall such action. WPA has developed into Equity's main problem, replacing the group opposition. At least, those on the relief payrolls are managing to eke a living and with the newly ordered let-outs Equity is certainly in for more travail.

## Strawhat's Poor Results

The summer stock and tryout season saw little change from the past several seasons. Talent and material scouts only emphasized the results of the past several summers; the actual result was out of proportion to the effort. There were 140 new plays tried out and 12 were regarded as Broadway possibilities. None have scored to date.

Another phase of the summer season was the outdoor musical revivals, especially at Jones Beach, L. I., and Randall's Island, N. Y. Activities of both stopped abruptly after rain forced cancellation of six consecutive evening performances. Complaint was made by managers that it was Equity's fault the troupes folded. It was pointed out that if Sunday shows were permitted without extra pay, the revivals would have attracted enough business to keep the actors working. Equity was suspicious of a squeeze play, with the Shuberts the main complainants. It was decided that concessions be made for next summer.

The season up to the end of May was the lightest for buys on film rights since that factor entered the show field. Only one play had been sold up to March 1. There was some idea that Hollywood was retaliating because of the quarrel with the Dramatists Guild, a minimum basic agreement, but that proved to be somewhat fallacious. The quality of the plays was at fault, so-called intellectual shows which got across on Broadway not being considered proper picture material. In light of how some of those plays have been doing, it is not surprising that Hollywood's viewpoint.

There were two surprise successes

ful theatre ventures, both in N. Y., notably the Mercury Theatre and the International Ladies Garment Workers Union. Latter took over the empty Princess theatre and established "it" as "Labor Stage with the Revue, 'Pins and Needles'." An amateur cast started the show as a weekend affair then performed it regularly and it's still going. Mercury Theatre leased the Comedy, another almost forgotten house, and the critics raved over 'Julius Caesar' and 'Shoemaker's Holiday.' Mercury particularly was hailed as an uplifting force in the theatre but got off on the wrong foot this season. It was suddenly stopped, but may resume when its finances are straightened out.

## Critics

The critics, as always, attracted their share of attention. John Mason Brown of the N. Y. Post, won VARIETY's boxscore for the fifth time with a percentage of 935. John Anderson of the N. Y. Times, an American was next with 918, with Brooks Atkinson, of the Times, third with 903 and Dick Watts of the Herald Tribune, coming under the wire with 878.

More pertinent was the low production mark, 78 new shows being produced during the 1937-38 period, as against 90 for the previous season, which showed a decline in managerial activity—for the third straight year. Seventeen shows were in the money, of which 11 were big hits and six moderate successes. The N. Y. Critics Circle gave its annual prize to 'Mice and Men' which was about to fold when named. It then rallied and played four weeks longer, 'Our Town' topped the Pulitzer award and is now doing well on the road. George M. Cohan's starrer, 'I'd Rather Be Right,' is currently the road's biggest grosser.

# Italy's Type of WPA Shows

Rome, Dec. 20.

Performances al fresco have become a vogue in Italy and are among the chief inducements held out by Italian authorities to bring the poor closer to the theatre. In all major Italian cities, outdoor shows on a big scale are organized during the summer months. In Rome and Milan these shows are able to accommodate 20,000 spectators. Ancient Roman amphitheatres or arches of majestic Roman ruins make spectacular backdrops for the outdoor stages. Costume and stage design, in first class, and during part of the summer season Italy's best operatic singers tour the various cities where summer opera is being staged. All this the public can enjoy for the top price of \$1; lowest price 10c.

During the spring there are several outdoor performances, too—one in Italian Tripoli, only in an old Greek theatre in Sicily; but these are more, highbrow events, and are aimed less at the Italian people than at tourist trade. From the early spring performances of Greek drama in Tripoli and Sicily, through staging of classic dances at Paestum, through the outdoor numbers on the Florentine May program, the tourist season is well sprinkled with outdoor dramatic events.

In the small villages the summer months bring the appearance of the 'Theatrical carts.' These are road companies organized by the government recreation agencies. They travel in well-equipped trucks, and bring along everything from their own stage and lighting effects to seats that can be set up in the village square. One of these companies puts on plays, and one gives light operas.

In winter all theatres in Italy are required to reserve certain Saturday afternoons for performances for workers, peasants and small-salaried employees. Prices at these 'Theatrical Saturdays' are even lower than those at the summer operas.

## 'St. Louis Woman' For Coast FTP Negro Unit

Los Angeles, Jan. 1.

Langston Hughes signed with Federal Theatre Project to rewrite 'St. Louis Woman,' next play for the local Negro unit now doing 'Run Lil' Chillun.' Show is based on 'Arna Bontemps' novel of the early '30's.

James R. Williamson, St. Louis, former director of the FTP, sent out a call for writers, gag men and lyricists to develop a musical revue to be produced shortly.

# If I Were A Roosevelt

By SIR OSWALD STOLL

London, Dec. 20.

VARIETY's abstract and brief chronicles of the time constantly reveal a state of anxiety and confusion in every aspect of entertainment—the Stage, the Screen, Radio, Television and Finance. A new spirit will have to be invoked to bring order out of chaos; a creative spirit with the powers of a benevolent despot.

If I were a Roosevelt, with lightning speed I would stop an entertainment drive on tax which discriminates against the stage of the living performer, in favor of actors presented as pieces of celluloid. The cheapness with which prints can be made from negatives would render it obvious to me that a tax may be borne by them without hardship, but not by living artists who cannot be moved about in tin boxes. I would realize that although the running expenses of a theatrical production may be recovered from theatre revenue, despite the tax, it is hopeless to expect to recover the costs of the production also. Somebody must lose that unless it is a sum so slight as to be almost negligible.

It would be clear to me that such a tax is a fine upon the employment of the living actor; a fine upon the public for encouragement of the living stage; a tax on turnover which, if made general, would break the back of national business from the bakehouse to the bank. I would denounce completely that type of tax.

I would know that a destructive tax which destroys the actor, theatrical property, the arts of the theatre and keen public interest in the theatre, destroys real life for the sake of a machine that means nothing in itself, if it is bereft of the vital support of a vigorous living theatre.

My view would be that if the screen is a desirable form of entertainment, the tax on the living stage, because it reacts injuriously on the necessary life of the stage, must injure the screen both artistically and commercially by persistently reducing the number and the quality of artists of every kind, and particularly those that should be available for the studios which supply the living patterns for the celluloid pictures.

Also I should realize that if radio is a desirable form of entertainment, the tax on the living stage injures radio by reducing the number and standard of trained artists available for broadcasting.

I would not allow broadcasting to become nauseating through lack of fitting material and the enforcement of vain repetition.

As to television, I should feel no doubt whatever that if television is a welcome form of scientific expression, the tax on the living stage, strangling television at its birth, by reducing the number of artists available for the major part of its service.

As a reasonable man I should know that the screen, the radio and television do not require a sufficient number of artists to make a numerous and comprehensive profession, but that such a profession is necessary in order to maintain their limited and temporary needs.

## Preserve Life of Artists

They use artists in person once, and these artists are heard or seen by millions of people in no time. The life of these artists by only occasional use, is made so short that if there is no stage to which they can repair, they or many of them vanish into oblivion over night. The limited use of artists made by mechanical devices I would preserve as a sideline of the stage, not as a substitute for it.

The public must be fully and truly entertained, and the art and instruments of entertainment caused not to fall back, but to advance. I would know that nothing but exemption of the stage from a destructive tax could achieve this end and I should wipe out this tax as if it were a plague.

It is not yet realized in the film industry that a prosperous living stage is absolutely essential to the film industry's survival. The absence of the living stage, the absence of great public interest in a living stage, causes an excessive supply of cinema and consequent reduction in prices of admission to fatal competitive figures. Moreover, its absence reduces the number and increases the cost of films. It amazes me that the film people for their own sakes do not oppose, with might and main, the retention of entertainments duty on the living stage—whatever the needs of government for taxation for armaments with which to protect life and property. Nor is it yet realized that to multiply theatres of the living, whilst the tax on the living remains, merely induces the over-valuation of a few artists and weakens still further the general structure of the entertainment world. The public appearance of the living artist is the school of personal experience in the application of knowledge of all the arts, crafts and sciences relevant to the stage. Knowledge is one thing, but its adaptation to experience is another and greater thing. This should not be hampered by special taxation any more than education should be so hampered. To tax specifically applied education is to subsidize savagery. The types of artists left to be exploited in pictures sometimes remind one of this truth.

## No Subsidy Necessary

Had I the power I should decide that the stage needs no subsidies beyond exemption from this iniquitous tax, except definite recognition by government by means of a Ministry of Arts, Crafts and Sciences which would have a propaganda department designed to interest the public in the stage and all its works. The ministry would, however, provide awards for the various forms of perfection which individual artists might achieve in expression of character, skill and powers to carry conviction in character, action and atmosphere, in their work.

To the Ministry of Arts, Crafts and Sciences I would give power to confer upon supreme ability in an artist exemption from income tax in any years of supreme achievement. This would follow the principle of exemption from taxation of a great institution like the Bank of England. It would raise the standard of artistry to the highest power and encourage the stars to make a full complement of pictures in a year.

Owners of theatres have suffered from gaps in their normal finances made by excisions of territory due to destructive entertainments duty. To all these gaps they have been forced to borrow at interest and to endure the effects of compound interest on these and further borrowings.

As compensation for these effects of entertainment duty on theatre buildings during the past 20 years, I should require my ministry to purchase all existing theatres at their full values. In the hands of a letting department of the ministry, the theatres would be let direct to producers and managers at rentals not exceeding 2 1/2% on the purchase price. All rents to be 'contracted' would be prohibited and a right of appeal by managers to a proper authority against preferential treatment in the selection of tenants would be established.

A successful window cleaner or plumber ought not to be qualified by such success for the post of Minister of the Arts, Crafts and Sciences, nor should inspectors be merely clock watchers and spies. No officials would be appointed to supervise the stage who have inadequate knowledge and experience of the application of the relevant arts, crafts and sciences. To rouse the public interest in a great performance and cause the public to wish to witness it requires the knowledge and experience of the kind of work being criticized.

The theatre is the world in little. It must be allowed to become a world of conspicuous human prowess in the cultivation of a superior type of human being, taking pride of place amongst people in general.

All the world's a stage, and we should feel more proud of the stage world than we can feel today. The stage is perhaps the most efficient vehicle for the building of a more admirable world, if it be allowed to cultivate itself by a government keeping the ring for it in its struggle. That ring implies the right to retain its natural sources of revenue in economic conditions in which little of nothing can be done without money.

In brief I should make the British profession of the stage one of the great national and imperial professions—capable of exercising profound influence on our relations with all the peoples of the world.

# Plays on Broadway

# Plays Out of Town

## Everywhere I Roam

Drama in three acts presented at the National Dec. 29, '38, by Marc Connelly and Bela Blau; written by Connelly; directed and produced by Connelly; staged by Connelly; musical arrangements and staging by Lehman Engel; dances by Felicia Cole; songs by Fred Stewart. \$3.50 top.

School teachers.....Vera Deane  
Jewelry.....Mary Blackburn  
Samuel.....Ormond Lydon  
Pudence.....Lillian Gish  
Dorothy Littlejohn  
Kathleen Slagle  
Frank Westbury  
The Man.....Dean Jagger  
The Wife.....Katherine Emery  
Mrs. Appleseed.....Norman Lloyd  
Clinton.....Robert Collins  
Barrel Rollers.....William Matons  
Charles Clarke  
Robert Breen  
Jim.....Paul Huber  
Lady.....Rose Blackburn  
Little Boy.....Berk Waiz  
Sandman.....Frank Maxwell  
Jay.....Arthur Barnett  
Mayor.....Earl Brown  
Marty.....Robert Breen  
Frank Maxwell  
Earl Brown  
Continental  
Gyasi.....Robert Porterfield  
Joseph.....Robert H. Gruber  
Jacob.....Bill Benner  
Map.....Kathleen Slagle  
Svedish Boy.....Dorothy Littlejohn  
Norwegian Girl.....Dana Lee  
American Boy.....Dana Lee  
Danish Girl.....Dana Lee  
Dana Lee  
Train Announcer.....Charles S. Clarke  
Train Guards.....Charles S. Clarke  
Jim Jr.....Jay Owen, Jr.  
Jay Jr.....Fred Lawrence  
Travel Agent.....Earl Brown  
Travel Agent.....Earl Brown  
Gyasi.....Robert Porterfield  
Perry.....Judson Best Hall  
Mayor.....Earl Brown  
Process Server.....Frank Maxwell

'Everywhere I Roam' is the most ambitious of Broadway's holiday card, a dramatic pastoral generously peopled, but of indicated limited appeal.

Marc Connelly and Bela Blau team in the showing. They have a record of going in for the unusual, especially the former, whose dramatization of 'The Green Pastures' developed an amazing appeal. But in that novel drama there was much of the humorous, which quality eludes the new play, a symbolic display of the development of lands of the mid-west.

'Roam' may be classed with the cavalcade type of drama, for it covers 100 years. During that span the principal characters remain the same in dress and age as part of the symbolism. Play is one of several done in summer theatres and now migrating to Broadway. 'Roam' comes via an arrangement with the Barter Theatre, Abingdon, Va.

It has a patriotic theme, and the chorals include 'My Country 'Tis of Thee.' Story sketches the success of people from all lands who come to the land of liberty. Only when the foreigners permit avarice to sway them do they suffer and lose all. Finally they again look to the soil for recapture of contentment.

Against a blue-white background most of the action occurs. Use of lights is depended on more than settings, with the general impression of the farm and prairie lands excellently simulated. The coming of the railroad, the reaper, and the modern trends are indicated, since the coverage is too wide for actual scenes.

Young man and wife, as acted by Dean Jagger and Katherine Emery, settle on the virgin land with advice from Johnny Appleseed, a symbolic character who discounts their rise to affluence. He especially warns them against Jay and Jim, top-hatted capitalists whose generous dividends are paid the couple, while others are robbed (the moguls in the end are submerged by the market collapse). They leave sons to carry on the system, the author's reminder of the manner in which American millionaires hold their fortunes within the family generation after generation.

There are some direct asides to the audience and some of the comment may have come from Connelly, who worked on the Arnold Sundgaard script and is co-author. Such lines are by way of warnings, and could be inferred as aimed at the present spread of the intolerance fallacy. Essentially, however, 'Roam' is pretty much down to earth.

First act is distinctly the best, and there are stirring moments punctuated by songs and folk dances. Some of the ensemble movements are exceptional, particularly one in which dynamite is supposedly used. The leads, in addition to Jagger and Miss Emery, are played by Norman Lloyd, as Johnny, and Paul Huber and Arthur Barnett as Jim and Jay. Impressive and impressionistic, the play seems more of a lesson than a diversion. *Ibee.*

## The Merchant of Yonkers

Farce in four acts by Thornton Wilder, based upon comedy by Johann Nestroy; in turn based upon an English original; stars Jane Cowell; features June Walker, Percy Warram, Lydia Westman; production by Max Reinhardt; assisted by Maria Solter; settings by Boris Aronson; musical arrangements by Alexander Hodge; presented by Herman Shumlin at Guild theatre, N. Y. Dec. 28, '38. \$2.50 top. (\$4.49 opening).

Reinhardt.....Percy Warram  
Aronson.....Hartlett Robinson  
Hodge.....Max Wilcox  
Solter.....Gertrude  
Wilder.....Tom Ewell  
Nestroy.....Frances Harrison  
Sweeney.....Joseph Sweeney  
Mrs. Levi.....Jane Cowell  
Barnaby Tucker.....John Call  
Miss Polly.....Lydia Westman  
Cushman.....Edward P. Mannary  
Julio.....Max Wilcox  
Cook.....Peter Struve  
Miss Van Housen.....Inna Phillips

Having copied last season's Pulitzer Prize with his masterfully weepy 'Our Town,' Thornton Wilder now brings this outright prank based on an old Viennese comedy. Here he is kicking up his heels in a farce of sheer make-believe, of frankly unrealistic charade. In Max Reinhardt's imaginative and impish production it provides an evening of beguiling theatrical magic or of baffling kittenishness—depending on a playgoer's taste.

Certainly Wilder will enjoy no such success, either artistically or commercially, with 'The Merchant of Yonkers' as he did with 'Our Town.' It may be doubted that he ever expected or particularly cared to. This time he's obviously out for a romp and is turning the playhouse topsy-turvy with fanciful skarking.

Play will hardly have a mass draw, but may appeal to the class trade. Jane Cowell's name should hype the boxoffice, while the fact that 'Merchant' is on the Theatre Guild subscription list should give it a good chance to become established. In short, it may catch on, but a moderate run seems more likely.

Ingenuous little fable of the early '80s tells about a substantial merchant of Yonkers who goes to New York to find a wife, while his tearful niece, two bumptious employees, and widow adviser follow to carry out their own various romantic adventures. After they've all tumbled over each other in Manhattan and entangled their affairs and identities, the antic subsidies on a droll note of story-book happiness. Reinhardt, who has been noted in America for his lavish and occasionally ponderous spectacles, has given Wilder's yarn an intimate and inventive production. Amusingly stylized staging, with its frisky playing and its confidential asides by the actors, enhances the flavor of Wilder's script.

Most of the players catch the spirit of the farce, but one or two seem unable to scamper through it with the necessary agility. Al-

though she is a gifted actress and a dynamic personality, Jane Cowell is unsuited to the part of the scheming widow who maneuvers the merchant to the altar. Or rather her style is unsuited to the play. She not only has trouble remembering her lines, but she plays too forcefully and with a too determined gaiety. Then, apparently realizing she isn't winning the strivers all the more strenuously—and that is fatal. Only briefly in the last act does she achieve her normal effective simplicity. It's extraordinary to see a top-notch of Miss Cowell's talents and experience appear so disadvantageously.

In contrast, nearly all the others seem imbued with the piquant humor of the piece. June Walker, in particular, is bewitching as the frolicsome little milliner, while Lydia Westman is just right as her perplexed but willing assistant. Percy Warram is drolly gruff as the sorely-beset merchant, and Minna Phillips is an admirably flighty aunt. Tom Ewell has an ingratiating casualness as the merchant's romantic chief clerk, and John Call overplays the wide-eyed apprentice. Joseph Sweeney is a hilariously philosophical and middle-aged old sinner whose explanations of his vices enliven the whole third act. Carrie Heller gives an appropriately satirical portrayal of the weepy ingenue, while Bartlett Robinson is satisfactorily fierce as her swain.

Boris Aronson's chromo settings and the comic-valentine costumes heighten the atmospheric quality of the production. *Hobe.*

## BRIGHT REBEL

Drama in three acts presented at the Lyceum Dec. 27, '38, by William Kitchell; written by Stanley Young; staged by the producer. \$3.50 top.

Harrington.....Francis Swann  
Fletcher.....Mary McCormack  
Robert Vivian  
Mrs. Byron.....Jeanne Caselle  
Tom Moore.....James MacGuire  
John Can Hobhouse.....Maurice Manson  
Scorpe Davies.....Michael Willis  
Lord Byron.....John Cromwell  
Anabelle Milbank.....Francesca Branning  
Lady Caroline Lamb.....Janice Hanford  
Lord Melbourne.....Lewis L. Russell  
Lady Melbourne.....Beatrice Terry  
Lord Eldon.....Charles Athina  
Lady Oxford.....Helena Glenn  
Lady Jersey.....Dana Lee  
Lord Swain.....Richard Arner  
Nicholas Kondylis.....Daniel Krewe  
Augusta Leigh.....Ann Loring  
Mrs. Minns.....Marie de Becker  
Dr. Latham.....Henry Vincent  
Dr. Millington.....Frank Swann  
Colonel Stanhope.....Richard Arner

Socialites, such as have figured in the reputed production set-up for 'Bright Rebel,' have fared rather well in the theatre at times, but in this instance the chances are negative.

English poets seem to intrigue authors, and Lord Byron has occupied any number of dramas. Here that genius is the main idea, a hero of sorts, despite his shortcomings. But his doings eventually become tiresome on the stage, in this instance because the character is, among other things, too long. That he was born with one short leg and

## DEAR OCTOPUS

Boston, Dec. 29.  
Comedy in three acts (six scenes) by Dedic Smith; presented by John C. Wilson; staged by Glen Byam Shaw; decor supervised by G. E. Calloway; at the Plymouth theatre, Boston, Dec. 28, '38. \$2.50 top.

Charles Randolph.....Reginald Mason  
Dora Randolph.....Lucile Watson  
Edna Randolph.....Phyllis Joyce  
Margery Harvey.....Phyllis Fovah  
Cynthia Randolph.....Rose Hobart  
Nicholas Randolph.....Peter Robinson  
Hugh Randolph.....Shirley Politz  
William (Bill) Harvey.....Warren Mills  
Kathleen (Scrap) Kenton.....Helen Renee  
Edna Randolph.....Nanci Campbell  
Kenneth Harvey.....Robert Craven  
Laura Randolph.....Margaret Dale  
Grace Penning (Fenny).....Lillian Gish  
Nanny.....Lillian Gish  
Gertrude.....Georgia Harvey

'Dear Octopus' hits a high level for family plays. English in spirit, perhaps, it nevertheless has a general appeal because of a remarkable combination of brilliant playwriting, directing and acting. Dedic Smith has brought to America neither a run-of-the-mill drawing room talk marathon nor a hoked up, false-front comedy. Instead she has created a large, charming English middle-class family who talk, act and react naturally through a week-end reunion held to celebrate the golden wedding of Dora and Charles Randolph (Lucile Watson and Reginald Mason), heads of the household.

Almost entirely devoid of action, and composed of several minor, fit-

possible club foot is also emphasized too much.

Byron is here made the victim of his political views and defence of the down-trodden. Enemies, meantime, seek to make scandal out of the poet's affection for his half-sister Augusta Leigh, the only woman who was in complete sympathy with him. Militant poet's defense of the underdog may be true of the English, but hardly matches the popular conception.

Period or costume dramas seem often to be a managerial hazard. 'Rebel' is no exception. The garb of the men could be acceptable, but that of the women is unattractive. In fact, the feminine contingent in the play looks below average in general appearance and appeal. The dialog for that end of the cast is hardly a help, either.

Lord and Lady Melbourne are cordial and friendly to Byron, siding with him in conflicts of opinion with Lord Eldon, the Tory leader. But they hardly do the poet a favor by steering him into marriage with their narrow-minded and rather dowdy niece, Anabelle Milbank. In fact, by way of perception like Byron should sue for the hand

(Continued to page 186)

ful plots, the play's strength lies in its dialog. Instead of swapping gags and epigrams all evening, the characters simply converse with each other, with wit and intelligence. Through these utterances their personalities develop with such completeness that those beyond the footlights believe them by the end of the first act, know as they are at the second curtain, and reluctantly bid them goodnight at the final.

Dora Randolph, the 70-year-old matron, is a wise old lady who knows how to cope with her son-in-law. Cynthia (Rose Hobart), who has been a prodigal during the seven years she has lived with a married man in Paris. In her off moments Dora is a "rob-finder"—thinking up all sorts of odd chores for her family to perform around the house. Her devoted husband, Charles, has, in fact, given up his business many years ago just to putter around at the beck and call of Dora.

Fenny (Lillian Gish) has been Dora's companion for 10 years, during which time she has become seriously in love with Nicholas Randolph, a bright bachelor in his 30's. At the weekend's windup Nicholas recognizes Fenny's secret adoration and proposes a marriage proposal, readily accepted.

Hilda, an unmarried daughter, has a complex about shutting up flies in books; Margery, a married daughter, is a "rob-finder" in the way of her specimen; and Edna, a daughter-in-law, meddles in the Nicholas-Fenny affair.

There is Belle Schlessinger (Margaret Dale), a peppy old gal of uncertain age, who comes to the anniversary celebration to renew flirtations with old Charles; her personal name is happy-go-lucky. There are charming grandchildren—'Flouency,' 'Scrap' and 'Bill'—around 12 years old, who exchange notes in a nursery rhyme on the new bad words they have heard. Hugh and Laurel, a young married couple, do not impede the play's motivation, but they are superfluous.

Alice Belmonte Cliffe and Georgia Harvey, as governess and cook, respectively, also bring their characters to life without resorting to over-acting or scene-stealing. Kenneth, a son-in-law, has a little flirting with Fenny, and is, in general, charmingly innocuous.

Fundamentally, this is a play for the mature and sophisticated alike. Perhaps the naive might assume from the title that it's an undersea meller, but that assumption should easily be dispelled. 'Octopus,' of course, refers to the tentacles of a big family, such as the Randolphs.

To Director Shaw goes credit for assembling a great cast and drawing it from the theatre's best talents which playwright Smith's lines demand. The three sets are of the same quality as the other factors in this production—and the lighting is very good. *Fox.*

## Angela Is Twenty-two

Columbus, Dec. 31.  
Play in three acts written by Sinclair Lewis in collaboration with Fay Wray; presented by John J. Wildberg; staged by Harry Wagstaff Gribble; settings by Frederick Fox; stars the author; at Hartman, Columbus, Dec. 30, '38.

Dr. Ellis Plum.....Barry Sullivan  
Ross Cromer.....Lehard Kendrick  
Nina Cromer.....Mary Howes  
Angela Quayle.....Flora Campbell  
Dr. Hilary Jarrett.....John Lewis  
Miss Price Dixon.....Royal Price  
Miss Shaw.....Ann Garrett  
Martha.....Ann Garrett

Sinclair Lewis, star and co-author (with film actress Fay Wray) of 'Angela,' unveiled that opus here as his first stop in a personal tour through the midwest. Personal touring is what 'Angela' is best suited to, anyhow. It's not Broadway, and neither is Lewis much of a histrionic heavy-weight. When the performance was over, Lewis got his plants as author of 'Main Street' and not as the Dr. Hilary Jarrett lead in 'Angela.'

Play otherwise was commendable for Flora Campbell's role as Angela, tasteful settings by Frederick Fox, and nice gowns.

Lewis made a certain speech expressing his belief that the American theatre is due for a renaissance, and said 'Angela' was 'my contribution to that movement, whatever that contribution may be.' *Bliss.*

## Morocco Claims 'Letty' Name; Sues Greenwood

Los Angeles, Jan. 1.  
Oliver Morocco has filed suit against Charlotte Greenwood for ownership of the name 'Letty' in stage productions. He charges Miss Greenwood, star of 'Leaning on Letty,' with pirating the title from his 'So Long Letty,' produced in 1915.

Morocco asked the court to restrain the use of the word 'Letty' and to order an accounting of the profits of the play.



SEASON'S GREETINGS  
ALFRED LUNT and LYNN FONTANNE

## The Playwrights

By Hobe Morrison

In the field of dramatic authorship 1938 was a year of significant trend and development. It was notable for the vitality of its plays and for the increasing importance of the playwrights.

Outstanding trend was the preponderance of plays of American subject matter, treatment and theme. Virtually all of the year's new plays dealt with American life. The year also was exceptional for the range and vigor of the playwrighting.

However, if the character of dramatic authorship was changing, so was the position of the dramatist himself. Most noteworthy development of the latter was the formation of the Playwrights' Guild. There was nothing new in the idea of dramatists forming their own producing organization, in this instance it was unique and significant because of the high standing of its members, who are Robert E. Sherwood, Maxwell Anderson, Sidney Howard, Elmer Rice and S. N. Behrman. Formation of the guild has various immediate, intangible effects and it was expected to have much wider and more material results in the future.

There were numerous other more or less notable changes and events concerning the dramatic writing craft during 1938. For instance, it became evident at the year ended that the first few months of 1939 might see a return of picture financing to Broadway production. Film industry had originally withdrawn backing due to row with Dramatists Guild over minimum basic agreement. Year also saw the rapid growth of the Dramatists Play Society, the emergence of a new problem in the U. S. immigration of a number of refugee playwrights, awarding of fellowships to several young authors, the projected formation of a so-called Junior Playwrights Co., the end of the Dramatists Guild-Bureau of New Plays squabble and the flare-up and settlement of the breach between the Guild and Gilbert Miller.

### American Plays Up

The extraordinary increase in plays of typically American flavor is considered a natural and healthy sign of the times. With the U. S. democratic tradition threatened, it's inevitable and proper that the playwrights should concern themselves with the situation. But as more and better plays were being written about America and its people, it is likewise noted that such plays had a wider and more enthusiastic acceptance than ever.

As an example, Sherwood's inspiring 'Abel Lincoln in Illinois' is a completely American play and, while it laid in the past, its implications all point vital toward the present and the future. It's admitted that 'Lincoln' would have been successful two years ago and, to a lesser degree, five years ago, but it would never have aroused the tremendously eager response it did last fall. In a totally different way, Thornton Wilder's 'Our Town' might have been merely tolerated several years ago instead of receiving the rapturous praise it drew last spring.

Other notable plays of distinctly American character during the year included 'Of Mice and Men,' 'One Third of a Nation,' 'Golden Boy,' 'Rocket to the Moon,' 'Here Come the Clowns,' 'Wine of Choice,' 'Kiss the Boys Goodbye,' 'American Landscape,' 'How to Get Tough About It' and such musicals as 'T'd Rather Be Right,' 'Pins and Needles,' 'Knickerbocker Holiday' and 'Cradle Will Rock.' Although not all of these plays were commercially successful, nearly all were worthy of serious critical consideration. Certainly they overshadowed such foreign or non-topical works as 'Shadow and Substance,' 'On Borrowed Time' and 'Bachelor Born.' There was also an unprecedented number of anti-fascist plays during 1938. However, none was either an artistic or commercial success. One of the ambitious productions for the early part of 1939 is the Kaufman-Hart play, 'The American Way,' which also espouses the U. S. theme.

Doubtful if any single development in recent years has had such far-reaching implications as the formation of the Playwrights' Guild, at once raised the question of whether there is any longer any need in the theatre for the purely commercial producer since the five-member playwrights were able to raise their own financing easily and quickly. Playwrights also directed their own plays or hired outside di-

rectors. Only point not immediately clear was whether commercial producer would be needed for a detached viewpoint on scripts and script revisions.

Immediate success of 'Lincoln' left that question unanswered. But when Anderson's 'Knickerbocker' was nursed into a success by the playwrights themselves, after being brushed off by the critics and the little chance to succeed, the ability of the dramatists to evaluate their own work seemed to be settled. Soon afterward, however, Rice's 'American Landscape' opened and received a generally unfavorable critical response. According to the reviews, that was one instance in which the playwrights had failed to put a script into commercially acceptable shape. Rice, weary after writing his play as well as staging it and 'Lincoln,' did little to correct its flaws after the opening and it appeared to have a doubtful chance of getting back its production cost.

### Developments Promised

Nevertheless, the success of the Playwrights' venture as a whole continues to cast a large and ominous shadow over commercial management and to promise extensive dramatist developments. Theatre Guild, many of whose successful shows had been written by Playwrights' members, is far behind its normal production schedule and has been having trouble to cast a large and ominous shadow over commercial management and to promise extensive dramatist developments. Theatre Guild, many of whose successful shows had been written by Playwrights' members, is far behind its normal production schedule and has been having trouble to cast a large and ominous shadow over commercial management and to promise extensive dramatist developments.

The possibility that other dramatists might at any time form their own producing firms and eliminate the commercial managers also seems likely to better the position of all playwrights in their dealings with producers. In recent years, the dramatist has grown, in stature and influence, in the theatrical setup.

### Hollywood Financing

Although the return of Hollywood financing to Broadway production has seemed more likely in recent months, it is by no means sure. Dramatists Guild has steadfastly refused to consider revision of its minimum basic agreement and consequently the studios have remained aloof from legit bankrolling. But during the last summer a plan to supplement the basic agreement was broached and has been studied ever since. It involves a standard scale of determining the purchase price of the film rights to plays, with the ultimate amount based on the length of run and the total gross of the Broadway production. Certain details remain to be worked out and tentatively agreed upon by the film companies before the plan will be submitted to the Guild council and membership. However, it's believed to have a good chance of acceptance. Some details of the plan may be expected within a few weeks.

Although it was not a new trend or development, the continued efforts of the Dramatists Guild in behalf of aspiring playwrights is worthy of mention. By providing fellowships for promising authors, by obtaining jobs for others, by getting them passes for current plays and having them present at rehearsals, as well as giving constant advice and encouragement, the Guild is more than ever trying to find and develop playwrighting talent.

Characteristic of this whole idea were the concluding words of Sherwood's annual report as president of the Guild. He said, 'It is unnecessary to state the importance of these cultural activities, for it is obvious that the survival of the Dramatists Guild, and of the theatre we serve, depends upon the renewal of vitality which can come only from new writers who, despite all the hostile circumstances in these times of economic and spiritual uncertainty, are still determined to write good plays.'

## Honor Helen Hayes

Clinton, N. Y., Jan. 1.

Helen Hayes receives honorary degree of doctor of human letters from Hamilton College Sunday (5). Ceremony attending the conferring of the degree will be part of a special midwinter college convocation.

## Equity Gets \$1,000 Surprise Bequest From Late Member

Equity received a surprise holiday gift of \$1,000, which has been placed in its emergency fund. Money was a bequest from a legacy about which there was some question.

Recently Equity received a letter from Spiro and Co., London solicitors, to the effect that by the will of one Abraham Rodriguez, the association would receive \$1,000. Equity officers were suspicious because the lawyers stated a romance would be made after a receipt was given them.

British Equity was queried about the matter and mailed the receipt, to be used at its discretion. It was discovered that such provision was actually made in the will of Rodriguez, dated 1926. Title was thereupon tendered and the lawyers turned over a check for 210 pounds, six shillings sterling.

It was explained that Rodriguez, professionally known as Harry Rogers, upon going to England gave Equity as his mailing address. There were four players, by the name of Harry Rogers, who at various times joined the association. The benefactor is believed to have been one who applied in 1916 and who became a life member in 1922.

## Philly TMAT Elects

Philadelphia, Jan. 3.

New officers of the Theatrical Managers, Agents and Treasurers union were elected here last week.

Biz agent and chairman is Dan Dan, who succeeds Lex Carlin, Sr., vice chairman is Ed Suggs.

## Ticket Code and the Agencies

By Jack Pulaski

The Government collected 45% less coin from Broadway ticket agencies last September than for the same month of the year previous. That may indicate the ticket code, drawn up by the League of New York Theatres which limits the resale price to 75c over the boxoffice price, held down agency prices. If the code is as effective as some in the industry will be regarded as a minor miracle.

There seems to be little doubt that there are undesirable in the ticket business and that the agencies exceed the number of shows on Broadway this season. Disinclination of the agencies to centralize the business as of late has made the financial condition. They complained they could not stay in business if held to a 75c premium. However, they are still at it, because that limitation does not apply to tickets for attractions outside legit.

Some brokers are figuring the code will be discontinued and are carrying on despite the clipping of incomes. Whether the code has really been tested has not been seen but during the fall the number of shows dropped so much that chances of disagreement among managers over the control system was lessened. The main squawk from the brokers is that they cannot get enough tickets; therefore, they are unable to fill all the orders of customers. The burr among agencies which apparently comply with the new rule is the knowledge that such patrons buy from unaccredited ticket men who somehow secure 'merchandise' and charge what they can get.

A temporary injunction restraining the code operation was granted Saturday (31) and was argued Tuesday (3).

Number of brokers did very well with football tickets and other sports events, but the trend is to get agencies out of the theatre. The crisis will probably come shortly when a better line on the ticket front should be visible. The League has been listening to all kinds of complaints but the main objection appears to be that tickets cannot be bought far enough in advance for the agencies. These patrons who demand the best locations will not report brokers who charge more than the code stipulates.

### Matter of 'Ice'

Managers complained that 'ice' given the boxoffice was part of the trouble with high prices. It's doubtful that such gratuities have figured importantly for some seasons. While some coin of that kind is paid out, boxoffice people are generally opposed if the money is not needed. With the prohibition of gratuities, a condition in the basic agreement of

## Swing to the East by N. Y. Legits Seems Inevitable

By JACK PULASKI

Had the plan of the late Otto H. Kahn to build a new Metropolitan opera house in Radio City gone through, it doubtless would have been the genesis of a fresh locality for the legit stage. Swing to the east of Broadway, however, is apparently delayed a few years, for when and if new legit houses—there have been none built for the past 10 years—are erected, the chances are they will be spotted closer to the hotel and residences of those who patronize the \$3 theatre. Great White Way may never disappear as a show mart, but the theatre is more apt to spread out over the midtown map, as it was a third of a century ago.

In 1906 there were more than a score of '\$2 theatres,' that being the top for any legit, prior to admission taxes and the rise of unionism which carried with it wage and salary lifts. Shows were housed in scattered spots, ranging from the Academy of Music on 14th street to the New York and Lyceum around 45th and Broadway—more than a two-mile spread, as counted along New York's main street—and with Fifth avenue crossed on the way uptown.

Currently with the hub of show business around 45th street, approximately the same number of theatres are operating now as then, when

there were no opposed diversions such as have been developed since—picture, radio, autos, indoor sports events. There are more legit spots now but they are not being continuously lighted. From the number of hit shows drawing capacity it would indicate again that show biz is still in the running, yet along the lines of 33 years back but hardly comparable to the proportions of a decade ago.

### Sixth Avenue Trend

Imposing buildings in Radio City which is something of a show center now, compose the forerunner of developments to come. Sixth avenue elevated line is coming down and so are the antiquated buildings along that thoroughfare. Type of structures which will replace the out-moded blocks are being blue-printed by architects, and the chances are that provisions will be made whereby theatres will become adjuncts and operated at more reasonable costs than before the depression.

Idea that theatres must be located somewhere between the city's railroad terminals and the junction of its subway lines, is starting to fade. Motor transportation, particularly as applied to the theatre-going class, is increasingly more important to attendance. There are drawbacks, however, especially the time required to come downtown from the side of the street from the effete Park avenue section, where the swank night clubs are mostly congregated. This time element and the unsolved traffic jams provide another argument in favor of legit theatres nearer.

### Ziegfeld Too Soon?

Trend northward along Broadway line appears to have definitely stopped. Push beyond 52d street came to a sudden halt. Perhaps one or two of those theatres, now used for purposes other than legit, will revert to the original reason for their building, but 59th street seems an impossible sector. It may be that when Sixth avenue is beautified the Ziegfeld theatre at 54th street will come back into its own. For a time it commanded a fine draw through the dazzling productions of the late showman, but evidently the house was built at least 10 years too soon. It was part of the improvement that came when the elevated spur north of 53d street was scrapped and apartment houses replaced the string of dingy brownstone fronts.

Trend uptown from 14th street years back finally reached Herald Square at 34th street. That intersection, however, was never really established as a show center. After the Garrick moved to 35th street, there came the Knickerbocker at 38th street, Casino at 39th street, Empire at 41st and the New Amsterdam ('the house beautiful') on 42d street. Of the houses mentioned only the Empire remains, the New Amsterdam now being in grind pictures, the Herald Square there were such houses as Wallack's, Princess, Daly's, Bijou, Weber and Fields Music Hall.

Development of 42d street mostly dated a third of a century ago became a marvel of show business. Realty men agreed with managers that the location was ideal because of the new subways and the more-than-average street width. Even until more recently show business has clung to the section, but has moved a few blocks upward, forced to vacate by the inroads of low-priced attractions that mushroomed when the legit started to constrict. That sad saga was the theme of 'The Fabulous Invalid,' which play, like the street it lachrymously adored, faded from the Broadway scene.

Had the Rockefeller chosen Eighth avenue for their vast improvements, generally called Radio City, it would have been different. When the subway was built there were dreams of materializing, which failed to materialize. In contrast, the Sixth avenue zone is due for a really boom. An express stop at 50th street is being constructed.

Number of legit theatres will never approach that of the 1920's, when the count approached the 70 mark—even more were claimed to be operating, but the highest count during the boom season was 68. Less than half

(Continued on page 198)

(Continued on page 199)

**Windup of 'Susan' Great \$22,000,  
Chi; Lunts 21G, 'Shadow' \$14,000**

Chicago, Jan. 1: Legit shows in town went to \$4.40 for the New Year's eve show, and the local playgoers paid without blinking. On the basis of these special performances the loop finished a strong week all around.

"Susan and God" blew town after its New Year's eve show, and is set for a tour of five weeks in as many towns. And at the conclusion of that short tour the show will close down, and Gertrude Lawrence will journey to Boston to open new show for John Golden, written by Samson Rahnheisel.

Miss Lawrence was the big drama leader of the season thus far, scrambling after 11 powerful weeks. Didn't have to leave, either, on account of grosses, since on pace show could have continued for two or three more months.

'Golden Boy' crept into town with its new cast for a repeat showing at \$2.20 top, and got away pretty slowly, considering the wallop of the earlier visit. Only the two New Year's eve performances aided this one to get respectable figures.

Lynn Fontanne and Alfred Lunt sold out the Erlanger last week, re-lighting after a week's layoff. Shadow and Substance got nifty notices, but a mixed audience response regular legitgoers.

Ian Keith's performance in Federal Theatre Project's 'Copperhead' drew rave reviews and show it get-

**Estimates for Last Week**  
**'Amphitryon 38,'** Erlanger (4th and final week) (1,400; \$2.75). Final week

'Golden Boy,' Grand (2d week) (1,300; \$2.20). Opened inauspiciously on its repeat visit. Helped by hol-

'Shadow and Substance,' Selwyn (2d week) (1,000; \$2.75). Holiday support giving this show plenty of support and on notices will garner \$14,000.

(\$2.75). Finished on Dec. 31 (Saturday) after 11 smash weeks. Continues for five weeks on tour eastward before folding. Finished to mighty \$22,000.

**'The Copperhead,'** Blackstone. Acclaim from press for Ian Keith putting this show over.

**'The Mikado,'** Great Northern. Has been the big money coiner of the WPA shows here, running around

**'WHITE STEED'**  
**\$10,000, PHILLY**

—

Christmas Week business has been generally very good in Philly although grosses have fallen a little under advance expectations. 'Victoria Regina' has had lower floor weakness except at matinees

but grabs \$29,000 for its single week at the Forrest, which is about five grand lower than anticipated, but plenty good.

"The White Steed," Eddie Dowling's story-out production of Paul Vincent Carroll's novel, which has been

at its Monday (26) matinee perform-

ance at the Locust, but the notices were good and the word-of-mouth friendly. Author, Clifford Goldsmith, a Philadelphian, has plenty of local friends and theatre parties were the rule all week. Inexpensive production gave it a big audience.

Fourth opening was 'Yes, My Darling Daughter,' another return engagement.

**Estimates for Last Week**  
'Victoria Regina,' Forrest (2,000;

Some downstairs weakness at mid-week performances, but terrific matinees, week-end, and balcony trade. Over \$29,000, eight performances only. 'The Women' due this week.

opened mildly Christmas afternoon, but got good notices and picked up nicely, with \$8,000 for week's total. Chance for a run.

**'The White Steed,'** Chestnut (1st

week) (1,800; \$2). Press generally favorable for this Eddie Dowling production, and show held steady pace all week; \$10,000 or a trifle over, eight performances. 'Mice and Men' in next week (9th).

performances garnered nice \$10,500.

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Not

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HUDSON, NEW YORK

## Plays on B'way

(Continued from page 188)

of that maiden, is not quite understandable.

A short time suffices for the union, and Annabelle goes back to her parents. There are indications of an inherited mental disorder in the Byron clan and others within this social circle, all of which does not make for audience diversion during the long performance. Byron goes to the Continent, as did other men of English letters, dying in Greece where he contracted fever while fighting the Turks.

There will probably be a difference of opinion over the acting of John Cromwell, one of the Park Avenueites who go in for the theatre as an avocation. He is a tall, good-looking chap, and quite earnest in his endeavors. His current appearance is his first major assignment. (He is not, incidentally, same player-director formerly with William A. Brady). Young Cromwell is generally regarded as giving a creditable performance of many sides, but not a really thankful part.

Most attractive on the distasteful side is Mary McCormack, who has a small part in the first scene. As for the others in both contingents, sharper direction might have made them impress more favorably, although Jeanne Caselle, as the poet's psychopathic mother, and Beatrice Terry, as Lady Melbourne, register, *Dee.*

## LE FAISEUR

(The Swindler)  
(IN FRENCH)

Comedy in three acts by Honore de Balzac, presented by the French Theatre of New York; adapted by Simone Jollivet; setting, Herbert Barr Lutz; costumes, de Touchagues; at Burlington Hotel, N.Y., Dec. 20, '38, for two weeks.

Fredrick.....	Maurice Jacquemont
Justin.....	Andre Schlessner
Mercadet.....	Jean Daste
Virginie.....	Mme. Van Der Linden
Therese.....	Denise Berley
Mme. Mercadet.....	Madeleine Geoffroy
Gouard.....	Maurice Morris
Pierquin.....	Andre Barasac
Julie.....	Svetlana Plooff
Violette.....	Michel Vitold
Verdelin.....	Andre Frere
Minard.....	Andre Roussin
Mercadet.....	Andre Barasac
De la Brive.....	Maurice Jacquemont
Berchut.....	Andre Frere

Honore de Balzac never knew how topically pertinent his 'Le Faiseur' would be in the fading days of 1938. In 'Le Faiseur' the French dramatist conceived one of the grandest stage hoaxers who ever hoodwinked a creditor. Mercadet's austerity of manner and glibness is truly convincing as a character, and full credit is due his rascality, no matter how perceptible.

Jean Daste is Mercadet, and as French as French could be. He carries practically the whole play, which throughout includes the typical Balzac humor.

Casting is excellent, with major roles portrayed particularly well by Svetlana Plooff as Julie, Mercadet's daughter, whom he wishes to marry off to a wealthy suitor; Madeleine Geoffroy as Mme. Mercadet; Andre Roussin as Minard; and Maurice Jacquemont as De la Brive.

Single setting by Herbert Barr Lutz is tastefully designed, and costuming by De Touchagues properly reflects the early 18th century French atmosphere.

## Don't Throw Glass Houses

Comedy in three acts (four scenes) by Dora Fennell; presented by Contemporary Stage; setting by Louis Kennel; at Vanderbilt theatre, N. Y., Dec. 27, '38, \$3.50 top.

Chet Smith.....	John Raby
Nita Marx.....	Margaret Rindahl
Burke Morgan.....	Jack Yale
Ment Man.....	Louis John Latzer
Murray Tarkenton.....	Don McHenry
Jean Wilton.....	Joan McCarthy
Mrs. Wilson Pratt.....	Honorable

An ineffectual presentation of social conflict between American communist writers and the proverbial dizzy capitalists, 'Don't Throw Glass Houses' is as confusing as its title.

Players have a hard time with amateurish script, evidently quite bewildered by what the author is driving at. On that single point the actors and the audience were in agreement.

Single set by Louis Kennel is the interior of a farm house somewhere near Poughkeepsie.

Actors were given nothing intelligent to do, and carried out their assignments.

Contemporary Stage is a group headed by Philio W. Barber, Walter Hart and Malcolm Atterbury. *Flin.*

## Piscator in U. S.

Erwin Piscator, German director, arrived Sunday (1) in New York to confer with General Yewand regarding a Broadway production of his dramatization of Tolstoy's 'War and Peace' this spring.

He also expects to visit Mexico City to study Mexican methods of staging.



9 Rockefeller Plaza, New York

Cables: Gilrellim, New York

# GILBERT MILLER

St. James' Theatre, London

Cables: Gilrellim, London

*Season's Greetings*

## GEORGE ABBOTT

"THE BOYS FROM SYRACUSE"

"THE PRIMROSE PATH"

"BIRDS OF A FEATHER"

"WHAT A LIFE"

JOHN C. WILSON

*Presents*

## BEATRICE LILLIE

IN

## "SET TO MUSIC"

A NEW REVUE

## By NOEL COWARD

Staged by THE AUTHOR

Decorations and Costumes by G. E. CALTHROP

MUSIC BOX, NEW YORK

JANUARY 18, 1939

And

DODIE SMITH'S NEW COMEDY

## "DEAR OCTOPUS"

With

LUCILE  
WATSON

LILLIAN  
GISH

Staged by GLEN BYAM SHAW

BROADHURST, NEW YORK

JANUARY 11, 1939

## Season's Greetings

Dennis F.  
O'Brien

Arther F.  
Driscoll

Edward C.  
Raftery

## DWIGHT DEERE WIMAN PRODUCTIONS

**ETHEL MERMAN**  
**JIMMY DURANTE**

in

*The New Musical Comedy*

**STARS IN YOUR EYES**

with

**TAMARA TOUMONOVA**

**RICHARD CARLSON**

Mildred Natwick

Andre Eglevsky

Book by J. P. McEVOY and ARTHUR SCHWARTZ

Lyrics by DOROTHY FIELDS

Music by ARTHUR SCHWARTZ

Shubert Theatre, New Haven, Jan. 12-14

Shubert Theatre, Boston, Jan. 17-28

New York, Week of Feb. 1

*We Maintain  
a Principle...*

If you are among those people who want to see the "hit" shows but have no success in getting good seats at the box-office, I want you to know that by mailing or presenting this advertisement to Mr. Albert Hildreth at the theatre, you can be assured of getting the most desirable seats in the orchestra, mezzanine or balcony at box-office prices.

The League of N. Y. Theatres provides that 25% of all theatre tickets must be held at the box-office for sale to the public, the remaining 75% are given to the accredited brokers of New York City. As a member of the League I am holding not 25% but 70% of my tickets at the box-office for the theatre-going public. You will find that the box-office staff will co-operate with you in getting seats that you want at prices you can afford.



*Bring It Home, Wiman*

**I MARRIED AN ANGEL**  
**SHUBERT**

W. 44th St. N. Y. C. Cl. C-5990  
Even. Orch. \$4.40; Mezz. \$1.65, \$2.20, \$2.75  
\$3.30, \$3.85; Balc. \$1.10; Mats. Wed. and  
Sat.: Orch. \$2.75; Mezz. \$1.65, \$2.20;  
Balc. \$1.10.

## Ticket Code

(Continued from page 189)

many shows have been "saved" by them through the buy system.

Court proceedings against brokers for evading, or disobeying, the ticket-selling rules have evoked comment from the bench that if the law is inequitable, Washington is the place for correction. That did not prevent sizable penalties, including two jail sentences. Ticket people claim they are not as bad as pictured and have a definite position in show business for the service they offer.

Agencies regard their functions to be those of distributors. Problem that faced the code-framers was to obtain a wider distribution. Because there are more agencies than plays is held to be no argument favoring that objective because it's more difficult to locate tickets when needed. Whether an effective solution would come with the centralizing of tickets has long been mulled, but there are devious and many ways for tickets to seep into the hands of gyps and held for a price.

There are three leading agencies, including their hotel branches, which could dispose of the bulk of resale allotments, but it's doubtful that the trio will ever get together. The reason is that neither trusts the other, all figuring on guarding their interests. The personal equation often enters into ticket allotments and manipulations, something the code's sponsors hope to modify.

## Operate Despite Code

The small ticket-brokers seem to operate despite the code. They may not respect the managers' system of control, but following a number of misdemeanor admissions and convictions, they are adhering to the government rules in stamping the amount received from customers and paying the required tax. Federal men do not care how much is charged over the boxoffice price as long as the government gets its share.

Sponsors of the code claim it's working better than expected and that the control plan was never figured to be 100% effective anyway. They declare that more people are able to get tickets at comparatively reasonable rates than ever before, which should react favorably to the theatre ultimately, if not now, despite complaints from would-be ticket buyers.

Code may be backed up by New York's city administration. It's been proposed to limit resale price of tickets to 75c. for all places of admission. Such an ordinance would face a legal test, according to the brokers. Understood, however, that some managers are still ogling extra coin that could be collected from the agencies. Congress may be asked to change that part of the law which stipulates that a manager must pay the government half of his excess charges while the brokers continue paying the straight 10%. Admission levies are considered nuisance taxes, which, if discontinued, would eliminate much controversy. Theatres and agencies would welcome such a change, but the answer to such suggestions to date is that the government needs the money.

**JED HARRIS**

Presents the

*Pulitzer Prize Play of 1938*

**"OUR TOWN"**

By

**THORNTON WILDER**

With

**FRANK CRAVEN**

ON TOUR

*Season's Greetings*

**CHARLOTTE  
GREENWOOD**

*Season's Greetings*

**ANN PENNINGTON**

In Vinton Freedley's Comedy

"THE FLYING GINZBURGS"

The Season's Most Hilarious Laugh Hit

# BROCK PEMBERTON'S HONEY CHILE "KISS THE BOYS GOODBYE"

By CLARE BOOTHE

Directed by ANTOINETTE PERRY

Settings by JOHN ROOT

Capacity Since Its Opening Sept. 28 at Henry Miller's Theatre

Grosses Topping "Personal Appearance," Which Mr. Pemberton Presented  
502 Times at Henry Miller's

CHICAGO COMPANY OPENING JAN. 15, HARRIS THEATRE

## Swing to East

Continued from page 189

that total are available at present, some having changed policy unalterably, have been torn down or just impossible of modern stage usage. Half of the current legiters are in the hands of banks, awaiting a really

upswing, when they will be unloaded. It has always been contended that audiences will find the hits wherever located, but producers cannot deliver successes successively, and it is only natural that they prefer to be spotted where there is every natural chance to lure the patron. Even now stand-outs attract business north of the 50th street line. Radio City seems to have set the northward limit, so far as the west side is concerned. Noticed that around 52d street, where two modern theatres are located, the main stem is comparatively deserted unless there

are exceptional attractions present. On the upper east side, however, may be built theatres of the future.

"Crossroads of the world," 42d street and Broadway, is rarely mentioned these days. There on the Seventh avenue side was Hammerstein's Victoria, originally built for legit shows with the backing of the wealthy tobaccoist, Lichenstein. Spot was formerly Tattersall's stable, in which the major prize fights of the day were staged, if not on barges in the river. Liberty, which housed many musical hits, followed the New Amsterdam, which cost about \$1,500,000, and they saved on the Liberty's construction to even things up.

After the turn of the century legit booking activity done by managers with offices in their hats on 14th street started uptown and landed in a building next to the St. James, at Broadway and 26th street, latter building being vaudeville headquarters at the time. The 'syndicate' was established at 1440 Broadway and was formed by Al Hayman, with C. E. Jefferson, Rich. & Harris, of Boston; Klaw & Erlanger and Nixon and Zimmerman, latter controlling the Philadelphia end. But the first syndicate was formed by Joseph Brooks and Nixon, operating out of Cincinnati. Former was later essentially a producer on Broadway.

Third of a century spanned the rise and demise of the syndicate, some time after Klaw & Erlanger gained undisputed control. It was believed for many years that the booking combination which supplied upward of 1,400 theatres for many seasons was impregnable, but along came the Shuberts, from Syracuse, but starting theatre operation in Rochester, N. Y. They had an in on several houses below 34th street line, but really started to become a factor upon acquiring the Herald Square theatre, which they secured, lost and won back again. Klaw & Erlanger interests waned with the Shuberts increasing their activities in New York and on the road, and they eventually achieved what the older showmen thought was impossible.

They built many uncomfortable moderate sized theatres, some of which are still operating. While still pretty much in the show picture, they came a cropper when expanding too much and incorporating, with the stock sold to the public, latter ending up holding the bag, as disclosed by the receivership.

MARC CONNELLY and BELA BLAU

Presenting

## 'EVERYWHERE I ROAM'

By

ARNOLD SUNDBGAARD - MARC CONNELLY

at the

NATIONAL, NEW YORK

3 HITS • LONG RUNS • NO ERRORS

"THREE MEN ON A HORSE"

"ROOM SERVICE"

"BOYS FROM SYRACUSE"

## TEDDY HART

## GROUP THEATRE PRODUCTIONS

"ROCKET TO THE MOON"

By Clifford Odets

Morris Eleanor Luther Sanford Leif  
CARNOVSKY LYNN ADLER MEISNER ERICKSON

Directed by Harold Clurman Settings by Mordecai Gorelik

WINDSOR THEATRE

48th Street, East of Broadway, New York

"Better than GOLDEN BOY"

—Richard Watts, Jr., N. Y. Herald Tribune

"THE GENTLE PEOPLE"

By Irwin Shaw

Sam Sylvia Franchot Ella Roman  
JAFKE SIDNEY TONE KAZAN BOHNER

Directed by Harold Clurman Setting by Boris Aronson

BELASCO THEATRE

44th Street, East of Broadway, New York

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Both Houses Equipped with Western Electric Sound

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# Burlesk by Any Other Name Ain't, but '38 Saw Some Spurt

By **Bernie Woods**

After passing through a period during which it nearly became just a memory, burlesque looks to be doing a fabulous invalid act. The past few months saw the clearing away of many obstacles to rehabilitation, from an organizational standpoint. However, one stumbling block remains: the absence of official recognition of New York city officials. In the big town burlesque, by name, is still outlawed.

Latter part of the past month saw the first concrete indication of harmony between city and burlesque officials, something which has been entirely lacking since the gong (which nearly turned out to be a death knell) was sounded in May, 1937. At that time, John Masters, head of the Mayor's censorship committee, was named as labor negotiator for the burley operators and it resulted in the first step toward reorganization.

At the same time the name of the Burlesque Artists' Association was changed to the Brother Artists Association, because the title was deemed inappropriate in view of the city's ban on the word. No particular significance is attached to the substitution of the word Brother for Burlesque, other than it conforms with the previous initials. First thing the association did after accepting the post of go-between was to eliminate contact between the city operators and the BAA. All signed with the latter after previous overtures by the BAA, says Masters, had dallied along due to ops' objections to minor clause in the contracts.

Organizational snags, other than those of the operators, repeatedly have plagued the attempts to restore burlesque to a plane approaching what it had been prior to its troubles. The decision handed down by the Associated Actors and Artists of America, returning jurisdiction to the BAA didn't abruptly clear the horizon of trouble for the BAA. The Four A's decision was rendered in December, 1937, when inroads of the American Federation of Actors, following the revocation of the burley tag and its classification as vaudeville, threatened to usurp BAA domination of the field.

This inter-union squabble was followed by one of intra-union nature. Charges were preferred against BAA officials by two members of the org, claiming incomplete organization and mismanagement of finances. When that was dropped another tangle with the AFA reared its head. This was over the monies collected from BAA members by the AFA during the aforementioned AFA unionizing drive. All this deferred concentrated attempts at rehabilitation until this fall, as by then everything was cleared up, the summer and folding houses were at hand.

## Never Will Sanction

There was, however, an attempt made during the hot spell to secure restoration of the burlesque title by Tom Phillips, prez of the BAA. He gathered data for the purpose to give to city officials the inadvisability of forcing the theatres to operate sans the burley label. This was filed with the Censorship Committee set up last year by Mayor LaGuardia and License Commissioner Paul Moss to keep burley under control. After several delays, word is forthcoming from the commissioner denying the application with an added statement that the label would never be returned and under no circumstances would any further pleas be entertained. Operators of the Eltinge and Republic theatres in New York are supposed to have thrown their weight against its return, reasoning that removal of the ban would reopen dark theatres and cut in on their biz. They were the only two houses open in N. Y. at the time.

This naturauy puts a crimp in the efforts of interest who strive to place burley back where it once was in N. Y., and secure a measure of livelihood for those performers thrown out on their own with the folding of so many houses. Of course the ban doesn't stop theatres from doing biz; there still are opportunities for work, but these are limited. Burlesque by any other name just ain't.

## Three Months' License

Though the contract disputes with the BAA are out of the way, and

everything looks to be smooth from here on at that point, there are other things bothering the operators. One of them is the method of licensing the houses, which was materially changed with the reopening in September, 1937. Instead of the yearly permits which set operators back \$500, the current arrangement calls for three-month permits which carry the same weight, that is they can't be revoked without going to court on an obscenity charge. It's the same setup except for two colored gentlemen in the woodpile. One of them is that those three-month permits cost \$250 which brings the yearly tap to \$1,000—twice the former figure. Other is that which tends toward keeping ops in line. It's a shorter wait for city officials who want to punish an operator with a permit refusal.

In view of the fact that burley was for a long time a lucrative biz for those operators, one would think that they would cooperate with the censors and officials in trying to keep in line and eliminate the chance of a recurrence of their past troubles. But it's not the case. It's admitted that numerous complaints have been lodged against the shows, and burley has been in a precarious position with N. Y. City officials for the past couple of months due to that and the mayor's union battles. It's not always the fault of the managers, performers are liable to their share of the blame. Soon after the Gaity, N. Y., reopened as a burley stand Aug. 26 last, Margie Hart, a strong b.o. peeler, was yanked from the stage by the censor committee and put under ban in N. Y. until she promised to behave. The ban didn't last long in her case, however. She promised.

## The Peel

This section of burley is, of course, the subject of the strongest opposition to it. Despite the fact that the peel was the section which demanded the closest scrutiny and censorship, it remains still the strongest wall in the biz. Without the peel, no legitimate burley houses with the 'comedy' in the state it is, couldn't survive. Peelers are still under wraps in N. Y. to an extent, but not so much as they were a year ago after the houses reopened. There are some things to which they adhere. The bag against curtain encores is still observed, as is doffing a little more than necessary.

Argument that the shuckers can still serve their purpose without going overboard is illustrated by Gypsy Rose Lee. She's given credit for being one of the best burley ever turned out at those lines. And she got away with showing far less than some of the supposedly experienced gals working at it today.

Gypsy Rose left the biz to go into pictures, but is currently on a vaude tour with unit backed by the Wm. Morrissey agency. Whether or not she will return to burley is problematical, but the stint she's doing in vaude is essentially the same. Ann Corio returned to the biz this year after sojourning in Europe during the summer with the husband, Emmet Callahan. She's currently circulating through the Izzy Hirst time. Though, as mentioned before, stripping got a bad scare at being the main source of irritation about burlesque, it never actually went out. Less said about butley comedy the better. There hasn't been an outstanding piece of new comedy written in years. Or so it seems anyway. Weekly attendants at houses have often been heard spilling punch lines to skits before they were reached by the actors. It's an indictment that's inexcusable. Laugh-getters were once burley itself; currently they have degenerated to little more than a stage wait for the girls. What the current version of burlesque needs more than anything else is not new styles of removing brassiere, but ace book producers.

## Performers Graduating

Burley this year has managed to reassert itself tentatively as a springboard to higher things for performers within its ranks. Many burley entertainers have gone on this year to radio, legit musicals, niteclubs, pictures, and there was one shipped to England. Numbered among these is peanuts Bohn, who's with Charles Cochrane; Abbott and Costello with Kate Smith, and doubling into niteclub and vaude, Joey Pavey; and in 'Sing Out the News' on Broadway; Sid Stone who was in 'Fabulous Invalid'; Howard

Kent in 'Pins and Needles'; Rags Ragland, who did a stint on the Rudy Vallee hour, and with Phil Silvers, another burley comedian, will soon do a comedy skit on WOR-Mutual radio net; Sydney Kent, who's on writing staff of Eddie Cantor. Joe Uhle is set with Metro, which stars his son, Mickey Rooney.

There's Gordon Clark, in a roadshow of 'Id Rather Be Right'; Joe Devlin, also in pictures; Bobby Morris and St. Brissac, in vaudeville; Australia; Ed Kaplan, in vaudeville; Shorty McAllister, of the team of McAllister and Fields who went to the Coast last summer for pictures, but is now back on Broadway; and several others such as Al Golden, Jr., Annie Fauslau, and Jimmy Coughlin.

## Playing Time

All these performers sprang from burley when it was at its lowest ebb, and in 1938, when it was at about 40 weeks in New York and on the road, available time dropped to 12 weeks during summer. Those 12 stanzas represented only two weeks in N. Y. and 10 stocks spread through the east, midwest and Coast. The new season, twelve weeks, only three months or so, already offers approximately 32 and a half weeks, seven in New York, including two Izzy Hirst wheel houses which will soon go stock, eight and a half more of the latter's time on the road, and 15 weeks of stock.

As far as houses in operation are concerned, the New York picture didn't change much. Prior to the summer months there were six spots doing biz. The Eltinge, Republic, Irving Place, People's, Star, and the Triboro, the latter being the old Gotham where all of burley's trouble, and the latter's administration started. Of those, the Irving Place folded suddenly after a fire which ruined dressing rooms and orchestra pews, and stayed shuttered; the People's was forced to close because of salary troubles; the Triboro, which had been created that spot and the Irving Place, up before Commissioner Moss repeatedly; and the Triboro and Star in Brooklyn closed as a matter of summer policy.

Currently there are seven in operation. The Eltinge and Republic, both of which managed to survive the summer with the burley tag, were joined Aug. 26 by the Gaity, a former burley stand, but grinding films as part of the Brandt theatre chain since the crackdown of May, 1937. The People's reopened under Mickey's son. The Star, which had been shuttered still later and drew another Brooklyn house, Werba's, an old burley stand, as opposition. Werba's had been lighted sporadically past few years as a stopover for traveling legit, but was taken this year as a spoils in the Izzy Hirst wheel. The Triboro in Harlem also resumed playing Izzy Hirst shows. Both houses are operated by Harry Palmer, under arrangement with Hirst. Both went stock last month, due to the censorship committee's aversion to Hirst shows in New York.

Mention of Mickey as past operator of the Irving Place and People's brings to mind a venture tried by him this past summer. How he tried running an offshore burlesque with the S. S. Yankee, a Hudson River showboat which replaced the old 'Mandalay' which was sunk in New York Harbor after a collision. Mickey's idea didn't get far—didn't get away from the dock in fact, when cops squashed his venture at the start. It was the first actual try at steamboat stripping after many rumors summer after summer. Cops killed it on a technicality of docking.

# PITT PEELERY B. O. 35% UP

Pittsburgh, Jan. 1.

Although legit and film biz are both under last year's figures, burlesque here this season is showing a decided boom, with takings at Casino, the local peel wheel stand, up around 35%. Generally attributed to drop in price, with 40c top at night, for which customer gets hour of screen shorts as well as a 90-minute fresh presentations, bringin' 'em in.

Trade, in fact, so good George Jaffe, Casino's operator, already figures on a stable stock whirly when wheel attractions run out. In past, house has closed for several months each season, but may decide to stick it out all year-around in '39.

(Continued from page 186)

Raul & Eva Reyes  
Chloris & Smith  
Ann Kirwin  
Annette Heath  
Chae Smith  
Jimmy Blake  
Lynne (17)  
Lettimer Club  
(Blue Room)  
Ann Russ  
Virginia Howard  
Barbara Bradley  
Jett Fawcett  
Rhumba Ore  
Little Raskhelle  
Jack Griffin Ore  
Soria  
Bob Carney  
Tommy Cullen Ore  
Burnett & Barclay  
Cleo Barr  
Julia Gerrity  
Open Door  
Burton 2  
Melland & Millard  
Bob Ridley  
Viola Klans Ore  
Parish Cafe  
Flo Gross  
Marion Alken  
John Holmes Ore  
Vernon Guy  
Ann Fisher  
Kitty Marry  
Bebe Fitzgerald  
Janet Waters  
Rendezvous  
Adorables (8)  
George Smith  
Chet Pennin Ore  
Stamp's Cafe  
Al Shuck  
Ethel Gray  
Vic Earlson  
Jack Hutchinson  
Nanette  
Patsy Shaw  
Irving Haslow Ore  
Silver Lake Inn  
(Cleveland)  
Mickey Kelly Ore  
Mickey Kelly Ore  
Burns & Swanson  
George Lee  
Sky Top Club  
Murray Parker  
Norma Mitchell

Anchorage  
Hughie Morton Ore  
Arlington Lodge  
Phil Ravell Ore  
Laverne Kidd  
Jack Keller  
Baleonades  
Tommy Carver Ore  
Bill Green's  
Ray Herbick Ore  
Phil Green  
Tom Hatters  
Johnny Duffy  
Club Pottle  
A Coniques  
Alice Clark  
Donna Kleiser  
Johnsons  
Pete Rogers  
Cork and Bottle  
Jack Davis  
Eddie Peyton's  
Jimmy Gable Ore  
Eddie Peyton  
John Peyton  
Louis Carroll  
Harlem Casino  
Sheridan Walker Ore  
George Gaud  
Rose Morgan  
Rhythm Pals  
Leticia  
Pedro & Dolores  
Lili Montgomery  
Harlemettes (8)  
Larry Steele  
Ozma Dill  
Hotel Henry  
Nita Brown  
Townsmen  
Hotel Roosevelt  
Lowe & Kleinsinger  
Hed Schenley  
Jack Warr  
Art Giles  
Jack Rogers  
Hotel William Penn  
(Chatterbox)  
Jackie Heller Ore

Bert Phillips  
Pep Babler Ore  
Ethel Seidel  
Billy Knack's  
Milton Galt Ore  
Lola Streeter  
Marty Hoff  
Dean Tennard  
Blatz Palm Garden  
Eddie South Ore  
Louis Mason  
Blue Moon  
D Davidson Ore  
Virginia Rosen  
Stephen Swadlow  
Gale Parker  
Cardinal Club  
Bud Vioni Ore  
Chateau Club  
Joe Camlin Ore  
Buddy Lalo  
Harriet Gross  
Jack Terrell  
Lord & King  
Lorraine Wood  
Rena Sadley  
Gloria Hays  
Johnny Hays  
Little Laverne  
Clover Club  
Weber Ore  
Burt Phillips  
Eva Thornton  
Marge Young  
Eleanor Gay  
Jean Hurley  
Club Madrid  
Stan Jacobowitz Ore  
Zita & Annie  
June Lang  
Bernie Tovanova  
Robert Roberts  
Betty  
Marie Marsh  
Rose Steffen  
Edith  
Shutta & Kent  
Jimmy Jones Ore  
Club Tote  
Jack Tester Ore  
Ethel Warren  
Paul Keatle

Dotty Norman  
Kathleen Kay  
Claudia Ferris  
Open Door  
Lynne Powell  
LARRY POWELL  
Peckard Ballroom  
Patricia  
Paradise Gardens  
Anthony Dorcia Ore  
Tara  
Gordon Bogie Ore  
Norman Elbron  
Pat Manning  
Katherine Kane  
Ruth Gary  
Eileen Sutherland  
Helen James  
Vera  
Reno  
Victory Sugar Ore  
Helen Bayburn  
Betty Lane  
Pat Manning  
Tony Kelly  
Marilyn Kelly  
Dorothy Hamilton  
Bill Burdick  
Bobby Jones  
Schwartz  
Bob Elmer Ore  
Les Leighton Ore

Blue Train  
Bert Lowe Ore  
Brown Derby  
Al Walte Ore  
V & Lorraine  
Pat Lynch  
Lorraine  
Day Sils (2)  
Les Steele Gals (6)  
Casa Mamma  
Morry  
Pat Kelly  
The Shadow  
Pat Kelly  
Bob Russell  
Childs (4)  
Theresa  
John Mayfair  
Ranny Weeks Ore  
Lita & Marsh  
Marilyn  
Myra Nash  
Geo Libby Gals (8)  
Jacques Renard Ore  
Gomez & Winona  
Crawford House  
Al O'Leary  
Adrian O'Brien  
Bob Harris Ore  
Hamilburg's  
Don Humbert Ore  
Ginger  
Hofbrau  
Lorraine  
Hotel Copley Plaza  
(Sharon Room)  
Yvonne  
(Merry-Go-Round)  
Brooklyn  
Hotel Bradford  
(Penthouse)  
Terri & Mank  
Jimmy Devante  
Brooklyn  
Hotel Copley-Square  
(Keyhole)  
Harry DeAngelis Ore  
Hotel Essex  
Jack Manning Ore  
Constance  
Patay Duncan  
Diane Durbille  
Barbara Lee  
Dunne, Marshall Ore  
Bilva Kelly  
Hotel Imperial  
Cliff Jarvis Ore  
Hotel Somerset  
Helen Marshall Ore  
Hotel Statler  
(Terrace Room)  
Leighton Noble Ore

Johnny Gerg Ore  
Claude Farmer  
State Garden  
Mildred Sasey  
Lorraine  
Ann Helen  
Dale & Dale  
Bryon  
Irene Schrank  
Pie Top  
Joe Feldstein Ore  
Bob Norman  
Bobbie Cook  
Carlos & Dolores  
Town and Country  
Lucene  
Lorraine Davis  
Betty Harger  
Wirth's Futurist  
Bill Schweitzer Ore  
Jack Fox  
Vallie Jay Ore  
Ray & Barnes  
Maureen Rosay  
Rogan & Mann  
Wilsons Roof  
Steve Swadlow Ore  
Norman  
N. Harper Ore  
Ellen Kaye

Boston  
Edith Caldwell  
Don Clark Ore  
Johnny MacAfee  
Noble  
V & Horst  
(Cafe Rouge)  
Sally Cavichio Ore  
Lorraine  
Alfredo Seville  
Casa Mamma  
Morry  
Pat Kelly  
The Shadow  
Pat Kelly  
Bob Russell  
Childs (4)  
Theresa  
John Mayfair  
Ranny Weeks Ore  
Lita & Marsh  
Marilyn  
Myra Nash  
Geo Libby Gals (8)  
Jacques Renard Ore  
Gomez & Winona  
Crawford House  
Al O'Leary  
Adrian O'Brien  
Bob Harris Ore  
Hamilburg's  
Don Humbert Ore  
Ginger  
Hofbrau  
Lorraine  
Hotel Copley Plaza  
(Sharon Room)  
Yvonne  
(Merry-Go-Round)  
Brooklyn  
Hotel Bradford  
(Penthouse)  
Terri & Mank  
Jimmy Devante  
Brooklyn  
Hotel Copley-Square  
(Keyhole)  
Harry DeAngelis Ore  
Hotel Essex  
Jack Manning Ore  
Constance  
Patay Duncan  
Diane Durbille  
Barbara Lee  
Dunne, Marshall Ore  
Bilva Kelly  
Hotel Imperial  
Cliff Jarvis Ore  
Hotel Somerset  
Helen Marshall Ore  
Hotel Statler  
(Terrace Room)  
Leighton Noble Ore

Act booked by Bob Rosen, former Loew and RKO manager.

# CHATTER

## Broadway

Joe Vogel's wife broke leg Thursday (29).

Walter Reade to California for a few weeks.

Ally Brady in for the holidays; ditto James Stewart.

Sam Harris, on holiday cruise to Havana, due back this week.

Betty Shay, actress, now private secretary for Sidney Kingsley.

Anna Erskine, actress, has joined the Dwight Deere Wiman office staff.

Patsy Kelly back to Hollywood and shortly starts in another for Hal Roach.

Adela Leblang, youngest daughter of late ticket broker, will wed next month.

Danielle Darrieux due back from France soon to start in her second film for U.

George D. Lottman taking flying lessons from his erstwhile charge, Roger Wolfe Kahn.

Don Baker, organist at the Paramount, N. Y., entering his fourth year at the theatre.

Don Budge has contracted with Prentice-Hall for a new book on tennis. For May publication.

Fredric March's billing carries an 'in person' sub-line at the Center, heralding 'American Way.'

Milton H. Bren, producer for Hal Roach, leaves on a West Indies cruise Jan. 6 before returning to studio.

Edwin Knopf, Metro scenario editor, in from Coast Thursday (29) for conferences with home office execs.

New Year's eve turned out to be better than anticipated, because of the 3 a.m. curfew restrictions.

S. Edwin Graham now talent scouting for Meglin-Fanchon & Marco in their campaign for new film faces.

Announcer Fred Utell hobnobbing around between broadcasts on crutches; take the tendons on his right foot.

Tyree Dillard, Jr., of Loew-Metro staff, returns this week from Greensboro, S. C., where he spent the holidays.

New animated Bromo-Seltzer sign on Broadway and 46th by Douglas Leigh providing a mental cure to New Year's Eve celebrants' hangovers.

Several local agents were dumfounded when they received gift bottles of liquor from a theatre operator. Man bites dog routine was stunt of A. A. Adams, owner of the Paramount, Newark.

Just when everyone figured the chain-letter gag had died, one has been started that will be restricted solely to film theatres and exchanges. It's a 25-center. The billing is 'Act quickly and get your Christmas bills paid.'

Following were screen-tested last week by Al Aitken at Metro: Don Costello, William Foran, Muriel Hutchinson, Walter Gilbert, Clark Woodbury, Joan Tetzel, Florence Dunlap, John Irwin, Harry Bellaver and Harold Johnson.

## Chicago

Lee Florsheim in town for the winter.

Roy Topper recouping from auto bump-around.

Ralph Ashes and son to Texas for visit with relatives.

Leo Spitz in town and expected to be here for several weeks.

Joe Wolfson and Joe Sully making midwest survey for William Morris agency.

Fritz Blocki and Fern Head tossed a wage-warming son as they got back from their honeymoon.

Moe Wells elected proxy of Chicago Amus Publicists Association, with Sidney Stern as v.p.; Jack Rubenstein as treasurer; Dave Kirchrover, secretary, and Mort Green, sergeant-at-arms.

## London

The Irving Ashers expect addition to the family. Already have one child.

Tim Whelans off to Chemnitz, the French Alps, for winter sports.

Mark Ostler's London home robbed of \$15,000 in jewels.

Diana Churchill to star in new play which Deal will produce in the West End next month.

'Bobby Get Your Gun' folds at the Adelphi Jan. 31, then tours the sticks for 10 weeks, including three in Edinburgh.

Gilbert Miller is latest to have interest in Max Gordon's 'Women,' with Jack Buchanan, for London production.

Thornton Freeland recalled from Biarritz after three-day holiday with wife, June Clyde, to direct 'The Gangs All Here,' which Jack Buchanan is producing with Associated British Picture Corp.

Eddie Horan is writing score for musicalized version of old farce, 'It Pays to Advertise,' which Cliff Whit-

ley intends to produce in the West End, with Bobby Howes as star.

Lee Tracy was to have taken the lead in Max Cates' play, 'The Boyery Touch,' which Maurice Browne is producing, but quit, refusing to be on the road for more than two weeks. Harley Powers replaced.

Social and West End Theatre Managers has withdrawn most of the legitimate theatre advertisements from the Daily Express because the newspaper is asking an increased rate.

Payne-Jennings & Killick have given up the lease of the Savoy theatre, with H. M. Tennent, Ltd., becoming the new tenant. First show to go in is 'Robert's Wife,' which transfers from the Globe in March.

Loise McNamara, former pianist to Robinson and Martin, who was film-tested by Gaumont - British some time ago without landing in picture, is now conducting his English band at the Casino, Monte Carlo.

Guy Bolton called in to help reconstruct 'Paprika,' now on the road as the 'Magyar Melody.' Show destined for His Majesty's theatre Jan. 19, but may stay out longer, as Metro is considering putting in another picture there after 'The Great Waltz.'

## Sydney

By Eric Gorrick

'Hollywood Hotel' revue okay in Brisbane.

Greater Union Theatres renovating several ace theatres.

Sir Ben Fuller importing an ice show, but may stay out longer, as Metro is considering putting in another picture there after 'The Great Waltz.'

Biz continues brightly in New Zealand for all managements.

Reported RKO will distribute Cinescope's Broken Melody in England.

Emile Boreo, after a good run over Tivoli chain, opens in London early in the year.

Top Yuletide attractions here are Uni's 'That Certain Age' and Par's 'Men with Wings.'

Johnny Glass, Hoyts, recovering from operation. Glass is Charles Munro's right-hand man.

Adriana Caselotti, voice of 'Snow White,' opened okay in Melbourne for Tivoli. Will do a chain run-around later.

Tries being made by Charles Munro, Hoyts, to induce Gracie Fields to come to Australia. Dickers also on with George Fromby.

Chang, magician, will be spotted in the nabes by Sir Ben Fuller. Originally came here for ANZT.

Nicola is doing well in Auckland for the night.

Various newspapers taking slaps at the U. S. distributors. State that the distributors are forced to help the home producers in establishing the industry here.

Critics severe on 'I Married an Angel' in Melbourne premiere for Australian-New Zealand Theatres.

Ernest Rolls, producer, is working overtime to whip the show into better shape.

George Dean, Snider-Dean, back from an overseas tour, stated that Lily Pons would appear here next year. Dean, besides being a co-partner in the actor of the ANZT, in association with Stanley Crick and Frank Tait.

## St. Louis

By Sam X. Hurst

Elmer Meyer, Uptown theatre stage boss, vacationing in Florida.

Little theatre's first laboratory play, 'He,' attracted banner audiences.

John Nick, prez of Local 53, International Alliance of Theatrical Stage Employees, on his way to arrive.

'Blind alley' will be presented by Little theatre group before students at Rolla (Mo.) School of Mines Saturday.

Anthony J. (Tony) Ortell, 53, brother of Frank Ortell prez of New York Turf Writers Assn., died after four weeks' illness.

During brief vacation of Vladimir Golschmann, Scipione Guidi, concertmaster and assistant conductor, directed St. Louis Symphony.

Joe Sarlin, Universal salesman, convalescing in a Decatur, Ill., hospital from injuries suffered when his auto was struck by a freight train near Decatur.

Joseph Moseley, 49, assistant business agent for Local 1, International Board of Electrical Workers, was killed last week when auto in which he was a passenger ran off the road.

Donald Novis abandoned temporarily Bobby Breen all-star revue at Municipal Auditorium Monday (27) to keep week-end due to art.

McGee program in Chicago. Returned the following day.

Board of Directors of Fox-St. Louis Properties, Inc., voted a dividend of 50c. per share on preferred stock. This is first divvy since reorganization three years ago. There are 44,000 shares of preferred stock outstanding.

## Hollywood

Dick Mayberry to hospital.

Anthony Rivers laid up with flu. Bob Baker to Texas for personals.

Howard Dietz here on studio call. Jack Otterson back from Manhattan.

Gene Fowler back from Fiji Islands.

Bryan Foy vacationing at Sun Valley.

Gracie Fields sunning at Palm Springs.

Jane Withers to Pittsburgh for personal.

Tom Huntington recovering from auto crash.

Leo Thiele in hospital with a broken leg.

Sol Polito observed 22d wedding anniversary.

Dorothea Kent to hospital for appendectomy.

Max Terhune back from month's eastern tour.

William Powell to hospital for minor operation.

Harry M. Warner golfing for the first time since recent illness.

Brian Donlevy and Marjorie Lane celebrated second wedding anniversary.

Irene Castle McLaughlin spent the holidays in Hollywood with her son, William, who is of a court order from Chicago. Doctor's orders for the boy.

## Minneapolis

By Les Rees

Fred Finnegan, Universal office manager, fired up by flu.

Twin City Variety club served New Year's morning breakfasts.

Earl Peckin, Warner Bros. Omaha branch manager, in town.

St. Paul newspapers, boosting amusement display advertising rate.

Joe Podoloff, 40th-Fox branch manager, in Chicago for sales meeting.

Leonard Gruenberg, formerly with RKO here, and now in St. Louis, a visitor.

Harold Field, independent circuit operator, and family vacationing in California.

Henry Huber, formerly with Paramount at Sioux Falls, S. D., new assistant RKO booker, succeeding Kenny Adams, promoted to head booker.

## Miami Beach

By Arthur Thomson

Irving Caesar in.

Leonard Lyons a visitor.

Jan Pearce at Delano hotel.

Cornelius Vanderbilt, Jr., due in. Jai Alai games opened for the season.

Gambling hereabouts still under wraps at Friday Club.

Joe Lewis comes into Continental Jan. 25.

Meyer Davis unit at Hollywood Beach.

Southland Rhythm Girls booked for Mother Kelly's.

Nat Harris opened the Strand Theatre at Friday (30).

Lola King girl band into the Esquire. Also Allen Murray.

Gypsy Rose Lee featured at Royal Palm Club New Year's eve.

Mary Kirk Brown wed to Bob Kelly, son of 'Mother Kelly.'

Southern Sisters, tumbling act, added to Royal Palm Club.

Tony Sharabara replaced Bob Nolan as m.c. at Royal Palm Club.

Ted Husing in charge of Dempsey's first Sunday celeb cocktail party.

Miami Biltmore opened formerly New Year's Eve with Cy Delman orchestra.

Hazel Franklin, 14-year-old English skater, made two appearances at Ice Palace.

Cross and Dunn, Al Donahue orchestra and Hildegarde slated to open Palm Island Club.

Rita De Land, Marion Costner, Helene and Raoul, and Henriett Meunier, the Hanger with Guy Fisher's orchestra.

## Rome

Lilian Harvey and Vittorio De Sica will star in 'Castles in the Air,' to be made here.

Shakespeare's 'Twelfth Night,' in Italian, held over at the Eliseo for three extra performances.

D. Coletti, writing script for an Italian film about Caruso's life. M. Calandri to be production director.

Troupe of American chorus girls sent by Music Corp. of America led by Grace Stewart, is tops card at Teatro della Mostra.

Despite the fact that 'Snow White' (RKO) has not yet been released in Italy, many shop windows are tied up in advance exploitation of the picture with displays of Snow White and the dwarfs.

Theatrical Thursdays, cheap Saturday afternoon performances for peasants and small-salaried workers, started third season in all major theatres in Italy.

Students of the Takarazuka school of music, dance and drama have come from Japan on a good-will tour. This tour forms part of program of cultural exchanges among Japan, Germany and Italy.

## See Deal on Philly Dailies

Reports are current in Philadelphia that stock of the Philadelphia Record in sufficient quantities to achieve an important voting block, or even control, are being sought by the same interests that are understood to have the Philadelphia Evening Ledger under option.

Both the Record, a.m., and the Ledger, p.m., are second papers in their respective fields and admittedly under great financial pressure at the moment. Entirely possible, therefore, to observers in Philly that should the papers be brought under single financial control, they could both operate profitably by consolidating in one plant. The Record is New Deal and the Ledger Republican.

Holding the option on the Ledger, financial circles say, is the Brush-Moore syndicate, of Ohio. Pending its expiration on Jan. 16, Ohio banks are said to be eyeing the property with a view to financing the sale. Publisher of the Ledger is John C. Martin, son of the late Cyrus H. K. Curtis, who founded it.

## Reynolds' Anti-Nazi Yarns

The Collier's mag bunch states that after Quentin Reynolds' stuff appears shortly on the Nazi persecutions he'll never be able to return to Germany. The weekly sent Reynolds abroad a month ago to get first-hand information since he's thoroughly familiar with the country from his past career as a foreign correspondent.

Reynolds got back in New York just in time for Jack & Charlie's annual free feed Xmas eve, an annual ritual to the literati-social-theatrical bunch that constitutes the backbone of the 21 Club's patronage, and somehow the collier's writing tangled with a Park avenue aristocrat who was expressing himself indelicately on the Jewish situation. Reynolds is quite heated on the Nazi question and since Jack & Charlie were hosting the occasion, he had to depart the place prematurely to avoid a fight. Anybody knowing Bernold's six-thirty or four appreciates that such retreat isn't born of the physical.

## Malloy Aide to Connolly

John A. Malloy, managing editor of the Boston American, Daily Record and Sunday Advertiser (Hearst), has been appointed editorial assistant to Joseph V. Connolly, general manager of the Hearst papers, effective today (1).

Walter Howie, on leave from law of Chicago, Her-X, steps into the Malloy job here.

Malloy has been with Hearst since 1920, and in Boston eight years. In 1933 he was made m. e. of the Advertiser; two years later he took over as m. e. on the American and last April became m. e. of all three Hearst papers.

John W. Kenney, circulation manager of the three Boston Hearst papers, goes to Detroit to take over job of Jack Stenbuck, circulation manager of the Times. Stenbuck takes over Kenney's department in Boston today (1).

## Gotham Resumes New Books

After marking time for past two years, Gotham House is resuming publication of new books. Firm, which had gotten out limited list, had concentrated on previously published volumes, feeling conditions too unsettled for selective publishing company to venture into new books.

Gotham House plans call for a continued limited list of fiction and non-fiction, with later for the most part in limited editions. Firm's head is Coley Taylor.

## What's in a Name?

Race among a number of proposed radio digest mags to be the first on the stands may be further enlivened by a title dispute. Ownership of the title, Radio Digest, said to be the tag planned by the Annenbergs for their forthcoming periodical in that group, is claimed by Anne Lazar. First issue of her Radio Digest is imminent.

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Bill Bros., publishers of business papers, as the tag for a radio trade publication. When the mag folded, rights to Radio Digest title allegedly passed to Earl C. Raynor. Miss Lazar is reported to have acquired title rights from Raynor and claims to possess legal papers to prove it.

Besides the Lazar and Annenberg radio digests, third group is preparing similar mag to be called Listeners' Digest.

## Literati

### Joel Edits Dial Press

After serving a number of book-publishing houses in various capacities, George W. Joel becomes editor of Dial Press, as well as a director of the firm. Uppur from publicity berth upon resignation of Grenville Vernon.

Prior to joining Dial upon the company's recent resumption of activities, Joel was for some time with Covici, Friede. Besides publicity, Joel was also a literary aide in most of the book firms with which he has been affiliated.

### LITERATI OBITS THIS WEEK

Stuart N. Wolfenden, 49, fiction writer, killed himself in El Centro, Cal., Dec. 27, leaving a note complaining of failing health. Surviving is his widow.

George J. Hawke, 51, Sunday editor of Los Angeles Times, died in Los Angeles Dec. 28. He had been with the Times 16 years, having previously worked on the Muncie Morning Star and the Cincinnati Commercial Tribune.

### CHATTER

Vera Caspary to Mexico.

Rene Fulop-Miller to the Coast.

Rafael Sabatini in Switzerland for shooting.

Richard H. Hippelheuser is new addition to editorial staff of Fortune.

Mary Kibbe, of the Appleton-Century editorial Department, to wed.

Jack McDonald, the newspaperman has sold a story to the Satevep.

Henry Goddard Leach, ed of Forum Magazine, back from a trip to Scandinavia.

Gail Borden has replaced Louis Ruppel as managing editor of the Chicago Daily Times.

Lewis Rosenquest dined by staff of Harper's, the book publishers, on his 50th year with the firm.

Harlan Keiner forced to quit his farm hideout by the cold. Has taken an apartment in Chicago.

Donald Henderson Clarke's new novel will be a sequel to his 'Millie.' To be called 'Millie's Daughter.'

Wynthrop Brookner and Morris Weeks have joined young America as managing ed and assoc. news ed, respectively.

Eugene Healy, sales manager for Holt, the book publisher, has an occasional whodunit published in book form himself.

Short stories of Ira Wolfert got him three more for novella. Accepted Little, Brown's, and is now at work on the book.

Edna Lee Booker has completed her book, 'News Is My Job,' subtitled 'A Reporter in War-Torn China.' Macmillan will publish.

John Lannett book crack for the N. Y. Herald Tribune, in the hot after being knocked down by a hit-run driver near his home.

International Literary Bureau at work with other interested parties in effort to get Felix Salten out of Vienna and beyond reach of Nazis.

Margaret Hertzel, down has penned her first novel, 'Father Dr. Arthur E. Hertzel authored the best-selling 'Horse and Buggy Doctor.'

Arthur H. Thornhill, N. Y. manager for Little, Brown, elected a director, succeeding Herbert F. Jenkins, who resigned after 25 years on the board.

Robert Leland Crowell, of the publishing company bearing his name, off to South America on his wedding trip with his bride, the former Ruth Shurtliff.

Roxane Page Ruhl, of the Life editorial staff, and niece of the late Arthur Ruhl, married the N. Y. Herald Tribune, the bride of Charles Herbert Simmons, Jr.

Edward Specter, manager of Pittsburgh Symphony, named 'Man of the Year' by editors of 'Bulletin-Index,' class mag weekly in that city. Runerup was Frank J. Harris, head of Harris Amusement Co.

Hendrik Willem van Loon, Margaret Ayer Barnes and William Beebe among the scribes who will speak at the next Book and Author luncheon at the Hotel Astor, New York, Jan. 10.

Jacques Chambrun has arranged with Cooperation, Inc., of Paris, to handle the U. S. publication rights to the works of Anthony Eden.

Winston Churchill, Alfred Duff Cooper and other British statesmen.

Howard Browning, political writer for Hearst Sun-Telegraph and prexy of Newspaper Guild chapter in that city, resigned to become private secretary to newly elected Congressmen Joseph McCardle of Pittsburgh district.

# THE CIRCUS ON WAY OUT?

By Epes W. Sargent

In happier years circus men closed the show and put it into winter quarters. This year too many of them have been closing the show and putting it into bankruptcy. Then they sit home and chorus with Hamlet, to be, or not to be. That is the question? And it is a question that cannot well be answered until six weeks of the '39 season have elapsed.

Nothing can be deduced from the season just closed. It was abnormal in every way. It would be equally useless to seek an answer in the '37 season, when most tent shows did pretty well by themselves. It is a question that must wait until the labor factors have been put to the test, but the question of labor is only one of the many problems. There are many other detrimental factors to be considered, the chief of which, perhaps, is radio. Others are the motion picture, the county fair, widespread use of the automobile by families in the lower income brackets, bank notes, and to some extent, a lack of novelties.

Unionization of showfolk presents a new and still undeveloped problem. In the past season probably the Ringling show was the only one to be closed as the direct result of the interference of the unions. In other sections it was a minor factor, and with some shows it cut no more than a hair, since it was not possible to pay salaries in full that no demand was made. The show at least was feeding its people; it provided sleeping quarters, and that was something at a time when 7,000,000 persons were vainly seeking jobs.

Most shows got off on the wrong foot with a new season. The weather itself felt, and a weather condition that would have caused even old man Noah to pull on his rubber boots. Day after day the show came on a new lot just as soggy as the old, if it were not actually raining, as it did about 80% of the time the first few weeks. Most shows regarded it as good fortune if they took in sufficient coin to meet current expenses. Salaries were something else again. Roustabouts were content with a little money for smokes and an occasional drink. The new union rates did not mean a thing. No test of the effect of the higher union rates could be made.

Both John Ringling North and Ralph Whitehead have positively announced a satisfactory understanding for next season. Neither has stated the terms. The past season North added most of the Ringling star acts to the Al G. Barnes, Selma-Floto show, starting at Redfield, S. D., July 11. There was some tendency to picket the show, particularly in the middle-western territory, and in some towns dates were shifted. Apparently business was not greatly affected, and since the show got into southern territory it has been mopping up, not going into winter quarters at Sarasota until Nov. 27. Whether the Barnes name will be used in next season's Ringling-Barnum show is not known, but the general belief is that the Barnes trick will return to its former status. If the Ringling show can get along without labor jams, it may work out all right, since it will be adjusted to meet the new payroll. It must be added to meet the new dispensation. It is unlikely that there will be much interference from the AFA, since Whitehead knows a lot more about circus business than he did when he attempted to mace the Norths into line. The labor problem may, very probably will, take care of itself.

## How Radio Affected

But nothing has been done, nor can be done, to offset the effects of radio. To understand how radio can affect the tent situation it is necessary to go back into the past. Time was when the circus represented about the only form of entertainment the residents of the hinterland enjoyed other than the modest local affairs of school and church. It was the time of the year when the denizens of the backwoods could revel in the spectacular and the amazing. It was practically the only catering to the inherent desire for something to take the farmer and the small-town man out of his drab life and permit him to steep his soul in glamorous entertainment.

Most sections were reached by the mud shows, the humble one-ring outfits, traveling from town to town by horse-drawn vehicles. The very nature of this transportation assured one or more circuses within easy driving distance, but these small tricks merely whetted the hunger

for the gorgeous spectacle of the Barnum & Bailey, the Forepaugh or the Ringling shows. Traveling by train, hitting the high spots, but the show was advertised for 50 miles or more, and circus day saw the arrival in town of a curious cavalcade of ramshackle farm-wagons containing entire families, out for their one day of fairland. Along the railroad special excursions were run, which reduced the hardship of the trip, but no effort was too great to be made by the average American family. The circus was an absolute must. They went 'down town' for the grand street parade, back to the lot for the free show which invariably preceded the opening of the side-show, perhaps a peep at the wonders so colorfully presented on the banner line. Then the afternoon show, and back home, to wait another year for a similar thrill. The circus was the farmer's all-in-all.

## The First Distraction—Films

About 30 years ago came the first distraction. The motion pictures came to the smaller communities. But motion pictures did not completely satisfy the demand for glamorous entertainment. It was all very wonderful to see photographs of men and women actually moving about, but the surroundings were inadequate. Sitting in a darkened store room, watching streaky, unsteady films was vastly different from the glory of the circus. There were no beautiful ladies with pink tights and pink cheeks, no gorgeous trappings, no daring gymnasts or daredevil wire walkers. Merely some second-rate actors and many not even of that grade, going through their motions in thin and insipid one-reel stories. The motion picture was then no competent substitute for the circus.

It was not until some 10 years ago that radio, emerging from the ear-tube stage, became available to the most remote dweller in the farm-lands. Set prices were coming down. Radio reception and radio production were rapid pace. Here was something the farm family could enjoy merely by switching a dial, right in the living room, and at a cost no greater than the small expenses for the renewal of dry batteries. No longer did the farm families have to hitch up for the long drive to town. Father, in his carpet slippers, mother in her warm, if shabby wrapper, and the kiddies in various stages of undress could gather around the magic box to be entertained by the finest name bands in the country, by the highest priced comedians. The man who lived on the edge of nowhere could get the same entertainment offered the city slicker, and get it every afternoon and evening. Night after night they get the best the stage has to offer. They no longer feel the keen need for the brief excursion into wonderland that used to be represented by the big show. They still care for the circus and with better roads and the almost universal second-hand cars, it is a simple matter to rattle into town for the Greatest on Earth—if it is convenient. But the circus is no longer essential. The farmer and the small town man no longer feel that if anything prevents them from attending they have lost their chance to peep into Paradise for another year. The pictures, grown better, are more often visited, and the radio is always at hand. The circus had ceased to be a bucolic necessity.

## No Thrills Left

Moreover, the circus was changing. The thrill acts which gave a punch dropped out. These were mostly planned by French military engineers and some 20 years ago French military men were far too busy to design loop-the-loops, and various stunts in which autos defied the laws of gravity. In recent years about the only thriller has been the cannon act, which Zazelle, Lulu and others popularized a half-century ago. New to the present generation, but arguing a poverty of invention. Even the gorgeous spectacles which now open most shows, like the one which was the last period when Adam Forepaugh staged 'Lila Rookh', with Louise Montague, his much advertised '\$10,000 Beauty'. There is little new to the circus. It is the same old show offered to a new generation whose tastes have been expanded by the \$1,000,000 productions of Hollywood. Probably it would be difficult to change the circus program. The circus is standing still, or thereabouts. The audience is forging ahead to new demands, fresh appreciations. Acrobatic acts more daring than they used to be. Wire acts are accomplishing tricks that the

funambulists in the heyday of the circus never dreamed of, but they are still acrobats, still wire walkers. Even banknote is a contender for circus business. Astute managers whose banknotes fall on a circus day manage to run up the jackpot until the average man, imbued with the gambling spirit of the day will pass his coin to the hope around some theatre lobby and hope that his name may be called.

State and county fairs also form stiff competition. Twenty-five years ago only a few fairs, such as the Trenton, N. J., and Brockton, Mass., fairs offered elaborate programs of acts supplement the trotting races and the fat pigs and pumpkins. Today scores of events offer an elaborate show with girl lines, star performers and all the trimmings. The farmer figures if he misses the circus he can catch the county fair.

The circus no longer stands alone in its class. It is suffering from too much competition, without making much of an effort to meet the opposition. The circus may not be on its way out. Probably not, for a time, at any rate. But it is too inflexible to make the radical changes to bring it up to date if, indeed, anyone can suggest a new departure for tent shows. The Wild West has passed. So has the old fireworks show on the lines of 'The Last Days of Pompeii'. The futile efforts of Col. Tim McCoy to revive the cowboy show are still fresh in memory. He gave practically the same program that Buffalo Bill presented. And any Hollywood mesa meller can give you a 10 times better show for 10c. The circus is moving more slowly, but its general trend is in the direction of the gateway marked 'Exit'.

# 106 RODEOS SET FOR '39 SEASON

Salt Lake City, Jan. 1.

Rangeland epics, staged under auspices of Rodeo Association of America, will number 106 during 1939. Of these, 86 rodeos already have announced a total guarantee of \$184,800 in prizes.

September will be the busiest month for the corral classics, 27 being scheduled with July next, 25. California, with 33 rodeos, leads the nation, and Canada for the largest state bookings, with Rocky Mountain and Coast states bunched closely for follow-up honors. Madison Square Garden, New York, has guaranteed nearly \$44,000 in purses during 24 days.

## Charlotte Fair Offers To Sell Out to Opposition

Charlotte, N. C., Jan. 1. As a result of the decision of Dr. J. S. Dorton and his associates to build an amusement park and fair grounds here, the Charlotte Agricultural Fair Association will offer to sell its equipment and goodwill. The offer was reached at a meeting called to decide whether a fair should be staged next fall in opposition to the new outfit.

## BIRTHS

Mr. and Mrs. Dwight Newton, a son, in San Mateo, Cal., Dec. 21. Father is conductor of children's programs at KYA, San Francisco.

Mr. and Mrs. Randolph Abel, daughter, in Hollywood, Dec. 28. Father with Republic Pictures.

Mr. and Mrs. Ellsworth Fredricks, son in Hollywood, Dec. 28. Father is Metro cameraman.

Mr. and Mrs. Dan Seymour, daughter, in New York, Dec. 28. Father is radio m.c. and announcer.

Mr. and Mrs. Epes W. Sargent, Jr., son, in Bound Brook, N. J., Dec. 24. Father is son of the late Chicot (Variety). Will be named Epes III.

## MARRIAGES

Claire Conerty to Pat Kelly, Dec. 22, in Oakland, Cal. Groom is black actor, KFRS, San Francisco.

Clifford C. Groom to Eugene W. Castle, in Wilmington, Del. Groom is head of Castle Films, industrials.

Lorraine Susan Vincent to Arthur Edward Grooms, in Beverly Hills, Dec. 27. Bride is daughter of Frank Vincent, Hollywood agent.

Kay Harrison to Theodore Strauss, secretly, in New York City, Dec. 27. York. Bride is former costume designer; he is night club editor of N. Y. Times.

Mrs. Ann Lee Brown to Maj. Gen. James G. Harbord at Rapidan, Va., Dec. 31. Groom is board chairman of Radio Corp. of America.

# OBITUARIES

## ZONA GALE

Zona Gale, 68, novelist, poet and dramatist, died Dec. 27 in a Chicago hospital from pneumonia. She had been under an oxygen tent for seven days. Her husband, William Llewellyn Breeze, of Portage, Wis., was with her at the time.

Prior to 1905 Miss Gale was a reporter on the old N. Y. Evening World. She had worked on Milwaukee papers previous to that time. For the past 23 years she had devoted herself entirely to writing.

Her first play to reach Broadway was 'Miss Lulu Bett', produced by Brock Pemberton at the Belmont in 1920. Others which followed were 'Mister Pitt', 'The Neighbors', 'Uncle Jimmy', 'Vening Clothes' and 'The Clouds'.

## FLORENCE LAWRENCE

Florence Lawrence, 52, star of silent films, took poison in her Beverly Hills home Dec. 28 and died shortly afterwards in a hospital. For the past three years she had been a bit player at Metro.

Miss Lawrence, billed as the 'Biograph Girl' and the 'Imp Girl' in the early days of silents, had once played 'Miss James' Costello, Mary Pickford and Clara Kimball Young.

She was married to Charles B. Woodring, cosmetic manufacturer, in 1921 and divorced him in 1931. In 1933, she was married to Henry Bolton, but they were divorced five months later.

## GERTRUDE MATTLAND

Gertrude Matlland, 58, who began her stage career in stock companies in 1916, and ended it in 'Few Are Chosen' in 1935, died Dec. 28 in New York of a heart ailment.

Miss Matlland, born in Boston, first appeared with Jere McAuliffe's Repertory in Lynn, Mass. Her first Broadway appearance was in 'The Brat'. She also played in 'A Royal Divorce', 'She's a Good Fellow', 'Little, Wise James', 'The Kingdom of God' and 'Living Dangerously'.

Jefferson Hall, her widower, an actor; two sisters, and a brother, Charles Horrigan, survive.

## MRS. SOPHIE HUBER FARRELL

Mrs. Sophie Huber Farrell, member of the Leland Sisters song and dance team more than 50 years ago, died at Patchogue, L. I., Dec. 28. She was the widow of Tony Farrell, also a vaudeville player, who died in 1928. Mrs. Farrell appeared with her husband on the legit stage for Tony Pastor and Klaw & Erlanger.

For 18 years the Farrells operated the Shore Inn at St. James, L. I.

## POP FRANK

(Irving Frankenburg)  
Irving Frankenburg (Pop Frank), father of the Four Franks, died in London Dec. 21, at 51. About 25 years ago Frankenburg toured vaudeville with his partner under the name of Leonard and Clark.

The Franks were scheduled to sail Dec. 24 for America, but postponed their trip.

## JOHN J. MALLOY

John J. Malloy, 65, veteran stage manager, died Dec. 26 in Buffalo after a year's illness. For many years he was associated with the late Mike Shea in operation of the Garden and Court St. vaudeville houses.

A few hours before Malloy's death his sister, Teresa Dale, opened in 'The Primrose Path' at Baltimore.

## ALBERT HENDERSON

Albert Henderson, 71, stage actor, died in Hollywood Dec. 28 after a year's illness. He had been in the Biltmore theatre. He had emerged from a retirement of several years only a few days before. He was at one time associated with Robert Mantell and played in many Shakespearean productions.

## McLAIN GATES

McLain Gates, 60, former lead player in legit with Jane Cowl and others, and lately in radio as casting director for the Radio Division of the Federal Theatre, died Dec. 29. He had been with the FTDR for the last seven or eight months.

## O. J. ASTRY

O. J. Astry, 71, who owned and operated two of the first film theatres in Salem, O., 20 years ago, died there recently from a heart ailment. His widow, two sons and a daughter survive.

## LESTER E. HECKAMAN

Lester E. Heckaman, 39, musician, died Dec. 23 at his home in Canton, O., after several weeks' illness. He had played for many years with pit bands at the Palace and Lyceum theatres and was a member of the Norwood and Wild orchestras and other musical units.

He was vice-president of Canton local, A. F. of M., at the time of his death. His widow and four children survive.

## SHERIDAN S. MAIER

Sheridan S. Maier, 70, at one time a singing clown with a circus operated by Albert Wetterer died at Massillon, O., Dec. 21, after a long illness.

He had been circulation manager of the Massillon Independent for 27 years. His widow, four sons and two daughters survive.

## JOSEPH E. HATFIELD

Joseph E. Hatfield, 80, brother of Al C. Field and former advance agent and assistant manager of the Field Minstrel show, which for a quarter of a century had headquartered in Columbus, O., died there Dec. 27 after a lingering illness. The show dissolved in 1929.

## HOWARD E. (TED) YOUNG

Howard R. (Ted) Young, 41, night club operator, died suddenly in Wellsville, O., Dec. 25. For several years he operated Lighthouse Tavern in Steubenville, O.

Besides his parents, two sisters and three brothers survive.

## ERNEST BRINKMAN

Ernest Brinkman, 66, character actor on stage and screen, died Dec. 28 in Hollywood. For years he toured vaudeville circuits in an act billed as Brinkman and the Steele Sisters. Surviving is his widow, the former Mary Steele.

## JEFFREY WILLIAMS

Jeffrey Williams, 78, stage and screen actor, died Dec. 27 in Los Angeles. He had completed his 2,001st performance in 'The Drunkard' the night before. Williams had been on the stage since 1908 and appeared in several pictures.

## JOHN VAUGHN MORRIS

John Vaughn Morris, 78, veteran vaudeville player, died Dec. 25 in Salem, O., a few hours after he had been run down by an automobile. He was on the stage more than 50 years. He retired only a year ago. A brother survives.

## LEO BEERS

Leo Beers, 53, monologist, died Dec. 28 in a Brentwood, L. I., hospital. He had been ill five months. Last winter he played an engagement at the Rainbow Room, New York.

He had been a bachelor.

LAWRENCE EDWARD FARRISH  
Lawrence Edward Farrish, 60, old time vaudeville performer, died Dec. 15 in Coshocton, O., after a lingering illness. His mother, three sisters, and two brothers survive.

## LESTER TIETJEN

Lester Tietjen, head of Warners' playdate department, died Dec. 25 in New York after a long illness.

Survived by his widow, Mrs. Gertrude Tietjen.

Joseph Dorf, father of Fanny Ward, died Dec. 27 in Great Neck, L. I. Survived by his widow and two other daughters, Selma Rosenbloom and Phyllis Friedlander.

## Hanefeld to Direct Ohio's N. Y. Exhibit

Columbus, Jan. 1. Ohio's part in the 1939 N. Y. World's fair will be directed by Earl H. Hanefeld of Ottawa by appointment of Gov. Martin L. Davey. Hanefeld, who will retire as state director of agriculture Jan. 9, will take over direction of the state's New York exhibit the following day. The state commission to handle the Ohio exhibit has appointed a committee of three to act between meetings of the commission. The committee members are John P. Schooley, state architect; Senator Keith Lawrence, Cleveland, and Arthur Hamilton, Lebanon. An appropriation of \$50,000 has been made by the legislature.

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## AIR TALENT'S STANDSTILL

**Estimate N. Y. World's Fair Will Mean \$1,000,000,000 to Times Sq.**

With conservative estimates placing total attendance for the 1939 New York World's Fair at 60,000,000, the exposition is expected to produce in excess of \$1,000,000,000 additional business for Times Square theatres, cinemas, night clubs, merchants, hotels and restaurants. Although Manhattan has not had a World's Fair since 1853, exposition experts believe the results achieved at the Chicago Great Lakes Fair (1933) form the basis for judging results of the first year at Manhattan's show—and that business will be so great that already a third year for the exposition is unofficially discussed, since two years are taken for granted.

While impossible to tell how much more the New York Fair visitors will spend than those at the Chicago Great Lakes exposition, the N. Y. exposition will have the advantage of opening in a year when business is something near normal while Chicago's first year was at the tail end of the depression. Natural lure of the world's largest metropolis is, of course, another plus factor.

### U. S. HUNTING CHISELERS IN N. Y. WPA THEATRE

Government gumshoes are reported investigating the personnel of the Federal Theatre Project in New York in a hunt for people suspected of being on the relief rolls fraudulently. Although official confirmation of the reports could not be obtained, there is persistent word through the project ranks that such sleuthing is going on.

Specifically, it is stated that the Federal hawkshaws are looking for cases of more than one person in a single family being on the WPA rolls. Such instances are believed to exist through the use of professional or stage names by the reliefers, whose husbands, fathers, etc., may be on the Project under different names. Explained that obtaining WPA funds under such circumstances constitutes fraud and might be punishable by imprisonment.

### 'PERSECUTIONS MUST END'

World-Wide Injustices Theme of New WMCA Program

'Persecutions Must End,' a semi-editorial program of related persecution stories, will be aired shortly by station WMCA, N. Y., on regular weekly basis.

Station is hooking up with refugee organizations, news services supplying religious newspapers, etc., for factual data to use on the program. Would deal with Mexico, Germany, Russia and Spain of today, making use of all current tyrannies.

### 'Preview' of '39 Fair

Pittsburgh, Jan. 10. A side-show operator with a collection of freaks in an empty store room on Liberty Avenue in the heart of downtown theatrical district, is cleaning up as result of some 'exploitation' genius' quick-thinking. The following billing is 'pulling 'em in': 'Preview of New York World's Fair Attractions.

## NEWSPAPER ADS OFF 40% IN '38; BLAME P.A.S

National newspaper advertising was off 40% in 1938 and newspaper publishers are looking around for the cause. Public relations counselors (press agents) are blamed. Editors and publishers are concluding that the free-space getters, notably of commercial rather than show business, have been materially cutting into their revenue.

Newspapermen have made diligent analyses of the representative dailies, especially Monday morning, or following some other dull news period, and broken down a series of skillfully planned stories from glorified press agents which, otherwise, would necessitate paid space to get the same message over.

### BATTLING BAER GOES CROONING MUSTANGER

Max Baer trades his boxing gloves for a mustanger and will be starred in six westerns by Grand National. Series may go in color with Jack Skirball producing. He arrived in N. Y. last night (Tues.) to sign contracts.

Baer is said to have a good pair of pipes and with the exhib demand for singing westerns the studio figures it has a bet in the former champ.

Baer did one picture for Metro several years ago.

### Munich Pact Film

Hollywood, Jan. 10. Hysteria in London just before the Munich pact was signed forms the basis of 'That Crucial Night' which Charles R. Rogers will produce.

Randall Faye, English producer-director, is writing the yarn. No releasing deal set, although Rogers is negotiating with Paramount, for whom he first produces 'The Star Maker,' Gus Edwards' screen biog.

## FEW NEW RADIO NAMES IN 1938

Orson Welles, Clifton Fadiman, Frank Morgan Among Handful to Step Out During 1938 as Radio Personalities

### SAMENESS OF PATTERN

By BOB LANBRY  
A minimum of experiment and a maximum of 'playing it safe' with established stars and personalities marked the radio industry in the year just passed. More and more shows tended to duplicate each other in style, content and character. Successes of admitted circulation potency were slavishly imitated.

The year did see many slick examples of the comedian-and-stooges-plus-guest stars pattern. Narrowing of production and constant re-use of a small group of names, while bringing a number of programs to new highs in sheer smooth-working formula, made the standards of competition impossibly high for inexperienced (Continued on page 24).

## GENERAL MILLS B.R. FOR PRO GRID PIC

Detroit, Jan. 10. General Mills is bankrolling the National Pro football league's official flicker, 'Champions of the Gridirons,' produced here by Industrial Pictures. Five-reel sound film highlights Dutch Clark, coach of Detroit Lions; Jack Manders, Sammy Baugh, Bill Hewitt, Whizzer White, etc., with Clark serving as technical supervisor aided by other coaches. Script developed by Grace & Bement agency, with Harry Wismer, sportscaster at WJR here, narrating.

### Quins Passe at 5?

Hollywood, Jan. 10. Future of Dionne Quins as film stars is up to Darryl Zanuck, to be decided within the next few weeks. Contract with Canadian moppets runs until next Jan. 1, but pictures must be shot in summer, owing to weather conditions in Callander, Ont. Interest in the five kids has dropped off, along with newspaper and mag space. Zanuck is debating whether to pass up the final feature of their four-picture deal.

### Palace's Electric Ad

That famed stronghold of yesterday two-a-day, the Palace, on Broadway, goes down another notch next month. The front of the building is being covered with an illuminated sign. Tenants on fourth and fifth floors have been told to vacate. Landlords are getting reported \$20,000 annually for the space.

## Left Wing Propaganda Film Prod. Outfit May Get U. S. Gov't Scrutiny

### It Keeps Paying

Bernie and Winchell index themselves on the 'left' interest by periodically laying off the prop rib for two weeks, during which time invariably come protests as to whether they've kissed and made up. This is the cue for some more gagging to perpetuate the interest.

## TOM MOONEY'S SOLO PIC AND PERSONALS

Tom Mooney may have a show biz career under direction of Leo Morison, whereby he would do a story for films based on his '22 years' in San Quentin. Mooney would appear in the opus and also make personal appearances in theatres should the contract tendered him by the Coast agent be accepted.

George Davis, Mooney's Los Angeles attorney, has the contract which will likely be signed this week. Plan is for Mooney to give half his take on tour to charity in the community wherein he appears.

### Flying Film Salesmen

Minneapolis, Jan. 10. Some of the local film salesmen are taking flying lessons during their spare time and plan to use them in covering the territory in place of autos.

Figure that flying will be less hazardous than motoring over the icy roads in the winter.

Washington, Jan.

Cinema propaganda will receive the scrutiny of the House Un-Americanism Committee in the near future if Congress votes more money for the sensational investigation of alien propaganda and subversive activities. Several industry figures may be summoned to the witness chair for grilling about their political views.

Object of the headline hunt will be outfit labeled, 'Films for Democracy,' recently set up in New York for the purpose of producing and distributing disguised screen propaganda. Ballyhoo reaching the National Capitol promises pictures that are honest, truthful, and fearless—yet so full of lively entertainment as to compete with the Hollywood product on its own terms.

While the movement has not swung into high gear, the House investigators want to find out why it received such enthusiastic support from Communist groups and left-wing sympathizers. Topics listed for film treatment are controversial and deal with political and social philosophies. Among the cheer-leaders is the Daily Worker, official Red mouthpiece. Sponsors include numerous crusaders, as well as persons (Continued on page 53)

## MISCHA ELMAN'S TOUR TO AID REFUGEE FUND

Mischa Elman, violinist, will go on a cross-country benefit tour to aid refugees. Stunt is being worked out by Music Corp. of America and the Joint Distribution Committee and is tentatively scheduled to start late this month.

Elman is giving his service gratis with all proceeds, except for his expenses, going to the refugee fund set up by the JDC. Probable that the first will be done in New York but details have not yet been worked out.

## To PHIL SPITALNY and his ALL GIRL ORCHESTRA, 'THE HOUR OF CHARM'

Dear Phil:

Congratulations upon establishing an ALL TIME HOUSE RECORD. Our previous high of \$3,200 for one day was eclipsed by you on Jan. 8 with the incredible gross of over \$3,700. We never thought the theatre could take in that much money.

(signed) BUD SOMMERS  
Manager, Palace Theatre, Akron, Ohio.



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## F.D.R.'s Jap Attack Doesn't Set Well with U. S. Filmmers Hoping To Maintain Nippon Trade Relations

President Roosevelt's opening message to Congress on the dictator nations did not set so well with film industry. Film men, saddled with responsibility of keeping business wheels running in foreign countries with least amount of friction, now fear the stand by the U. S. Government will have strong repercussions in world trade, particularly with regard to Japan.

Foreign department executives express belief that complete severance of commercial relations of every description, not alone films, between the U. S. and Japan will soon take place. Initiative this time is expected to come from the U. S. in retaliation against Japan's having shut the door of trade and commercial relations in China, and keeping American firms from doing business along the Yangtze river.

Recent \$25,000,000 loan by the U. S. to China gave concrete indications as to which way the wind is blowing. Picture firms here have not much hope that the three-year film agreement worked out between Japan and the U. S. last year will continue, and look for Japan to cease exhibition of American films once more as well as to discontinue shipping gold to the Yokohama Specie Bank in San Francisco against eventual withdrawals by American firms.

Germany and Italy have not made the sort of "clean break" with the U. S. that Japan has and presumably hope for continued business relations on their own terms and restrictions. Picture interests here consequently do not view the situation in those countries as hopeless as elsewhere, ominous as conditions may be, and look for an eventual satisfactory basis for trade as in the past.

## Gimp Draws From 6 Mos. to 20-Year San Quentin Term

Los Angeles, Jan. 10.

Martin (Col. Gimp) Snyder was sentenced to San Quentin prison for a term of not more than 20 years for the shooting of Myrl Alderman, his successor as husband of Ruth Etting, singer. Superior Judge Thomas L. Ambrose imposed the maximum sentence after denying Snyder's plea for a new trial. Prison board can set sentence anywhere from six months to 20 years.

Jerry Geisler, attorney for Snyder, filed a written notice of appeal from the judgment of conviction. His plea to release the prisoner on bail, pending outcome of his appeal, was denied.

Alderman, who was employed by Miss Etting as pianist before she married him, was shot last Oct. 13 by Snyder, who was divorced by the singer in 1935.

## Rogers Fictioning Again

Hollywood, Jan. 10.

Bogart Rogers has resigned as production executive at Paramount to resume fiction and screen writing. He has been in and out at Paramount several times on similar switches.

## Hoover's Par Encore

J. Edgar Hoover, chief of the Federal Bureau of Investigation, may do another story for Paramount.

Harold Hurley, who produced "Persons in Hiding," written for Par by the head G, came east to see Hoover on the matter and was in Washington Monday (9) to discuss it with him.

## Ritzes Returning West

The Ritz Bros. return to the Coast end of this week, being held in New York following the death of their father, Max Jacobson. Ritzes' next assignment at 20th-Fox, "The Gorilla," was delayed somewhat by the death in the family.

## 2 Filmmers Bankrupt

Los Angeles, Jan. 10.

Onslow Stevens entered a voluntary bankruptcy in Federal court, listing liabilities of \$4,093 and no assets. Among the debts are \$906 owed as commissions to the Small Co., and \$887 to the Pasadena Community Playhouse.

Barbara Read, film actress, also filed a voluntary petition in bankruptcy. Liabilities listed at \$4,777; assets, \$950.

## Richard Bennett's Great Act in Court; But Jury Disagrees

A N. Y. Federal jury yesterday (Tuesday) disagreed in Richard Bennett's accident suit for \$100,000 damages against the Westover hotel, N.Y., on his claim of injury to his left thumb by a bellhop which forced, he claimed, his retirement from the star part in the stage play, "On Borrowed Time." During the trial, which lasted two days, Bennett, father of Constance, Joan and Barbara, played the actor as a witness on the stand, describing the feelings of the first night performances, the jitters experienced by not only the old-timers, but also by the prospective star.

Bennett said he had been on the stage for more than 35 years. He had appeared with Maude Adams in the old stage hit, "What Every Woman Knows." He has appeared on the stage in 144 plays, and all of them, as far as he was concerned, were hits. Bennett is not a shy party, in court or on stage. He really likes to let everybody know this. Judge Alfred C. Knox allowed him to ramble on before the mixed jury, during the trial, although his soliloquy had nothing whatever to do with the case on trial. He did, however, impress the jury with his importance as an actor and that any show he was taken out of might really suffer.

The suit was based on the slamming of a door, which not only injured him physically, but mentally, to the degree he was unable to read his lines in the part he had "On Borrowed Time," when it made its New Haven, Conn., tryout. His agent, Jane Broder, after reviewing the opening and realizing the star's difficulties, pleaded with Dwight Deere Wiman, the producer, to postpone the New York opening, but the latter said that the backers were insistent on its opening, and the show opened, went into New York with Dudley Digges in Bennett's role.

## Hively Upped at RKO To Full-Fledged Director

Hollywood, Jan. 10.

RKO has elevated Jack Hively, film editor, to a full directorship. He draws as his first assignment a Sally Elsters picture, "They Made Her a Spy."

## Pert Wheeler's RKO Deal

Hollywood, Jan. 10.

Bert Wheeler is dickering to return to RKO as a solo star in a picture based on his own yarn. Deal depends on confabs this week with George J. Schaefer and Ned Depinet. Chuck Reisner is the likely director.

## Col.'s \$35,000 Story

Clarence Buddington Kelland's magazine story, "Arizona," has gone to Columbia Pictures, via the Berg-Allenberg agency, for a reported \$35,000.

Paramount, Warners, Samuel Goldwyn and Columbia all bid for rights to the yarn, originally placed on the market by Kelland's agent, Myron Selznick. It was temporarily withdrawn after offers reached \$30,000 and was subsequently acquired by Berg-Allenberg.

## The Echo

Los Angeles, Jan. 10.

Reynard Fraumfelder won a technical point in his \$50,000 yodel suit against Walt Disney, who was denied a demurrer and ordered to file an answer in superior court by Jan. 14.

Fraumfelder claims his original yodel was used in "Snow White and the Seven Dwarfs."

## M-G's One Hope Now Is Cut Of 'Lynton' Award

The unusual size of the \$602,658 award to Edward Sheldon and Mrs. Margaret Ayer Barnes, authors of "Dishonored Lady," who won their prolonged suit against Metro over 'Lety Lynton,' on plagiarism charges, has spotlighted the authors anew. Particularly has it focused attention on Sheldon, who is in his mid-fifties, and the fact that he is totally blind, having been so as the past three or four years as result of an acute arthritis condition.

Sheldon, however, is thoroughly en courant with world affairs and show business, and in the latter sphere is still active through being constantly consulted by people of the theatre. The dramatist's general astuteness on show biz matters sees a constant stream of visitors to his midtown apartment in New York, as consultant of play problems. He's more than a play doctor, being consulted by the managerial end as well as the authoring side.

Mrs. Barnes, who resides in Chicago, is the wife of a Chi attorney, although O'Brien, Driscoll & Rattery, of New York, handled the successful litigation against Metro. [Latter firm was awarded a \$55,000 fee out of the \$602,658.] Both Sheldon and Mrs. Barnes were childhood friends in Chicago, and she only took up writing in 1926-27, when the once-tooled convalesced, following a serious motor accident in France, forced her to do something while recovering from a broken back. She started killing time by writing a book. Her dramatization of "The Age of Innocence" was her first stage effort. Mrs. Barnes' "Wisdom's Gate" has just been published by Houghton-Mifflin. Sheldon, although 'seeing' and working through a secretary, has not been creatively writing of late.

Theatrical attorneys concede that a revision in the copyright law is inevitable as result of the unusually large \$602,658 award to the authors, since it's conceded that the quality of Metro's production, the stellar draw of Joan Crawford and Robert Montgomery, and the other Hollywood elements, combined to make 'Lety Lynton' a boxoffice success. However, as the law now stands, the successful dramatists in a plagiarism suit of this nature may get all the profits awarded them.

Metro is appealing on this point. The plagiarism aspect is beyond appeal, having been fully adjudicated, but the U. S. Circuit Court of Appeals may yet act on the aspect of cutting down the size of the damages. The printed record of the case will require voluminous publication, that bill alone running \$4,000 to \$5,000. Metro has three months to file appeal, which means that next fall will see a finale to this historical plagiarism litigation, unless, of course, some out-of-court settlement is made in the interim. This is unlikely, as both sides have carried it through to the extremes right along, and Metro has retained high-powered appeal counsel, John W. Davis, to argue in the proposition of cutting down the money damages.

## 'Beau' to the Desert

Hollywood, Jan. 10.

Desert near Yuma, Ariz., is the location of main operations for Paramount's "Beau Geste," set to roll late this month, with William Wellman producing and directing.

Gary Cooper, Ray Milland and Robert Preston are cast as the three brothers. J. Carroll Nash and Brian Donlevy the heavies.

## Parleys Start Today with AFM, Casey and Circuit Heads Which May Reemploy Many Musicians

### Set Start of 'Titanic'

Hollywood, Jan. 10.

"Titanic," story of the greatest modern sea disaster, gets the gun April 1 at the Selznick-International studio. Alfred Hitchcock, British director, arrives late this month with Richard Blaker, English novelist, who is doing the script.

Hitchcock was also set to direct "Rebecca," but it is not likely to be filmed this year.

## Jimmie Kern Ties Up as Film Scribe, Yachters Sail On

Hollywood, Jan. 10.

Jimmie Kern, member of the Yacht Club Boys since the quartet was organized 10 years ago, jumped the ship to become a writer-director in the films. Currently he is working with William M. Conselman on the script of Bing Crosby's "East Side of Heaven" at Universal.

Recently the Yacht Club Boys paid Paramount \$5,000 to settle their contract which had three months to run. Remaining three are looking for a successor to Kern, who supplied most of their patter and songs. Their future work will be confined to eastern U. S. and British night clubs. They retain the rights to the songs Kern authored while a member of the quartet.

## Norma Talmadge Fights \$6,875 U.S. Tax Claims

Washington, Jan. 10.

Government tax sleuths have been unfair to Norma Talmadge, it was charged last week in a petition filed by the screen star with the U. S. Board of Tax Appeals.

Talmadge squawk was based on attempts of the Internal Revenue Dept. to collect \$6,875, alleged income tax deficiencies for 1934-1936. Fact that the Feds taxed interest she received on California securities, and failed to allow her deductions for costs of paying an attorney and business manager, were cited by Miss Talmadge as sufficient reason for a re-determination of the asserted deficiency.

## Studio Contracts

Hollywood, Jan. 10.

Tom Brown inked actor contract with Edward Small.

Harry Sherman picked up option on Russell Hayden.

Warners signed Nedda Harrigan. 20th-Fox lifted option on Richard Greene.

John Carradine's player pact renewed by 20th-Fox.

Metro signed Virginia Weidler, moppet.

Herbert I. Leeds, director, renewed by 20th-Fox for one year.

20th-Fox hoisted Leon Shamroy's cameraman ticket.

Lamar Trotti's writer option picked up by 20th-Fox.

Jackie Cooper signed with Paramount. He also has deals with Universal, Monogram and Edward Small.

Metro picked up Sylvan Simon's director option.

Metro renewed Richard Rosson's cameraman pact.

Paramount optioned Mary Boland for three pictures.

Harry Sherman contracted Russell Harlan, cameraman.

Wanda Tuckoh inked scripser ticket at Metro.

20th-Fox lifted Sen Yung's player option.

Lya Lys penned player pact at Warners.

20th-Fox picked up John Carradine's option.

Warners handed player contract to Fred Taylor.

Columbia signed Harry Segall to scripting ticket.

Howard Emmett Rogers drew new writing contract at Metro.

The American Federation of Musicians will inaugurate meetings today (Wednesday) with Pat Casey, producer-distributor labor contact, and representatives of leading theatre chains to discuss ways and means of increasing the employment of musicians throughout the country. Since the program which the AFM is fostering is national, representatives of locals in the parent union are not taking part in the parleys. At Local 802, Associated Musicians of Greater New York, the largest in the country, it was said no one from that union had been invited to sit in, although later on, after a program has been agreed upon, the various locals will be brought into the picture.

In view of the fact that the AFM has a severe unemployment problem, it has gradually been seeking to increase the use of musicians, both in the studios and elsewhere. Various agreements have been reached which necessitate greater employment in studios in dubbing and other connections, while of more recent date a six-day work week, at pay which formerly governed for seven, is being worked out in stage show houses. The meetings commencing today (Wednesday) were scheduled following conferences held several months ago which failed to achieve anything concrete. Agreement at that time was that, at some future date, Casey and theatre operating representatives would sit down with the musicians.

### More Theatre Flesh?

While there is no indication in advance of what steps may be taken to relieve the unemployment situation in the AFM, the thought is to work out some program which will encourage the use of more vaudeville, stage shows or other in-person entertainment to provide work for musicians. According to advices, the angle is not so much to increase the number of men in theatres which use flesh, but to try to get stage shows installed under some cooperative scheme in theatres which now are playing straight film.

It is supposed that agreement reached between the AFM and the theatres will carry with it some basis under which the musicians will make it a more attractive gamble to use stage shows than has existed in the past, with the union making every effort to meet the situation in behalf of its members.

There have been numerous cases during the past couple years where the musicians have been far more willing to play ball with theatres wanting to install in-person entertainment than have the stagehands or other crafts.

## Sears and WB H.O. Execs Staying East A While; Studio Later

Group of Warner home office executives headed by Grad Sears which was leaving for the Coast Saturday (14) to discuss product, sales plans and lineup for 1939-40, has postponed the trip. It has been but may make it a few weeks from now.

In addition to press of home office affairs at this time, with the third annual Sears sales drive started Dec. 25, presumption is that discussion of '39-40 production plans can wait awhile. Sears, Carl Leserman, Sam Morris, Sam Schneider and Mort Blumenstock had planned going out.

## 'Wagons' Finally Rolls

Hollywood, Jan. 10.

"Wagons Westward," Republic's \$750,000 historical picture, delayed by casting troubles, finally got under way last Friday (6) at Stockton, Cal.

Richard Dix, Gail Patrick and Edward Ellis head the cast, with George Nichols, Jr., directing.

### Ludwig's Darrieux

William Ludwig will direct the next Danielle Darrieux picture for Universal.

After Deanna Durbin's "Three Smart Girls Grow Up," she will be assigned to "Young Jenny Lind."

# MIDWESTERN SLANT ON PIX

## Indie Stockholders Take Bow

With confirmation of the RKO Plan of Reorganization a practical certainty, groundwork for applications for allowance of court for the reorganized company and its security holders, is being laid.

One such application will be filed by George L. Schein, representing the Independent Stockholders Committee, who is claiming credit for reduction of the Rockefeller claim from 500,000 shares of common to 415,000 shares.

RKO trustees, when shown a publicity release sent out to this effect by Schein on Jan. 8, shrugged their collective shoulders and refused to comment.

## Provisions in Formal RKO Order

### Final Exceptions and Approvals in Rickaby-Israels Reorganization Papers

Formal order presented to Federal Judge William Bondy last Saturday (7) by attorneys Hamilton C. Rickaby of Simpson, Thatcher & Bartlett, and Carlos L. Israels of White & Case consolidates stated approval of all modifications to the plan of reorganization by proponents of the plan, plus court approval for trustees to send formal notice to all concerned, giving them a definite period in which to withdraw previous acceptance, if desired. It is expected to be signed any day.

As and when signed by Judge Bondy, without any further changes or modifications, it virtually amounts to the actual long-awaited confirmation of reorganization under 77B. Unless more than one-third of total consents are withdrawn, which is considered unlikely, the Federal court will assume that all parties are in agreement on the modified plan and will so order it.

First few paragraphs of the Rickaby-Israels petition are taken up with legal ifs and whereases and minor changes in phraseology. Proceeding further, it states:

"Providing that the approved plan shall not be consummated until the underwriting agreement provided for in Article 4 is approved by the court, the report (with the above changes), of Special Master George W. Alger and subsequent further reports are in all respects hereby approved and confirmed and all objections and exceptions thereto are overruled.

All petitions of Ernest W. Stirn are hereby in all respects denied. Petition of Mary G. MacPherson and others, denied. Petition of Edward J. Hickey, denied.

For purposes of plan of reorganization, as modified by this order (the approved plan) and its acceptance, the division of creditors and stockholders into classes is as follows:

**Class A—Secured Claims**  
Ten-year 6% Gold Debentures (\$11,600,000) principal amount outstanding, and 6% Gold Notes (\$1,118,500).

**Class B—General Unsecured Claims**

For purposes of the approved plan and its acceptance, there shall be allowed as a secured claim, the claims of Central Hanover Bank & Trust Co. as trustee under the indenture securing the 10-year 6% Gold Debentures (\$11,600,000) plus accrued interest; and the secured claim of City Bank Farmers Trust Co. on the 6% Gold Notes indenture (\$1,118,500).

The special master's plan has been consented to and accepted in writing, before the modifications, by or on behalf of creditors holding more than two-thirds of each class of claim and by stockholders holding a majority of common stock such acceptances have been duly filed herein.

As a pre-requisite to final confirmation, Judge Bondy yesterday (Tuesday) signed an order directing Irving Trust Co. to file a list of the RKO contracts with its executives, and a list of unexpired leases of RKO which have been rejected and surrendered. The trustees immediately complied and submitted 13 contracts and four leases.

Irving Trust also filed the first batch of consents, in compliance of (Continued on page 47)

## NO MORE 'STICKS' SAYS NEWSHAWK

Radio, Motor Cars, Good Roads Have Changed Things—Can't 'Sell' Poor Product—Deprecates Exploitation Waste on Inferior Product

### EXHIB AT FAULT, TOO

By Kenneth McM. Dickey  
(Kansas City Journal-Post)  
Kansas City, Jan. 4.

Editor, VARIETY:

The major cause for poor boxoffice business of late is nothing but a series of poor pictures. Studios cannot expect to build via exploiting poor pictures.

Times have changed in this country as against 10 or 15 years ago, when movies were new picture talkies. There are no "sticks" any more. The radio, motor car and good roads have seen to that. Even the hamlets have their collection of wireless and picture shoppers.

Exhibitors who are wondering what has happened in Hollywood must be pretty stupid. Because plenty has happened in the community where the exhibitor is trying to make a living. He can no longer attract business with B pictures and dual bills. The thing that is letting the exhibitor down is that there are too many of them trying to make a living showing poor pictures.

In the past few years this country has reached the point where you can no longer successfully merchandise poor product.

Distributors and producers are just kidding themselves if they think the usual run of pictures can be sold if the public is told how good they are; for the facts are that they are not good, and no matter how much advertising space you buy and how much exploitation they are given, you cannot sell the product.

Referring to your own story (copy attached) the trouble lies right here: with 47 features currently in work, 45 more are slated to roll next month.

According to your film booking chart, you list 130 pictures covering a period of 15 weeks. This averages practically 9 pictures a week, or approximately 470 pictures a year. This just about checks out with that newspaper man in Lincoln, who's accused last year about 470 pictures. This is entirely too much product and cannot be absorbed and paid for by the American picture-going public.

They even go so far in this overgrown village to ruin a good picture by showing it with a B picture. Plenty of people stay away because they do not want to spend three hours in the theatre.

Your story about the film drive is much to the point. As a newspaper man I well remember when it started and we all agreed around the shop that it would be a flop.

If the producers have any idea that the newspapers in this town for instance, would fall for the gag they were badly mistaken, and I presume it must be the same in many other towns. People in K. C. are fed up with bank nights, free dishes, etc., and yearning to see a picture industry set aside \$250,000 of its \$1,000,000 campaign fund for just that kind of business.

You are dead right in saying planners of the campaign overlooked three fundamental essentials in promotion. All three of them are that it is going to be impossible in the future to sell about 50% of the stuff being produced in Hollywood. It would have been much better to have offered a prize for the production of better films.

I have been for 25 years a legitimate theatre, vaudeville and picture house. Lived in Southern California for several years, and was in and out of New York for 20 years and always go to see anything that has (Continued on page 10)

## Refusal by MPTOA-Allied to Accept Self-Reg Setup Looks to Stymie Arbitration by Exhibitors-Distributors

### Brush Tease

Hollywood, Jan. 10.  
George Petty, painter of sultanas for slick mags, signed with Paramount to help stage harem scenes in "Man About Town."  
His job is to sketch seraglio gals and design what few clothes they don't wear.

## FAIRBANKS, SR. AND JR. COMBO FOR 1ST TIME

Douglas Fairbanks, Sr. and Jr., will be united in film production for the first time in their careers. Fairbanks, Jr., will star in two of the three pictures to be produced by the new Fairbanks International organization. First will be "The Tenth Woman" which starts shooting on the Selznick lot in Hollywood around Feb. 15, with the elder Fairbanks making his bow as producer, Raoul Walsh will direct.

"The Californian," previously announced as first picture of the three scheduled, will follow "Tenth Woman," and the final film remake of "Three Musketeers," in which Fairbanks originally starred, will be made either in England or France, with Doug, Jr., as the new D'Artagnan.

Production budget of \$2,350,000 has been set for all three pictures. Fairbanks and Sir Adrian Bailie, one of the financial backers of Fairbanks International, came in from Europe last week and left for Coast on Sunday (8).

## JACK BENNY INDICTED IN SMUGGLING MESS

Jack Benny was yesterday (Tuesday) indicted on three counts of smuggling by a grand jury in the N. Y. federal court. Charges, involving jewelry, stem from an investigation of the alleged smuggling operations of Albert Chaperau, ex-film importer, who was found guilty last week and left for Coast on Sunday (9).

George Burns, of Burns and Allen, pleaded guilty to similar smuggling charges several weeks ago.

Hollywood, Jan. 10.

Jack Benny aired last Monday (9) to testify Tuesday in New York before a federal grand jury in connection with a smuggling case. He said he was willing to cooperate with the authorities, but figures he won't be much help. Myrt Blum, his agent, accompanied, as did Loyd Wright, his attorney. Col. Bill Donovan represents Benny on the N. Y. end.

## Tierney's Check Jam

Sacramento, Jan. 10.  
Edwin J. Tierney, 40, Hollywood dance director, who has known better days, was taken from the Monterey county jail to Reno, where he will face a trial on fictitious check charges. Tierney, former husband of Marjory White, film actress, was arrested at Salinas Sept. 27 and sentenced to three months in jail for cashing a fictitious check.  
He completed his Salinas sentence and was turned over to Reno authorities for similar charges.

With both the Motion Picture Theatre Owners of America and Allied States Assn. virtually certain to refuse acceptance of the first draft of the trade practices program recently submitted by the distributors after much negotiation, further huddles are likely at an early date to rewrite the pact and discuss objections raised. In addition to anticipated rejection of the provisions for self-regulation, as drafted by the distributors, by these two national bodies, lesser groups headed by the Independent Theatre Owners Assn. of N. Y. have turned it down.

The important point is that without agreement by the MPTOA and Allied, there can be no machinery for the revision of contracts and relations between exhibitor and distributor nor any system of arbitration to cover it. Prepared to present its objections to the draft following study of the first trade practices draft and to insist on a new pact or changes, the MPTOA is scheduled to convene (Thurs.), the committee tomorrow (Thurs.) following a session of the MPTOA board today (Wed.) in New York which will be attended by a majority of the members.

While the official attitude of the MPTOA will be known by the distributors tomorrow (Thurs.), the attitude of Allied will not be indicated until after it has held its two-day meeting of directors Jan. 17-18, one day of which will be devoted exclusively to the trade practice agreement. Aside from refusal of the distributors to consider certain points desired in a trade practices program by Allied, including divorcement of theatres and elimination of blockbooking as well as blind selling, it is regarded as highly probable that Allied will make more objections than the MPTOA.

In addition to insisting that the trade practice reforms become effective immediately on signing rather than with the selling of the 1939-40 product, the MPTOA directors are understood to have raised various objections to provisions of the plan as recently drawn up. Also, it is reported there are differences among the MPTOA board members over various points but expected that at today's (Wed.) meeting, with Ed Kuykendall, presiding, these differences will be unified so that the official attitude of the organization can be indicated to the distributors tomorrow.

A lot of the language of the self-regulation plan, as drawn up by attorneys, has been omitted by the (Continued on page 17)

## DOZEN DROPPED FROM PAR CONTRACT LIST

Hollywood, Jan. 10.

Names of 12 players, including the Yacht Club Boys, were dropped from the Paramount contract list at the semi-monthly revision. Others were Billy Cook, Sheila Darcy, Paula de Cordo, Owen Kenyon, Elaine Moler, Ruth Rogers, Richard Stanley and Marion Weldon.

Writers checked off were Sy Bartlett, Capt. William F. Cox, Jonathan Latimer and Anthony Veiller, who with Jeff Lazarus producing, were sent back to the home lot.

## One Good Turn

Hollywood, Jan. 10.

Madeline Carroll and Fred MacMurray, paired in "Cafe Society," are slated for another co-starring job in Paramount's "Are Husbands Necessary?" slated to roll next month, with Jeff Lazarus producing.

Story scripted by Virginia Van Van, deals with a femme who thinks men are useless baggage.

## Laughton-Pommer's Mayflower Co. Not Finaicling with 'Inn'

London, Jan. 10.  
'Jamaica Inn' is not the final picture Charles Laughton and Erich Pommer will make under their Mayflower Picture Corp. pact made some two years ago according to statements by both. While Laughton has several propositions to act either in Hollywood or London, both said this would depend on how such plans fitted in with future Mayflower production.

John Maxwell, chairman of Mayflower, is credited with putting up the money for three Mayflower productions. When virtually the entire bankroll was spent on the first two, he is said to have refused further coin advances. Hence, the final production is reported being bankrolled with revenue collected from the distribution of the first two films.

Elsa Lanchester (Mrs. Laughton), who has been in New York several weeks, left last night (Tues.) for Canada to make personal appearances with "Beauchamp" in Montreal and Toronto dates. She returns to N. Y. to sail Saturday (14) for London.

## LAW TO PROTECT PICTURE EARNINGS OF MOPPETS

Sacramento, Jan. 10.  
Bill to safeguard the film earnings of moppets was introduced in the lower house of the state legislature by assemblyman Chester Gannon, as result of the Jackie Coogan case. Law would give the child a right to all earnings during minority in the form of a trust fund, with reasonable deductions for education and support.

**Coogan's Double Loss**  
Hollywood, Jan. 10.  
Jackie Coogan, who lost the fortune he earned as a moppet, also has lost his bride, Betty Grable, who returned to her mother because her husband is out of work and unable to support her.

Coogan's suit against his stepfather and mother, Mr. and Mrs. Arthur Bernstein, for an accounting of his earnings, is docketed for trial Feb. 6.

## Trail Back Beckons

Hollywood, Jan. 10.  
George White is paying Dolores Costello for his forthcoming Broadway show.

Actress was picked out of White's "Scandals" chorus for her first chance in pictures years ago.

## METRO'S PRISON 4-REELER

Hollywood, Jan. 10.  
Metro Monday put into production its first four-reeler, "They All Came Out."

Picture, dealing with the Federal prison system, is being directed by Jacques Tourneur.

# OPEN SEASON AGAIN FOR LEGISLATIVE SNIPING; ANTI-BLOCK AND REST O' IT

**Congress' Pet Ideas—Blockbooking, Alien Actors, Divorcement, in D. C. and State Capitals—Flock of Bills All Over the Map**

Washington, Jan. 10. They're back again, both the film-reformer members of Congress and their pet ideas for making the industry behave.

Familiar legislative proposals went back on the docket last week at the start of the 1939 session with frustrated advocates hoping the obstacles in the way previous years can be removed between now and the end of the 1940 session. Most of the customary measures showed up, with no more change than a new date and number. No novel ideas revealed during the first week.

Harvest includes the block-booking ban sponsored by Senator Matthew M. Neely of West Virginia, which slid through the Senate last spring to the consternation of industry leaders who felt sure that they had the proposition safely buried. Counterpart was presented to the House by another West Virginian, Representative Andrew Edmondson.

Other measures which were resurrected include:

1. Proposals of Representative Francis J. Culin of New York, to "protect the motion picture industry against unfair trade practices and monopoly" and to "prevent the obstruction of and burdens upon interstate trade and commerce in copyrighted motion picture films."

2. Battered alien actor bill, pet of Representative Samuel Dickstein of New York.

3. Anti-block-booking scheme promoted by Representative Emanuel Celler of New York.

Too early to hazard a guess concerning the prospects of any of the measures, none of which is likely to get serious attention until later in the session when the urgent business is well in hand.

## No New Colo. Bills

Denver, Jan. 10. No bills directly affecting the industry have been introduced in the Colorado legislature, now in session, and none are looked for. However, some of the lawmakers would like to take a further chunk out of everyone's income by levying a straight 1% tax on all incomes. The present law is patterned for most part after the Federal income tax.

Theatres are at present being taxed under the service tax bill which levies 2%.

## Ohio Worried

Columbus, Jan. 10. Ohio exhibitors are looking forward with some apprehension to what may happen when incoming Gov. Martin L. Davey renews the legislature in extraordinary session. Their fears are concerning what may be done about the existing 3% gross admission tax, part of the general sales tax structure.

New taxes are inevitable and it is feared that the previous straight 10% impost may be reinstated.

## No Radio-Pix Calumny

Albany, Jan. 10. Radio and motion pictures are among the verboten media for the inciting or advocating of racial or religious hatred, under terms of a drastic bill introduced by Senator Joseph H. Numan, Queens Democrat, after Governor Herbert H. Lehman had urged the Legislature to implement the new constitutional declaration against racial or religious discrimination in New York State.

The measure would make the penalty for violators a jail sentence of from 90 days to three years, or fines of \$200 to \$5,000, or both. Passage of one or more such bills is expected.

Assemblyman Crews, of Brooklyn, reintroduced his bill calling for two men in booth of film theatres in all first-class cities. Bill, a labor favorite, was killed in committee after a battle during last session of the legislature.

Film business has at least one

friend in the New York State Legislature: assemblyman William T. Webb, manager of Smalley's theatre in Sidney, N. Y., and partner for 10 years with W. C. Smalley in realty operations there.

Webb is a Republican, the party which will control both houses until 1940. He had some show world experience before associating with Smalley. He was originally a Chautauqua lecturer.

## Hays Sees 'World On Fire'; Pledges New Accord for U. S. Pix

Will Hays, head of the Motion Picture Producers & Distributors of America, met yesterday (Tuesday) at Hotel Waldorf-Astoria, N. Y., with leaders of civic, religious, youth, welfare and educational groups—some groups with whom he first met 17 years ago—to revivify the industry's program in the future. Hays outlined new threats to pictures today resulting from changed conditions. Group voted a resolution of appreciation of the past work done by the Hays office and named a committee to outline a future program.

"With part of the world on fire, with foes even in our own household," he told the group leaders, "and with danger of contagion from a distance, we should caucus again on how to develop the maximum usefulness of this great instrumentality of service—the motion picture."

"The challenge today is: Where do we go from here? I want your best thought on what there is we can do in thoughtful planning ahead to meet new and changing conditions."

Hays also stressed that all gains should be held and everything possible done to solidify these and to improve this partnership effort.

## Minn.'s New Gov. Stassen Fails To Commit Himself on Divorcement

Minneapolis, Jan. 10. Northwest Allied States was unsuccessful in its effort to induce Governor Harold E. Stassen, Republican, to commit himself in his inaugural address in favor of a theatre divorcement law similar to the North Dakota statute. The governor failed to mention the subject in his address and thus far has remained silent regarding his attitude.

Through its president, Northwest Allied, in a lengthy letter to the new governor, urged the latter to come out for the theatre divorcement legislation in his initial address to the state legislature which has just convened.

Two years ago former Governor Elmer A. Benson, Farmer-Laborite, espoused the theatre divorcement law in his inaugural message to the legislature, then comprising a Farmer-Laborite controlled House and Republican Senate. The bill, sponsored by Northwest Allied, however, died in committee after hearings.

W. A. Steffes, exhib leader here, still professes to be "confident that the legislature will pass the bill and the governor will sign it during the current session. But there are indications also that the Paramount circuit, which would be compelled to relinquish its 85 theatres, will be able to defeat it. Many independents have let it be known that they feel they have little to fear at the Paramount circuit's hands and would rather have the big chain as opposition than some of the independent circuits now operating in the territory and which probably would gobble up Paramount houses if the divorcement law were enacted. For the most part, the Paramount cir-

## SALES MEETS

Fox in Europe and Rio—RKO in N. Y. and Par in St. Louis

S. R. Kent, Herman Wobber and W. J. Hutchinson, latter 20th-Fox's foreign chief, will all attend late spring European conventions as well as a sales meet, the first of its kind ever held, at Rio de Janeiro for Latin-America.

Distribution confabs abroad will be May 4-6 in Paris and May 11-13 in London. The South American meeting will follow early in June, with home office attendees scheduled to return to New York June 27.

RKO called in all its district managers for a two-day sales meeting over the weekend (7-8), presided over by Jules Levy, to discuss early spring releases, sales plans and current problems. The marketing of "Gunga Din" was also mulled. Sales session was attended by major home office executives, including George J. Schaefer, who addressed the gathering.

Paramount home office executives and others are due in New York today (Wed.) after a three-day mid-winter sales conference held in St. Louis Saturday, Sunday and Monday (7-9-10) to discuss the balance of this season's (1938-39) product, sales difficulties and the new distribution setup in Par which creates a third division for the company under Oscar Morgan. Appointed to handle the entire south from the home office, Morgan has shifted from Atlanta, where he has been in charge of the southeastern district, to St. Louis.

Harry Sherman, westerns producer for Par, and Cliff Lewis, Coast advertising head, were in St. Louis from the Coast to attend the sales confab. Sherman announced he would make six pictures during the 1939-40 season.

Pointing out that Paramount is tailoring its coming season's productions to fit the demands for fast action and romantic dramas, Agnew revealed at the St. Louis confab that Par would make 58 pictures for 1939-40 at a total budget of \$25,000,000.

Stanton L. Griffin, now in Florida, was recently quoted as there to the effect that Par would spend \$30,000,000 on its next season's pictures.

cuit's trade practices have not adversely affected the smaller independent exhibitors, it's claimed.

In opposing the bill, another point to be made is that the vast majority of 1,000 or more independents in the territory have prospered, as compared with other lines of business, in spite of the Paramount circuit operations, and that the Paramount's 85 theatres are only a drop in the bucket of total theatres. In substantiation of this claim it's pointed out that few, if any, independent theatres are available for purchase at a reasonable price and that many individuals want to build new show-houses, but are unable to obtain the necessary permits from local authorities.

## Review of N. D. Case

Washington, Jan. 10. Review of the North Dakota District Court opinion which sustained the right of the state legislature to prohibit producers from operating theatres was sought in the U. S. Supreme Court last week.

Two cases docketed naming the state authorities with Paramount requesting the highest bench to determine the constitutionality of the North Dakota statute. Lawyers have not filed briefs yet.

## BUTTERWORTH DIVORCE

Los Angeles, Jan. 10. Charles Butterworth, film and radio comic, was sued for divorce by Ethel, his wife, former mate of Edward Sutherland, picture director. She claims her husband is not funny around the house.

## 77B Now Goes Chandler Act

Show biz which has become acquainted with Chapter 77B of the Federal Bankruptcy Act is now learning about Chapter 11 of the Chandler Act. This is a comparatively new statute that has displaced 77B, being a less cumbersome means of handling corporate or individual applications for settlements of debts. It's called a "petition for arrangement." Chapter 77B only applied to corporations and hampered lawyers in that it meant constant running to the courts for OK and approval of each minor move. Under the Chandler Act the trustees have more freedom to administer the bankrupt's estate, so that a business thus involved can work out its future salvation as fast as within two weeks, providing there's a general accord among creditors.

It provides for payment of debts, so much on the dollar, from some specified date, and frequently makes possible 100% payoff, providing creditors aren't dunning or hampering matters while the venture is having its financial troubles straightened out.

## Lefty's Glad the Movie Quiz Is Over; Fans Saw Too Many Flaws in Films

By Joe Laurie, Jr.

Coolacres, Cal., Jan. 10.

Dear Joe:

So Christmas has passed, and now everybody is trying to figure out what profit they made on their presents, if any. We had a packed house New Year's Eve and New Year's Day, so maybe the New Year is starting off by giving me false hopes, but it's a start anyway. I had a special show New Year's Eve, I gave out a lot of paper hats, confetti and horns—anything to take their minds off the picture. Everybody yelled and blew horns, the same as they did in New York, Chicago and all the other big towns. You know, noisy people are noisy the whole world over, but in small towns they're worse, because maybe they don't get a chance to make any noise all year. Everybody said they had a good time, so I took their word for it.

Al Shacht, the baseball clown, drove through here and spent a couple of days with me on his way to Hollywood. Of course, everybody in town heard about him playing in the big leagues, and he was the hero of the town while he stayed here. He sure is a great guy and has plenty of humor. I only wish the comedies they send me were half as funny as he is. He told me a story about the Scotchman who got sore at an umpire and threw a pop bottle at him, and he almost died when he found out there was a 2c deposit on the bottle. Al sang "Roley Boley Eyes" for us, and he sounded like a calliope getting a hot foot. But he sure is a great ball player. His folks had 12 kids, so you see his old man had a bratting average, too. He heard one of our broadcasts and said, "Radio proves America's greatest suffering can come from the air." So to get even with him I showed him his baseball record. It shows that he never touched second only on his way to the showers.

F. D. R.'s Distinction Got the clippings you sent me about vaudeville being started in New York by a guy named Kurt Robitcheck at the Majestic and Frank Fay at the Cort theatres. Well, good luck to both of them. I wonder will Roosevelt be known as the President who brought vaudeville back? Personally I don't think they'll ever get it back like it was unless they dig up acts like Roger Imhoff, Avon Comedy Four, Joe Jackson, Orth and Codee, Conlin and Glass, Tommy Dugan, Julius Tannen, and, of course, Aggie and myself, who are still willing to make a real show (hal, hal, hal, speaking about Aggie, she is a little sore at me for getting a little stinko New Year's Eve—in fact, she ain't talkin' to me, and you know there is only one thing more aggravating than a woman who gets noisy when she's mad, and that's one that gets quiet. But you know Aggie, she'll get over it as soon as I don't feel good.

I'm still having trouble with my pictures. They're sending me problem pictures. It's a problem to get people to come in to see them. I've had such bad ones lately that some people have written in to take their names off the free list. I'm certainly glad the \$250,000 Movie Quiz is over, because everybody was looking so close at everything in the pictures that they saw how bad they really were.

Well, Joe, that's about all I have to point your way in the way of news, except that we're sure having some versatile weather out here. Give our best to the gang back there and tell 'em we're rooting for vaudeville to come back, but we'll still hold on to our little picture house in case it don't, SEZ

Your pal,

Lefty.

P. S.—Arthur Freed sez, "Modern young people are much alike in many respects."

## ESTIMATE 2,000,000 MOVIE QUIZ LETTERS

With the bulk of entries received in the mail on the Motion Pictures' Greatest Year Movie Quiz contest, estimate made yesterday (Tuesday) was that final tabulation would show around 2,000,000 contestants. Definite check will not be available for a few days because Quiz contest headquarters now are sorting entries according to states.

Amazing part of the mail received to date is the number of special delivery letters, 3,261 having been recorded in the first few days, greatest number delivered to one address by the New York postoffice.

Judges in the Quiz contest are meeting in New York today (Wednesday) to discuss procedure in the handling of contestant's answers. Judges are Mrs. Ogden Reid, Dr. James E. West, Homer Sickett representing Bruce Barton, and Hendrik Willem van Loon.

## POWER FOR LEO

Hollywood, Jan. 10. Frank Whitbeck completed "Power," third of his Romance of Celluloid series for Metro. Featurette shows construction of Boulder Dam and use of its power in picture production on the Metro lot.

Film is being distributed free to exhibs.

## TULLY'S \$50,000 SUIT VS. BILL HOWARD, PAR

Jim Tully is particular as to what pictures or titles his name is connected with. He indicated this Monday (8) when he filed suit in N. Y. federal court against William K. Howard, producer, Odessco Productions, Inc., and Paramount Distributing Corp., for using his name in advertising a forthcoming picture.

The picture is now known as "Home Town." Tully claims that in its exploitation his name was used in the original pre-advertising of the picture, "Home Town," or "The Back Door of Heaven." Tully claims that he had no connection with the picture or had never given consent to the use of his name, and wants \$50,000 damages and an injunction to stop the showing of the picture.

## Fleet Gone, Biz Dips

Los Angeles, Jan. 10. Film grosses are doing a tailspin in the Long Beach, San Pedro and San Diego areas, with the departure of the U. S. battle fleet and its 30,000 sailors for eastern waters.

To make it worse, most of the sailors' families are joining them in the east for six months. Exhibs in the naval districts are cutting expenses to the bone.

# LIMIT COMMITMENT TO 10%

## Liquidation of Assets, Receivership End Proposed in Fox Theatres Plan

After four years of receivership, a plan of reorganization of Fox Theatres Corp. was filed in the U. S. District Court, N. Y., yesterday (Tuesday). Plan submitted by Milton C. Weisman, receiver, has for its object termination of the receivership and possible liquidation of the remaining property and assets of the corporation by trustees to be appointed by Federal Circuit Judge Martin Manton. Trustees may also decide to continue the business.

Principal factors involved in the reorganization are receivership creditors, preferred participants, general participants and Federal, state and city taxing authorities, who have claims against the estate.

If Judge Manton takes official action on the proposed plan today (Wednesday) and appoints trustees, the latter will be required within 90 days to submit to the court their plan for operating the estate and for its possible liquidation, together with budget of estimated receipts, expenditures and distribution of moneys for the period ending Dec. 31, 1939. Upon consummation of this plan the receiver shall procure the resignations of the officers and directors of Fox Theatres Corporation, file his final accounting as receiver and be discharged. The receiver's predecessors shall file their final accountings and be discharged. The plan when approved by the Court shall be deemed binding upon all interested parties.

A closed hearing on the plan was held before Judge Manton on Thursday (5). Creditors were given one week, to Jan. 12, to submit briefs. Only objections voiced were by an unnamed group which questioned jurisdiction of the court to act on the plan. Judge Manton announced he would decide this point within two weeks.

Cash on hand as of Dec. 31, 1938, was \$15,192, of which \$99,000 is held in reserve for claims still undecided. Liabilities originally totaled over \$18,000,000, of which over three-fourths have been settled or paid in part. Most important of claims filed but still pending is one of William Fox for \$7,500,000, filed in New Jersey. Fox has since instituted suit in the New York jurisdiction seeking to recover the same amount.

Balance sheet as of Nov. 30, 1938, shows current deficit of \$40,378,793. Total current assets are listed at \$150,785 with office equipments at \$600 and art objects at \$180. Investments in wholly owned subsidiaries are carried at \$338,957. The receiver lists reorganization expenses during 1929 and 1930 as an asset and carries it at \$3,693,449. This increases the book value of the corporation to \$4,212,160 as against the receiver's valuation in which he eliminates the reorganization expenses but substitutes a \$7,500,000 claim against William Fox, bringing his valuation up to \$8,018,711.

Total liabilities are \$7,477,354 including \$7,451,763 for claims allowed. This takes into consideration an 8% dividend of \$648,587, which has been paid.

Capital stock issued which bears no par value and stock in the treasury totals 1,465,730 shares of Class "A," 100 shares of Class "B," meaning a total loss to the company of \$37,113,599 in its stock.

The liabilities do not include the claim of William Fox for \$7,186,627.

## 20 Victory Giddy-Ups

Hollywood, Jan. 10. Victory Pictures has announced a new season's lineup of 20 westerns, to be produced by Sam Katzman. First of the group is slated for delivery April 15.

Currently Katzman is winding up his series of Tim McCoy starrers.

## New Pix Circuit Corp. Withdraws Its Stock

Washington, Jan. 10. Abandonment of plans for chain of neighborhood houses in midwest cities was indicated last week by the Securities and Exchange Commission. Promoters of Pix Theatre Circuit, Inc., scheduled to start with three Kansas City theatres, asked permission to withdraw the registration statement, filed a month earlier, covering 50,000 shares of non-voting stock to go on the market at \$5 and having par value of \$5.

Sponsors of the corporation were Samuel B. Nissley, S. H. Nissley, and Alexander C. Eliopoulos, all of Gary, Ind.

## ONE-ACTERS HYPO DUALS

Vancouver, B. C., Jan. 10. Legit stage productions are being used to promote a pix house during the next three months. The Strand Famous Players No. 3 house here, is presenting previews of amateur one-acters scheduled for entry in the Canadian Drama Festival Eliminations to be held in Victoria this spring.

Each play shows for one performance only, with a new production by a new group each Friday night. Neither picture is dropped from the double-header policy, but the short drama spot is being sandwiched in between features about 8:30 p.m.

Opening shot, "The Black Cabinet," produced by the Vancouver Little Theatre Assn., played Friday (6) to excellent audience response. Next scheduled one-acter is "Heaven on Earth."

Lack of a regular season of legit shows in this city makes this move a timely one. Virtually no expense to house, as production is provided free by the amateur groups, with theatre paying only for props, royalties and salaries of production and stage managers.

## BREWSTER BROTHERS' DEATHS 3 DAYS APART

Eugene V. Brewster, 67, former film magazine publisher, and his brother, Carleton E. Brewster, 66, former Long Island theatre circuit owner and real estate man, died within three days of each other. The former died of a heart attack Jan. 1. His brother's death followed an automobile crash near Smyrna, Fla., Jan. 4.

Eugene Brewster entered the publishing field in 1911 with Motion Picture Magazine, backed by the Vitaphone Co. Motion Picture Classic, Movie Monthly, Shadowland and Beauty followed. During this period he married Corliss Palmer, a film beauty contest winner. In recent years he had lived modestly on the Coast.

Carleton Brewster once operated L. I. theatres in Southampton, Babylon and Islip. At the time of his death he was in the real estate and insurance business with his son, Carleton, Jr. His widow, two sons and two brothers, survive.

## CLEFFING THE RANGE

Hollywood, Jan. 10. "Rhythm Rides the Range," first of six Tex Fletcher starrers by Arcadia Pictures for Grand National release, rolled yesterday (Mon.), Sam Newfield producing.

Fletcher warbles four western songs by Lew Porter and Johnny Lange.

## UNIFORM FEE IN GUILD LICENSING

Radio Commissions Said to Run Up to 55% in Some Cases—Softened Original 19 Points—Completed Draft Ready for SAG Board

### PERSONALS OUT

Hollywood, Jan. 10. Fees of all picture and radio agents will be slashed to 10% within the next few weeks, probably by Feb. 1. Draft of agreement providing for licensing of agents by the Screen Actors Guild will be completed this week in time for submission to the SAG board of directors Monday night (16). Meeting of Artists Managers Guild also will be called to approve the franchise pact being drawn up by Laurence W. Beilenson, counsel for the SAG, and Judge Byron C. Hanna, attorney for the AMG.

While several of the original 19 points of the SAG franchise plan have been amended, percents will be limited to 10%. This will call for a drastic cut in radio commissions, some of which are now claimed to run as high as 55%. Take for actor representatives also will be fixed at 10%, eliminating personal management contracts which now call for a much higher commission.

No agent will be permitted to represent film actors or radio artists unless he has a franchise from the SAG. All agents now doing business will be initially issued licenses, but a close check will be made the first few months to ascertain that all of them are living up to the code of professional ethics to be prescribed.

One-year contract limit originally announced will be extended, but directors, producers and others engaged in production will not be permitted to operate agents. The SAG will have authority to revoke licenses for violations of the code, but an agent will be given an opportunity to appeal to a board of arbitration.

The Screen Writers Guild has defied the authority of Screen Playwrights, Inc., by Roland Brown over screen credits, and has asked the National Labor Relations Board to suspend the basic agreement between the producers and the SP. Tiff developed over dispute on screen credits for Paramount's "The Lady from Kentucky."

### Scrap Over Credits

Paramount awarded joint credit for screen play to Malcolm Stuart Boylan, member of SP, and Sy Bartlett and Olive Cooper, Guilders, on an original story by Roland Brown. Boylan demanded sole credit, and dispute was referred to SP, as provided in Producer-SP agreement. SP named committee composed of Jack O'Donnell, Jane Storm and Fred Niblo, Jr., to arbitrate matter. SWG announced its members would not participate in arbitration and intimated court action would be taken if any move was made to change original credits of studio.

Leonard S. Janofsky, counsel for SWG, stated:

"Bartlett and Cooper are not protesting anything. Paramount Studios made the determination of credits for the play. It was decided that credit for the screen play should be shared jointly by Boylan, Bartlett and Cooper, based on an original story by Roland Brown."

Five producers at Paramount even went so far as to make a breakdown of the script before awarding the screen credits. The found that 42.5% of the screen play had been contributed by Bartlett and Cooper.

"We have not yet been advised that there is a dispute over the credits, but our members certainly will not agree to any arbitration by the Screen Playwrights. Any such arbitration would become null and void should the NLRB decide that the so-called SP-Producer contract is invalid. This case will have an important bearing on the industry."

(Continued on page 47)

## Merchants-Editors Renew Peeve Vs. Gen'l Stores in Theatre Lobbies And Screen Advertising in S. W.

### Par's Extensive Release Of Patriotic Shorts

Paramount Pictures, through its 16 mm. film distributing medium, Films, Inc., is blanketing the country with a 200-ft. 16 mm. subject dealing with Declaration of Independence and the Bill of Rights. Subject, compiled from company's newssreels; will be distributed through non-theatrical channels, such as schools, churches and clubs. All supplied gratis.

Move was initiated by Barney Balaban. Reel has no connection with the short on the Bill of Rights turned out by Warners.

## \$300,000 PAID RETROACTIVELY

Proposed five-day week in film industry has been endorsed by studio unions and crafts representing more than 25,000 workers. Plan is being advocated by certain producers as most economical method of complying with 44-hour week provision of new federal Wage-Hour Law.

Studios last week distributed approximately \$300,000 to employees in overtime wages retroactive to Oct. 24 when new law became effective. Major film companies have agreed to negotiate with the newly formed Screen Readers Guild if a cross-check by the NLRB shows a majority of workers belong to the organization. Studios will submit their payrolls to NLRB this week to be checked against membership list of the SRG. Attorneys stipulated, however, they were not waiving their contention that the NLRB is without jurisdiction in picture field.

Major companies have also agreed to negotiate with Screen Set Designers. Decision was reached after a crosscheck by NLRB showed that big majority of draftsmen, set designers, et al., employed in industry were affiliated with the SSD.

## CIO AD GUILD FLIRTS SHOW BIZ PUB DEPTS.

American Advertising Guild, Local 20 of the United Office and Professional Workers of America (CIO), is trying to organize employees in the publicity, exploitation and advertising departments of the major film companies in New York. Stated the union has at least some representation in each company, but that such membership is limited to little more than a handful.

According to AAG execs, they are not competing with the Theatrical Managers, Agents and Treasurers. The AFL union which takes in legit company managers, press agents and boxoffice and is seeking to gain a foothold in the industry. Explained that while the TMAT is taking in actual press agents with the picture companies, the AAG is after the office employees in the departments.

Fear had been expressed among TMAT members that, if a CIO union became established in the film publicity and advertising field, it might use that position as a lever to get into legit, particularly if the picture financing of legit production is resumed as expected. Pointed out that anyone who puts up money for any commercial venture inevitably has plenty to say about how it shall be operated. Therefore if the film companies return to legit producing on a large scale, a CIO union entrenched in the film field might be

Shreveport, La., Jan. 10. Southern editors' association, already in a general vex over the spurge of screen advertising which they look upon as unfair trade practice and unethical competition, are preparing a general blast against these practices. They will spill some vitriolic ink not only on the advertisers who use such a medium but, especially, against the theatres which are entering into a field foreign to entertainment.

The eds are readying a petition to the various state legislatures now in winter sessions asking for some ruling regarding the use of motion picture screens for commercial advertising. They are particularly relying on a campaign to convince the public that the exhibitors are putting something over on 'em when the screens give 'em commercial advertising after they have paid their admissions for entertainment. Already the ball is rolling and the newspapers are adding fuel to this fire by regularly pointing out that the exhibs are making money not only on their admission price but also on the added commercial selling on the screen.

### In Texas Also

Waco, Jan. 10. Theatres which are indulging in commercial enterprises other than the presentation of entertainment, are finding themselves in the midst of a rapidly growing hurricane from several sides. Newspapers around these parts are yelling about the commercial ads on the screen and want the public to know what the theatres are doing. Merchants protest because of the increased practice of theatres to turn their lobbies into general stores.

Merchants Association has lined up with the dailies and is yanking ads from the screens as a direct blow against those theatres using their lobbies to sell merchandise other than candies which come under the heading of general service to the picture patron.

## Foreign Films Must Pay Full Fee for Hays OK

Foreign-made productions coming into the United States and seeking the Hays production code seal, so they may secure bookings in affiliated theatres, must pay the same fee per picture as domestic films. Hays office directors approved the new rule, which became effective the first of this year.

In the past, foreign pictures were handled by the Haysian division at half the price paid by domestic producers. Where the minimum was \$25, formerly a foreign film went through the PCA mill for \$12.50. Now it is \$25 or higher, depending on the size of the production.

### UNMASKING DELAYED

Hollywood, Jan. 10. Start of "Unmasking the Iron Mask," slated for Jan. 15, was set back for Feb. 1 by Edward Small. Delay caused by script difficulties.

able to crowd into the legit press agency, management and boxoffice fields, with a major CIO-AFL battle the result.

However, AAG officials say they have no intention of trying to move into the film publicity field. They are perfectly willing to leave that to the TMAT or any other union which cares to handle it. As for the office workers in the films' advertising and publicity departments, the union is not pushing its drive there very actively, but is merely taking in any such employees who apply for membership.

# 'Kentucky,' Disney's 'Ferd' Winning L. A. Combo, \$31,500; 'Liner'-Night' 14½C; 'Pyg' Strongest of H.O. Films

Los Angeles, Jan. 10.  
For second week in row Fox-West Coast day-date lurers, State and Chinese, are topping town on combined take this stanza with 'Kentucky,' solo billed, and Disney's color cartoon, 'Ferdinand, the Bull,' as added attraction.

Quite a few holdovers, comprising WB's 'Going Places' and 'Devil's Island' for five days each at the Downtown, and 'Howard' (Artists and Models) at the Paramount, and 'Pygmalion,' at the Four Star, where it is now in third profitable week. Metro's 'Sweethearts,' on move-over for continued first run, will add another \$12,000 to first week's take.

**Estimates for This Week**  
Chinese (Grauman-F.W.C.) (2,024; 30-40-55)—'Kentucky' (20th) and 'Ferdinand Bull' (Disney). Single bill with much-discussed Disney cartoon, both in Technicolor, looks like smart \$15,000. Previewer Jesse Janney (B) helped materially. Last week, 'Sweethearts' (M-G), aided by heavy holiday trade, gave big \$20,100.  
Downtown (WB) (1,800; 30-40-55)—'Going Places' (WB) and 'Devil's Island' (WB) dual (2d week). Being held five days for second week, with house then reverting back to Thursday opening. Looks like \$5,500 on stanza, after initial week piled up close to \$14,000.

Four Star (F.W.C.-UA) (900; 40-55)—'Pygmalion' (M-G) (3d week). Solid show set \$5,500 for third stanza, after second week piled up excellent \$6,600. Will probably stick for three months.

Hollywood (WB) (2,750; 30-40-55)—'Going Places' (WB) and 'Devil's Island' (WB) dual (2d week). Holdover of five days bringing \$5,000. First week satisfactory \$12,500.  
Paramount (2,812; 30-40-55)—'Pacific Liner' (RKO) and 'Exciting Night' (U). Will bring around \$7,000. Last week, 'That Woman Again' (Col) and 'Newsboys' Home' (Col), fair \$9,000.  
Paramount (3,595; 30-40-55)—'Artists and Models' (Par) and stage show (2d week). Second week not very encouraging, so will have to be satisfied with \$5,500. Initial seven days piled up very lucrative \$22,000, with holiday big responsible for most of take.

2,872; 30-40-55)—'Pacific Liner' (RKO) and 'Exciting Night' (U). dual. Looks like \$7,500. Last week, 'That Woman Again' (Col) and 'Newsboys' Home' (Col), okay \$10,250.  
Loew's (Loew's) (2,100; 30-40-55)—'75'—'Kentucky' (20th) and 'Ferdinand Bull' (Disney). All-Technicolor bill, with single feature drawing above average for merry \$15,000. Last week, 'Sweethearts' (M-G), after terrific New Year's Eve and end of biz, ended with \$22,600, in the bill.

United Artists (F.W.C.) (2,100; 30-40-55)—'Sweethearts' (M-G). Doing right smart on move-over and looks like excellent \$5,000. Last week, 'That Woman Again' (Col) and 'Christmas Carol' (M-G), disappointing \$3,200.

Wildfire (F.W.C.) (2,296; 30-40-55)—'Sweethearts' (M-G). Beverly Hills mob not giving this move-over much of a play, so answer will probably be \$7,000. Last week, 'West with Hardeys' (M-G) and 'Christmas Carol' (M-G), despite holiday take, disappointing \$5,300.

## 'STAND UP,' 'PATROL' EACH NICE 5½C, OKLA.

Oklahoma City, Jan. 10.  
'Stand Up and Fight,' at Criterion, and 'Dawn Patrol,' at Midwest, each doing good \$5,500. 'Listen Darling' is coping nice \$3,000 at Tower.

'Out West with Hardeys' moves to Plaza for third week.

**Estimates for This Week**  
Criterion (Stan) (1,500; 25-35-40)—'Stand Up' (M-G). Good \$5,500. Last week, 'Out West Hardeys' (M-G) (2d week), cleaned up at \$5,800.

Liberty (Stan) (1,200; 20-25)—'Flirting Fate' (M-G) and Taylor Trent's 'Harlem on Parade,' colored unit. Should sweeten kitty for fifty \$4,000. Last week, 'Tough Guy' (U) and 'Swing Sings' (U), okay \$3,100.

Midwest (Stan) (1,500; 25-35-40)—'Dawn Patrol' (WB). Nice coin at \$5,500. Last week, 'Artists and Models' (Par), 30-40-55, \$5,500.

Plaza (Stan) (750; 20-35-40)—'Out West Hardeys' (M-G). Should cop neat \$2,300. Last week, 'Sweethearts' (M-G) (2d week), nice \$2,200.

Tower (Stan) (1,000; 25-35-40)—'Listen Darling' (M-G). Good \$3,000. Last week, 'Thanks Everything' (20th), average \$2,500.

## Broadway Grosses

Estimated Total Gross  
This Week.....\$285,000  
(Based on 12 theatres)

Total Gross Same Week  
Last Year.....\$291,200  
(Based on 12 theatres)

## 'WINDS' HOT 13C IN BRIGHT CINCY

Cincinnati, Jan. 10.  
Trade in the ace houses is off to a zippy '39 start. Current 'b.o. above par, following great New Year's week b.b.

'Dawn Patrol,' at Albee, and 'Trade Winds,' at Palace, are neck-and-neck for this week's top take. Capitol has a socko second-run grosser in 'Kentucky,' which set the burg's high mark for quite a spell last week at the Palace. 'Sweethearts' is another h.o. that's continuing strong on the main b.b.

Vaudfilm Schubert is personifying Henry Busse's band this week with 'Swing, Sister, Swing,' to lukewarm returns. Orpheum moved in from a fortnight's stay at the Netherland Plaza's swank Pavilion Caprice nitery.

**Estimates for This Week**  
Albee (RKO) (3,300; 35-42)—'Dawn Patrol' (WB). Great \$13,500. Last week, 'Artists and Models' (Par), \$10,000, poor.

Capitol (RKO) (2,000; 35-42)—'Kentucky' (20th) (2d run). Terrific \$9,000. Will be 'Moved over' to 'Sweethearts' (M-G) (3d wk.), swell \$6,500.

Family (RKO) (1,000; 15-25)—'Bengal' (Rep) and 'Broadway Musicians' (Rep), split. Averaging \$2,100. Same last week with 'Frontier Scout' (GN), 'Shanghai' (GN), 'Strange Faces' (U), separate.

Grand (RKO) (1,200; 25-40)—'Sweethearts' (M-G). Moved over from Capitol for third-run and fourth week. Big \$3,800. Will h.o. Last week, 'Thanks for Everything' (20th) (2d run), poor \$2,000.

Keith's (Liberty) (1,500; 25-40)—'Girl Downstairs' (M-G). Pleasant \$4,800. Last week, 'Woman Again' (Col), fifty \$6,000.

Lyrie (RKO) (1,400; 35-42)—'Crooked Mile' (Par). Jerked after pulling less than \$1,000 in three days. 'Flirting with Fate' (M-G) shoved in cold Sunday (8) to fill out week.

Last week, 'Newsboys' Home' (U), fair \$4,000.

Palace (RKO) (2,600; 35-42)—'Trade Winds' (UA). Excellent \$13,000. Last week, 'Gangster's Boy' (M-G), when \$21,000 for town's best gross in months.

Schubert (RKO) (2,150; 35-40-60)—'Swing, Sister' (RKO) and Henry Busse's 'Swing, Sister, Swing' (RKO), with 'Annabel' (RKO) and vaude, good \$13,500. Two reserved-seat performances New Year's Eve at \$125 top.

Tati (Ind) (2,500; 42-60)—'Righted last week for special engagement of Phil Spitalny's 'Hour of Charm' (M-G), under auspices of I.A.T.S.E. local No. 5's benefit fund. Two New Year's shows on reserved-seat plan at \$125 top. Hefy ad campaign and raft of publicity breaks. Tugged fair \$9,500.

## TAYLOR-BEERY SMASH \$9,000 IN SEATTLE

Seattle, Jan. 10.  
Holdovers and moveovers dominate this week after big take over New Year's week, especially in the larger houses and those having special ad publicity breaks. Tugged fair \$9,500.

'Stand Up and Fight,' Taylor-Beery opus, is cleaning up at Paramount.

**Estimates for This Week**  
Blue Mouse (Hamrick-Evergreen) (850; 32-37-42)—'West with Hardeys' (M-G) and 'Man Remember' (RKO) (4th wk.). Expect good \$2,200. Last week, same films, third week in town (first at this house), neat \$3,000.

Coliseum (Hamrick-Evergreen) (1,900; 21-32)—'Great Naitz' (M-G) and 'Touchdown Arm' (Par), six days. Anticipated only \$1,900, poor. Last week, 'Widow' (U) and 'Murder' (20th), \$1,100, good.

Colonial (Sterling) (800; 10-21)—'Red River Range' (Rep) and 'Ferdinand Bull' (Disney), split with 'Weekend' (GB) and 'Ferdinand Bull' (Mono). Indicate \$2,100, good. Last week 'Frontierman' (Par) and 'Criminal' (Mono), split with 'Headlines' (Col) and 'Tracy Returns' (Rep), okay \$2,800.

Fido Avenue (Hamrick-Evergreen) (2,349; 32-37-42)—'Sweethearts' (M-G) (2d wk.). Big \$6,000. Last week, same film, sensational \$13,000.

Liberty (J-VH) (1,800; 21-32-42)—'Woman Again' (Col) and 'Spy Ring' (Col). Nine-day week, indicate big \$4,300. Last week 'My Heart' (UA) and 'Crime Holds' (Col) five days of second week, okay \$3,100.

Muscle Box (Hamrick-Evergreen) (850; 32-37-42)—'Kentucky' (20th) and 'Spring Madness' (M-G). Moved from Paramount, about \$3,000. Last week 'Artists and Models' (Par) and 'Down Farm' (20th), second week, swell \$2,100.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42)—'Dawn Patrol' (WB) and 'Thanks Memory' (Par) (2d wk.). Anticipated \$5,500 in six days, big. Last week, same pair soared to great \$11,000.

Palomar (Sterling) (1,350; 16-27-37-42)—'Harvest Moon' (Rep) and 'Outlaw Streets' (Rep) plus 'Paradise Islands Revue' Hawaiian unit getting top bill. Paced to land big \$5,000. Last week 'Exposure' (U) and 'Titans of Deen' (GN), with vaude, \$4,100, okay.

Paramount (Hamrick-Evergreen) (3,650; 32-37-42)—'Stand Up' (M-G) and 'Nancy Drew' (WB). Great \$9,000. Last week 'Kentucky' (20th), big \$8,000.

Seavell (Sterling) (800; 21-32)—'Certain Age' (U) and 'Accused' (Rep) (retitled locally 'Kid Mouthpiece'), plus 'Ferdinand' (RKO) for extra measure. Expect about \$2,500. Last week 'Arkansas Traveler' (Par) and 'Miss Mantion' (RKO), \$3,000, good.

Swamp (Hamrick-Evergreen) (3,650; 32-37-42)—'Stand Up' (M-G) and 'Nancy Drew' (WB). Great \$9,000. Last week 'Kentucky' (20th), big \$8,000.

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# Mpls. Finally Comes Out of Mourning; 'Sweethearts' 12G, 'Patrol' 9G, Hefty

## Key City Grosses

Estimated Total Gross  
This Week.....\$1,547,400  
(Based on 26 cities, 178 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week  
Last Year.....\$1,532,100  
(Based on 24 cities, 162 theatres)

## LINER-OSBORNE GOOD 14G IN ROSY BALTO

Baltimore, Jan. 10.

Continued move doings here after holiday spurt, with all downtowners holding up nicely in spite of almost unanimous h.o. attractions. Second week of 'Sweethearts' at Loew's Century, is doing well. Stanley also keeping pace, with 'Dawn Patrol' attracting a steady day and night play.

Asstute program built by combo Hipp, with 'Pacific Liner' bolstered by strong stage lineup headed by Will Osborne orch. and p. a. of Ann Miller, plus current March of Time, 'The Refugee,' clicking solidly.

**Estimates for This Week**  
Century (Loew-VA) (3,000; 15-25-35-40)—'Sweethearts' (M-G) (2d week). Holding up in excellent style with gratifying \$13,000 after booming opener to \$19,000.

Hippodrome (Hippodrome) (2,205; 15-25-35-40)—'Pacific Liner' (RKO) plus p. a. of Will Osborne orch. and Anne Miller and current issue of March of Time, 'The Refugee.' Combining to do okay \$14,000. Last week, 'Woman Again' (Col) plus vaude, cashed in on holiday trade for socko \$17,000.

Keith's (Schanberg) (2,400; 15-25-35-40)—'Son of Frankenstein' (U) opens tomorrow (Wed.). Last week, mild response to 'Heart of North' (Par) at \$4,500.

New (Mechanic) (1,558; 15-25-35-40)—'Kentucky' (20th) (2d week). Consistent going to possible \$3,500 after okay opening session to \$5,300.

Stanley (WB) (3,250; 15-25-35-40)—'Dawn Patrol' (WB) (2d week). Very steady play to indicated \$9,000 after ringing the bell solidly for \$15,500 in opening session.

## 'SWEETHEARTS' TORRID \$11,000 IN MILD OMAHA

Omaha, Jan. 10.

'Sweethearts,' on a dual, is living up to its name at the Omaha, pulling a terrific \$11,000. Will undoubtedly be held for a second stanza.

'Dark Patrol' surprising at Brandeis by grossing dandy \$5,000, while 'Dramatic School,' at Orpheum, is suffering from competition. Mild weather helping theatre business generally.

**Estimates for This Week**  
Avenue-Dunco-Military (Goldberg) (950-810-10-25)—'Arkansas Traveler' (Par) and 'Listen Darling' (M-G) dual, split with 'Breaking News' (RKO), 'Arkansas Traveler' (U), and 'Sons Legion' (Par), triple. Good \$2,300. Last week, 'Suez' (20th) and 'Brother Rat' (FN), dual, split with 'Miss Mantion' (RKO), 'Garden of Moon' (FN), and 'Racket Busters' (FN), tripler, \$2,500, great.

Brandeis (Singer-RKO) (1,250; 10-25-35-40)—'Dark Patrol' (U) and 'Merry' (RKO). Gross \$5,000. Last week, 'Going Places' (FN) and 'Storm' (U), \$6,100, excellent.

Omaha (Blank) (2,200; 10-25-40)—'Sweethearts' (M-G) (2d week). Nurse (U). Smash \$11,000. Last week, 'Artists and Models' (Par) and 'King Alcatraz' (Par), \$9,400, swell.

Orpheum (Blank) (3,000; 10-25-40)—'Dark Patrol' (U) and 'Merry' (RKO). Gross \$5,000. Last week, 'Going Places' (FN) and 'Storm' (U), \$6,100, excellent.

Lawless Valley (RKO), 'Meet Girls' (20th), and 'Cipher Bureau' (GN), first-run tripler, split with 'Wee Wee' (Col), first-run (Par), and 'Brother Rat' (FN), \$11,000. Last week, 'Boo!oo' (Par), 'Rhythm in Saddle' (Rep), and 'Mr. Wong' (Mog), first-run tripler, split with 'Suez' (20th) and 'Miss Mantion' (RKO), tripler, \$1,800, nice.

Minneapolis, Jan. 10.  
After a long stretch of doldrums, business currently is enjoying a new lease on life. Aided by a return of mild weather and gradual elimination of hazardous driving conditions, the box office once more is coming into its own, looking more like old, normal times.

Both 'Sweethearts' and 'Dawn Patrol,' at the State and Orpheum, respectively, are cutting a considerable box office swath. 'Out West with the Hardeys' continues in its first downtown week and still earning a sizable profit for the Loew's. The sure-seater Time also is in the money with a first-run, 'Gangster's Boy' while 'Blonde,' too, is faring well at the Goshens.

All in all, it's very encouraging, especially so in view of the strong opposition from George M. Cohan and his 'I'd Rather Be Right' at the Lyceum. Optum comes just when every eye is turned toward the outlook held little hope.

**Estimates for This Week**

Aster (Par-Singer) (900; 15-25-35-40)—'Storm' (U) and 'On Farm' (20th), dual first-runs. Good \$11,000 in prospect. Last week 'Tombsone' (RKO) and 'Nancy Drew' (WB), dual first-runs, \$1,500, okay.

Century (Par-Singer) (1,600; 25-35-40)—'Hardy's' (M-G) (3d wk.). Best money-maker in town the past two weeks by far. Still sailing along at fast clip. Stretching toward great \$5,000. Last week \$7,000, fine after big \$9,000 first week at State.

Gopher (Par-Singer) (998; 25-35-40)—'Blonde' (Col). Getting plenty of first week play. Tribune, which runs comic strip, 'Younger set seems to have taken this house to its heart and it is thriving. Smash \$4,500 indicated. Last week 'Up River' (20th), big \$3,500—best week's business since opening.

Orpheum (Par-Singer) (2,800; 25-35-40)—'Dawn Patrol' (WB). Opened two days ahead of schedule and will run eight days. Slipped by critics and audience, apparently, word of mouth. Zooming toward big \$9,000. Last week 'Thanks Everything' (20th), yanked after five horrible days, getting only \$500, even with midnight New Year's eve shows and holidays.

State (Par-Singer) (2,800; 25-35-40)—'Sweethearts' (M-G). Eddy, Donald combo still potent box office force, apparently, and picture is very well liked. Hitting splendid \$12,000 pace. Last week 'Artists and Models Abroad' (Par), 2d week, poor, considering New Year's week.

Time (Berger) (200; 15-25-35-40)—'Gangster's Boy' (Mono) (2d wk.). Best draw this house has had in \$5,000. Jackie Cooper, a magnet. Looks like good \$9,000. Last week \$700, fair.

Uptown (Par) (1,200; 25-35-40)—'Can't Take It' (Col). First neighborhood showing. En route to big \$5,500. Last week 'If King' (Par), \$2,800, fair.

Victor (Stiefes) (350; 25-35-40-55)—'To Victor' (GB). Muchly praised, but is having tough going at box office. Should build, however, in class spot catering to carriage trade. Last week \$800. Last week 'Moonlight Sonata' (Indie) (5th wk.), \$900, poor.

## BUFF. IN MUDDLE; 'PATROL' BRIGHT 10G

Buffalo, Jan. 10.

Local picture situation is badly scrambled by a readjustment following switches of regular schedules due to holidays. Figures, which were strongly up, for New Year's weekend are flattening out.

Three holdovers are holding down current stanza to average takings.

**Estimates for This Week**  
Buffalo (Shea) (3,500; 30-35-55-60)—'Dawn Patrol' (WB). Aiming at \$10,000 for this looks good for perhaps \$10,000. Last week, eight days, drew excellent \$21,000.

Century (Shea) (3,000; 25-35-40)—'Going Places' (WB) and 'Devil's Island' (WB) dual. Good \$11,000. Last week, eight days, drew \$5,000. Last week, eight days, banner \$11,500.

Great Lakes (Shea) (3,000; 30-35-60)—'Dawn Patrol' (WB). Aiming at \$10,000, good. Last week, 'Kentucky' (20th), excellent \$16,200.

Hipp (Shea) (2,100; 25-40)—'Kentucky'

# Vaude Highlights Chi Grosses; Perks 'Kentucky' to 34G, 'Sub,' \$18,500, McGee-'Angel' Big 20G

Chicago, Jan. 10. Loop got away to a good start on this week's grosses, with the vaude-filmer Palace leading the pace on the personal of the Fibber McGee unit. Radio build of this act is sufficient to guarantee boxoffice results in all spots. It's proving this currently by pulling the Palace out of the gutter, in which it has been resting for several weeks, and putting the house back on the right side of the ledger.

Tied in with a picture of little consequence, the McGee line-up is the sole reason for the excellent business, despite fact that the company has already played to 100,000 or so radio fans who crowd in for gratis studio broadcasts.

Other vaude spots in the loop are also doing well, running ahead of the straight flicker houses. Oriental and State-Lake are battling it out in pop-priced field with 40c top vaudeum filer. With the 'Submarine Patrol' flicker, the Oriental appears to have the better of it by several thousand.

Topping the vaudeummers due to flicker strength is the Chicago, which is garnering flattering biz with 'Kentucky'.

## Estimates for This Week

**Apollo** (B&K) (1,200; 35-55-65-75) —'Going Places' (WB). Somewhat of a come-down for a Dick Powell flicker. On general name strength will snatch good \$6,000. Last week 'Dramatic School' (M-G), ok \$7,400 with holiday boostings.

**Chicago** (B&K) (4,000; 35-55-75) —'Kentucky' (20th) and stage show. Looking up to satisfying \$34,000 on the session, getting particularly fine snip from the 40c top vaudeum. Last week 'Paris Honeymoon' (Par) and vaude, big \$49,000.

**Garlick** (B&K) (900; 35-55-65-75) —'Paris Honeymoon' (Par). Moved here from Chicago and heading for bright \$6,000. Last week 'Artists and Models' (Par) got most of its play on the single New Year's eve, for good \$7,200 total.

**Oriental** (Jones) (3,200; 25-35-40) —'Submarine' (WB) and vaude. Strong week in prospect on general show line-up and taking the gross up to brilliant \$18,500. Last week 'Furnished Angel' (RKO), beautiful \$25,800.

**Palace** (RKO) (2,500; 25-55-65-75) —'Fibber McGee' (RKO) and Fibber McGee unit on stage. Strictly on the stage currently, which is booming in register into high regions with smacking \$20,000. Last week 'Up River' (20th) and vaude, with reserved seat shows New Year's Eve, good \$23,000.

**Roosevelt** (B&K) (1,500; 35-55-65-75) —'Trade Winds' (UA) and vaude. Winding up today (Tuesday) and will be replaced by 'Beachcomber' (Par). Finishing to good \$9,000. Last week was strong \$13,200.

**State-Lake** (Jones) (2,700; 25-35-40) —'Torchy' (WB) and vaude. Another good session in prospect and looks for perky \$13,000 on week. Last week big \$17,800 for 'Crime Takes Holiday' (U).

**United Artists** (B&K-UA) (1,700; 35-55-75) —'Sweethearts' (M-G) (2d wk). Coming along in second session to splendid \$13,000, following smashing \$19,900 last week.

## Little Xmas Helps Mont'; 'Storm'-Vaude OK \$6,000

Montreal, Jan. 10. Little Christmas, French-Canadian holiday, packed first-run opening night of current week's grosses, and will handily jack up grosses. Last week's grosses here also above average and to midnight shows New Year's Eve.

Repeat session of 'Sweethearts', Palace, is likely to top town currently at \$6,500.

## Estimates for This Week

**Palace** (CT) (2,700; 25-55-85) —'Sweethearts' (M-G) (2d wk). Should gross good \$6,500. Last week's gross of \$11,000 best in many weeks.

**Capital** (CT) (2,700; 25-55-85) —'Dramatic School' (M-G). Pacing for \$5,000, good. Last week 'Artists and Models' (Par), good \$5,500.

**Orpheum** (CT) (2,800; 25-34-40) —'Storm' (U) and vaude. Outlook is for \$6,000, good. Last week 'Annabelle' (RKO) and vaude, excellent \$9,000.

**Princess** (CT) (2,300; 25-34-50) —'Submarine Patrol' (20th) and 'Exciting Night' (20th). Around \$4,000, good. Last week 'Sisters' (WB) and 'Good Wall' (WB), ok \$3,800.

**West Point** (UA) and 'Doodle' (RKO). No better than \$2,500, fair.

Last week's repeat session of 'Trade Winds' (U) and 'Orphan Annie' (RKO), poor \$2,000.

**Cinema** (France-Film) (600; 25-50) —'Katie' (2d wk). Poorish \$1,200, after fair \$1,800 last week.

**St. Denis** (France-Film) (2,300; 20-34) —'Les Soeurs Blanches' and 'Les Nouveaux Riches'. Pointing to fair \$4,500. Last week 'La Porte Enchantée' and 'Tragedie Imperiale', got by at \$4,000.

## BEERY-TAYLOR SOCK \$18,000 IN PHILLY

Philadelphia, Jan. 10.

With a fair sprinkling of product in the first-runs and the holiday let-down not quite so bad as anticipated, Philly biz is just about managing to hang on. There's no room for any cheering, as receipts are below last year's, but there's likewise no undue pessimism. Aggregate figure is somewhat off, with h.o.s. in two majors and pix being reshuffled to get houses back on their regular opening days.

Only standout this seah is 'Stand Up and Fight', at the Stanley, the marquee names proving a needed hypo. It's set for almost \$18,000. Town's b.o. amaze twin bill of 'Dracula' and 'Frankenstein', finally leaves the 350-seat Studio tomorrow (Wed.), completing seven weeks. Brought in originally for three weeks.

## Estimates for This Week

**Aldine** (WB) (1,303; 42-57-68-75) —'West Point' (UA) (2d wk). Finishes up 3d week on Friday, 6th day of second week. Grabbing \$7,300 for short week, good, and being shoved out only to get the house back on opening day policy and to bring 'Torchy' in. Last week clicked off okay \$12,800.

**Boyd** (WB) (2,350; 37-57-68-75) —'Sweethearts' (M-G) (3d wk). Kiss good-bye to tomorrow (Wed.) on sixth week and five days. \$9,200 for the latter period strong, but, like the Aldine, house must get back to policy of Wednesday preems and head-on hammering at the portals. Last week, \$20,600, particularly nifty.

**Earle** (WB) (2,758; 26-37-42-57-68) —'Going Places' (WB). Bob Crosby over the stage. Hitting first-run week at \$20,000. Last week 'Girl Downstairs' (M-G) and Ken Murray, Lionel Stander, Eleanor Whitney and Gene Austin on stage, aided by holiday performance at hyped scale, powerful \$27,900.

**Fox** (WB) (2,423; 37-57-68-75) —'Artists and Models' (Par). Notices mixed. Extremely mild \$13,500. Last week, 'Kentucky' (20th) got eight days and only \$11,400, very poor.

**Karlton** (WB) (1,066; 37-42-57-68) —'Kentucky' (20th) (2d run). Despite and in first-run Fox, doing tolerably well here at \$4,800. Last week 'Thanks Everything' (20th), helped by 'Ferdinand', highly satisfactory \$5,300.

**Kelth's** (WB) (1,870; 37-42-57-68) —'Dawn Patrol' (WB) (2d run). Neat \$5,800. Last week 'Trade Winds' (UA) (2d run), got only six days because of a view of 10 days preceding this run at the Aldine.

**Stanley** (WB) (2,916; 37-57-68-75) —'Stand Up' (M-G). Drat of Beery-Taylor names firing this up to sock \$18,000. Last week, 'Dawn Patrol' (WB) (2d wk), moderate \$12,200.

**Stanton** (WB) (1,457; 26-37-42-57-68) —'Newboys Home' (U). Doing par \$5,100. Last week, 'Devil's Island' (WB), impregnable at ultra-powerful \$8,000.

## 'KENTUCKY' BIG \$12,500 DESPITE DENVER SNOW

Denver, Jan. 10. Biz is strong in nearly all the first runs despite heaviest snowfall of the winter Sunday night (8). Films are holding 12 days each at the Aladdin and Denver, due to both good biz and houses' desire to get back to earlier openings.

## Estimates for This Week

**Aladdin** (Fox) (1,400; 25-40) —'Dawn Patrol' (WB), after a week at the Denver. Strong \$4,500. Last week, 'Trade Winds' (UA) after a week at the Denver, good \$4,000.

**Broadway** (Fox) (1,100; 25-40) —

## First Runs on Broadway

(Subject to Change)

Week of Jan. 12

Astor — 'Pygmalion' (M-G)

(6th wk).

Capitol — 'Marie Antoinette' (M-G).

(M-G).

Criterion — 'Arrest Bulldog Drummond' (Par).

Globe — 'The Lady Vanishes' (20th-Fox-GB) (4th wk).

Music Hall — 'Tradewinds' (UA).

(Reviewed in VARIETY, Dec. 21)

Paramount — 'Zaza' (Par) (2d wk).

Rialto — 'Pacific Liner' (RKO).

(Reviewed in VARIETY, Dec. 29)

Rivoli — 'The Beachcomber' (Par) (4th wk).

Roxy — 'Jesse James' (20th) (13).

(Reviewed in Current Issue)

Strand — 'Going Places' (WB) (2d wk).

Week of Jan. 19

Astor — 'Pygmalion' (M-G)

(7th wk).

Capitol — 'Marie Antoinette' (M-G) (2d wk).

Criterion — 'Disbarred' (Par).

(Reviewed in Current Issue)

Globe — 'The Lady Vanishes' (20th-Fox-GB) (5th wk).

Music Hall — 'Great Man Votes' (RKO).

(Reviewed in Current Issue)

Paramount — 'Zaza' (Par) (3d wk).

Rivoli — 'The Beachcomber' (Par) (5th wk).

Roxy — 'Jesse James' (20th) (2d wk).

Strand — 'They Made Me a Criminal' (WB) (20).

'Up River' (20th) and 'Blondie' (Col), both after a week at the Paramount.

Week \$1,000. Last week, 'Christmas Carol' (M-G) and 'Whirling Fate' (M-G), fair \$3,000, after a week at Orpheum.

**Benjamin** (Cockrill) (1,750; 25-35-40) —'Artists and Models' (Par).

Strong \$8,200. Last week, 'Tom Sawyer' (Par) and 'Chico', fair \$5,500.

**Denver** (Fox) (2,525; 25-35-50) —'Kentucky' (20th). Big \$12,500. Last week, 'Dawn Patrol' (WB), nice \$9,000.

**Orpheum** (RKO) (2,600; 25-35-40) —'Sweethearts' (M-G) (2d wk).

Strong \$10,000. Last week, 'Sweethearts' (M-G) ran close to the house record in taking \$17,200.

**Paramount** (Fox) (2,200; 25-40) —'Tough Guys' (U) and 'On Farm' (20th). Nice \$4,000. Last week, 'Blondie' (Col) and 'Up River' (20th), big \$5,000.

**Rialto** (Fox) (878; 25-40) —'Trade Winds' (UA) after a week at each the Denver and Aladdin, and 'Last Warning' (WB) (20th) and 'Stand Up' (M-G), after a week at each the Denver and Aladdin, and 'His Exciting Night' (U), good \$2,000.

**Strand** (WB) (2,200; 25-40) —'Going Places' (WB). Strong \$10,000. Last week, 'Going Places' (WB) and 'Stand Up' (M-G), after a week at each the Denver and Aladdin, and 'His Exciting Night' (U), good \$2,000.

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## Pitt Skids; 'A&M'-Block & Sully-Knight Weak \$16,000, 'Kentucky' Nice \$10,000

Pittsburgh, Jan. 10. Biz drooping somewhat after healthy New Year's week take, best hope in some time. Drop isn't as noticeable as its been in past. In fact, several of current attractions are holding up remarkably well and general showing looks unusually satisfactory.

'Cowboy and Lady' and 'Kentucky' are leading the pack, former at Penn and over-riding bad notices, while latter's doing enough at Alvin to get a second week at Harris' other downtown first-run site, the Senator. Flesh, headed by Block and Sully, Harry Knight and Phil Regan, 'Jolting' Artists and Models Abroad' fairly well at Stanley, with 'Sweethearts' okay at Warner after being moved from Penn after seven days there.

**Estimates for This Week**  
Alvin (Harris) (1,800; 25-35-50)—'Kentucky' (20th). Doing all right here and in six days—house pulling it day ahead of time in order to get back to a Thursday opening—will come up with pretty close to \$10,000. Gets second week at Alvin's sister-house, Senator. Last week, fair \$2,700. 'Shining Hour' (Col.) (Col.), neat \$16,000.

Fulton (Shea-Hyde) (1,750; 25-40)—'Chaser' (M-G). Brutal and goes out tomorrow (11) after day in double \$1,500. House still staggering around for product and hasn't anything important in sight until 'Tallspin' (20th), Feb. 10. Trying until Jan. Valentine's reissue, 'The Eagle' (indie) with personal appearance of Indian princess, Rosebud Yellow Robe, \$5,000, awful for a holiday stanza.

Penn (Loew's-UA) (3,300; 25-35-50)—'Cowboy and Lady' (UA). Headed for around \$14,500, which isn't bad in view of the fact that last week, 'Sweethearts' (M-G), biggest thing here in long time at \$25,000. Senator (Harris) (1,850; 25-40)—'Twentieth Century' (Rep.). Reissue of old Barrymore-Lombard hit got a lot of favorable attention from the press, but house still having a tough time of it. In addition to two nights weekly now, also using a gift nite and one with cash prizes for photo-magic eye. Not much more than \$1,700 in sight. Last week, fair \$2,700. 'Shining Hour' (Col.) (Col.) and 'Freshman Year' (U).

Stanley (W.B.) (3,600; 25-40-60)—'Artists and Models' (Par) and Phil Regan-Fuzzy Kicker (Block and Sully). Combo just fair, and paced for ordinary \$16,000. Flesh bringing in most of it for flicker, playing alone on Sunday without show and and also nosediving in territory generally. Last week 'Young in Heart' (UA) and Bob Crosby's band, wowed 'em at better than \$27,000.

Warner (W.B.) (2,000; 25-40)—'Sweethearts' (M-G). Moved here from Penn. Headed for next \$7,000. Last week 'West with Hardys' (M-G), corking \$9,000.

## 'HOUR' - 'SCHOOL' - GO ON \$32,000, 2 HUB SPOTS

Boston, Jan. 10. 'Shining Hour' and 'Dramatic School', doubled, are reaping a big take at the State and Orpheum. 'Kentucky', on dual bill at the Met, better than average.

Blackstone, on stage of the Boston, originally booked for week-end, is being held over for full stanza. Boston (RKO) (3,200; 25-40-40)—'Adventure in Sahara' (Col.) and 'Tombstone' (RKO), dual, with Blackstone magic show on stage. Earning hefty \$15,000. Blackstone (2d run) replaced 'Tombstone' beginning Monday (9). Stage show held full week, instead of three days. Last week 'Freshman Year' (U) and 'Juvenile Court' (Col.) vaude, for four days, and 'Suez' (20th) and 'Man Remember' (RKO) (2d runs), three days, tallied nice \$17,000, including midnight show at \$1,100.

Fenway (M&P) (1,332; 25-35-40-55)—'Going Places' (WB) and 'Comet Broadway' (WB). So-so \$6,000. Last week 'Artists and Models' (Par) and 'Tom Sawyer' (Par), okay \$7,500.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'Woman Again' (Col) and 'Newsboys Home' (U). Stuffing at \$14,000 pace, last week \$9,200. 'Thanks for Everything' (20th) and 'Last Warning' (U), very good \$24,800.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Kentucky' (20th) and 'Up River' (20th). Okay \$21,000 indicated. Last week 'Paris Honeycomb' (20th) and 'Storm Bengal' (Rep), with 'Kentucky' and 'Up River' for midnight show, fair \$19,000.

Orpheum (Loew) (2,900; 25-35-40-55)—'Shining Hour' (M-G) and 'Dramatic School' (M-G). Very good \$18,000. Last week (11 days), 'West with Hardys' (M-G) and 'Kildare' (M-G), smash \$34,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Going Places' (WB) and 'Comet Over Broadway' (WB). Poor \$8,000. Last week, 'Artists and Models' (Par) and 'Tom Sawyer' (Par), n.s.h. \$11,000.

Scotlay (M&P) (2,538; 25-35-40-55)—'Artists and Models' (Par) (3d run) and 'Crooked Mile' (Par) (3d run). Okay \$6,000. Last week 'Sud Patrol' (20th) and 'Thanks Memory' (Par), 3d run, adequate \$8,000.

State (Loew) (3,600; 25-35-40-55)—'Shining Hour' (M-G) and 'Dramatic School' (M-G). Getting big play, around \$14,000. Last week (11 days), 'West with Hardys' (M-G) and 'Dr. Kildare' (M-G), socko \$25,000.

Indianapolis, Jan. 10. Grosses have slipped backwards following the short surge of prosperity enjoyed over the holidays with midnight shows and tilted prices. 'Paris Honeycomb' is sending the Indians' figures to healthy regions, however, to be the only first run to improve its take over New Year's week.

'Kentucky' at the Circle, is in third week of its downtown run and still shows strength. 'Sweethearts' is doing fairly well at Loew's in its second stanza. The vaudeville Lyric is just on the profit side with 'Going Places' and show headlining Gang Busters.

**Estimates for This Week**  
Apollo (Katz-Dolle) (1,100; 25-30-40)—'Tom Sawyer' (Par) and 'Man Remember' (RKO). Middling at \$2,300. Last week, 'Dawn Patrol' (WB) and 'Marry' (RKO) moved over from Circle, did solid biz at \$4,200.

Circle (Katz-Dolle) (2,600; 25-30-40)—'Kentucky' (20th) and 'On Farm' (20th) (2d wk). Showing unusual pull in second week at this house after being moved over from Indiana following initial sech. With touch \$5,800, fine. Last week, same combination, good \$7,800.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Nurse' (U), Bing Crosby is magnet here; nifty \$8,200. Last week, 'Artists and Models' (Par) and 'Last Warning' (U) \$6,800.

Loew's (Loew's) (2,400; 25-30-40)—'Sweethearts' (M-G) (2d wk). In black at \$5,000. Same picture, socko \$12,800. Last week, 'Up River' (20th) (2d wk).

Lyric (Loew) (1,900; 25-30-40)—'Going Places' (WB) and vaude headlining Gang Busters radio troupe. Latter given plenty of billing, but take is barely up to \$8,000. Last week, 'New York Sleeps' and 'Bowes' Ams, \$9,500, okay.

**'Artists-Models' Good \$5,500, Port.; H.O.s OK**  
Portland, Ore., Jan. 10. 'Trade Winds' is a sock at Parker's Broadway and in line to top the city's grosses in its second week. Pic has a heavy buildup and had the stuff to click. Another long distance winner is 'Sweethearts', scoring again in third week at the U. A.

**Estimates for This Week**  
Broadway (Parker) (2,000; 25-30-40)—'Trade Winds' (UA) and 'Girls on Probation' (WB) (2d wk). Mopping up in great style for strong record. First week closed with terrific \$8,700.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—'Dawn Patrol' (WB) and 'Blondie' (Col). Following two weeks at the Paramount, still strong at \$2,500. Last week, 'West with Hardys' (M-G), with 'Broadway Brevities', closed fourth week for okay \$2,100. First three weeks totaled \$12,000.

Orpheum (Hamrick-Evergreen) (1,800; 30-35-40)—'Kentucky' (20th) and 'Marry' (RKO) (2d wk). Okay \$2,000. First week registered strong \$7,700.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40)—'Artists and Models' (Par) and 'Spy Ring' (Col). Good \$5,500. Last week, 'Dawn Patrol' (WB) and 'Blondie' (Col) (2d week), nice \$4,500. Rivoli (Indie) (1,100; 20-25)—'Drums' (UA) and 'Murder' (20th). Average \$1,800. Last week, 'Algiers' (UA) and 'Speed Buggy' (20th) both revivals, good enough at \$1,600.

United Artists (Parker) (1,000; 30-35-40)—'Sweethearts' (M-G) (3d wk). Still strong \$4,700. Second week did strong \$5,800. First, \$7,600.

**HUTTON-CHAN, 12G, PACE K. C.**  
Kansas City, Jan. 10. Theatre route is lively this week with h. o.'s in Midland and Esquire and Uptown, attractive new films in Newman and Orpheum, and a clicking stage show at the Tower. Leader is 'Tower', where combo of Ina Ray Hutton band on stage and Chan film bringing one of its best grosses.

'Dawn Patrol' at the Newman very satisfactory. Orpheum with 'Going Places' and 'Next Time I Marry' only dualler among first runs.

**Estimates for This Week**  
Esquire and Uptown (Fox Midwest) (820 and 1,200; 10-25-40)—'Kentucky' (20th) (2d wk). Second full week here will give 16-day run. Looks for combo of \$6,500, following total for last nine days of \$9,500, very good.

Midland (Loew's) (3,573; 10-25-40)—'Sweethearts' (M-G) (2d wk). Single feature extraordinary in this house, and h. o. very hasn't been accomplishing since 'Test Pilot' (3d) last April. Second week's biz not outstanding at \$9,000, but good for a follow-up week after last week's \$18,000 top.

Newman (Paramount) (1,900; 10-25-40)—'Dawn Patrol' (WB). Singled and giving good account of self; \$8,500, happy. Last week, 'Artists and Models' (Par) \$8,800, good.

Orpheum (RKO) (1,500; 10-25-40)—'Going Places' (FN) and 'Marry' (RKO). Only double bill among first runs in town. Last week, 'Dawn Patrol' (WB) and 'Woman Again' (Col), fair \$5,000.

Tower (Fox Midwest) (2,050; 10-25-40)—'Chute in Chute' (20th) (Fox) with Ina Ray Hutton's band on stage. Pleasing combination of film and vaude totaling up to neat \$12,000. Last week, 'Marry' (RKO) and 'Bengal' film, with 'Frankie Masters' orch and Joy Hedges on stage. Started strong but eased up, \$9,500, medium.

## HUTTON-CHAN, 12G, PACE K. C.

**PROV. EASES OFF, BUT  
BEERY-TAYLOR BIG 15G**  
Providence, Jan. 10. Spotty biz is looked for this week, with 'better' product getting the stronger play. 'Beery-Taylor Beach' last week's swell marks, however.

'Paris Honeycomb', at Strand, is the only holdover, with 'Sweethearts' switching from Loew's to Carlton for second week.

**Estimates for This Week**  
Albee (RKO) (2,200; 25-35-50)—'Pacific Liner' (RKO) and 'Reno' (U) wallowing to so-so \$8,800. Last week 'Newsboys Home' (U) and 'Blaststone' on stage drew \$8,800, n.s.h. for stage show, but still satisfactory.

Carlton (Fay-Loew) (1,500; 25-35-50)—'Sweethearts' (M-G) (2d run). Swell \$6,500. Last week 'Brook Rat' (WB) and 'Nancy Drew' (WB) (2d run), snappy \$7,000.

Fay's (Indie) (2,000; 25-35-40)—'Storm in the Streets' (20th) (Fox) fair \$6,500. Last week 'Up River' (20th) and vaude, nice \$8,500.

State (Loew) (3,200; 25-35-50)—'Dawn Patrol' (WB) and 'Swing, Sister' (U). Climbing to neat \$8,500. Last week 'Thanks Everything' (20th), poor \$5,000.

Uptown (Indie) (2,200; 25-35-50)—'Paris Honeycomb' (Par) and 'Bengal' (Rep) (2d wk). Nice \$6,000. Drew swell \$10,000 in first week.

**B'KLYN B.O. ROSY**  
Angels, 3d, Still Tops with 17G; Vaude-Mile 12½G  
Brooklyn, Jan. 10. Strongest film attraction in downtown sector continues to be 'Angels with Dirty Faces', now in third week at Fabian's Paramount. Next in b. o. is 'The Sign of the Cross' at the 'Christina Carol', at Loew's Metropolitan. Strand, with Ozzie Nelson and Harriet Hilliard on stage and 'Ride a Crooked Mile' on screen, also on black.

**Estimates for This Week**  
Albee (3,274; 25-35-50)—'West Point' (UA) and 'Road Demon' (20th). Satisfactory \$14,400. Last week 'Thanks Everything' (20th) and

## Cooper, OK \$13,000, Powell, \$11,000, Only New Faces on Frisco Screens

'Sharpshooters' (20th), okay \$17,500. Fox (4,069; 25-35-50)—'Dawn Patrol' (WB) and 'Blondie' (Col). Opened Monday (9) to good attendance. Last week 'Artists and Models' (Par) and 'Secrets of Nurse' (U) (2d wk), produced cost \$14,000.

Met (3,618; 25-50)—'Dramatic School' (M-G) and 'Christmas Carol' (M-G). Fine \$16,000. Last week 'Whorly and Lady' (UA) and 'Last Warning' (U), profitable \$18,000.

Paramount (4,126; 25-35-50)—'Angels' (WB) and 'Down Farm' (20th) (3d wk). Will garner first rate \$17,000. Last week, second dueller, profited to tune of record-breaking \$30,000.

Strand (2,870; 25-50)—'Crooked Mile' and vaude featuring Ozzie Nelson and Harriet Hilliard. Good \$12,500. Last week, 'Adventure in Sahara' (Col) and vaude, okay \$14,000.

**Austin-Murray, 'Honeymoon' OK \$17,500 in Wash.**  
Washington, Jan. 10. Earle is leading town with stage show, starring Murray and Gene Austin, billed 'way over Paris Honeycomb'. Combo of critics' rave plus word-of-mouth on stage show should cause h. o. rise.

Capitol is second with 'Duke of West Point'. Real moneymaker of week, however, bids to be second stanza of 'Sweethearts'.

**Estimates for This Week**  
Capitol (Loew) (4,343; 25-35-40-68)—'West Point' (UA) and vaude. No name pic and vaude unable to buck opposition. Won't better weak \$14,000. Last week, 'West with Hardys' (M-G), smash \$30,000.

Columbia (Loew) (1,234; 25-40)—'Young Heart' (UA) (2d run). Return, downstage heading for big \$6,500. Last week, 'Citadel' (M-G) (2d run), nice \$6,000.

Earle (WB) (2,218; 25-35-40-66)—'Paris Honeycomb' (Par) and vaude. Word of mouth and reviews of Ken Murray-Gene Austin stage show carrying house into lead with good \$17,500. Last week, 'Going Places' (WB) satisfactory \$15,500.

Keith's (RKO) (1,830; 35-55)—'Pacific Liner' (RKO). Fair \$6,000. Last week, 'Up River' (20th), okay \$7,500.

Met (WB) (1,600; 25-40)—'Devil's Island' (WB). House likes this sort of thing and should get good \$6,000. Last week, 'Dawn Patrol' (WB) (2d run), swell \$7,500.

Palace (Loew) (2,242; 35-55)—'Sweethearts' (M-G) (2d wk). Looking for swell \$12,000. Last week, same pic, sock \$24,000.

**Slant on Pix**  
(Continued from page 5)

any entertainment value. Can remember well your night against the vaudeville interests in the old days, and have seen the character of your publication change from reviewing vaudeville and New York legit to your present scope, which is largely (maybe) blind to its mighty well-behove VARIETY today to say something along this line to the motion picture producers because what with the coming of television, the definite arrival of radio, automobiles, good roads and such, the picture business (maybe) is blind to its mighty well-behove VARIETY today to say something along this line to the motion picture producers because what with the coming of television, the definite arrival of radio, automobiles, good roads and such, the picture business (maybe) is blind to its mighty well-behove VARIETY today to say something along this line to the motion picture producers because what with the coming of television, the definite arrival of radio, automobiles, good roads and such, the picture business (maybe) is blind to its 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## Ellis, Anzac Exec, Visions Ambish Plans in England for Better Films; Sees Production Rise in Aussie

First year of the new British quota will see fewer productions turned out in England, but possibly more money involved in film-making and higher quality films, according to Gordon Ellis, head of British Empire Films, who arrived in New York last week from London.

Ellis indicated that 100 features produced during the first year of the new British quota may be tops, as against about 200 produced a year ago. Financing of wildcat and quickie pictures has virtually ceased, he said, and American companies are either helping finance production or are actually turning out 55-60% of new English.

Ellis went to England from Sydney, Australia, BEF headquarters, on company business. BEF, which with Associated Distributors, provides Greater Union Theatres with pictures, will handle more American films in the coming 12 months. It has already contracted for Republic and Monogram product. BEF and Associated Distributors are distribution subsidiaries of GUT.

Outlook for GUT seems bright, Ellis thinks, pointing to the strides taken in the first year of operation with Norman B. Rydge as chairman. It's in better shape today, he says, than at any time in the last 12 months, despite dire prophecies made a year ago regarding lack of product and bitter opposition by Hoyts circuit in Australia. GUT led the fight against Hoyts domination down under, which culminated in new restrictions and virtual government control in New South Wales, enacted late in 1938.

### Film Commission's Role

Crux of the new New South Wales legislation is the Film Commission, which virtually will run the picture business in Australia. It consists of three men, named for five years, none being from the film industry. All film disputes come before it for arbitration. Commission also passes on all new theatre licenses, which also must be okayed by the New South Wales government.

Another feature of the new laws is the standard form of contract, especially pertinent because it is retroactive on old contracts. The 25% right of rejection on all foreign films, made a law in New South Wales at the instigation of exhibitors, probably will result in fewer foreign features being shipped into the state, Ellis thinks. His idea is that American distributors will send only the top pictures to Australia so that there will be less chance of rejection. Duty on films taken into Aussie also would figure in this new trend, he indicated.

Indicative of the growth of GUT, Ellis said, was the progress being made with new theatre outlets. GUT opened its 'Victory theatre in Sydney Dec. 17. It has a new theatre under construction in Melbourne and is building West's theatre in Adelaide.

### Government's Guarantee

Clause in New South Wales laws, whereby the government guarantees bank overdrafts by Australian producers, is important, Ellis said. Cine-sound, producing subsid of GUT, which has a record of most continuous and uniform production of Aussie production units, is making several elaborate feature films. One of the most ambitious efforts will be a modern Robin Hood yarn, 'Robbery Under Arms', on which considerable money has already been spent for preliminary work. It will be a historical-adventure drama of the kind in Australia. Feature sound hopes to get a Hollywood name for the lead. Ellis, who will remain in America for about two more weeks, plans visiting Hollywood before sailing.

### Protest Curb

Sydney, Dec. 24. The Motion Picture Distributors' Association here has lodged a protest against certain clauses in the new law recently passed in New South Wales, which includes a 2½% home quota, a 15% privilege for British features, and 25% rejection right on foreign films. Most vigorous protest is against the exhibitors' 25% right of rejection. American distributors think this is too severe when added

to other restrictions and taxes they consider to be too high.

New law, calling for a Films Commission, puts the industry in this state under government control.

Chief Secretary Gollan said that the 25% rejection right on U. S. films would give exhibitors a chance to wipe out the present blockbooking system. He also said that it provided for a standard exhibitor-distributor contract, to become operative six months after passage of the New South Wales law. Gollan indicated that future contracts must conform with this standard form and that existing contracts were to be adjusted accordingly.

No mention was made about forcing American distributors into local production. However, Secretary Gollan stated that the government was prepared to guarantee the bank overdrafts of home producers when satisfied the action was warranted. He said that the status of Australian producers today was a serious one and that financial aid was needed if they were to continue.

With exhibitors supposed to make up at least 2½% of their programs from Australian product (this exhibitor quota is the only one provided for in the New South Wales statute), this would automatically assure Aussie producers of a certain market. It's conceivable that foreign companies, including American distributors, might distribute Australian product in Aussie and in other countries where it showed box-office possibilities. Right now, American reps are dubious about any Aussie pictures measuring up to this qualification.

## COLUMBIA, ALBION'S QUOTA FILM HUDDLES

Irving Asher, who has completed two British quota pictures for Columbia, is in from England to discuss plans to make four triple-quota films. Films are designed for international distribution.

Asher and Joseph Friedman, Columbia's British sales head, leave for Coast tonight for a huddle with Harry Cohn.

Albion Films, Ltd., of London, Sir Adrian Bailie, president, will produce six pictures annually for the British Empire market at an approximate cost of \$150,000 each. Bailie will confer with Montague Marks, general manager of Albion, in Hollywood tomorrow (Wednesday) on the '39-40 program.

British producer stated on his arrival from Europe (6) that the British Quota hasn't done much good.

## Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '36.  
'Robert's Wife,' Globe—Nov. 23, '37.  
'Me and My Girl,' Victoria Palace Dec. 15, '37.  
'Nine Sharp,' Little—Jan. 26, '38.  
'Banana Ridge,' Strand—April 27, '38.  
'Glorious Morning,' Whitehall—May 26, '38.  
'Spring Meeting' Ambassador—May 31, '38.  
'The Life of Savoy—June 10.  
'The Fleet's Lit Up,' Hippodrome—Aug. 17.  
'George and Margaret,' Piccadilly—Aug. 17.  
'Running Riot,' Gaiety—Aug. 31.  
'Flashing Stream,' Lyric—Sept. 1.  
'Room for Two,' Comedy—Sept. 6.  
'Dear Octopus,' Queens—Sept. 14.  
'The Corn Is Green,' Duchess—Sept. 20.  
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.  
'Elephant in Arcady,' Kingsway—Oct. 5.  
'Bobby Get Your Gun,' Adelphi—Oct. 7.  
'When We Are Married,' St. Martin's—Oct. 11.  
'Quiet Wedding,' Wyndham's—Oct. 14.  
'Goodness, How Sad,' Vaudeville—Oct. 18.  
'Idiot's Delight,' His Majesty's—Oct. 24.  
'Elizabeth of Austria' Garrick—Nov. 3.  
'Traitor's Gate,' Duke of York—Nov. 17.  
'Feneva,' Seville—Nov. 22.  
'Under Your Hat,' Palace—Nov. 24.  
'Story of African Farm,' New—Nov. 30.  
'Windfall,' Apollo—Dec. 15.

## HUNGARY'S JEWISH BILL

Parliament to Hear Proposed Legislation on Curbs in The Theatre

Budapest, Dec. 28.

New bill restraining Jews has been presented to Parliament and is expected to go through when group meets next month. Canceling laws voted seven months ago, new bill proposes restriction of Jews as active members of the theatre or press to 6%. They would not hold any executive positions under the proposed legislation.

Contrary to the laws brought last May, restrictions are now on the basis of race, not religion, as heretofore.

## PATHE-NATAN SCANDAL GROWS

Paris, Jan. 10.

As investigators proceed with their probes into the Pathe-Natan film scandal, repercussions much greater than first thought possible loom, with sums totalling 900,000,000 francs (around \$24,000,000) possibly being involved. From a source close to Maurice Dirior, representing the stockholders, it is learned that there is a possibility that the Kodak interests, in dealings in Pathe-Natan, might be involved to the extent that experts will scrutinize the books in an effort to untangle complications. London and American offices are being asked to aid the investigations.

Besides the arrests of Bernard Natan (ne Tanenaz), Alexander George Johannides and Maurice Caron, latter Natan's former councillor, others charged by Examining Magistrate Ledoux are Paul Fournier, involved in selling the Natan cinema circuit; Jules Conti, Leon Ganagel and attorney Antonio Castro. Court circles are also mentioning the names of Natan's brother, Emile, and Natan's present lawyer, Laskine. Johannides, listed as an 'inventor,' is supposed to have made a number of highly advantageous film sales to the company.

From the time Natan obtained control of Pathe in March, 1928, until declared bankrupt in 1936, which ended connections, Natan succeeded in so complicating dealings that it has taken since 1931, when the first stockholder complaints were registered, to get sufficient evidence to bring about arrests. Resulting investigations may take years.

Charles Pathe has long been out of Pathe-Natan of France. In 1914 Pathe founded Pathe Exchange, Inc. in America, but P. N. (France) is no longer associated with Pathe Film Corp. and Pathe News, Inc.

## Marketing Remake or Story Rights Of French Pictures to Foreign Cos. Seen as New Threat to Gallic Prod.

### Diamond Bros.' Unit

London, Jan. 10.

Diamond Bros. are lining up their own vaudeville unit, titled 'Running Wild.' Unit also comprises Nat Gonella and his Georgians, Archie Glen, Anita Martell, Lucille and Frank, a femme singer and Eight Mabs Newman gals.

Show is booked on the General Theatres circuit for four weeks on 55/45 basis, opening Hippodrome, Portsmouth, end of the month, with further dates to be lined up.

Collins & Grade, local 10%ers, have 50% interest in venture.

## Paris Cinemas Reopen After Gov't Agrees

Paris, Jan. 10.

After all of the 350 cinemas in the Paris region had been shuttered since last Wednesday (4), in protest against the new city tax placing an additional levy on total receipts of 3½ to 15%, the shutdown was ended Saturday (7) after the government had promised to study the question and arbitrate an agreement within 10 days. During this 10-day period, the government agreed not to impose the new taxes.

Total loss in receipts during the shutdown are estimated at more than \$150,000, with American distributors suffering a good slice of the total.

The new city taxes were levied according to the size of the theatres. Paris exhibitors brought a showdown on excessive new taxes because they felt that they were unjustly singled out whereas other businesses were not. Estimated that the new levy brings the total taxes for some theatres up as high as 40%.

### CASANOVA'S FIRE

Paris, Jan. 10.

Two customers were asphyxiated and seven injured when a fire gutted the chic Casanova night club here last week.

Place will be closed for a week or more as a result of the blaze.

## 4 Yankee Firms Seek Repudiation Of Italy Contracts After Withdrawing

After quitting Italy Dec. 31, four of the eight American companies (United Artists, Columbia, Universal and RKO) to pull out were reported seeking legal means whereby they could repudiate contracts with Italian distributors. However, pressure was being exerted by Italy to persuade these four to continue, the government emphasizing waivers on terms of the film monopoly decree for six months as a concession.

Warner Bros., Metro, Paramount and 20th-Fox, which had handled their own distribution in Italy, also are maintaining their stand on staying out of Italy unless present law on nationalizing the Italian film biz is changed to their satisfaction. The former quartet had been distributing through Italian distributors exclusively. With UA, Universal, RKO and Columbia, the situation has slimmered down to a legal problem fraught with many ifs. At one juncture, indicated cooperative spirit among major companies, they sought an opinion on their old contracts from the major companies having their own exchange systems in Italy. Legal interpretation then was that non-distributing companies would face breach of contract suits if they dropped out.

Another opinion is that these four

companies had a right to sue the Italian distribution firms for breaking their contracts or permitting a third party (Italian government) to enter the situation.

Another point that has arisen persistently at conferences of foreign managers was the contention that the Italian film monopoly on distribution voids all contracts. Fact that the new law has been passed officially and is in effect complicated the alignment should the four non-distributing companies decide to carry out their percentage pacts with Italian firms.

It is this angle which is prompting the four non-distributing companies to proceed cautiously in fulfilling old contracts under the concession plan. They realize that even if these pacts are carried out under old percentage terms, they might well wind up behind the eight-ball after next June, when the concession period expires, giving Italian government the right once more to make effective the nationalization decree.

About 80% of films shown in Italy come from the U. S., widest distribution being from Metro, Paramount, Warner Bros. and 20th-Fox. Income from Italy represented 3% to 4% of the total foreign income of major American companies.

Recent success of several French films in the world market is developing a new trend that may harm the industry here. Tendency, only shown in a small way thus far, is to sell remake or story rights of newest French pictures to foreign firms.

Most glaring example was 'Pepe le Moko,' which starred Jean Gabin, later becoming 'Algiers,' starring Charles Boyer, when the story was purchased and the film made in Hollywood. There also was the instance of 'The Cheat.' Latest from the English producing standpoint is 'Prisons de Femmes,' with Corinne Luchaire which Alexander Korda bought and made in England with Miss Luchaire, who had also appeared in the French version.

While the quick disposal of remake or full story rights represents a quick cash deal for French producers, growth of the practice is seen as likely to hit picture-making in France. Question for French producers to decide is whether disposal of these rights makes up for any loss of revenue a successful French-made picture might obtain in the world market, or if it is better to forego this additional revenue in hopes of obtaining extra foreign returns with the original version.

British producers, with the quota requirements always at hand, are particularly alert to possibilities of a successful French story when numerous outdoor shots, scenes and other material from the French original can be incorporated into their remakes.

## MICHALOVE BACK IN U. S. AFTER ANZAC SURVEY

Dan Michalove, who went to Australia to survey the theatre and product situation there for Sidney H. Kent's 20th-Fox, is back in N. Y. Ostensibly making the trip to set product of 20th-Fox in Hoyts theatres for the coming season, Michalove made a complete summary of new developments, pending legislation in New South Wales and other matters affecting 20th-Fox interests Down Under. He took the inspection tour in the absence of W. J. Hutchinson, then in Europe, with his report to go direct to Kent.

Protest lodged by Greater Union Theatres with the government in New South Wales, in which it was alleged that Hoyt's circuit was maintaining a stranglehold on American product, resulted in recently enacted legislation in N. S. W.

## Black to Produce Vaude At the Adelphi, London

London, Jan. 10.

The Adelphi goes vaude, beginning next month, with George Black producing, latter closing deal with Associated Theatre Properties. He'll form a private company for the venture. Black first tried to make a deal with Moss Empires for the latter's 'Edomere, but Moss opposed it for the house.

Private company will comprise directors of ATP and General Theatres, and will likely include Mark Oster, Black and Tom Bostock on 50-50 profit basis. House will be redecorated at cost of \$15,000. Weekly net is figured to hit \$7,000, bill playing twice nightly. Contract calls for one year, with options for five more.

Black will also produce an intimate revue at the Hippodrome next month. This will be a twice nightly show, starring Vic Oliver and Frances Day.

## Seek London Casino

London, Jan. 10.

Offers are being made to London Casino owners to take over the nitery. Among those dickering are George Black, Jack Hytton and Bill Phillips, a local financier.

Marcus Poulson and Stocco of the Cafe de Paris and Charles Clore and Alfred Esdaile—latter two operate a casino revenue policy at the Prince of Wales—also want to make deal.

Familiarity of theme, lack of particular punch, and mediocrity of the technical department's handling all crimp 'Tough Kid.' It's just a picture for the action houses, and strictly a ho-hummer. **Barn.**





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## 2 World Fairs and Comm'l Films

Expositions Will Have an Influence—But Can't Be Forced on the Public

Two influences are expected to figure in the progress of the commercial film production during 1939, according to advertising agency men and producers of sponsored advertising features. The first is the matter of increased expenditures with less pressure on competitive, hard-hitting direct selling methods. The second is the advent of two world's fairs in a single year, with about 90% of the millions to be expended in advertising dollars as indirect selling coin.

It is estimated that the sudden concentration in two places, New York and San Francisco, on the approach of educational, scientific, news and public relations selling in the fair activity will be felt in the medium of commercial screen production. Agency people, who have watched the new development (the commercial screen) in the last 18 months, believe the work of many larger agencies will include screen advertising of some type or other. Batten, Barton, Durstine & Osborn and J. Walter Thompson already have full-fledged screen divisions.

With these two boosting factors scheduled in the course of the next 12 months, C. M. Underhill, head of the picture department at B. B. D. & O., the agency which has pioneered the wholehearted launching of ad agencies into the screen field, believes that the advertiser should concentrate on educational appeals, material of a news, scientific or 'documentary' nature to get the best understanding of a theatre's advertising. He points to the 85% acceptance and public goodwill which is received by the commercial film (free of direct-selling appeals) in England.

'Direct selling type of picture, with premiums and contests achieves a bare 50% acceptance in the theatre even when hard times make extra income seem more important to small exhibitors than audience goodwill.'

'The theatre presents a different situation from the value-received idea of paying for a magazine and expecting a certain amount of advertising. The theatre admission, whether a dime or a dollar, is to the cinema patron his money's worth for an evening of entertainment. Not only does the picturegoer pay his price for an evening of entertainment but the motives prompting him to buy this entertainment are the hope of escape from reality, Fantasy, adventure and romance are the subjects which attract his boxoffice money in the greatest quantity.'

'The companionship of Myrna Loy, Robin Hood or Camille is his (by proxy) while he forgets the rent, insistent on the motor car and the thousand and one things that have driven him to seek imaginative relief of the picture theatre.'

'To approach this man and the thousands of people like him with direct selling is to rub salt in the wound. It produces 'booming' commutes. The length of the picture does not seem to qualify the argument. An audience can be antagonized with equal effectiveness in 60 or 600 feet. But if the picture must depend for its acceptance solely upon its merit as an educational, institutional, news or 'documentary' appeal, will not the result be a stronger medium—stronger because it recognizes its obligation to the audience and in so doing, enlists its sympathy and cooperation.'

Admitting that there have been periods when the commercial picture seemed on the way to securing a foothold on the theatre screen only to result in a widespread retreat of advertising to non-theatrical production and distribution, Underhill indicated that there was fresh hope now developing.

'With 'A New Day,' 'The River' and 'Make Steel' the commercial motion picture again has taken a deep breath and the aesthetically-scented air and appears to be making real progress. Documentary imports from England have brought new confidence to advertisers.'

Underhill also indicated that the question of whether the theatre exhibitor should be paid for showing commercial films or they should be just furnished gratis (because of institutional type of advertising or having indirect advertising involved) also must be decided in the near future. Both types currently are employed.

## UA-Par NW Deal Set; Distrib Backs Down On % With Indies

Minneapolis, Jan. 10. United Artists, which just completed its circuit deal with Paramount Northwest chain (the last of the major companies to do so) has backed water from its announced intention to sell Twin City independents only percentage deals. Apparently capitulating to the independents who went of record not to buy on percentage, it is starting to make flat deals.

The independents themselves strayed from the non-percentage path by buying Metro product with four percentage picture after having gone on record not to make an exception for that company this season, as they did a year ago. M-G again was adamant and the independents apparently figured they couldn't get along without this product.

Paramount still is having trouble closing deals with the Twin City independents who claim its terms are too stiff and who refuse to go for the one 40% picture, 'Men With Wings,' principally because they don't want to be parties to establishing a precedent on percentage. However, it has closed most of its possibilities outside the Twin Cities and is in an advantageous position in Minneapolis and St. Paul because of its Paramount circuit affiliation.

## 100% U. S. CONTROL NOW IN DUFAYCOLOR

Dufaycolor, Inc., financial control has passed entirely into American hands instead of being partly owned by English capital, it was revealed this week by Pierpont M. Hamilton, president. When Hamilton assumed chief executive post a year ago, it is understood he did so largely because he hoped to gain full domination and with American capital. Hamilton is the main financial backer of the American company.

After many years of studying color, Hamilton made a personal inspection of Dufay-Chromex, Ltd., plant in London and made arrangements to develop and handle Dufaycolor film in America for that corporation. While low-cost still color photography has been the aim of the Dufaycolor people thus far, the American management expects to make the process available to motion picture producers shortly.

## Sabbath Films Gained In Penny During 1938

Philadelphia, Jan. 10. Sabbath films in Pennsylvania made noteworthy gains in local referendum at the November elections, a survey of the State revealed this week. Sunday pix were favored in seven of the 12 municipalities which voted on them. They were defeated in one borough by only three votes. Communities which favored the Sabbath flicks were Mt. Lebanon Township, Allegheny county; Summerhill Borough, Cambria county; Jefferson Township, Fayette county; Ashley, Luzerne county; Freeland, Luzerne county; Smithport Borough, McKean county; and Roseto Borough, Northampton county. Sunday baseball was voted on in only one spot, Elizabethville, Dauphin county, and was defeated, 500 to 257.

## Morros' Wanger Chore

Hollywood, Jan. 10. Boris Morros draws the musical direction on Walter Wanger's 'Stage Coach.'

It's his first assignment since leaving Paramount, where he headed the music department. Louis Lipstone succeeded him there.

## COL., GB SHOWDOWN

NW Indies Sued When Ignoring Film Contracts

Minneapolis, Jan. 10. In a move to compel contract observance and fulfillment by those independent exhibitors in the territory who have made it a practice to 'neglect' completion of their obligations to the lesser major distributors, Columbia and GB here filed breach of contract suits against seven theatre owners.

Six of the suits were immediately settled out of court by compromise. Laying down the law and declaring that the exhibitors henceforth must 'toe the mark,' exchange heads are making it known that they'll no longer stand for ignoring of contractual obligations.

Instead of going through with the contracts, the offending exhibitors would book the pictures they wanted and omit to do anything about the other less desirable ones, giving the exchanges the absent treatment and verbal and written requests for dates. The branch managers say they're going to be tough from now on and will make exhibitors carry out their agreements, or else.

## ST. LOUIS OPS UNION ASKS AFL PROBE

St. Louis, Jan. 10. George E. Browne, international prez of the IATSE, has been requested by John P. Nick, head of the St. Louis Theatrical Brotherhood No. 6 and Motion Picture Operators' Union No. 143, to investigate the conditions in Local 143 which has been under a heavy newspaper fire during the last several weeks.

'Announcement of Nick's action, taken Thursday (5), was made by Clyde Weston, business manager of the Operators' Union, following a conference at Nick's home where the latter is confined with an attack of arthritis which has settled in both knees. According to Weston, Nick wired Browne he was willing that International representatives take any action they see fit, including restoration of autonomy to the union.'

Nick's move followed an announcement from the Washington headquarters of AFL that William Green had ordered an inquiry into the local union's affairs at the request of St. Louis AFL leaders. Clippings from local rags exposing the alleged domination of Nick over the local IATSE setup and the alleged presence of ex-convicts and gangsters in the membership were forwarded to Green and Browne, the latter having recently been made a v.p. of AFL by Green.

A two year contract has been signed by the local IATSE with operators of 10 indie houses in the city. The contract provides that the projectionists will receive a small increase in wages each year of the contract. The projectionists who now get \$47.50 per week will receive a raise of \$2.50 per week during each year of the contract.

While the salary scale of all houses, except the deluxers, was under discussion several months ago, the only action taken was on the smaller ones. The wages at other houses will remain unchanged during a contract which will run for another year.

## STORY BUYS

Hollywood, Jan. 10. Universal purchased 'Code of the Legion,' by Hugh King and Dennis Moore.

Warners bought 'You Can't Get Away with Murder,' by Warden Lewis E. Lawes and Jonathan Finn. Paramount bought Sammy Fuller's original, 'The Warden Goes to Jail.' George Plympton sold his original, 'Texas Wildcats,' to Sam Katzman.

## STUDIO CONTRACTS

Hollywood, Jan. 10. Annabella signed for two more pictures at 20th-Fox.

Paramount optioned Charles Ruggles for three films.

Paul Jones inked five-year producer contract at Fox.

Bernard Vorhaus contracted to direct two pictures for Principal.

## 19 Discharged in Philly for New Year's Eve Shows; Pitt Still Jittery

### Philly UMPTO Calls For Unity Following Org. of New Allied Unit

Philadelphia, Jan. 10. Goaded by the defection of a large portion of his organization to a new rival Allied unit here, Lewen Pizor, prez of United Motion Picture Theatre Owners, last Friday (6) called the first meeting of UMPTO in more than four months. Election of officers, which many members had been demanding for almost a year, was held. Pizor was unanimously returned to office by the sparse handful of exhibitors who attended the meeting. UMPTO is unaffiliated with any national body.

Answering charges of autocratic rule, Pizor put through a measure creating a large board of managers to administer UMPTO. Board will have 30 members and alternates on it, any 11 of whom will constitute a quorum. Large number of the men named to the Board were not present, although Pizor said they had agreed to be there.

Charles Segall, partner with Pizor in several theatres, was also re-elected to chairmanship of the board, and George P. Aarons was renamed secretary. Edward A. Jeffries, who nominated Pizor in a highly laudatory speech, was elected first v.p. William Greenfield will serve as second v.p., and Morris Spiers as treasurer.

Although attendance was small, those there represented a majority of houses in the territory, as Warner Bros., Comerford, Wilmer & Vincent, all affiliated chains, are members. Committee to carefully watch pending legislation at Harrisburg was named and several complaints of competition from non-theatricals, a church and a college, in updating Penny town, were received.

### LOEW DIVIDEND MEET SET BACK TO JAN. 18

Dividend meeting of Loew's, Inc., scheduled for Jan. 10, was postponed until later in the month when a quorum of the directors could not be obtained.

Dividend session of directors now is scheduled for Jan. 18 when action on both the common and preferred is supposed to be taken. By that time, the directorate will have been apprised of net earnings for the past fiscal year ending last August, as well as for the first quarter of current fiscal year. This should give them a good line on how much cash can be conservatively distributed.

### Despite Indies' Plea WB Renews Fox, Philly

Philadelphia, Jan. 10. Warners' lease on the Fox theatre here was renewed last week for five years over objections sent by Sidney K. Kant to indie exhibitors. New lease with 20th-Fox becomes effective in August, when the present one runs out. WB at that time will have completed three years of operation of the house.

George Graves, operator of the Carman, stated that his petition has been drawn up in Philly asking that consideration be given to an indie in making a new lease for the Fox.

As reasons he stated: Leasing the Fox to WB gives them a complete monopoly of downtown first runs in Philly; 20th pix should have an exclusive show-window to advertise them as well as help Fox subsequence, something which the petitioners claim is not happening now; under the WB regime, no subsequent is assured of an even flow of 20th product, and that 'A' pix often comes to the subsequence at disadvantageous times to both the indies and the producer; many 20th pix do not get proper first runs, leading the public to feel that these are second-rate shows (Jane Withers films are pointed out as an example); net result is that 20th-Fox gets less for its pix downtown as well as in the subsequence.

Philadelphia, Jan. 10. Nineteen theatre operators, first to have a hearing of 50 pinched for giving New Year's eve midnight shows, were discharged in Magistrate's Court here last Friday (6). Magistrate James McBride, in freeing the men, gave a spirited defense of motion picture theatres as a place to spend New Year's eve. Since the first 19 cases resulted in such summary dismissal, the D. A.'s office will not push the other 40.

Practically every house in the city risked a \$50 fine to give the special show. Sunday film act of 1935 forbids showing of pictures between midnight Saturday and 2 p.m. Sunday. Earle and several other houses could have been hit with a double fine of \$100 for flesh attractions. Maurice Gable, manager of the WB Earle, and managers of other downtown houses and key nabes were given the initial hearing.

D. Benjamin Kresch, counsel for the film men, explained that they had obeyed the law throughout the year and called attention to the fact that New Year's eve falls on Saturday only about once in eight years.

Magistrate McBride said, 'I do not believe there has been any criminal intent, even though the theatres were notified not to remain open. I am not prejudiced, but I will say there is no better place than a movie in which to spend New Year's eve—it is better than roaming the highways, on which, over the holidays, we had hit-run cases, many broken bottles, while throughout the city we had seven murders.'

'The law does not specify a closing hour, and after all, these are first offenders. I discharge you all—but I want you to contribute to the United Campaign (Community Chest).'

Although the Mayor announced the film houses would have to shut on New Year's eve as on any other Saturday, police were contemplating no action on the midnighters until force 1 to by Rev. William B. Forney, highly-paid vigilante for a group of 14 religious organizations.

### Pitt Mgrs. Worried

Pittsburgh, Jan. 10. Most of town's film house managers don't know whether they're free men or jail-bait, result of midnight New Year's Eve shows, and the most hectic few hours any of 'em have ever spent. Holiday fell on Sunday and film entertainment is banned in this state until 2 p.m. that day.

Film spots nevertheless announced midnight shows, figuring to get around law by peddling tickets before the deadline. On Saturday (30) about noon, Police Superintendent Frank McQuaide without warning closed the city's theatres and had his doors open after 12 o'clock would be arrested along with operators and other employees, and that performances would be stopped immediately.

Managements were in an uproar, but breathed sigh of relief short time later when Mayor Scully announced that the midnight wrong in New Year's Eve shows and that he couldn't think of a better place for celebrants to be. Pressure from church groups, however, brought an about-face from Mayor, who rescinded his earlier statement, but by that time theatres had decided to go through with their plans anyway.

In couple of isolated cases there were arrests but in most spots police walked in quietly, obtained name of manager and employees and submitted reports to police headquarters for 'later action'. So far nothing's been done about them, and showmen point out that it's only possible to be fined now for violation of Blue Laws. Since more than week's gone by, even that action seems unlikely.

Biz at midnight shows, however, was cut in half by uncertainty, since thousands refused to venture into theatres because of repeated police radio warnings that shows in every grade would be stopped momentarily after midnight. They weren't, but damage had already been done. Neither McQuaide or Scully has since taken any further official recognition of violations.

# VAST NEW 'OPEN-DOOR' POLICY IN THE EAST!

*'Open Earlier, Close Later' Plan Installed as Key Houses Command Daily Extra Performances to Hold 'Turnaway' Crowds*

**WEST, NORTH, SOUTH  
RUSH TO FOLLOW SUIT**

**3-Week Runs Mount**

**Figure On Extra Time!  
Add Extra Performances!  
Plan Extra Promotion! It's  
An Extra-Terrific Smash!**



# DAWN PATROL

Starring  
**ERROL FLYNN**  
BASIL RATHBONE  
DAVID NIVEN  
DONALD CRISP  
MELVILLE COOPER • BARRY FITZGERALD • CARL ESMUND  
Directed by EDMUND GOULDING  
Screen Play by Seton I. Miller and Dan Tetheroh • From an Original Story by John Monk Saunders • Music by Max Steiner

WARNER BROS., Holdover Headquarters

## 23 Milw. Indies Pledge No Gambling; Police Ban on Syracuse Games

Milwaukee, Jan. 10. Twenty-three theatre owners and managers, members of the Independent Theatre Owners' Protective Assn., are pledged to eliminate all games of chance from their theatres on or before Jan. 15. Action of the showmen came almost simultaneously with the request of the police department for warrants charging gambling law violations against 10 theatres.

Theatre men who voted unanimously to throw out the games comprised all but two of the members of the ITO, who were not represented at the meeting. In addition to the anti-gambling pledge, members demanded that law enforcement officials halt all games of chance in the entire county before Feb. 1.

In the resolution, the ITO pointed out that establishment, advertising and operation of lotteries or games of chance are prohibited by laws of the city and state.

Six committee members, named recently when the ITO voted to demand 'impartial enforcement of anti-gambling laws,' have begun circulating petitions throughout the local theatre industry. Both nabes outside the ITO and circuit houses will be canvassed in an effort to obtain 100% cooperation in the stand against gambling in theatres.

Spots named by the police department in what is considered the start of a series of test cases included theatres from each police district. They were chosen as representative of the entire city to test ability to halt bingo and similar operations under lottery laws.

After 22 minutes deliberation, a six-man jury acquitted William Freise, manager of the Rivoli, and the La Crosse Theatres Co. owners, of charges of operating a lottery in the form of a bank night.

Attorneys for the defense denied any 'consideration' was involved in the bank nights, pointing to testimony of two witnesses, who said they stood in front of the theatre and won without being required to purchase tickets.

### Syracuse Clamp-Down

Syracuse, N. Y., Jan. 10. Admittedly kept alive during the past year or two by interest stimulated through games, giveaways, etc., a half-dozen Syracuse 'nabe' houses face the blues as a result of a police ban on all such inducements in the future.

Declaring that they cannot expect to continue unless they are permitted to operate games and use giveaways to attract customers, several of the operators threaten to permit arrests in order to get into court for test cases.

The edict, announced by Chief of Police William Rapp following conferences with Mayor Roland B. Marvin, applies chiefly to what they term 'commercial' bingo games and was principally aimed at a number of local organizations who have imported operators to run the games on a split-profit basis. It brought an entirely unexpected reaction from the Syracuse Council of Churches, which approved the police order but expressed disapproval because the ban did not include churches. This was interpreted as a direct slam at several local Catholic churches which have been realizing as much as \$2,000 a week on bingo games.

### Banko Charge Dismissed

Minneapolis, Jan. 10. Despite the fact that the prosecuting attorney claimed that a theatre using 'Bank Night' was the same as a gambling house a jury at La Crosse, Wis., found William Freise, Rivoli manager, and the La Crosse Theatres Co. not guilty of conducting a lottery in violation of anti-gambling laws.

The state charged a valuable 'consideration' was paid for the right to participate in the drawing by those persons who purchased tickets to secure absentee cards and then did not attend the theatre.

Frank Koppelberger, head of La Crosse Theatres, testified that 'Bank Night' keeps his theatres 'out of the red.' The Rivoli theatre was raided because of 'banko' Nov. 25 and 26. At the Nov. 25 matinee there were 4,786 paid admissions at 25c. each, and after 6 p.m. there were 1,004 admissions at 35c. each, he said. The

Nov. 26 matinee (Saturday) drew 7,311 admissions, and the evening show 1,150, according to Koppelberger.

Koppelberger says his company pays \$20 a week for use of 'Bank Night' and that other expenses in its connection run about \$75 a week. The Rivoli registrants number from 48,000 to 49,000.

Testimony was introduced showing that it was not necessary to pay to register in the 'Bank Night' book at the Rivoli and that on two different times persons standing outside the theatre won the award without paying admission to the showhouse.

## REVISED PATHE PLAN NEW BEFORE THE S.E.C.

New, revised plan of liquidation and recapitalization for Pathe Film Corp. goes to the Securities and Exchange Commission at Washington this week, with officials of the company hopeful that approval will be given before Jan. 17. If it is granted before that date, Pathe would ask stockholders of date on Jan. 18 to vote on the plan at a special meeting, Feb. 16.

Revised plan differs little fundamentally from the one drawn up for approval last month. It will provide a new working company and will provide dividends from funds obtained from the sale of Du Pont Film Mfg. Co.

## Save \$2,000 Weekend Receipts in Rochester

Rochester, N. Y., Jan. 10. Frank Placerean, assistant manager, RKO Temple, and Homer Briggs, electrician, played hero roles saving the theatre's \$2,000 weekend receipts Jan. 9.

Passing through a dark part of the theatre before opening, en route to the bank with the money, they were accosted by a masked bandit, who ordered them to drop money. Instead, they tossed it into Briggs' office and locked the door. Placerean grappled with the bandit, who fled. Later two suspects were picked up by the police.

### York, L. A. Stuck Up

Los Angeles, Jan. 10. A lone gunman stuck up the York theatre, Los Angeles, Jan. 8 while 50 persons were in the lobby and made off with \$275.

He moved in while the cashier was counting up.

### L'ville Stickupper Caught

Louisville, Ky., Jan. 10. Brown, subsequent house of the Fourth Avenue Amus. Co., was robbed Sunday night (8) about 9:15, of about \$42 in cash. The 19-year-old youth, who ordered the cashier to keep her foot away from the warning buzzer, fled, pursued by two ushers, who captured the lad as he was emerging from a rooming house in the neighborhood. Loot was recovered.

Cashier stepped on warning button as soon as the holdup man left, bringing Carroll Hannah, manager, on the scene.

## Inside Stuff—Pictures

Despite the argument that important conflicts still exist, the U. S. Supreme Court last week refused to delve further into the situation presented in the General Talking Pictures case, decided Nov. 21 in favor of the electrical equipment manufacturers who attached restrictions to use of their product. 'Setback for the Government as well as independent makers of sound picture apparatus. Request for rehearing said that two highly significant legal questions about the degree of patent protection went unanswered, with G. T. P. attorneys confessing they perhaps did not lay enough stress on the points in the prior proceeding.

Pending recapitalization of business and returns in the fall, the S. R. Kent drive at 20th-Fox, just closed, is understood will have one of the Canadian exchanges ahead for first prize. The awards in this year's Kent drive are four weeks' salary to all the employees of the winning branch; three weeks' extra salary for the one running second; two weeks for third, and one week for the exchange ranking fourth.

On the theory that B pictures occupy the same position in films as do the pulps in the mag publishing field, Robert O. Erisman, editor of the Red Circle mags, one of the biggest of the pulp strings, is placing before the pic companies the idea of a comparable 'pulp' story editor for their Bs. Has already conferred on the matter with three N. Y. film story editors and all reported interested.

Vocaflm Co. of America anti-trust suit against Electrical Research Products, Inc., in the courts for some four years, may be disposed of soon. Arguments were heard by Federal Judge John C. Knox on Eripi's motion for a further detailed bill of particulars and briefs in opposition will be submitted to the court before Jan. 15, by Louis Karasik, attorney for Vocaflm.

Goebbels love triangle in Berlin involving the Czech film star, Lida Baarova and Gustav Froelich; her German husband, and the Bernard Natan (nee Tanenzapf) financial mess in France, put foreign film matters on the front pages. The Pathe-Natan stockholders' protective committee, chairmaned by Robert Dier, alleged the 140,000,000 francs (\$25,000,000) losses would amount to 605,000,000 (\$18,150,000).

Couple of columnists in Pittsburgh are pushovers to print gag double-feature billings whenever they're submitted and, according to film bookers, managers are on the lookout now for twin pictures that bring a laugh when titles appear on marquee together. Boys trying to get a little free publicity for their spots know of no surer way to snatch space.

Maurice Bergman, Columbia Pics ad and pub head, is probably the only individual in show biz who doesn't believe in Xmas gifts. Bergman this year, as in the past, returned all presents received with explanation that he does not believe in receiving gifts from people he doesn't know, no less from those he does know. He doesn't send any, either.

Republic nixed Smiley Burnette's request for a new deal calling for outside pictures. Sagebrush comic did not want a raise in salary but asked a chance to grab some extra money from other studios. With Burnette slated to support Gene Autry in eight pictures annually, Republic execs figured he had his hands full.

Unlisted trading privilege for Paramount Pictures \$1 common has been sought from the Securities & Exchange Commission by the governors of the Philadelphia Stock Exchange. One of more than 25 issues which will be discussed at hearing Jan. 31 on the application.

Wampas, dead two years, was legally buried last week after two years of difficulties with red tape. V. A. Bonestell, secretary, and Wilson Heller, charter member, officiated at the obsequies after learning that it is harder to dissolve a California corporation than to organize one.

Lou Irwin hasn't given up his New York office, maintaining an individual sub-unit within the Consolidated Radio Artists' suite in the RKO Bldg. Irwin pres. CRA on the Coast, in addition to his own Hollywood agency business.

Gus Edwards plans to open his own Hollywood Show Window, backed by studio cash, to develop young talent. Project is to be operated through cooperation of film studios.

## Highest Court Agrees UA Need Not Pay W. Va. Sales Tax; Exhibs Must Self-Regulation

(Continued from page 5)

MPTOA, Allied and eight lesser local bodies, will have to be changed, according to advance reports of MPTOA attitude. Objections have been raised by other exhibitor organizations to the phrasing of various points under the program as now standing, most novel of these being that of the ITOA, which felt that the clause concerning agreement to exhibit not to give under percentage bookings carried with it an invidious inference.

Pending the meeting of the MPTOA board today, composed of exhibitor leaders from all parts of the country, Kuykendall has been changing their opinions. He forwarded each director a copy of the first draft when it was sent out late last fall. Coming up from Columbus, Miss., his home, last week, Kuykendall scheduled the board meeting for Monday (9) but couldn't get enough directors into New York by that time, hence the postponement. The meeting tomorrow at which distibs will be informed of what the MPTOA thinks about its trade practice concessions, will be held at the Union League Club with S. R. Kent, chairman of the committee and the other Members include William F. Rodgers, Ned Depinet, Grad Sears and Abe Montague.

## Rodgers, Maybe Kent May Address Allied in D. C.

Washington, Jan. 10. Position of the hardest-to-satisfy crowd of independent theatre owners on the self-regulation pact will be decided next week at the annual winter meeting of directors of Allied States Association. Combination clowder-party and trade problem discussion on the agenda for the regular yearly convention.

Indicative of the majors' desire to woo the finger-pointers, a tete-a-tete between the distributors' committee and the Allied leadership will preface the allies' huddle on the 10-point scheme suggested to exhibitors early last month. Conference between the A.S.A. tops and W. F. Rodgers is set for Monday (16) in advance of the two-day board meeting. Likely that Sidney R. Kent, chairman of the majors' committee, will join the huddle.

While other exhibitor factions already have pounced on some of the overtures, Allied so far has not attempted to take a stand as a group. Individual members, however, have reflected continued dissatisfaction toward features of the reform proposal. Session with the majors, coming ahead of the directors' meeting, is designed to get more information rather than to allow the Allied leaders to voice objections.

'This winter's Allied chinning bee is more important than usual, in view of the Justice Department's anti-trust suit against the majors, with result that large attendance is anticipated, and the element which often has been regarded as Peck's Bad Boys will be watched closely by the rest of the business.

### Also the N. Y. Suit

Although no concrete arrangements have been made, the indie crew is expected to sit around the table with the Justice Department attorneys to talk about the New York injunction case. Last year several of the Allied leaders called at the government agency to renew calls for court action, and this year they probably will make a similar pilgrimage for the purpose of cheering on the trade-busters. Usual visits to Capitol Hill are in prospect, now that Congress is back at work, and the perennial anti-blockbooking bills have gone into the hopper. Allied people will concentrate on the House, where the Neely bill died in a committee pigeonhole last spring after sliding easily through the Senate.

Tenth birthday of the association will be celebrated at a barbecue Sunday (15) with the survivors of the original promotion plan as guests of honor. Pioneers include W. A. Steffes, H. M. Richey, James C. Ritter, H. A. Cole, B. D. Cockrill and Herman Blum.

### Calif. Indies to Parley

Los Angeles, Jan. 10. Independent Theatre Owners of

Washington, Jan. 10. Power of state legislatures to soak film distributors was materially curtailed last week by a U. S. Supreme Court decision which prevents West Virginia from taking a slice of United Artists' rentals.

Application of the principle upheld by the highest court depends upon circumstances in each instance, but, according to the reasoning of Associate Justice Stone, harassed major companies have a loophole in many situations where they are subject to multiple levies. In effect, the opinion held that such taxes are a burden on interstate commerce and beyond the power of the states.

In court opinion, devoted mostly to a review of the historical facts, the court unanimously backed up the Federal District Court which enjoined the West Virginia tax collector from grabbing part of U. A.'s revenues. Exhibitors are subject to the levy under a specific provision of the act and must fork over 7½% of the gross receipts.

Distributor wriggled out because technically it is not engaged in transacting business with West Virginia. Maintains no branches or other place of business in the state and has no agents or employees there except traveling salesmen who drum up contracts. Owns no houses or other property aside from the reels which Justice Stone said are 'sent there temporarily for exhibition and afterward returned to it at points without the state.'

### Merely Drums Up Contracts

U. A.'s contention that it is a foreign corporation and outside West Virginia's jurisdiction was sustained after the court reviewed the method in which business is conducted. Contracts are sent to the New York home office for receipt, and all rentals are sent to an exchange outside West Virginia. Even though exhibitors segregate the rental when the deal is on a percentage basis, they are not agents of the distributor in a legal sense.

We are not here concerned with the question whether a state by a statute appropriately framed, may lay a tax on income derived from sources within it, Justice Stone asserted, 'or whether the solicitation of the contracts may be taxed. No such taxation is attempted...As it is stipulated and found that appellee carries on no business in this state, except such as is involved in solicitation of the contracts, and has no collection agent there, and as the exhibitors there are bound to and do pay all sums due under their contracts to appellee at points outside the state, we can find no basis for saying that it is engaged in collecting income within the state, either as a business or otherwise.'

## SEE INCENDIARISM IN 2 ST. LOUIS NABES

St. Louis, Jan. 10.

Incendiarism is believed to have been responsible for early a.m. fires in two local houses, in a three-day period last week, and gendarmes and house managers are delving into the mystery. The first blaze started in the rear of the Star, a midtown nabe, several hours after the last showing of 'Too Hot To Handle' and although a fire engine company is located next door to the theatre the flames did \$6,000 damage before being extinguished. Christian Effthim, owner of the theatre, told cops he had no labor trouble and believed someone deliberately fired the place.

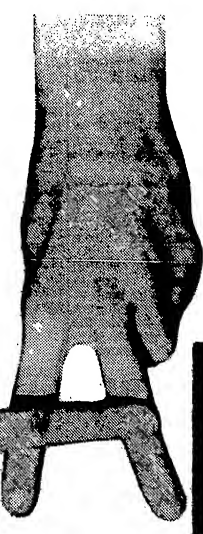
The second blaze was at the Granada, a St. Louis Amusement Co. nabe in South St. Louis, where William H. Hoppa, South Side district manager, estimated the damage at \$7,000. The flames were restricted to the stage where the lighting and sound equipment and curtain were burned. An asbestos curtain between the stage and the auditorium dropped automatically preventing the flames from spreading.

Southern California accepted the invitation of S. R. Kent to take part in the trade parleys in New York this week.

Owing to the ITO mass meeting yesterday (Monday), the delegation will be late arriving in Manhattan.

As in previous years Metro-Goldwyn-Mayer lists the annual check-up by exhibitors and film critics. Many of the year-end polls are completed. Several are still to come. M-G-M, the "A" Company, remains undisputed leader.

# ACCLAIM!



## 1-ALMOST 30% OF INDUSTRY'S HITS ARE M-G-M!

Box-office Champions selected by exhibitor vote in QUIGLEY PUBLICATIONS' survey from 1930 to 1938 give M-G-M almost 30 per cent of this industry's hits, 46 out of 166, (nearest competing company has 27). In the QUIGLEY poll of the past year M-G-M again leads all companies in Box-office Champions. Of 12 monthly Blue Ribbon Awards by BOX-OFFICE MAGAZINE during the past year M-G-M leads all companies with 4. Since the inception of the Blue Ribbon Awards M-G-M has won 23, nearest competitor 14. M-G-M exceeds all companies in VARIETY'S survey of Top Picture Grossers. Likewise in SHOWMEN'S TRADE REVIEW list of 25 Best Major Productions voted by exhibitors M-G-M leads with 7, nearest competitor 5. A conclusive analysis of Distributor's Batting Average for 1938 conducted by NATIONAL BOX-OFFICE DIGEST gives M-G-M a rating of 102 per cent, nearest competitor 92 per cent.

## 2-M-G-M STARS ARE BOX-OFFICE LEADERS!

Out of 12 All-American Favorites, M-G-M leads with 5 in BOX-OFFICE MAGAZINE'S Annual Poll. In the QUIGLEY Poll M-G-M leads with 5 out of the first 7 Money-Making Stars, topping all companies. In SHOWMEN'S TRADE REVIEW Annual Poll, out of 21 leading Box-office stars M-G-M heads all companies with 7 top money-makers. M-G-M also leads VARIETY'S Annual Poll of greatest money-making stars (as well as Top Money Directors).

## 3-N. Y. CRITICS PICK M-G-M FOR YEAR'S BEST FILM!

THE CRITIC'S CIRCLE, composed of all New York's famed motion picture critics, have selected "The Citadel" as the Best Picture of 1938. This group also selected Margaret Sullavan for the year's best performance by an actress.

## 4-M-G-M LEADING "TEN BEST" LISTS!

As we go to press M-G-M has more winners on individual nation-wide published lists of Film Critic's "Ten Best Pictures of the Year" than any other company.

## 5-WATCH "PYGMALION"!

Imagine! Out of 9 New York newspapers, 8 critics placed M-G-M's "Pygmalion" on their lists of "The Year's Ten Best."

**And the future for M-G-M Showmen is very bright!**

# 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 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	TIME MINS.	WHEN REVIEWED
10/28/38	THE LITTLE ADVENTURES THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND AGAINST TARNISHED ANGEL SUEZ YOUNG IN HEART THE STORM THE LAST EXPRESS BROTHER RAT	Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer E. P. Feneman Gene Markey D. O. Selznick Ken Goldsmith Irving Starr Robert Lord	Col MGM MGM Par Par RKO 20th UA U WB	Action-Dr Musical Drama Drama Drama Spec Rom-Dr Drama Meller WB	E. Fellows-J. Wells L. Kraler-F. Gravet R. Donat-R. Russell F. MacMurray-R. Milland E. Cummings-H. Mack-L. Talbot S. Ellers-B. Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Bickford-B. McLane K. Taylor-D. Kent W. Morris-F. Lane-J. Wyman	D. R. Lederman L. Kraler King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Wallace Harold Young Olis Garrett Wm. Keighly	60 107 112 102 61 100 91 75 60 90	11/9 11/2 10/28 10/28 11/2 10/18 11/2 11/2 10/18 10/18
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN PACKER RIDE A CROOKED MILE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE EXPOSED HARD TO GET	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly Sam Bischoff	Col Mono Mono Par Par RKO Rep 20th WB	Western Meller Western Rom-Dr Par Western Rep 20th WB	B. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randall-L. Stanley A. Tamiroff-F. Farmer J. C. Nash-M. Callahan G. O'Brien-K. Sutton G. Autry-S. Burnette J. Withers-A. Treacher-J. Rogers K. Kruger-C. Farrell D. Powell-O. de Havilland	Jos. Levering Wm. Nigh Wallace Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Stanley Max Vado D. Powell-O. de Havilland	55 75 51 67 62 58 58 63 78	12/28 11/9 11/9 12/7 11/23 11/9 11/9 11/9 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING CAREER TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodorov Frank Lloyd Lou Lusty Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM Par RKO Rep 20th WB	Drama Meller Rom-Com Par Rom-Com Rom-Dr Comedy Rom-Com WB	P. Kelly-L. Gray N. Beery-G. Harker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Rathbone J. Oakley-L. Ball P. Knowles-R. Hudson S. Temple-C. Farrell C. Ruggles-O. Munson G. Farrell-B. Macdonald	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	60 75 64 108 66 65 70 81 97	12/21 4/7/37 11/30 8/21 9/14 12/14 11/2 12/7 10/28
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF OMSEBONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY ANGELS WITH DIRTY FACES	E. B. Derr J. Manckiewicz Par Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Sam Bischoff	MGM Mono Par RKO Par 20th UA WB	Rom-Com Meller Rom-Com Western Par Action Rom-Com Drama	J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Carey-T. Holt-E. Brent J. Wayne-R. Corrigan R. Donnelly-L. Ball G. Cooper-M. Oberon J. Cagney-F. O'Brien	Frank Borzage Lambert Hillyer G. Archinbaud Glenn Tryon Geo. Sherman R. Fanning Wm. Wyler Michael Curtiz	75 62 75 72 63 63 91 97	11/16 12/28 11/9 11/30 9/21 11/9 10/28
11/25/38	BLONDE OUT WEST WM HARDYS LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, ANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW DETECTIVE	Robert Sparks Lew Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Par Par Rep 20th RKO Drama Meller WB	Comedy Rom-Com Western Comedy Par Mystery Western Rep 20th RKO Drama Meller WB	P. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg R. Milland-O. Bradna J. Howard-H. Angel K. Rogers-M. Hart T. Ryan-L. Lusk T. Kelly-A. Gillis K. Greene-N. Kelly-Bancroft M. Boland-E. E. Horton E. Granville-J. Lidel	Frank Strayer G. B. Seitz W. L. Herman Andrew Stone Jos. Hogan Joe Kane John L. Luer Edw. F. Cline John Ford Erle Kenton B. Macdonald	69 84 70 66 66 68 95 76 77	11/2 11/23 11/30 11/30 11/2 11/2 11/23 11/23 11/23
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON STRANGE FACES	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly	MGM Par Rep 20th WB	Comedy Comedy Western Sports Com-Dr	J. E. Brown-L. Carrillo-D. Duna A. Gillis-R. Kent-J. Travis G. Autry-S. Burnette H. Arthur-J. Valerie D. Kent-F. Jenks	F. Macdonald Ben Holmes Ralph Staub Otto Brower Earl Taggart	70 67 57 57 66	12/14 11/30 12/14 12/14 12/14
12/9/38	RIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER SECRETS OF A NURSE HEART OF THE NORTH	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	Col M-G Mono RKO Par 20th WB	Rom-Dr Rom-Dr Meller Rom-Dr Comedy 20th WB	C. Starrett-A. Deane L. Kainer-A. Marshall J. Carroll-M. Kornman A. Tamiroff-F. Farmer L. Ball-J. Ellison-L. Bowman T. Martin-J. Brooks E. Lowe-H. Mack D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Garson Kanin Joe Barker Arthur Lubin Lewis Seiler	78 73 70 75 68 74	12/7 12/7 11/9 12/7 11/10 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FETTER A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RIDERS COMET OVER BROADWAY	Col Monroe Shaft Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Trem Carr Bryan Foy	Col Col Par Par 20th U U WB	Drama Western Rom-Par Western Comedy Action Western Drama	J. Holt-B. Roberts-N. Beery B. Jones-C. Bailey R. Owen-L. Martin W. Boyd-G. Hayes-E. Venable J. Prouty-S. Byington K. Taylor-R. Hudson K. Murray-L. Kane B. Baker K. Francis-J. Littel	Lewis D. Collins Elmer Clifton R. Hill Les Seler Mal St. Clair Joe McDermough Kathleen Santline Geo. Wagner Busby Berkeley	55 68 64 74 69 63 63 65	12/14 12/14 12/14 12/28 10/12 12/7 12/21 12/21
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATHINA WILD HORNS TOM SAWYER, DETECTIVE FIGHTING THOROUGHEDS SHINE ON, HARVEST MOON RED RIVER RANGE THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME THE DAWN PATROL	B. B. Kahane Harry Rapf Robt. Tansey E. T. Lowe Armand Schaefer C. E. Ford Wm. Berke H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Rom-Dr Rep Rep 20th UA WB	Rom-Dr Drama Rom-Dr Rom-Dr Western Western Rom-Dr Drama Drama	F. Douglas-V. Bruce F. Gaal-Tone-W. Connolly D. O'Connor-B. Cook R. Byrd-M. Carlisle K. Rogers-M. Hart J. Wayne-R. Corrigan-M. Terhune E. Menjou-J. Orlie F. March-J. Bennett J. Cooper-W. Barrie E. Flynn-B. Rathbone	Al Hall Norman Taurog Robt. Hill Louis King Sidney Salkow Joe Kane Geo. Sherman Wm. Seiter Tay Garnett Harold Young Edm'd Goulding	70 64 63 63 63 103	1/11 12/7 12/21 12/21 1/11 12/7 12/21 12/14
12/30/38	SMASHING THE SKY RING CLIMBING SWEETHEARTS TOUGH KID SKY PIRATE ARTISTS AND MODELS ABROAD BOY TROUBLE FEDERAL MAN-HUNT KENTUCKY DUKE OF WAT POINT GOING PLACES	Irving Briskin Hunt Stromberg Lindsey Parsons Paul Malvern A. J. Ronnow, Jr. Wm. Wright Armand Schaefer Gene Markey Edw. Small Barney Glazer	Col M-G MGM Mono Par Par Rep 20th WB	Meller Comedy Musical Meller Action Musical Comedy Rom-Dr Rom-Dr Musical	F. Wray-E. Bellamy J. Mathews-M. Eddy J. Macdonald-N. Eddy F. Darro-J. Allen J. Trent-M. Reynolds E. Benny-J. Bennett C. Ruggles-M. Boland E. Livingston-J. Travis L. Young-R. Greene L. M. Young-R. Greene D. Powell-A. Louise	Christy Cabanne Carol Reed W. S. Van Dyke H. Bretherton Paul Malvern H. L. Lewis Geo. Archinbaud Nick Grinde David Butler Al Seiler Ray Enright	62 129 60 60 99 64 85	12/21 12/21 1/11 11/2 12/21 12/21 1/11 12/21 1/11
1/6/39	NORTH OF SHANGHAI STAND UP AND FIGHT DISBARRED PACIFIC LINER WHILE NEW YORK SLEEPS LADY VANISHES LAST WARNING DEVIL'S ISLAND	W. Macdonald Mervyn LeRoy Stuart Walker Robert Sisk Sol Wurtzel GB Irving Starr Bryan Foy	Col M-G Par RKO 20th U WB	Drama Rom-Dr Meller Drama Melodrama Mystery Mystery Melodrama	R. Furness-J. Craig E. Taylor-F. Rice-Beery G. Patrick-O. Kruger V. McLagen-C. Morris-W. Barrie M. Whalen-J. Rogers M. Lockwood-M. Redgrave P. Foster-F. Robinson B. Karloff-N. Harigian	D. R. Lederman W. S. Van Dyke Robert Florey Lew Landers H. B. Humberstone Alfred Hitchcock Al Rogell Wm. Clemens	99 58 76 61 62	1/11 12/28 12/21 12/7
1/13/39	THE THUNDERING WEST BURN 'EM UP O'NNOR PYGMALION CONVICT'S CODE ZAZA MYSTERIOUS MISS X THE GREAT MAN VOTES CHARLIE CHAN IN HONOLULU TOPPER TAKES A TRIP SON OF FRANKENSTEIN THEY MADE ME A CRIMINAL	Irving Briskin Harry Rapf Gabriel Pascal E. B. Derr Albert Lewin Herman Schlom Cliff Reid John Stone Hal Roach Rowland V. Lee Ben Glazer	Col M-G M-G Mono Par Par RKO 20th UA WB	Western Com-Par Comedy Melodrama Rom-Com Mystery Comedy Mystery Comedy Drama WB	C. Starrett-L. Meredith D. O'Keefe-C. Parker L. Howard-W. Hiller R. Kent-A. Nagel-M. Eburne C. Colbert-H. Marshall M. Whalen-M. Hart J. Barrymore-P. Holden S. Toler-P. Brooks C. Bennett-R. Young-B. Burke B. Karloff-B. Lugosi J. Garfield-C. Evans	Sam Nelson Edw. Seewitz A. Asquith Lambert Hillyer Geo. Cukor Gus Meins Garson Kanin H. B. Humberstone Norm. Z. McLeod Rowland V. Lee Busby Berkeley	67 96 83 84 79 65	9/7 1/11 12/28 1/11
1/20/39	FRONTIERS OF '49 IDIOT'S DELIGHT AMBUSH ARIZONA LEGION SMILING ALONG MR. MOTO'S LAST WARNING GAMBLING SHIP OFF THE RECORD	Hunt Stromberg Wm. Wright Bert Gilroy Robert R. Kane Sol Wurtzel Irving Starr Sam Bischoff	M-G Par RKO 20th U WB	Western Rom-Dr Par Western Mystery Drama Comedy	B. Elliott-L. De Alaniz Shearer-Gable G. Swarthout-L. Nolan G. O'Brien-L. Johnson M. Fields-M. Marc P. Lorr-E. Cortez R. Wilcox-H. Mack F. O'Brien-J. Blondell	Sam Levering Clarence Brown Kurt Neumann Dave Howard R. Walsh Norman Taurog Aubrey H. Scott James Flood	62 62 62 62 62 62	12/14
1/27/39	LONE WOLF'S DAUGHTER FOUR GIRLS IN WHITE DRIFTING WESTWARD PARIS HONEYMOON JESSE JAMES MADE FOR EACH OTHER KING OF THE UNDERWORLD DRIFTIN' WESTWARD	Jos. Siström Nat Levine Robert Tansey Harlan Thompson Nunnally Johnson D. O. Selznick Bryan Foy Robert Tansey	Col Par Mono Par 20th UA WB	Meller Rom-Dr Western Rom-Com Drama Rom-Com Drama Western	W. William-L. Lupino A. Marsden-E. Rice Jack Randall B. Crosby-F. Gaal T. Power-N. Kelly-Fonda C. Lombard-J. Stewart H. Bogart-R. Francis J. Randall-D. Duran	Peter Godfrey S. S. Simon Robert Hill Frank Tuttle Henry King John Cromwell Al Seiler Bob Hill	105 69	1/11 1/11
2/3/39	TEXAS STAMPEDE HONOLULU SUNDOWN ON THE PRAIRIE ST. LOUIS LUMES FISHERMAN'S WHARF THE ARIZONA WILDCAT STAGECOACH	Irving Briskin Jack Cummings Ed Finney Jeff Lazarus Sol Lesser John Stone Walter Wanger	Col M-G Mono Par RKO 20th UA	Western Rom-Com Western Mus-Rom Com-Dr Comedy Rom-Dr	C. Starrett-L. Meredith E. Powell-R. Young T. Ritter-D. Fay-C. King L. Nolan-D. Lamore B. Green-L. Carrillo J. Withers-L. Carrillo C. Trevor-L. Wallace	Sam Nelson Eddie Buzzell Al Herman Raoul Walsh Vernard Vorhaus Herb. I. Leeds John Ford	67 96 83 79 65	

# Show Biz a Very Serious Thing In Small Town, USA; Lincoln an Example

By BARNEY OLDFIELD

Lincoln, Jan. 10. Highest picture gross for 1938 was the Stuart's week with 'Boys Town', at \$7,500. Topped 'Show White' in the same week by a slight margin. Best holdover month in history, October, 1938, when 'Antoinette' went 10 days, 'Boys Town' 16 days, 'Algiers' 14 days, 'Four Daughters' 21 days, 'There Goes My Heart' 14 days. Best orchestra take, Ted Fio Rito, \$1,640, at the Turnpike Casino. Close by, Phil Harris, \$1,610. Biggest dance crowd, Herbie Kay, Turnpike, 1,900 paid admissions. Kay's advance is the town's all-time high, 1,400.

Lincoln, Jan. 10.

Lincoln, per capita, is one of the show-busiest spots in the U. S. Barely squeezing over 86,000 the last census, it supports eight downtown theatres, playing 24 films per week, and one suburban. It has but one dark house, and that's because it needs repairs badly. It has three ballrooms, none operating less than three nights weekly. It has an amusement park (Capitol Beach) and a tent covered dramatic stock (Chick Boyes Players) in season.

Small as it is, Lincoln is an unusual key. It is the scene of terrific competition, two circuits battling each other tooth and nail—J. H. Cooper's Lincoln Theatres Corp. and L. L. Dent's ally, Nebraska Theatres, Inc. Cooper has three houses and the bulk of the product, while NTH has four houses and skins along with many unearned holdovers. Sole indie operator is R. R. Livingston, who is the state's liaison officer between the show biz and the legislature.

Several groups have entered Lincoln's stormy film row since 1930, all trying to crack the dominant Cooper's hold on film. It remained for L. L. Dent, after more than three years facing Cooper on fronts in three states—Nebraska, Colorado, and Oklahoma—to live up to his name and nick the product hold. During the last year Republic, Monogram and a split of Warners

and UA has come over to his ally here. This, added to the Grand National, GB, and Columbia contracts gives NTH enough celluloid for the projection machines. Film row looks for still further changes, not able to understand how the LTC trio of houses will be able to play MG, 20th, Universal, RKO, splits of UA and Warners, and Paramount, and the second runs.

Lincoln was the largest town in this part of the country for many years to hold out for six-day operation. Through efforts of Bob Livingston, it went Sunday five years ago which established it with better grosses because the stream of cars out of town over the week-end was terrific. Through Livingston, who opposed bank night as unshowmanly, the giveaway never got into the county except for a couple of performances when the county attorney cracked down on it.

Although ducking giveaways, the spot had other objectionable features—notably low prices. In the five years battling between Cooper and Dent, the town set records for bargains. At one time, it was possible to see six evening shows, and four matinees per week for \$1, a total of 18 feature pictures and 36 short subjects. From that day the low ebb, prices jogged around hit and miss. During 1938, when all the rest of the show biz was spouting about recovery, betterment, etc., one of the NTH houses here was running for a nickel bargain matinee, that was when NTH had two houses, and Cooper five. Now, with Cooper having three, and NTH four, the situation is better, but no signal for ho-sannas. The dime has disappeared except as a kid or mat price, and other prices doing a climb, the take being about 20% per ticket better up and down the row than on Jan. 1, 1938.

## Small Town Tending

Broadway has had its feuds of the Ziegfelds and the George Whites, but Broadway has no patent on it. NTH and Cooper managers, when conversing, which is seldom, part and spar to try and keep from letting

out pic datings, biz conditions, etc. Merriest time of all to the onlooker was when Cooper's hold on the film output was stronger, and when Bob Livingston was dependent on him for second runs. Dent's house would get an occasional good one, for instance, 'Broadway Bill'. The management would then find planted a Warner Baxter picture on one side of the Dent house, a Myrna Loy-Warner Baxter pic with Livingston on the other side, and a Myrna Loy flick across the street. The neighbors would come downtown like a woman in a house full of mirrors, many of them winging up to one of the Cooper spots in the confusion. It was good biz on the Cooper side of the ledger, but bitter pills to the opposition.

Lincoln seldom sees Dent or Cooper, but the telephone company rubs hands monthly at the sight of the toll bills for the several times weekly check-ups. Cooper may call from New York, Florida, Oklahoma or Chicago. Dent places his from Denver, Dallas, New York, Chicago, and his ranch in the southwest. When Cooper comes to town he seldom stays more than a day, dividing his time between his Stuart theatre office arguing with film men about dates for backed-up product and looking over the books. When Dent's in town, he asks the same film peddlers to the nearest theatre row poolroom, beating the socks off them at snooker. Cooper's operation has the New York touch, while Dent is like a ranch foreman. Cooper managers keep noses to the grindstone, attend strictly to film, while the Dent top hands treat it as a lark, and when Howard Federer, city manager here, gets with T. B. Noble Jr., Dent's right hand in Oklahoma City, they run races with Olsen and Johnson. Results, considering the product, are not a great deal different.

During the depress years all the theatre became run down and no one advanced hope enough that the future was going to brighten sufficiently to cut loose with money to equip houses. However, in 1938 more than \$30,000 had been spent, with that much more set for 1939 maintenance. Other amusement spending during the same period included the \$25,000 Thompson and the town's fanciest ballroom and the dance showplace of the midwest this side of Chi.

## Those Ballrooms

Speaking of ballrooms, the competitive situation with men hunting the dance traffic is even more brutal than with the theatres. There are three major ballrooms drawing on the town for attendance, although all are outside the city limits in order to get by the blue-lawed Sunday dancing. Turnpike is the leader, with a battle for the low wage, stag line trade between Matt Kobalder's Pla-Mor and Harry King's Ballroom.

Turnpike, managed by R. H. Pauley, works to keep the gate at \$1 per couple or more, against two bits per person competition from the other two. Pauley's crowd is the college and business and professional types, who don't want to put up with stags. Everybody else goes Pla-Mor or Kings, and that means plenty. Pla-Mor, the oldest spot in town, has a fixed 'atfe and plays to attract the same people and the same number every open night. King hasn't made up his mind. He plays two-bit bands for the two-bit traffic for a while, then makes a try at the name band field. He averages better on the two-bitters. Pauley tries to have two names a month, and lays off the swingeroles to keep the bugs off the floor. Pla-Mor wouldn't take the gymnastics either, although King allowed them to snort up the place for a while.

As the theatres went through a robust period of price chopping, the dance biz is also doing it now. Pauley, angered by the two-bit Sunday niters and with his head bowed because the college mols had been bedded down by 10:30 p.m., started a two-bit bargain hour Sundays. It hasn't done him much good, however, and the same amount of biz still shows at the other two places.

## Outdoors

Suffering in an economic way was least felt in 1938 in the outdoor show biz. Roushest season in history on circuses and tent parks generally, Lincoln showed a profit to every rag-covered enterprise to stop in the town. First was Parker & Watts circus, 27 days in the rain when hitting Lincoln in May. Bad timing because crops were going into the ground. Only two profitable days had shown before arrival, but Lincoln gave them nice coverage on the nut. Similarly was the case of Hagenbeck-Wallace, sloughed by bad biz, attachments by employees, who

# EXPLOITATION

## 'Zaza' Setup

Paramount has a 'Zaza' tieup that leaves the exhibitor nothing to do but mail a postcard to the home office giving his playdates and then check up with department stores to see that he gets his theatre credits. It's with the Mojod hosiery firm. Sixty salesmen with headquarters in New York, Chicago, Los Angeles and San Francisco furnish dealers with \$286-inch two-color and 11x14-inch window displays, newspaper ad mats, etc., and the hosiery company puts up prizes of \$50, \$25, \$15, \$10 and \$5 for the best window display. The exhibitor sits back, watches the results and hopes for the best.

## Nabe's Free Terp Lessons

Detroit. With initial venture drawing almost 100 kids, United Detroit's Alger nabe has set a new term for Saturday morning dance instruction under supervision of Roth-Berduin school. Eligible are kids from five to 16 who wish to study tap, toe, acro or ballet dancing free. First term was climaxed last week when more than 50 kids appeared in stage presentation at Alger.

## NEA Runs 'Duke' Dance

A layout of six dance instruction pictures captioned 'You Don't Have to Be a Cadet to Do 'The West Point Hop' has been sent out in mat form to the 600 papers using the NEA New pictures in addition to the dance instructions under each still there's a plug for UA's 'Duke of West Point'.

## Ties 'Duke' to Polo Game

Charles Perry, manager of the Al-dine, Philadelphia, took advantage of the local interest in rival hockey teams to put over a 'Duke of West Point' tieup which lasted a week and culminated in a game between the Chester and Philadelphia teams of the Eastern Hockey League at which Edward Small trophies were presented. One cup went to the winning team and the other to the individual high scorer. Members of the Ramblers, Philadelphia professional team, acted as officials. Papers devoted considerable space to the game a week in advance. Special cut rates were put on the tickets, the Betsy Ross Drum and Bugle band, and the public skating was allowed after the game. Prior to the game the picture was screened for the players and sports writers with a handout of the track coach of the American Olympic team, acting as master of ceremonies. The net cost was practically nothing. Wherever there are rival teams the stunt may be applied to other forms of sport.

were back seven weeks in salary, and fights with the feature act, Blacaman. Lincoln pockets poured out for another winner. Then came the much-sheeted Billroy's Comedians, nitted at \$400 for the day, which nudged \$2,000 in gross on one night, one of three towns in the nation to have a standup and demand for a second show. Meanwhile, from May until October, Chick Boyes Players, a tent rep outfit, making its fourth season stand, was almost even with 1937, a much better year financially in other instances. Capitol Beach, the role amusement park, ran ahead of 1937 in the first half of the season, slowed, but managed to get even. Pool biz was away off.

Nebraska's state fair was ahead of its 1937 profit, although 80 paid admissions (correct) behind the previous year. Pickup was in the parimutuel department, the third year of legated betting. 1938 netted about \$18,000, 1937 had 23G, and 1938 28G from bets on the ponies.

Additionally, the town supports two college dramatic groups, putting on seven legit a year apiece, and just started a community theatre. Over a howl of protest from dance men and the hotels, a Student Union building was erected on the campus which houses name band bookings and soft drinkeries, which cut in on the tax-paying University supporting hotel-ballrooms. In season, the football stadium draws 35,000 a Saturday, and the basketball team 6,000 a couple of nights a week. Summers see softball under lights in three cities and tent parks every night, as well as a state league baseball team trying to make ends meet.

Small as it is, the town has recently seen competitive 'vaude in two houses on the main stem. It is skedded to see it again after the first of the year in at least one house. Amazing is a small word for the existence of amusements and enterprises in a town which can't average more than \$17,000 a week available for all amusements.

## Old 'Sweethearts' Stunt

Oklahoma City. Standard Theatres of Oklahoma News sponsored party for oldest married couples at opening of 'Sweethearts' at Criterion. One couple had been married 56 years. All couples married more than 50 years were invited to attend the party, complete with refreshments and oakleys. Longest wedded pair received Christmas presents from Standard Theatres and telegrams of congratulation from Jeanette MacDonald.

## Outdoor Mag Aids Shorts

Frank Donovan, shorts producer for RKO Pathe, worked out an informal tieup that should help expedite Dec. 12 new sport shorts, 'Bird Dogs' and 'On the Wing'. Eltinge Warner, publisher of Field and Stream, was called in as technical equipment will be completed. Ritz personnel will be absorbed by other Standard houses in the city. Closing of Ritz leaves Standard operating in Oklahoma City with the Criterion Tower, Capitol Beach and all first-run, 40c. top houses; Liberty, first-run, double bill, 25c. top, and the Warner, Circle and Victoria, all subsequent run, double bill, 25c. top houses.

## Theatres—Exchanges

Oklahoma City. Standard Theatres' Ritz, nabe, will shutter next Saturday night (14) for an indefinite period during which time general repairs and installation of new equipment will be completed. Ritz personnel will be absorbed by other Standard houses in the city. Closing of Ritz leaves Standard operating in Oklahoma City with the Criterion Tower, Capitol Beach and all first-run, 40c. top houses; Liberty, first-run, double bill, 25c. top, and the Warner, Circle and Victoria, all subsequent run, double bill, 25c. top houses.

Lincoln. Liberty, 1,400-seater, closed again Jan. 4, this time for reseating. Closed Dec. 11 when Lincoln Theatre Corp. let it go to Nebraska Theatre, Inc. Later opened to run off some seconds before starting to new name. Orpheum, 1,300 seats, remodeling to tune of \$24,000. Will be ready around middle of February under new name. W. Anderson, Fairfield, Neb., closed the Joyo.

Seattle. Recent changes for Fox-West Coast in Montana: Spec MacDonald, manager of Liberty, closed the Falls, transferred to Fox, Billings, to succeed John Trewhella, resigned; Bert Hanson, from California, is new manager of Liberty; Charles Dotson, from Fox, California, Venice, Cal., to manage Ritz. John Von Herberg, Jr., is relief manager for Jensen-von Herberg string.

Cincinnati. Two new nabes here. The Avon (600), Avondale, owned by Virgil Jackson, Columbus (O.) exhib., and Maurice Chase, who has discontinued his local (Chase Pictures) exchange. Has Cincy's first glass-encased and sound-equipped nursery. The Marietta (700) first cinema in suburb of that name opened Xmas day. Operating company controlled by Nat Galley, who has the Rialto, downtown, and two houses in Oxford, O. Max Stahl resigned as Cincy branch manager for UA, effective Jan. 7, to devote full time to his new Ritz (750), Shelbyville, Ind., which opened Jan. 2. Third cinema in that town.

Palm Beach. Entire quota of Sparks theatres for Palm Beaches opened. With locking of Rialto in the Palm Beach, all duals now unreel in this 25-center, under management of Al Hunt. Palace now gets holdovers from Florida and then shift to Florida leaves Palace to manage Beaux Arts in Palm Beach, only pop priced house on island, and Palm Mike replaces Beard at Palace. Dick Doran return to manage Paramount in P. B., where top is \$1.10 if you want to see celluloids from boxes and club chairs. First runs play Paramount and then shift to Florida. W. P. E. where Monte Montgomery continues to count up night's end receipts. Russ Henderson again at Par's organ.

# New York Theatres

There's a Better Show  
at the  
**RKO THEATRES**

**Capitol**  
JOANETTE MacDonald  
Nelson Eddy  
In Victor Herbert's  
SWEETHEARTS  
In Technicolor  
Marie ANTOINETTE

**Astor**  
Dance Open 9:30 a. m. to  
11:30 p. m. (all times)  
midnight show every night  
Continuous Performances, Popular Prices  
**LESIE HOWARD** in **Bernard Shaw's**  
**PYGMALION**  
An MGM Hit

**RADIO MUSIC HALL**  
"TRADE WINDS"  
Spectacular Stage Productions

**PARAMOUNT SQUARE**  
HELD OVER  
**CLAUDETTE COLBERT**  
"ZAZA"  
IN PERSON  
**BENNY GOODMAN**  
AND HIS ORCH

On the Screen  
**"GOING PLACES"**  
Starting TUESDAY  
at 2:00 PRICES!  
Norma SHEARER  
Tyrae POWER  
Marie ANTOINETTE

In Person  
**ROBINSON**  
**ARMSTRONG & HIS ORCH**  
with  
**MCKPOLL**  
**ANITA LOUISE**  
**STRAND**  
LATE FEATURE AT 12 MIDNIGHT

**Times 52**  
**LOWE'S STATE**  
TODAY ONLY  
**"COWBOY and the LADY"**  
BENNY DAVIS  
REVUE

Starts Thursday  
**"DUKE OF WEST POINT"**  
Benny MEROFF  
STROUD TWINS

7th Av. & 50th St.  
**ROXY**  
ALL SEATS 25c TO 1 FM.

**"JESSE JAMES"**  
—On the Stage—  
New Stage Show

**Charles LAUGHTON**  
in  
**The BEACHCOMBER**  
UNITED ARTISTS RIVOLI Broadway at 40th St.  
Dance Open 9:30 A.M. MIDNIGHT SHOWS

**Instal**  
**Onlow Cabinet Toilet Tissue**  
ECONOMY WASHROOM SERVICE

# SPEND FOR SHOWMANSHIP

## Chain Income from Time Sales

### NBC

	1938	1937	1936	1935
January	\$3,793,516	\$3,541,999	\$2,681,815	\$2,895,037
February	3,498,053	3,296,782	2,714,300	2,758,319
March	3,806,831	3,614,283	3,037,873	3,025,308
April	3,310,505	3,277,837	2,741,926	2,682,143
May	3,414,200	3,214,819	2,561,720	2,685,211
June	3,200,569	3,003,287	2,323,456	2,380,845
July	2,958,710	2,707,450	2,429,983	2,208,935
August	2,941,099	2,784,977	2,422,431	2,021,365
September	2,979,241	2,850,581	2,886,637	2,163,317
October	3,773,964	3,339,739	3,696,489	2,779,557
November	3,896,919	3,361,346	3,466,728	2,655,100
December	3,867,072	3,659,086	3,558,590	2,893,793
Total	\$41,462,679	\$38,651,186	\$34,523,950	\$31,148,930

### CBS

	1938	1937	1936	1935
January	\$2,879,945	\$2,376,620	\$1,901,023	\$1,768,949
February	2,680,335	2,264,317	1,909,146	1,654,461
March	3,034,317	2,559,716	2,172,382	1,820,553
April	2,424,180	2,563,478	1,950,939	1,615,389
May	2,442,283	2,560,558	1,749,517	1,287,455
June	2,121,495	2,476,567	1,802,768	1,066,729
July	1,367,357	1,988,412	1,292,775	1,014,470
August	1,423,865	1,955,280	1,232,588	979,019
September	1,601,753	2,028,585	1,636,932	1,066,590
October	2,367,398	2,505,485	2,429,917	1,722,590
November	2,453,410	2,464,473	2,429,917	1,722,590
December	2,529,060	2,786,618	2,433,353	1,885,977
Total	\$27,345,397	\$28,722,109	\$22,943,257	\$17,521,082

### MUTUAL

	1938	1937
January	\$269,894	\$213,748
February	\$253,250	\$231,286
March	232,877	247,421
April	189,545	200,134
May	184,207	154,633
June	202,412	117,388
July	167,108	101,457
August	164,626	96,629
September	200,342	132,866
October	347,771	238,683
November	360,929	258,357
December	337,369	245,465
Total	\$2,920,323	\$2,239,077

## FOR FREE LOSES OUT

Broadcasters in the metropolitan New York area are complaining about the difficulty they now experience in getting unprofessional celebrities or experts in various walks of life to appear on sustaining programs for the small stipend that the budgets allow. With so many commercials of the guest type available to it, this gentry has become accustomed to figuring their worth in the multiple hundreds class, while \$50 is usually tops for a sustaining appearance.

Large number of sponsored audience participation shows has likewise established a pay level for freak interviewees and whatnot which is having its repercussions in the sustaining side of the broadcast picture. It's now either for money or else, and just a few bucks won't suffice. There are several outlets in the field with high-sound business titles ending in the word, "Production," whose activities are confined strictly to digging up these freak interviewees for commercial shows.

### LAXATIVE COPY OKAY

#### Post Bran Flakes Encounters Little Objection

Post Bran Flakes (General Foods) campaign which starts Jan. 23 will cover 10 markets. Only two of the stations queried turned down the business because of the laxative references in the copy.

List of contracted outlets are: WIRE, Indianapolis; WGN, Chicago; KMBC, Kansas City; KRLD, Dallas; WKY, Oklahoma City; WCAU, Philadelphia; WJR, Detroit; KPRC, Houston; WJAS, Pittsburgh; and KFI, Los Angeles.

### THAT BANKROLL QUIVER

#### It's 'Career Time' at The Two Radio Networks

It's budget-making time around NBC, while at Columbia the occasion is somewhat brighter, at least for the officials and higher executives. Many of the gentry are having their salaries tilted this week.

The NBC department heads, as is customary around this time of the year, are anxiously wondering where and whom and if they will have to slash. Operating estimates for the current year were handed in several weeks ago. Last year the budget juggling at NBC was climaxed by wholesale letouts and general paring of department plans. With the business outlook now considerably brighter, it is expected that the submitted budgets will receive but a minimum of bruising.

## FIRST 20 AGENCY NETWORK SPENDERS

(On the basis of combined NBC, CBS and Mutual expenditures; note: Mutual billings not counted in 1936)

Agency	1938	1937	1936
1. Blackett-Sample-Hummert	\$9,093,125	(1) \$7,293,490	(1) \$6,011,665
2. J. Walter Thompson Co.	5,320,608	(3) 5,283,134	(3) 5,148,557
3. Young & Rubicam, Inc.	5,093,640	(4) 3,821,010	(7) 2,244,484
4. Benton & Bowles, Inc.	4,800,399	(5) 3,824,240	(6) 2,182,440
5. Lord & Thomas	4,791,586	(2) 5,548,195	(2) 5,573,278
6. Ruthrauff & Ryan, Inc.	4,015,959	(6) 3,407,886	(12) 1,237,928
7. Compton Advertising, Inc.	3,107,788	(7) 3,001,600	(8) 2,018,344
8. Ward Wheelock Co.*	2,258,425	(16) 1,128,540	(11) 1,256,154
9. Newell-Emmett Co.	1,693,314	(9) 1,951,261	(14) 1,189,426
10. B. B. D. & O.	1,588,554	(10) 1,801,695	(5) 2,716,819
11. Pedlar & Ryan, Inc.	1,588,185	Not among 20 first spenders here	
12. Lennen & Mitchell, Inc.	1,500,635	(11) 1,880,063	(18) 782,043
13. N. W. Ayer & Son	1,397,535	(8) 2,842,215	(4) 3,276,155
14. Wade Adv. Agency	1,333,741	(12) 1,457,470	(13) 1,220,132
15. H. W. Kastor & Sons	1,245,302	Not among 20 first spenders here	
16. Gardner Advertising Co.	1,109,681	(19) 928,326	Not among leaders
17. Erwin, Wasey & Co.	1,105,072	(20) 920,263	(10) 1,467,599
18. William Estey & Co.	1,096,379	(17) 1,032,263	(16) 1,047,534
19. Blou Co.	1,081,115	Not among 20 first spenders here	
20. Stack-Goble	1,007,000	(11) 1,495,307	(9) 1,501,678
Total	\$54,278,083	\$50,267,217	\$42,497,972
Percent of total network intake	75.7%	72.2%	73.7%

\* Ward, Wheelock agency in 1937 was listed as F. Wallis Armstrong.

(Note: three agencies among the first 20 spenders in 1937, but not 1938, were: Neisser-Meyerhoff, Maxon and Roche-Williams-Cunyngham)

## \$41,763,388 BY 10 TOP AGENCIES

Blackett Still the Sob Sister  
Syndicate—Gross Billings  
and Production Policies in  
Focus

### AGENCY SCOPE

The networks' annual headache—the release of agency billings—came off yesterday (Tuesday) with less of a headache than usual, but with some pretty violent changes in figures. In an accompanying table is a condensed version of what the webs put forth.

Most notable factor in the billings is that Blackett-Sample-Hummert, the No. 1 spender for the third successive year, increased its spending by just about \$1,800,000 over 1937. It's no secret how this increase came about. B-S-H simply put on more of those what-do-we-care-about-the-C.A.B. daytime strips across the board, while reducing spot expenditures. What had previously been spot shows were then telescoped into the network programs, thus giving many a web program a multiple-product sponsorship. This is a sore point with web stations—the affiliates claiming that the webs shouldn't allow such multiple-product stuff, especially when it approximates chain-break plugging, on the grounds that spot revenues are thereby slaughtered. Same holds true for Ruthrauff & Ryan.

Second noteworthy factor is that the leading agencies are once more grabbing off a bigger hunk of total revenue than in 1936 previous year. This time they accounted for 75.7% of all network gross revenue, an increase in percentage of 3.5 over 1937.

During 1938 three agencies crawled into the first 20 classification, and three dropped out. Newcomers are Blou, H. W. Kastor and Pedlar & Ryan. Those exiting are Neisser-Meyerhoff, Maxon and Roche-Williams-Cunyngham.

J. Walter Thompson meantime shoved Lord & Thomas out of second place, a position L&T had occupied for three years.

Young & Rubicam got a grip on third place, marking the second successive year that agency has continued to rise. Benton & Bowles, in also moving up a notch, keeps up a tradition of three years' standing in forging higher and higher up the ladder.

It is interesting that the first 10 agencies this year amassed the enormous total of \$41,763,388 in billings.

## NBC, \$41,462,679 in 1938; Columbia Grossed \$27,345,397; Mutual Billings, \$2,920,323

### WFIL SIGNS

Retrospective Pay Boosts Granted  
C.I.O.-Affiliated Engineers

Philadelphia, Jan. 10.

New terms, granting 10 to 12% increases to all panelmen, retroactive to last Nov. 1, was signed by WFIL with the Broadcast Division of the American Communications Association, C.I.O. Outlet had been working under the previous contract, which expired Oct. 31.

Other concessions won in the new pact called for six weeks' sick leave at full pay, up to six months' leave of absence in event of illness, two weeks' vacation with pay, and extra pay for weeks for legal holidays or equivalent time added to vacations. Numerous other hazy points in the old agreements were also cleared up.

Union has also organized the two stations in Wilkes-Barre, WBRE and WBAX. All employees, including office help, are ACA members. Negotiations are now in progress and signatures are expected within a week. ACA was given aid in organization work by the United Mine Workers, strong in the territory, and the Newspaper Guild, which is now in about the 14th week of a strike in Wilkes-Barre. Only other station in the east which is similarly vertically organized is WPEN, Philly, which the ACA signed up a couple weeks ago.

Joint terms for gabbers and knob-twirlers at WIP is now being negotiated with Prez Ben Gimbel.

## Arthur Rowe Radio Exec Of Frisco Exposition; New Job for Linkletter

San Francisco, Jan. 10.

Arthur Rowe, head of the Pacific Radio Institute, yesterday became radio director of the 1939 Golden Gate International Exposition. Appointment was made by Harris D. Connick, fair manager, on the recommendation of the expo's radio advisory committee, consisting of station managers in the bay area. Rowe is a San Francisco business man.

Arthur Linkletter, who has directed the advance radio build-up and promotional activities for the fair, is slated to continue in another post.

Dick Powell and Joan Blondell guest on second Andre Kostelanetz program for Ehiyl Jan. 19.

Even though CBS' gross for 1938 was 4.8% off, the three national networks jointly did better than they had in 1937. NBC, Columbia and Mutual as a group grossed \$71,728,400 in 1938. The threesome's cumulative figure for 1937 had been \$69,528,482. NBC wound up 1938 with \$41,462,679 in gross billings, or 7.3% better than 1937's grand total. Columbia's final count for the past year was \$27,345,397, a drop of 4.8% from the 1937 tally. Mutual got \$2,920,323 in '38, which was a boost of 30.4% over 1937.

For the first time in five years NBC's December tally was less than it had been for the preceding month. Billings for this past December were \$3,867,072, representing 6.8% more than the revenue for December, '37. Columbia with its \$2,529,060 was off 9.2%.

CBS' margin between 1937 and 1938 had been a plus 12%, while CBS' comparative rise was 24%.

## RUBINOFF ON REXALL WAX

Dave Rubinoff is returning to radio to do a transcription series for Rexall. His orchestra will consist of 30 men and the others in the cast will consist of Budd Clark, Arthur Boran, Graham MacNamee and Basil Ruysdael. Walter Craig is producing for the Street & Finney agency.

There will be four 15-minute shows, three to be played off during the day and the other at night. They are being spotted on 300 stations in connection with the brand's yearly 1c sale.

### HAYDN EVANS AT WNAX

Former VARIETY Man Commercial Manager of Station

Haydn Evans has been named commercial manager of WNAX, Yankton, in a partial revamp of that station's personnel since acquisition by the Iowa Broadcasting Co. (KSO-KRNT, Des Moines, and WMT, Cedar Rapids). Evans got into the harness Monday (9) and will spend half of his time at the station and the other half in scouting for national spot biz in the midwest.

New c.m. previously had an agency of his own, worked as account exec with several other agencies, was salesman for NBC in Chicago, and last with VARIETY.

### Astaire, Marshall On

#### 2d Guild-Gulf-Show

Hollywood, Jan. 10. Second Screen Guild show for Gulf Oil next Sunday (15) will have in the top bracket Fred Astaire, Herbert Marshall, Loretta Young and Franklin Pangborn. Dwight Taylor scripted their air piece, 'Miss Brown of Worcester,' from an idea by Arthur Sheekman.

Astaire, as a hooding, singing band leader, will warble for the first time on the air 'Only When You're In My Arms,' from his new picture, 'The Castles.'

### Fashions at 7:45 A.M.

Chicago, Jan. 10.

Fashion clats for Vanette Hosier begin forthwith on a nine-station program over NBC. It's 15 minutes one weekly.

Lorraine Andersen will do the commentator role and will gabble for the early rising house frau at 7:45 a. m. Set through the Grant agency.



etites and 'Certified Mobile Units' in Dayton and Washington, latter comprising street interviews recorded on spot and transmitted next morning. Supplementary transcriptions of 'Pretty Kitty Kelly' run in half dozen markets remote from network coverage. Other spot programs, as well as announcements throughout year at many points.

### Colgate-Palmolive-Peet

'Gang Busters' for Palmolive Buave Creams continued over CBS, rounding out three consecutive years on air. Only change new interviewer in Colonel H. Norman Schwarzkopf.

New show, 'Ask-It-Basket,' with Jim McWilliams as question asker. CBS half-hour once weekly for Colgate Dental Cream.

'Myrt and Marge' continued over CBS five times weekly daytime for Concentrated Super Soda.

'Hilltop House' (with Bess Johnson), ditto for Palmolive Soap.

Spot activity included supplementary transcriptions of 'Myrt and Marge' and 'Hilltop House' over WLW, WOR, WBS, WFO, WTAM, WVIC and other power houses not affiliated with CBS. Also announcements and participation for other Colgate products, including announcements in English, Filipino and Japanese in Hawaii.

### Best Foods

Peter Grant news broadcasts over WLW three times weekly; Mary Mason Home Forum over WRC; 'Women in the News' in Honolulu five times weekly. All for Nucoa.

## BIOW COMPANY

### Philip Morris

Account has three programs per week: Tuesday, 8 to 8:30 p. m.-NBC Red Network (rebroadcast 11:30 to 12 Mid.). Variety show with orchestra directed by Russ Morgan; 'The Swing 14,' directed by Ray Block; dramatization, 'The Perfect Crime,' written by Max Marcell and produced by Jack Johnstone. Saturday, 8 to 8:30 p. m.-CBS Network (rebroadcast 11:30 to 12 Mid.). Variety show with orchestra directed by Russ Morgan; 'The Swing 14,' directed by Ray Block; dramatization, 'The Greatest Stories Ever Told,' adapted by Max Marcell and produced by Jack Johnstone. Friday, 8 to 8:30 p. m.-Mutual Network, 'What's My Name?' audience participation program with Ariens Francis and Eddi Dulick.

### Paul Jones Cigarettes

Used spot broadcasting in seven cities: KPRC, San Francisco; KIEB, Eureka; KDON, Monterey; KQW, San Jose; KNX, Los Angeles—Two 15-minute news programs per week. KMCB, Kansas City; Jack Starr, sports commentator (five times per week), KMOX, St. Louis; France Laux, sports commentator (three times per week).

### I. J. Fox

New York City only—Five 15-minute programs per week; three days on WEAF and two days on WJZ—for a period of six weeks—Jack Berch and orchestra.

### Bulova Watch Co.

Time signals and announcements on 163 stations throughout the United States.

## BLACKETT-SAMPLE-HUMMERT

### (Chicago)

### F. & F. Laboratories

'News Broadcast,' daily.

### General Mills, Inc.

Softastik, 'Arnold Grimm's Daughter,' daily, 2:15-2:30. Blisquick, 'Betty and Bob,' daily, 2-2:15. Wheaties, 'Jack Armstrong,' daily, 5:30-5:45. Corn KIX, 'Those Happy Glimpses,' daily, 1:45-2. Corn KIX, 'Curtain Time,' Friday, 9-9:30. CORN KIX, 'Grouch Club,' Tuesday, 9:30-10. GMMT, 'Caroline's Golden Stars,' daily except Saturday and Sunday, 11:15-11:30 a. m. Corn KIX, 'John Gambling's Gym Class,' Tuesday, Thursday, Saturday, 1:15-1:30.

### Procter & Gamble Co.

Dreft, 'Kitty Keene, Inc.,' daily, 11:45-12. 'Musical Program,' Saturday, 5:30-5:45. Lova, 'Houseboat Hannah,' daily, 5-5:15. Oxydol, 'Central City,' daily, 10-10:15. Oxydol, 'Ma Perkins,' daily, 8:15-8:30. Oxydol, 'The Goldbergs,' daily, 1-1:25. Oxydol, 'The Marek Family' (Polish), daily. Oxydol, 'Album of Love' (Italian), daily, 2-2:15. Oxydol, 'Rue Principale' (French), daily, 2:15-2:30. Oxydol, 'Musique et Nouvelles Oxydol' (French), daily.

### Sears Roebuck & Co.

Merchandise, 'Grandma's Travels,' daily.

Sears Community Bank, announcements, daily.

### Skelly Oil Co.

'Captain Midnight,' daily.

### Wander Co.

'Little Orphan Annie,' daily, 6:45-6.

'Carters of Elm Street,' daily, 11-11:15.

Announcements, varied.

### (New York)

### Anacin Co.

'Easy Aces,' Tuesday, Wednesday, Thursday, 7-7:15.

'Our Gal Sunday,' Wednesday, Thursday, Friday, 12:45-1.

'Just Plain Bill,' Monday, Tuesday, Wednesday, 10:30-10:45.

'Don Juan of Song,' Monday, Wednesday, Friday, 6:15-6:30.

Hockey games, Tuesday, 9-10:30.

### B. T. Babbitt, Inc.

Bab-O, 'David Harum,' daily, 11-11:15.

Bab-O, 'David Harum,' daily, 3:45-4.

### Bayer Co.

'American Album of Familiar Music,' Sunday, 9:30-10.

'Famous Actors' Guild,' Tuesday, 7:30-8.

'Backstage Stars,' Monday, Wednesday, Friday, varied.

### Beneficial Management

Personal Finance, announcements, daily, 8-a-d.

### Bi-So-Dol Co.

'Mr. Keen, Tracer of Lost Persons,' Tuesday, Wednesday, Thursday, 7:15-7:30 p. m.

'John's Other Wife,' Thursday, Friday, 10:15-10:30 p. m.

### A. S. Boyle Co.

Old English Wax, 'John's Other Wife,' Monday, Tuesday, Wednesday, 10:15-10:30 a. m.

Old English Wax, 'John's Other Wife,' Monday, Tuesday, Wednesday, 1-1:15 p. m.

### Cal-Aspirin Co.

Cal-Aspirin, 'Young Wilder Brown,' Monday, Tuesday, 11:30-11:45 a. m.

Cal-Aspirin, 'Painted Dames,' daily, 10:45-11 a. m.

### Childs Restaurants Co.

'John Gambling's Musical Gym Clock,' Monday, Wednesday, Friday, 7:15-8 a. m.

### Edna Wallace Hopper

Restorative Cream and White Youth Pack, 'Romance of Helen Trent,' Monday, Tuesday, Wednesday, 12:30-12:45 p. m.

### Kolynos Co.

'Just Plain Bill,' Thursday, Friday, 10:30-10:45 a. m.

'Our Gal Sunday,' Thursday, Friday, 11:15-11:30 p. m.

'Our Gal Sunday,' Monday, Tuesday, 12:45-1 p. m.

### Louis Philippe, Inc.

Angelus Rouge and Lipstick, 'Romance of Helen Trent,' Friday, 12:30-12:45 p. m.

### C. H. Phillips' Co.

Phillips' Milk of Magnesia, 'Waltz Time,' Friday, 9-9:30 p. m.

Phillips' Tablets and Toothpaste, 'Lorenzo Jones,' daily, 11:15-11:30 a. m.

Phillips' Creams and Milk of Magnesia, 'Stella Dallas,' daily, 4:15-4:30.

Phillips' Tablets and Toothpaste, 'Backstage Wife,' daily, 4-4:15 p. m.

### R. L. Watkins Co.

Dr. Lyon's Toothpowder, 'Mammoth Merry-Go-Round,' Sunday, 9-9:30 p. m.

Dr. Lyon's Toothpowder, 'Arlene Jimmy Valentine,' Monday, Tuesday, 7-7:30 p. m.

Dr. Lyon's Toothpowder, 'Backstage Wife,' daily, 4-4:15 p. m.

## ERWIN, WASEY & CO.

### Mustero-Zemo

Western songs and dramatization, Carson Robison and His Buckaroos, NBC.

### Consolidated Cigar

News report, Trans-radio, Frank Singer, WOR.

### Barbasol

News comment, Gabriel Heatter, MBS.

### Carnation Milk

Variety show, Marek Weber and orchestra, Opal Craven, Lullaby Lady, Continentals, guest stars, NBC.

### Kreml

News comment, Gabriel Heatter, MBS.

### Lydia Pinkham Co.

Domestic Advice, 'Voice of Experience,' MBS.

Hollywood Gossip, Stella Unger, Hollywood News Girl, MBS.

## WILLIAM ESTY & CO.

### R. J. Reynolds Tobacco Co.

(Camel Cigarettes)

Program: Eddie Cantor—Camel Caravan.  
Time: Monday, 7:30-9 p. m.; rebroadcast 10:30-11 p. m.  
Network: Columbia.  
No. of Stations: 68.  
Schedule: March 28 through June 27 and October 3 through December 26, 1938.  
Talent: Eddie Cantor, Edgar Fairchild Orchestra, Walter Woolf King, Mad Russian (Bert Gordon), guest stars.

Program: Benny Goodman—Camel Caravan.  
Time: Tuesday, 9:30-10 p. m.  
Network: Columbia.  
No. of Stations: 68.  
Schedule: 62 weeks.  
Talent: Benny Goodman and Orchestra, Martha Tilton, Don Seymour, guest stars.  
Spot Radio—Also transcribed and live announcements for Camel Cigarettes.

### George Washington Smoking Tobacco

Spot announcement campaign and sports program on WCAU, Philadelphia.

### White Laboratories, Inc.

(Fen-A-Mint)

National spot announcement campaign.

### Baume & Mercier

National spot announcement campaign, plus Richard Maxwell on 'WABC and Ed Fitzgerald on WOR, three times a week, 10-11 p. m.

### Pacquin's Hand Cream

National spot announcement campaign.

### Lehn & Fink Products Corp.

Hilde Honey and Almond Cream used national spot announcement campaign.

## ARTHUR KUDNER, INC.

### Goodyear Tire

KNX, Los Angeles (local), 7:30-7:45 a. m.—New broadcast, Monday through Saturday. Goodyear Farm Radio News Program. National Network—NBC. Three originations: New York, Chicago and Kansas City. Three commentators: Don Goddard, New York; Phil Evans, Chicago, and Robert S. Glough, Kansas City. Monday through Friday, 1:15-1:30 p. m. EST.

### Macfadden Publications, Inc.

Mary and Bob's True Stories. Dramatization. Cast, orchestra and announcer, NBC Blue Network. Tuesday, 9-9:30 p. m.

### United States Tobacco Co.

CBS Network, Monday, 8:30-9 p. m., two comedians (Pick and Pat), and others.

## RUTHRAUFF & RYAN, INC.

### Al Johnson Show

Origination: KNX, Hollywood.  
Air Time: Tuesday, 8:30-9 p. m. Rebroadcast, 11:30-12 a. m.  
Network: 60 stations.  
Production: Agency.  
Script Writers: Corcoran, Marko, Joe Laurie, Jr., Watson and Friedman.  
Talent: Al Johnson, Harry Einstein, Martha Raye, Lud Gluskin's Orchestra and guest stars.  
Agency Director: Everard Meade.  
Conductor: Lud Gluskin.  
Length of Run: Started Dec. 22, 1938.

### 'Big Town'

Sponsor: Lever Brothers (Lifebuoy).  
Origination: KNX, Hollywood.  
Air Time: Tuesday, 8:30-9 p. m. Rebroadcast 12:30-1 a. m.  
Network: 60 stations.  
Production: Agency.  
Script Writers: Fred Iones.  
Talent: Edward G. Robinson with Claire Trevor and dramatic cast.  
Agency Director: Clark Andrews.  
Announcer: Karlton Kadell.  
Conductor: Fran Frey.  
Length of Run: Started Oct. 19, 1937.

### Major Bowes' Original Amateur Hour

Sponsor: Chrysler Corporation.  
Origination: Manhattan Theatre, New York.  
Air Time: Thursday, 9:10 p. m.  
Network: 92 stations.  
Script Writer: Major Bowes.  
Talent: Major Bowes and amateurs.  
Agency Director: John Gordon.  
Announcer: Ralph Edwards.  
Length of Run: Started Sept. 17, 1938.  
Conductor: Joe Meresko and Harry Merker (piano players).

### 'Quaker Party'

Sponsor: Quaker Oats Co.  
Origination: NBC Studio 3A.  
Air Time: Saturday, 8-8:30 p. m.  
Network: Coast-to-Coast.  
Production: Agency.  
Script Writers: Gens Conrad, Jerry Devine.  
Talent: Tommy Rigg, Betty Lou, Bea Wain, Larry Clinton's Orchestra and guest stars.  
Agency Director: Nate Tutts.  
Announcer: Dan Seymour.  
Length of Run: Contract started Oct. 1, 1938.

### 'Professor Quiz'

Sponsor: Noxema Chemical Co.  
Origination: WABC, New Amsterdam Roof.  
Air Time: Saturday, 8:30-9 p. m. Rebroadcast 12-12:30 a. m.  
Network: Coast-to-Coast.  
Production: Agency.  
Talent: Prof. Quiz and contenders.  
Agency Director: John Gordon.  
Announcer: Bob Trout.  
Length of Run: Contract started Oct. 1, 1938.

### 'Vox Pop'

Sponsor: Penn Tobacco Co.  
Origination: WABC (various hotel lobbies).  
Air Time: Saturday, 9-9:30 p. m.  
Network: 30 stations.  
Production: Agency.  
Talent: Parker Johnson and Wally Butterworth.  
Agency Director: Nate Tutts.  
Announcer: Graham MacNamee.  
Length of Run: Contract started Oct. 1, 1938.

### 'Good Will Hour'

Sponsor: Ironized Yeast.  
Origination: WJCA.  
Air Time: Sunday, 10-11 p. m.  
Network: Coast to Coast.  
Agency Production: John Loveton.  
Talent: John J. Anthony and people.  
Script Writer: Ad. Ili.  
Announcer: Bob Carter.  
Length of Run: Began Jan. 23, 1938.

### 'The Shadow'

Sponsor: 'Blue Coal'.  
Origination: WOR, New York.  
Air Time: Sunday, 4-4:30 p. m. Rebroadcast 5:30-6 p. m.  
Network: Mutual and spot (20 stations).

(Continued on page 24)

## CBS ANNEX FOR MORE N. Y. STUDIOS

CBS has taken over another building for studios and offices, this one being the seven-story structure formerly occupied by the Juilliard School of Music. The annex is located on 52nd street, just behind the network's main headquarters on Madison avenue, and involves about 28,000 square feet of space.

Building will be mostly devoted to studios, numbering either four, or five of them. Plans include moving over the production department and, if space allows, also part of the programming division. Because of the location of the two buildings, the only way to connect them would be through a bridge, but this won't be undertaken. Too many difficulties would likely be put in the way by the city's fire and building departments.

### Axton-Fisher Buys

### Wax Rights to Coast's

### 'Calling All Cars' Show

Axton-Fisher Tobacco has bought the recorded version of 'Calling All Cars' for a test campaign of its Twenty Grand brand of cigars. It's bought two half hours a week on WJR, Detroit, and KMOX, St. Louis, with the series slated to start next Tuesday (16). McCann-Erickson is the agency on the account.

'Calling All Cars,' a gangster show, has been among the top ranking commercials (Rio Grande oil) on the west coast for the past four years. Expansion of the city's station list depends on the response the stanza gets in the two midwest areas.

### DRY CLEANERS' SHOW

Transamerican Makes Dry Series for Trade Body

Institute for Maintaining Dry Cleaning Standards makes the latest defeat campaign for which the Transamerican Broadcasting & Television Corp. has obtained the show production assignment. Series sold by Transamerican is 'Why Do We Do It,' a dramatized compilation of odd facts.

There will be 26 discs, each running 15 minutes.

## SPANISH LANGUAGE AIR ADS RAPPED

Washington, Jan. 10.

Radio advertising of 'Zendejas Medicine,' a compound sold by Zendejas Products Corp., Los Angeles, rapped last week by the Federal Trade Commission as dangerous to users. Product, which is ballyhooed in Spanish, is composed of herbs, barks and roots, and has been represented as 'helping to purify the blood, regulate its circulation and prevent blood clots,' Commish declared. Believed, however, that the medicine 'contains drugs the ingredients of some of which is dangerous.'

Other claims that the compound can be used for ailments usually treated by iodized medicine, and that it can be taken as a remedy for rheumatism, arthritis and skin diseases, also questioned by the Government, which issued a complaint against the company and against J. Silva, its secretary-manager.

### Jones Joins L. & T.

Howard A. Jones, vice-president of Blackett, Sample & Hummert, joins Lord & Thomas' New York office executive staff prior to Feb. 1. He has been with Chi Blackett-Sample office for five years.

### SIG SPAETH ON WNYC

Tune detective Sigmund Spaeth, who's been off the air for some time, returned last Sunday (8) as m.c. of a symphonic varieties show on WN'Y. N. Y. Program airs at 12:30 p. m.

Spaeth temporarily replaces Ted Carter who's on vacation.

## Air Talent In 1938

(Continued from page 1)

impressarios on modest budgets.

One haven of comfort against the high salary complex was the novelty shows, such as 'Battle of the Sexes,' showed that sponsorship could be kept within cheap production costs.

A slight tinge of 'highbrow' marks the two leading names on the list of radio stars, near-stars or might-be stars developed during 1938. This aspect is in itself perhaps the most potentially provocative factor of the year from a production and personality viewpoint. Those of 'lofty dome' made prominent during the year in their appeal to national popularity are as follows:

Orson Welles, who was the hero of the now-classic 'Mars Panic' broadcast. This 23-year old 'character actor' is starring for Campbell Soup presently. He represents the year's most authentic example of a sustainer (CBS) achieving a major commercial break and of a previously local (New York) reputation spreading to the nation at large.

Clifton Fadiman, New Yorker magazine literary critic, became a national personality as the result of 'Information, Please,' going from NBC sustainer to a major commercial break. This is probably the most crude and sophisticated program of the audience participation genre.

It is a small list (as usual) that summarizes the radio programs or personalities that advanced to new plateaus of popularity during a year's time. Frank Morgan, film and stage actor, captured a following through the Metro-Maxwell program. Fannie Brice, often heard before, this time was in real scoring position due to the way she was guided by Louis K. Sidney on the same show. There were headaches aplenty on the Texas stanzas from Hollywood, but Ned Sparks is threatening to emerge from the trials as a winner. Billy House broadcasting from Chicago for Wrigley, Kay Kyser, Artie Shaw and Larry Clinton among the orchestras were others on the 'new sparkle' list for 1938. Bob Hope started brilliantly in the fall for Popovent, but it is not certain that he has held the pace, and meanwhile he has a time disadvantage to overcome.

Charles Boyer, while pinch-hitting for Tyrone Power on the Woodbury program, seemed on the point of doing a matinee idol mop-up. Among the sobbies, serialism produced at least one star, Helen Menken.

Meanwhile there were, in general, two production tendencies, to wit (1) a quantitative increase and a qualitative improvement in daytime programs; and (2) a substantial number of successes (viz. 'We, the People,' 'Hobby Lobby,' etc.) in the stunt category.

Of lesser personalities (those with no claim to star ranking) there were quite a number that attracted the spotlight operator in 1938. Perhaps Mutual's roster serves as well as any to illustrate this point. Mutual performers are the mainstay in large budget programs. Yet they are more than local.

During 1938 Mutual's Washington commentator, Fulton Lewis, Jr., became a familiar name and voice via WOL. Sam Balter in sports, George Fischer in Hollywood gossip, Jimmy Scribner as a one-man (impartial) program were more prominent. Percy Faith of Toronto won attention for his musical work on international exchanges. Mutual's Saturday afternoon British music hall programs are catching on a bit, but the rotation of personalities prevents any individual coming to the fore.

Broadcasting is, of course, dotted with personages of greater or lesser, local or regional, followings and prestige.

Chicago, Jan. 10.

Of all the shows originating in Chicago only two non-dramatic shows acquired any real prominence during 1938. Fibber McGee show has been a winner for several years but in 1938 the program took on real stature and this is evidenced by the boxoffice grosses: being piled up by the Fibber McGee vaude unit in several theatre appearances around the country.

Other show of non-dramatic formula was the Billy House 'Laugh Line' program for Wrigley. Now off the air, the show nevertheless rated a strong audience and was building into a genuine radio click when the Wrigley firm inexplicably decided to change to 'Gateway to Hollywood' program. No matter that House is now off the Wrigley show, for in the 28 weeks he was on for Wrig-

ley he unquestionably established himself as an air possibility.

For the rest it was almost completely a dramatic year for Chicago radio productions. Of course, the WLS Barn Dance continued as a live-wire item that looks for many more years of vitality. On the same level is the Uncle Ezra program for the same client.

New shows that came to the front in Chicago were the serials, 'Mannhattan Mother,' 'Stepmother,' 'Caretters of Elm Street,' 'Happy Gilmans' and 'Captain Midnight.' As might be expected Blackett-Sample-Hummert agency was responsible for three of them. 'Mother' is a Kastor agency item and is restricted to the Chicago market for American Family soap. Show has done a remarkable job, paying out successfully in the Chicago market alone, though its production setup is completely on a par with any coast-to-coast serial program. It is designed as a more sophisticated type of serial dealing with a higher social stratum.

'Caretters of Elm Street' marks Ovaltine's decision to make a play for the adult listeners after many successful years in rounding up the kids with 'Little Orphan Annie.' Aimed at the femme audience in the late morning, 'Happy Gilmans' is one for Korn Kix, a General Mills product, and attempts to capture the mood of 'You Can't Take It With You.' 'Captain Midnight' is an aviation serial for the children, sponsored by Skelly Oil, which had a click several years ago in a similar radio serial, 'Adventures of Jimmy Allen.'

'Stepmother' is by Benton & Bowles-Chicago for Colgate and is an afternoon serial with all the regulation femme serial hoke, the hokier the higher the listening rating.

Other serials were holdovers and all ran pretty much to style and type, with the sponsors generally satisfied with their 3% ratings; excusing the percentage rating to reasons of added daytime competition and that plea that they get enough potential in the percentage, though it is just a fraction of usual nite rating, for what the rating might be with a stronger program.

In this category continued 'Ma Perkins,' 'Girl Alone,' 'Jack Armstrong,' 'Don Winslow of the Navy,' 'Painted Dreams,' 'Monticello Party Line,' 'Bachelor's Children,' 'Betty and Bob,' 'Houseboat Hannah,' 'Backstage Wife,' 'Dick Tracy,' 'Valiant Lady,' 'Jimmy Allen,' 'Helen Trent,' 'Howie Wing,' 'Kitty Keene, Inc.,' 'Scattergood Baines.'

All of them did a satisfactory job, all working almost on identical formulae, and appealing either to the women or to the children. Style of writing and the general structure of these shows haven't changed since radio serials began. The shows are playing out well enough and the agencies are not willing to tamper with a good thing.

'First Nighter' program for Cam-

## Missing from Air

### COMEDIANS

Ed. Wynn.  
W. C. Fields.  
Jack Pearl.  
Charles Butterworth.  
Jack Oakie.  
Frank Fay.  
Ken Murray.  
Stroud Tins.  
Milton Berle.  
Tim and Irene.  
Howard and Shelton.

### OTHERS

Marion Talley.  
Boake Carter.  
Jeanette MacDonald.  
Grace Moore.  
Helen Hayes.  
Gladys Swarthout.  
Denna Durbin.  
Dick Powell.  
Robert L. Ripley.  
Jessica Dragonette.

pana also sped right along in 1938 and evidences an ability to last for several more years.

Hollywood, Jan. 10.

Perhaps inevitably in view of the heavy cash investments the whole production emphasis out here during 1938 was in slavish imitation of those shows which experience and C.A.B. held up as successful. This made for carbon copy stuff but did not favor the development of many new personalities.

Those who rose above previous radio levels during 1939 according to the local viewpoint were:

Charles Boyer  
Bob Hope  
Don Ameche  
Fannie Brice  
Frank Morgan

'Madeleine Carroll and Edward Arnold made five appearances each for Lux. Same program used Herbert Marshall and Gail Patrick four times. Fred MacMurray, Melvyn Douglas, Barbara Stanwyck, Henry Fonda, George Brent and May Robson appeared three times. There has been some criticism reported from the east on this matter of over-frequent rotation of a handful of guests by the various Hollywood bandwagons. Joan Bennett has been heard almost with the frequency of a regular broadcaster. Carole Lombard, Miriam Hopkins are others frequently heard.

## Red Barber in Theatres

Cincinnati, Jan. 10.

Red Barber, WLW-WSAI sports-caster since 1934, now signed by General Mills to inaugurate major league broadcasting in New York City this season, will do a personal at the RKO Shubert theatre the week of Jan. 20 and at the RKO Colonial, Dayton, O., the following week.

During the past three years his airings of the Cincy Reds' games were relayed by WHIO, Dayton.

## AGENCIES ACTIVE IN RADIO

(Continued from page 23)

Agency Production: F. Bourne Ruthrauff.  
Script Writer: Free lance.  
Talent: Bill Johnston, Agnes Moorehead, John Barclay and dramatic cast.  
Announcer: Kenneth Roberts.  
Length of Run: Began Sept. 28, 1937.

### 'Big Sister'

Sponsor: Lever Brothers (Rinso).  
Origination: WABC, Studio 4, New York.  
Air Time: Monday through Friday, 11:30-11:45 a.m. Rebroadcast 2-2:15 p.m.  
Network: 65 stations.  
Script Writer: Neola Entrikin and Marjorie Bartlett.  
Talent: Alice Frost, Martin Gabel, Junior O'Day and dramatic cast.  
Agency Director: F. Bourne Ruthrauff.  
Announcer: Fred Uital.  
Length of Run: Contract started Sept. 14, 1938.

### 'Aunt Jenny's Real Life Stories'

Sponsor: Lever Brothers (Rinso).  
Origination: WABC, Studio 1, New York.  
Air Time: Monday through Friday, 11:45-12 p.m. Rebroadcast 2-2:15 p.m.  
Network: 65 stations.  
Production: Agency.  
Script Writer: Free lance writers.  
Talent: Edith Spencer and dramatic cast.  
Agency Director: John Loveton.  
Announcer: Dan Seymour.  
Length of Run: Contract started Jan. 18, 1938.

### 'Girl Alone'

Sponsor: Quaker Oats Co.  
Origination: NBC, Chicago, Red.  
Air Time: Monday through Friday, 4:45 p.m. EST.  
Network: 90 stations.  
Production: Agency.  
Script Writer: Fayetta Krum.  
Talent: Betty Winkler and cast.  
Agency Director: Rex Metzger.  
Announcer: Charles Lyons.  
Length of Run: Sept. 6, 1938, for R&R.

## WARWICK & LEGLER, INC.

### Sherwin-Williams Co.

'Metropolitan Opera Auditions of the Air,' the NBC Blue Network, completed its third season last spring and started its fourth season this fall. The orchestra on this program is directed by Maestro Wilfred Felleiter, conductor of the Metropolitan Opera Company. Edward Johnson, general manager of the Metropolitan, is master of ceremonies. During 1937-38 season Howard Kelsey was the announcer. During 1938-39 season, Milton Cross is the announcer.

(The winners of the 1937-38 competition, who now have contracts at the Metropolitan, are Leonard Warren, baritone, and John Carter, tenor).

### Sloan's Liniment

Warden Lewis E. Lawes concluded his sixth season over the NBC Blue Network last spring, and started his seventh season again last fall. In the 1937-38 season the announcer was Ben Grauer. During the 1938-39 season the announcer is Nelson Case. This is a dramatic program with a different cast each week.

### G. Washington Coffee

'Uncle Jim's Question Bee' ran throughout the year over an NBC split network. Until September, 'Uncle Jim' was Jim McWilliams. Since then, 'Uncle Jim' has been Norman Prescott. Joe Bell is the announcer.

### Elizabeth Arden

'Eddie Duchin and the Hour of Romance,' broadcast for the first three months of 1938 over a coast-to-coast Mutual Network, Red Casino was the featured soloist.

### Tangee Lipstick

Emily Post in 'The Right Thing to Do' over an NBC Red Network is a combination dramatic and question-and-answer program. Nelson Case is the announcer.

### Nestle's Instant Cocoa

'Quite by Accident,' NBC Red Network, dramatic program with William Worthington as master of ceremonies and Jack Meakin Orchestra, and a dramatic cast. (Also cooking schools for Nestle's Ever-Ready Cocoa, station breaks for Nestle's Ever-Ready Cocoa, station breaks and sponsored sport broadcasts for Edgeworth, Toback and Domino Cigarettes, and station breaks for Sloan's Liniment.)

## LORD & THOMAS

### American Tobacco Co.

Kay Kyser orch.; Wednesday, 10-11 p.m. NBC Red, 52 stations.  
(2)  
'Your Hit Parade' (Leo Reisman orch.), Lanny Ross, Raymond Scott day, 10-11 p.m. NBC Red, 74 stations.

### Cities Service

Concert, Friday, 8-9 p.m. NBC Red, 40 stations.

### Kleenex

Barbara Weeks, Guy Curtin, Ned Weaver, Alice Reinhardt, Monday-Friday, 12-12:30 p.m., CBS.

### Lady Esther

Guy Lombardo orch., Monday, 10-10:30 p.m. CBS, 36 stations.

### Peppodent Co.

Bob Hope, Skippy Ennis orch., guests, Tuesday, 10-10:30 p.m. NBC Red.

## YOUNG & RUBICAM

### American Tobacco

#### (Pall Mall)

Eddy Duchin, 31 16 Shields, Monday, 9:30-10 p.m. 54 NBC Blue stations.

#### (Half and Half)

Ben Bernie, Leo Lehr, Mary Small, Bobby Gilson, Harry Von Zell, Sunday, 5:30-6 p.m. CBS stations.

### Borden Co.

Rush Hughes, Monday-Friday, 4:30-4:45 p.m. NBC Red 32 stations.

### Bristol Myers Co.

#### (Sal Hepatica, Ipana)

Fred Allen, Portland Hoka, Peter Van Steeden, Lynn Murray Group, Merry Macs, Harry Von Zell, Wednesday, 10-10:30 p.m. NBC Red, 65 stations.  
(Summer show included Singspiel, Peter Van Steeden, Harry Von Zell; same times NBC Red, 51 stations.)

### General Foods Corp.

#### (Calumet & Swansond)

Kate Smith, Ted Collins, Jack Miller band, guest stars, Andre Baruch; Thursday, 8-9 p.m. CBS, 75 stations.

### (Grape Nuts)

Burns and Allen, Tony Martin, Ray Noble orch.; Monday, 8-8:30 p.m. stations.

### (Jello)

Jack Brenny, Mary Livingstone, Phil Harris orch., Kenny Baker, Don Wilson; Sunday, 7-7:30 p.m. NBC Red, 45 stations. Summer show, 'Hobby Lobby,' with Dave Elinax, Harry Satter orch.

### (Minute Tapioca)

Mary Margaret McBride; Tuesday, Thursday, 12-12:15 p.m. CBS, 47 stations.

### (La France, Satina)

Mary Margaret McBride; Monday, Wednesday, Friday, 12-12:15 p.m. CBS, 39 stations.

### (Sanka)

'We, the People,' Gabriel Heatter, Harry Von Zell, guests; Tuesday, 10-10:30 p.m. CBS, 50 stations.

### (Sanka)

Lum and Abner; Wednesday, Thursday, 7:15-7:30 p.m. CBS, 51 stations.

### Gulf Oil Corp.

#### (Gulf Gasoline)

Phil Baker, Beatie Bottie, Oscar Brudley orch.; Sunday, 7:30-8 p.m. CBS, 62 stations.

### Fels & Co.

'Hobby Lobby,' Dave Elinax, Harry Satter's orchestra, guests; Wednesday, 8:30-9 p.m. NBC Blue, 45 stations.

## NBC, CBS Daytime Biz Continues

## Climbing; Jointly Up 2.7% in '38

Steady upswing of daytime business on NBC and Columbia, which has marked the development of the two networks, seems slated to continue through 1939. NBC has taken count of the schedule commercials booked for this month (January) and finds that the schedule consists of 36 programs using a total of 146 quarter hours, as compared to the 28 programs and the total of 113 quarter hours which prevailed for January, 1938.

NBC's weekday daytime revenue in 1938 amounted to \$12,750,844, which is a boost of 23% over the 1937 tally of \$10,368,568. With CBS the growth of daytime business has likewise been steady, but not quite as broad. In 1938 NBC and CBS jointly went up 2.7% over 1937 on the amount of daytime business as compared to the total billings. In 1937 this daytime percentage to the entire revenue had been 31.6%. Last year it was 34.3%.

Following is a breakdown of the daytime (all programs originating before 6 p.m.) and the evening gross billings for NBC and CBS jointly from 1931 to 1938 inclusive:

	Day	% of Total	Evening	% of Total	Total
1931	\$7,921,671	21.1	\$29,580,409	78.9	\$37,502,080
1932	8,486,296	21.7	30,620,480	78.3	39,106,776
1933	6,867,904	21.9	24,628,394	78.1	31,496,298
1934	9,589,344	22.5	33,117,117	77.5	42,706,461
1935	11,090,157	22.7	37,696,578	77.3	48,786,735
1936	13,725,976	23.8	43,966,122	76.2	57,692,098
1937	21,281,652	31.6	46,091,752	68.4	67,373,404
1938	23,608,642	34.3	45,199,434	65.7	68,808,076

Following is a study of the comparative daytime and nighttime business which prevailed on NBC and CBS jointly for the past three summers, with such periods embracing June, July and August:

	Day	% of Total	Evening	% of Total	Total
1936	\$2,376,638	21.0	\$8,827,365	78.0	\$11,204,003
1937	4,507,329	21.0	10,408,753	79.0	\$14,916,082
1938	4,771,776	21.0	9,241,319	79.0	\$14,019,095

# CBS Gross Billings to Agencies

(1938)

Ruthrauff & Ryan, Inc.	\$3,358,373
Benton & Bowles, Inc.	3,298,840
Young & Rubicam, Inc.	2,405,105
Blackett-Sample-Hummert, Inc.	2,057,048
Lord & Thomas	1,662,262
Newell-Emmett Co., Inc.	1,118,355
William Esty & Co., Inc.	1,081,013
N. W. Ayer & Son, Inc.	1,065,945
J. Walter Thompson Co.	1,040,996
Neisser-Meyerhoff, Inc.	920,170
Lennen & Mitchell, Inc.	778,410
Ward Wheelock Co.	692,788
B. B. D. & O., Inc.	683,701
Gardner Advertising Co.	593,803
Compton Advertising, Inc.	578,152
The Biow Co., Inc.	463,380
Arthur Kudner, Inc.	435,120
Buchanan & Co., Inc.	405,285
D'Arcy Advertising Co.	358,940
Geyer, Cornell & Newell, Inc.	345,334
Roche Williams & Cunyningham	340,767
Frances Hooper Advertising	331,985
Lambert & Feasley	302,385
Campbell-Ewald Co.	299,655
Knox Reeves Advertising, Inc.	247,993
Pedlar & Ryan, Inc.	246,732
Maxon, Inc.	225,960
McCann-Erickson, Inc.	211,410
U. S. Advertising Corp.	192,750
Morse International, Inc.	180,015
Birmingham, Castleman & Pierce	174,049
Aubrey, Moore & Wallace, Inc.	156,100
Brooke, Smith & French, Inc.	139,735
MacInnis, John & Adams	130,615
Hutchinson Advertising Co.	129,360
Erwin, Wasey & Co., Inc.	108,600

# Sponsor Wants to Know 'Em

Col. Drake in Hollywood—Norma Shearer a Hard Gal for Stars to Turn Down

Hollywood, Jan. 10. Col. J. Frank Drake, Gulf Oil's radio-minded prez, got a few things off his chest last week when he put into town for the launching of the petrol outfit's new program, the Screen Guild show. That there's too wide a division between sponsor and talent was his main point.

Only time we come in contact with the people we pay to stimulate sales of our product, sez the colonel, 'is when there's a salary squawk.' Personal contact is important to the success of a radio show, he believes, and, suiting action to the word, he was here for the opener and plans to make many more trips to the Coast to meet the gang and the people responsible for the production.

If the colonel lives up to his promise he'll meet some expensive people. In the first lineup were Jack Benny, Joan Crawford and Judy Garland. Future programs will have equally impressive casts. All three film Guilds are pushing this show to the limit. Norma Shearer has taken charge of rounding up the weekly changes of talent. That is taken to mean that there'll be no turn-downs, regardless and albeit.

Drake also believes the commercials in radio are dull and lacking in showmanship. To back him up, it was pointed out that the Gulf sales battle rarely uses up more than two and a half of the three minutes allowed on a network commercial.

On the ground for the inaugural with Drake was Chet LaRoche, Young & Rubicam prexy.

# PEEP AT SKYLINE GOES WITH WOR SHOW

People's Rally (Mennen) on WOR. Mutual is using the Skytop theatre in the Chanin building after Jan. 13 for studio audiences. Ogiers then get a cuff visit to the observatory which is normally 40c. clip.

Program was formerly heard in WMCA studio because of WOR's cramped quarters.

# THIRD 10 AGENCIES

(NBC, CBS, Mutual, 1938 Expenditures)

21. Roche, Williams & Cunyningham, Inc.	\$1,004,155
22. McCann-Erickson, Inc.	836,851
23. Arthur Kudner, Inc.	785,449
24. Needham, Louis & Brorby, Inc.	675,190
25. Hays, MacFarland & Co.	648,815
26. Sweeney & James Co.	635,206
27. Maxon, Inc.	617,831
28. Hutchinson Advertising Co.	563,400
29. Aubrey, Moore & Wallace	520,398
30. McKee & Albright, Inc.	500,798

# CAN'T OPEN DOOR TO ALL; CRANK ORATORS WOULD RUIN BIZ—LOHR

President Winds Up Hearings for NBC—Columbia Begins Second Act of Monotony Hearings in Washington

Washington, Jan. 10. First round of the weary FCC chain-monopoly inquiry came to a close Thursday (5) when Lenox R. Lohr, web president, concluded testimony on general NBC policies and operating principles. Going sounded for the pioneer chain after more than six weeks of quizzing in which a score of witnesses took the stand and pounds of exhibits were presented. Next phase is examination of CBS, which started today (Tuesday) and is expected to consume from three to five weeks.

Return of David Sarnoff, chairman of the NBC board, for grilling about the picture painted by subordinates, was continued to an indefinite date when the pick-and-shovel work on all networks has been finished. Because he is one of the prime movers in network operations, Commish wants to get his reaction and opinions after it is armed with complete statistical and factual information about chain services.

Most of Lohr's testimony was in the nature of defense of points established through other witnesses. He reflected philosophically on social obligations and expressed personal views about various NBC methods and objectives.

## NBC Writing It Down

Promulgation of a concrete written statement of program policy is scheduled by NBC in an attempt to standardize the preparation of advertising continuity and remove all uncertainty concerning the sort of microphone fodder which serves the public interest, FCC learned. Coincidental with this disclosure, he announced the web in the future will not accept any accounts for beer or light wines, tightening the existing ban on hard liquor despite the financial injury which will result.

Program and advertising policies are being written by company executives following consideration of ideas presented by the NBC Advisory Council, Lohr told the four-man committee. Control over copy rests firmly with the network, not with agencies or outsiders.

Touching on some of the outstanding controversy problems confronting the industry and the Federal Government, the NBC head approved the type of kid programs which his transmitters disseminate; affirmed his belief in freedom of the air but opposed any legislation or regulation which would compel licensees to open their facilities to organizations or groups; declared his company tries industriously to provide cultural and educational programs; asserted ownership of two networks by one enterprise is beneficial to the public; upheld the idea of retaining the national audience through multiple outlets; contended networks have a right to engage in artist management; and denied that money-making is liable to cause degradation in program caliber.

## Against Coercion

On the hot topic of freedom of speech, Lohr voiced his belief that the public is entitled to good program service and warned that if individuals or groups are allowed to exercise legal power to compel broadcasters to give them time the result would be virtual destruction of the American system of broadcasting. Lack of facilities makes impossible to grant the requests that would be an inevitable result of such theory, while the public would become thoroughly disgusted with oratory. Station and network executives must have freedom to determine who is entitled to speaking opportunities, he insisted. Under NBC policy effort is made to give conflicting factions equal chance to discuss vital issues, and time is not sold for such purpose because of inequality that would result where different groups were not on the same financial basis.

On the question of religious and educational programs, the web officer pointed out his organization seeks to satisfy all interests to the maximum degree consistent with good business. No time sold for religious broadcasts, while programs are intended to have a general, not denominational, appeal. Four types of educational programs cited, rang-

ing from those designed for schools to sugar-coated features which also provide entertainment, such as spelling bees. Great difficulty is experienced in deciding exactly what type of radio fare is educational, he noted. Some types of entertainment not fitted for sponsorship, he opined.

## Affiliates' Contracts

Business methods of NBC were rated as sound, with Lohr observing that the better the company serves the public, the bigger its eventual reward. Five-year contracts with affiliates—regarded with suspicion in some government quarters—are desirable, he said, because of the industry's need to engage in long-range planning in order to build up program service and clientele. By engaging in artist management, NBC is able to discover and develop steady supply of new talent, aiding performers in other fields and guiding novices.

Expansion of the NBC system, as well as maintenance of two separate hook-ups, helps the company provide better service to the listening public, in Lohr's estimation. He remarked on the variety of tastes and the necessity for diversified programs and said multiplicity of outlets benefited not only the audience but the sponsors.

While television now is technically feasible, serious obstacles still must be removed before it can be provided on broad scale. Availability of program material and high cost of operation are factors. He pointed to the production expense—estimating that two hours of visual service a day would amount to \$2,000,000 per year—and said this makes it prohibitive for any broadcaster to schedule shows with great frequency or regularity. If NBC attempted to produce more than the scheduled three hours weekly which will be produced when regular operation starts this spring, an additional outlay of \$3,500,000 would be necessary, he explained. Lohr was unwilling to make any forecast about possible network operation of television, noting that cost items have not been isolated. A coaxial cable reaching across the country would cost \$100,000,000, he estimated, plus the substantial investment for local transmitters. Tests now in process, how-

ever, hold out hope that programs may be rebroadcast.

## Woods on Stand

Attractive financial picture was sketched by Mark Woods, treasurer of NBC, prior to Lohr's debut on the stand. Since the start of 1928, the company has pocketed a profit every year, aggregating \$18,865,532 through 1937. With income of \$282,404,984 and expenses of \$263,519,451, the net since operation started in 1928 figures out at 6.69%. Income listed from time sales, talent bookings, and miscellaneous sources.

Nearly two-thirds of the profit has been paid out in dividends, primarily to RCA, the parent company. One exhibit revealed \$11,400,000 has been distributed to stock-owners, while \$2,440,438 has been set aside as surplus. Woods said that since 1930, RCA has had 100% ownership of the network company, having acquired all of the minority interests originally held when General Electric and Westinghouse.

# WPTF TERMS SET BY NBC

Charlotte, N. C., Jan. 10. Representatives of the proposed Carolina Radio Corp. have gotten together with NBC on an agreement for taking over WPTF, formerly operated by the Durham Life Insurance Co., if and when exercise of NBC's option on the station is approved by the Federal Communications Commission. Agreement calls for a purchase price of \$200,000, the exact amount involved in NBC's option, with \$150,000 to be paid in cash and the balance in deferred payments, ments.

Understanding is that the stock will be held by 33 business and professional men of eastern and central North Carolina. Representatives of these subscribers have stated that the operation of WPTF will continue in this section and that it will not be moved to a larger center of population.

Ed Petry Back in N. Y.

Chicago, Jan. 10. Ed Petry returned to New York yesterday (Monday) following a general tour of the midwest area.

Stopped off in Chi for a little gas with Ed Voynow, local chieftain.

# NBC Gross Billings to Agencies

(1938)

Rank	Agency	Gross Expenditures
1	Blackett-Sample-Hummert, Inc.	\$6,896,368
2	Thompson, J. Walter Co., Inc.	4,192,132
3	Lord & Thomas	3,080,107
4	Compton Advertising, Inc.	2,529,636
5	Young & Rubicam, Inc.	2,505,961
6	Wheelock, Ward Co.	1,585,837
7	Benton & Bowles, Inc.	1,501,559
8	Wade Advertising Agency	1,393,741
9	Pedlar & Ryan, Inc.	1,341,453
10	Kastor, H. W. & Sons Advertising Co.	1,201,382
11	Stack-Goble Advertising Agency	1,001,998
12	Batten, Barton, Durstine & Osborne, Inc.	877,632
13	Needham, Louis & Brorby, Inc.	675,190
14	MacFarland, Hays & Co.	648,815
15	Sweeney & James Co.	635,206
16	Roche, Williams & Cunyningham, Inc.	631,687
17	McCann, Erickson, Inc.	625,441
18	Lennen & Mitchell, Inc.	622,277
19	Erwin, Wasey & Co.	601,079
20	Newell-Emmett Co., Inc.	574,859
21	Hutchinson Advertising Co.	563,400
22	Biow, Company, Inc., The	526,664
23	Gardner Advertising Co.	505,478
24	McKee & Albright, Inc.	493,928
25	Warwick & Legler, Inc.	455,936
26	Ruthrauff & Ryan, Inc.	434,725
27	Maxon, Inc.	391,871
28	Ramsey, The L. W. Co.	364,563
29	Aubrey, Moore & Wallace, Inc.	364,298
30	Kudner, Arthur, Inc.	350,329
31	Ayer, N. W. & Son, Inc.	284,746
32	Greene, James A. & Co.	247,792
33	Ellis, Sherman K. & Co.	240,774
34	Hixson-O'Donnell Advertising, Inc.	222,940
35	Henri Hurst & McDonald, Inc.	189,019
36	Seeds, Russell M. Co.	175,482
37	Westco Advertising Agency	171,488
38	Morse International, Inc.	116,448
39	Donahee & Coe, Inc.	114,456
40	Hoyt, Charles W. Co., Inc.	107,559
41	Wessel Co., The	103,365

# F. C. C. WATCH DOCK

## MAJOR DECISIONS

District of Columbia: Christmas present of Jule-jump from 10 to 50 kw given WJWS, Columbia outlet at the Nation's capital, during the holiday season. Transmitter, which operates on 1460 kc, has been operating since Navy and aircraft receiving stations in the vicinity and also has experienced serious interference difficulties from KSTP, St. Paul, Minn.—which was granted a boost from 10 kw nights, to 50 kw nights, and a simultaneous 50 kw day. Change will eliminate interference, extend service of the station—particularly in the rural sections of the Chesapeake Bay area—and generally improve radio of the transmitters.

Total assets of Columbia Broadcasting System, Inc., applicant in the case, listed at \$13,848,559 in Commission decision, including \$1,000,000 in cash. Navy and aircraft receiving stations, operated. Washington station which has moved to a new site and made numerous equipment changes, will boost its present night advertising rate from \$100 to \$150 per hour—approximately increasing its present daytime rate which is approximately one-half the night tariff.

Decision to give both WJWS and KSTP 40 additional kilowatts will reduce present limitation to WJWS from its 5.7 milliwatt per meter contour to its approximately 1.5 milliwatt per meter contour. Comm. found, St. Paul plant, licensed to the National Battery Broadcasting Company, also will benefit from the change. Will not raise existing advertising rates, however.

Washington station is represented by D. W. Patrick, Kenneth R. Ralnes and Paul Porter, with Paul D. P. Spearman and Alan B. David representing KSTP.

New York-Manhattan: Three appeals for new stations to be operated on the regional frequency 1240 kc disposed of by the Commission in its decision. The appeals were for WJWS, Inc. of New York and California, first disappointment was handed out to Citizens Broadcasting Corp., of Schenectady, on plea for a 100 kw station to be operated on 1.5 kw nights and 5 kw days. 1240 kc—the frequency figuring in all three applications. Corporation was promoted by DeWitt C. Mower, front man for Transamerican Broadcasting, a New York City company, which was owned by W. Bros. decision revealed. Cash for Citizens Broadcasting was to have been put up by Transamerican, according to an agreement entered into between the two companies. It was shown, was expected to be the real angel of the enterprise.

The financial statement filed by Citizens Broadcasting Corporation shows that it has a net worth of \$1,000,000, and a net income of \$2,534,30. Commission observed, "... The Transamerican Broadcasting & Television Corp., which has undertaken to advance money to the applicant, has no money to advance."

Written agreement between Warner Bros. and Transamerican contains no promise that the former would advance funds directly. Commission found that the agreement was not binding on the applicant. In addition, no real need exists for the proposed station and limitation would occur from WXYZ, Detroit, and GJO, Sydney, N. S.

(2) Second New York request involved ambitions of the Howitt-Wood Radio Company, owner of WNEB, Binghamton, to operate another transmitter on 1240 kc. Deal was made with the Howitt-Wood Radio Company, majority owner of the radio company, opportunity to take over 40% interest in the new station, which was applied for by Thomas J. Watson, wealthy New Jersey businessman. Proposed transmitter and WNEB were to have been managed by the same individual, Cecil D. Mason, now running the Binghamton station, and this would obviate competition between the two. Commission held no real need for new facilities anyhow, and interference factors involved.

(3) Third licensee application entered by the Hampden-Hampshire Corp. for a station at Holyoke, Mass. Although no existing transmitters at the college towns of Holyoke and Northampton, plenty of primary service rendered by Springfield, West Springfield and Boston stations, and no need for additional services—particularly where use of a regional, Connecticut station, WTNH, would be sufficient. Commission found that the corporation is owned by Mr. Minnie R. Dwight, owner of the town's only newspaper, the Holyoke Transcript Telegram.

Citizen's Broadcasting Corp. was represented by John M. Littlepage and William A. Porter, with Donald Rieckberg, Raymond N. Clark, majority owner of the radio company, opportunity to take over 40% interest in the new station, which was applied for by Thomas J. Watson, wealthy New Jersey businessman. Proposed transmitter and WNEB were to have been managed by the same individual, Cecil D. Mason, now running the Binghamton station, and this would obviate competition between the two. Commission held no real need for new facilities anyhow, and interference factors involved.

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Applicants, who formerly had challenged the unfavorable report of a Commission examiner, were represented by George S. W. Warren and Harry P. Warner.

Texas: Reports of WTAW, College Station transmitter owned by the Agricultural and Mechanical College, and to be commercial and ditch its associates scooped by the Commission. Proposal to build a station with the State Capitol Broadcasting Association, which has been authorized to operate a station at Austin to share time with WTAW on 1210 kc, described as "requesting the Commission to consider the station as a station in the air." State Capitol group has been hindered from starting construction of its transmitter, Commission found, through fear that WTAW would take advantage of a clause in the agreement which gave them in which the association promised not to oppose any future request made by WTAW for an increase of broadcast time.

In declining to grant the application, the Commission granted State Capitol (which will operate its station under the call letters

KTCB) a modification of construction permit, allowing for erection of a conventional type antenna, instead of the directional antenna previously specified. Right to operate on 1210 kc, for 12 hours per day, limited by the Commission, says only, making the use of a directional antenna unnecessary.

Commission announcement was given to State Capitol to start construction, Commission finding that "this applicant was justified in failing to begin construction of Station WTAW" when permit originally was granted. Under the permit, both stations would operate with specified hours on 1210 kc, with WTAW using 500 watts and KTCB 1 kw, day only. WTAW at present is operating approximately 100 watts per hour, which would leave large part of the operating time to KTCB.

John M. Littlepage, Thomas P. Littlepage, Jr., and William A. Porter, representing WTAW, James H. Stanley representing KTCB, Wisconsin: Turn-down for William F. Huffman, Wisconsin Rapids, was voted by Commission because of limitations which would occur to the station which Huffman proposed to construct. Applicant requested regional frequency 580 kc, with 250 watts, and operation on this channel would result in limitation to the 4.3 milliwatt per meter contour during nighttime operation by WIBW, Topeka, Kan., Commission found. Public need is not great enough to justify FCC from departing from present allocation standards to grant the request. It was argued.

Ben S. Fisher and John W. Kendall retained by applicant.

## SET FOR HEARING

Florida: Panama City Broadcasting Co., Panama City, new station to be operated on 1290 kc, with 100 watts nights, 250 watts days. Massachusetts: WMAZ, Boston, new station to be operated on 1290 kc, with 100 watts nights, 250 watts days. Massachusetts: WMAZ, Boston, new station to be operated on 1290 kc, with 100 watts nights, 250 watts days.

South Carolina: Spartanburg Advertising Co., Spartanburg, new station to be operated on 1370 kc, with 100 watts nights, 250 watts days.

Texas: KPJZ, Fort Worth, change frequency from 1370 to 930 kc, jump power from 100 watts nights, 250 watts days, to 500 watts, at 1370 kc, with 100 watts nights, 250 watts days. (set for hearing to determine need for additional service and possible interference to three existing transmitters).

## NEW APPLICATIONS

Connecticut: WTIC, Travelers Broadcasting Service Corp., Hartford, extension of construction permit, authorized to operate on 1040 kc, simultaneously with KRIL, Dallas, Tex., unlimited time on 1040 kc.

Georgia: Coastal Broadcasting Co., Brunswick, new station to be operated on 1590 kc, with 100 watts nights, 250 watts days; WGCP, Americus Broadcast Corp., Albany, change corporate name to Albany Broadcasting Co., Inc.

Hillides: National Publishing Co., Danville, new relay broadcast station to be operated on 1622, 2068, 2150 and 2790 kc, with 100 watts, A-3 emission.

Kansas: KTVB, Emporia, modification of construction permit authorizing direction of new station requesting change in hours of operation from days to unlimited; KVGB, Ernest Edward Ruehlen, Great Bend, voluntary assignment of license to Helen Toynton.

Massachusetts: WLBZ, Bangor, transfer of control of corporation from Thompson L. Guernsey to Congress Square Hotel, 439 shares common stock.

Minnesota: National Battery Broadcasting Co., St. Paul, new television station to be operated on 44000-50000 kc, with 1 kw.

Mississippi: John S. Pepper, Greenville, new station to be operated on 1310 kc, with 100 watts nights, 250 watts days.

New York: WESG, Cornell University, Elmira, extension of special experimental assignment of license to operate on 850 kc, daytime to sunset, at New Orleans, with 1 kw; National Broadcasting Co., Inc. New York, authority to transmit programs to CMQ, Havana, Cuba; WYRL, Long Island Broadcasting Corp., Woodside, L. I., unlimited time and facilities of WCNW and WMBQ, Brooklyn.

North Carolina: Cabarrus Broadcasting Co., Concord, new station to be operated on 1240 kc, with 100 watts nights, 250 watts days.

Ohio: WICA, Ashtabula, initial new transmitting equipment and increase power from 100 to 1 kw.

Tennessee: WREB, Memphis, voluntary assignment of license from WREB, Inc. to Hoyt B. Wooten, doing business as WREB Broadcasting Service.

Texas: KRBA, Lufkin, changes in equipment and increase power from 100 to 250 watts; KPIT, North Texas Broadcasting Co., Paris, extension of license from days to unlimited, using 100 watts nights; KMAC, Walmac Co., San Antonio, change frequency from 1370 to 930 kc, boost power from 100 watts nights, 250 watts days, to 1 kw, and hours of operation from 1210 to 1370 kc, daytime to sunset, to unlimited; KRIL, Dallas, extension of special experimental authorization to operate simultaneously with WTIC, unlimited time. (Regulation WCBZ, New York, transfer of control of corporation from the present stockholders of Community Broadcasting Corp. to Mrs. Hugh M. (Nancy) Cutler, 843 shares common stock).

Washington: Puget Sound Broadcasting Co., Inc., Tacoma, new relay broadcast station to be operated on 1640, 2090, 2190 and 2830 kc, with 100 watts.

Wisconsin: WJMS, Inc., Ashland, new station to be operated on 1370 kc, with 100 watts.

## EXAMINERS' REPORTS

Iowa-Missouri: County scrap between two Illinoisans over who could show greatest public need partially settled by Examiner F. W. Seward in favor of Orville W. Leyerla, Herrin, who requested grant for a new station application for operation on 1310 kc, with 100 watts nights, 250 watts days. Battle was further complicated by applica-

tion of KFVS, Cape Girardeau, Mo., which had hoped to benefit from a split with the defeated Illinois applicant, WDBQ, Harrisburg, with 100 watts nights, 250 watts days, for unlimited time. WDBQ and KFVS had hoped to break up their present time-sharing arrangement on 1210 kc, with 100 watts nights, 250 watts days, with WDBQ going to 1310 kc and the Cape Girardeau station remaining on its present allocation. Plans of Leyerla for a Herrin station using the 1310 kc ribbon, with the same amount of power, was given the right of way however, on Seward's finding of greater need.

Leyerla, well-to-do postmaster of Herrin, showed ample funds with which to construct proposed \$11,121 transmitter. Announced his plan to operate on 1210 kc, with 100 watts nights, 250 watts days, and \$1.50 for spot announcements for 50 to 75 words, with usual discounts for quantity advertising. Hourly rates charged by the existing time-sharing transmitters were slightly less than his, but WDBQ and KFVS propose to up their charges by approximately 25% if the deal goes through.

Throughout a 31-page decision, Seward apparently favored the Herrin applicant, believing that the time-sharers could continue as before. No real need in the WDBQ or KFVS districts, it was declared, but the Herrin proposition could stir up adequate financial support and would not adversely affect the economic interests of the contestants.

After wading through pages of statistics on population, payroll, wage surveys, industries etc., in each of the Illinois counties, Seward opined that additional service was more necessary in Williamson county, in which Herrin is situated, than in the Franklin county, where the time-sharers were located. WDBQ and KFVS, however, were granted the Herrin application adversely affecting the rights of the time-sharers.

WDBQ, owned by Harrisburg Broadcasting Company and KFVS, Herrin Battery & Radio Co., were represented by George O. Sutton and J. H. Schmitt. Seward's decision was favorably recommended for KFVS, Shreveport, by Examiner Tyler Berry.

Hitch in the proceedings, according to Berry's report, is the pending dispute between Wichita Broadcasting Company (WICB) and West Texas Broadcasting Company over a recent authorization to the former to proceed with construction of a station to be operated on 1240 kc, with 100 watts nights, 250 watts days. Granting of the Wichita application would preclude an okay for Shreveport, Berry declared, while an equally important deterrent would be the granting of a permit for the Shreveport Times, could improve and enlarge its service to rural areas, Berry found, but granting of the application would not be regarded as good allocation. Either KMTB or KFVS would have to be granted the station. Latter station has been held up by a petition for rehearing filed by the West Texas company and KMTB's request has not yet been acted upon.

Ben S. Fisher and Charles V. Wayland represented the applicant, Massachusetts: Extension of operating time from days only to unlimited was suggested by Examiner John S. Bramhall as a well-deserved aid to WHAI, Greenfield.

Station in its first few months of operation, from May to September, 1938, made a net profit of \$448. Bramhall pointed out, if permitted to operate with its present daytime power of 250 watts, plus 100 watts nights, expected receipts would increase \$1,000 a month. Station also pointed out that through transmitter's MBS "tear" estimated at \$7,320 per year additional. No change in advertising rates of \$35 per hour days, and \$52.50 after 6 p.m. is suggested.

Applicant was represented by Lole G. Caldwell and Reed T. Reed.

Minnesota-Nebraska: Desire of KROC, Rochester, to change frequency from 1310 to 930 kc and boost power from 100 watts nights, 250 watts days, to 1 kw, was not deemed worthy advice to the community, by Examiner Seward counseling Council to deny the request on grounds of interference.

Elmer A. Pratt appeared on behalf of KROC, with no counsel present for the Nebraska applicant.

Texas: Preliminary okay for KFAA, Fort Arthur College station, Fort Arthur, to switch from 1210 to 1370 kc, with 100 watts day and night operation from days to unlimited, given by Examiner Seward.

Station, which has been operating at a net profit of approximately \$10,000 a year, has been doing well since its inception. Seward found, and a need exists for night operation. Operating expense of the transmitter would be increased by \$65 a month, but the station would probably up its advertising rates to \$1.50 per hour and \$17.50 per half hour for local programs and \$45 per hour for outside advertising. No change would be made in the present day rate of \$31.50 per hour and \$17.50 per half hour for local programs and \$45 per hour for outside advertising. No change would be made in the present day rate of \$31.50 per hour and \$17.50 per half hour for local programs and \$45 per hour for outside advertising.

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Station, which has been operating at a net profit of approximately \$10,000 a year, has been doing well since its inception. Seward found, and a need exists for night operation. Operating expense of the transmitter would be increased by \$65 a month, but the station would probably up its advertising rates to \$1.50 per hour and \$17.50 per half hour for local programs and \$45 per hour for outside advertising. No change would be made in the present day rate of \$31.50 per hour and \$17.50 per half hour for local programs and \$45 per hour for outside advertising.

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## Sponsors-Agencies

### WNAC, BOSTON

Bayuk Clairs, Inc. ("Inside of Sports" with Jack Stevens) continues with renewal of 54 15-minute programs broadcast twice weekly at 7:30 p. m. Dec. 26 to April 26, 1939. Sponsors: Ivey & Ellington, Inc., Philadelphia (also WTIC, WTAG, WEAN).

E. U. Delapenha & Co. (N. Y. C.) ("Hartley's Marmalade") renews series of 26 participations in Gretchen McMillen program. Through Gotham, N. Y. C. Fenick & Ford (N. Y. C.) ("Vermont Maid Maple Syrup") 26 one-minute transcriptions Jan. 30 to Feb. 28, daily except Sundays. J. Walter Thompson, N. Y. C.

Manhattan Soap Company, N. Y. C. ("Sweetheart Soap") sponsors Macy's Sweetheart Soap, Wednesdays and Thursdays. Talent: Alice O'Leary, Adrian O'Brien, Bobby Norris, and Frank Cronin. Jan. 17 to July 13. Franklin Bruck agency, N. Y. C.

California Food Products of Oakland (Caldo dog and cat food) through Emil Grischacher & Staff, Inc. with KFSO, San Francisco, for announcements during three evening newscasts weekly.

R. J. Reynolds Tobacco Co. (Camel cigarettes), through William Esty, New York, has renewed for 30 weeks its participation in the 5:45 p. m. PST edition of "Streamlined Head-

lines" with Bob Garred over KFSO, San Francisco, five days weekly, through California Animal Food Co., Oakland (Caldo dog food), through Emil Grischacher & Staff, Inc. bankrolling newscasts three nights weekly, over a 13-week period.

National Porcelain Co., Trenton, N. J. ("Snuf-a-rette ash trays"), is spotting a series of 12 announcements on KFO, San Francisco, through Jan. 14.

Farisian Baking Co. (bread), through Emil Reinhardt agency, Oakland, has signed a year's contract for three-weekly spot announcements on KFO, San Francisco. Dito for Artichokes, Ltd. (artichoke bread), through Long Advertising Service, San Francisco.

North American Accident Insurance Co., Newark, N. J., through Franklin Bruck, Inc., has renewed for one year its sponsorship of "A Reporter Speaks," newscasts with Bob Anderson, over KFO, San Francisco, two mornings weekly.

White King Soap Co. (through Ray Morgan, Los Angeles, is spotting five announcements weekly on KFSO, San Francisco, for 13 weeks.

Macfadden Publications, Inc., New York ("True Story Magazine"),

through Kenyon and Eckhardt, Inc., has placed its transcriptions, "Doc Sellers True Stories" on KFO, San Francisco, five days weekly through March 24.

Firestone Tire & Rubber Co., Akron (tractor tires), through Sweeney & James, Cleveland, signed for one-year series of twice weekly broadcasts of its quarter-hour transcription, "Voice of the Farm," over KFO, San Francisco.

Rumford Chemical Works (baking powder), through Atherton & Currier, Inc., New York, spotting two announcements daily except Sunday on KFO, San Francisco, over a one-year stretch.

Atlantic Sales Corp. (Coleman's mustard), through J. Walter Thompson, New York, will use five announcements weekly on KFSO, San Francisco, for 26 weeks starting Jan. 23.

WTMJ, MILWAUKEE

Plankinton Packing Co., advertising sausage, 78 spots on "Top of the Morning," through Cramer-Krasselt Co., Milwaukee.

Paul, Inc., New York City, advertising Chocolate Mounds candy bars, 85 one-minute transcriptions, through Platt Forbes, Inc., New York.

Wisconsin Ford Dealers, Milwaukee, advertising Ford line, including trucks, 16 spots, through N. W. Ayer, Inc., Chicago.

Edwards Motor Co., Milwaukee,

## ADVANCE AGENT FOR NEW STATION

## Wisconsin Radio Council Deplores 'Malign Use' Of Radio Facilities

Troy, N. Y., Jan. 10. Harry C. Wilder is conducting a good will campaign prior to the start of construction work on WTRY, Troy, first commercial station. Since October the Syracuse operator has kept Edward S. Robinson on the ground to make contacts with newspapers, merchants, city officials, civic and fraternal organizations, church groups and other local associations.

Troy home town spirit burns fiercely.

advertising service, 85 spots, through Neisser-Meyerhoff, Milwaukee.

Home Furniture Co., Milwaukee, 157 quarter-hour transcriptions of "Home Harmonizers"; Biker's, Milwaukee, dress shops, 10 spots; Ugent's, Milwaukee, furriers, 26 spots; Gimble Bros., Milwaukee, dept. store, 53 spots; Boston Store, Milwaukee, dept. store, 53 spots; Ische Bros., Milwaukee, electrical appliances, 89 spots, WTJM Sales Staff.

George Shackley's "Moonbeams" program on WOR, N. Y., was renewed for 26 weeks as of Jan. 6. Gambart & Associates, sponsor. Change time from 9:30 to 11:15 p. m. Mondays.

Axon Fisher, via McCann-Erickson, has renewed for 26 weeks as sponsor of Earl Smith's newscasts via KMBC, Kansas City.

# AFRA SCORN'S 4A'S OFFER

## Levers Buy Old Soap Brands; Will Rival Procter & Gamble

Lever Bros. may, as the result of its latest brand acquisitions, push its advertising billings up close to the Procter & Gamble level. The newcomers to the Lever list are the Hecker Products soap articles, which include Silver Dust, Gold Dust and Fairy Soap. Purchase deal was closed Monday (9).

B. B. D. & O. has all the Hecker soaps as well as its shoe polish division. Latter agency had not been advised by press line yesterday (Tuesday) as to whether the Hecker soap products would remain on its client list. Rated as the top seller among these soap products is Silver Dust, whose last representative on the air was through the 'Beatrice Fairfax' series, which wound up on Mutual last February.

Lever currently has its business split between J. Walter Thompson and Ruthrauff & Ryan.

## GENERAL MILLS DEFINES FRONTIERS

General Mills has revised the agency representation of its various brands, effective with its own 1939-40 fiscal year, June 1, 1939.

Blackett-Sample-Hummert, Inc., of Chicago, will have sole agency authority on Gold Medal Kitchened Flour, Corn Kix and Softasilk Cake Flour, while Knox Reeves will hold exclusive agency control over Wheaties and Bisquick.

## 3RD REFUGEE PROGRAM

WEVD Follows WBN and WMCA In New York

WEVD, N. Y., will have a refugee program of its own, starting Jan. 20, with the Amalgamated Clothing Workers of America underwriting the half hour. Sigmund Spaeth will m.c. and Prof. Joseph Turnau, former director of the State Opera house in Vienna, will direct the orchestra.

Hendrik Willem van Loon will head a group of writers, historians and educators who are slated to participate in the weekly event.

WHN and WMCA also have refugee programs.

## Hillbilly Rodeo

St. Louis, Jan. 10. Cowboy and hillbilly bands, fiddle scrapers and yodelers, numbering 400, are representing 24 states are scheduled to participate in the 1939 Hillbilly Stars' Championship Jamboree in the Municipal Auditorium Sunday (15). Eliminations will be made in the afternoon and the finals held at night, the winners to be chosen by the applause of the customers.

Larry Sunbrook, prez of the National Fiddlers' Assn., who is sponsoring the show, has inked for participation WLS' national barn dance unit; Weaver Bros. and Elviry; Pappy Cheshire's 'Barnyard Follies' from KMOX; KWK's 'Early Birds'; KKKO's 'Rambling Cowboys'; WTMV's 'Susie from the Hills'; KFRU's Ozark Sweetheart heading barn dance unit; The Texas Rangers from Dallas; Texas Ruby from Memphis; Bill Haley from Columbia; Mo.; and Cowboy Jake, DelRio, Texas, among others.

## Lipscomb's Heart Attack

Philadelphia, Jan. 10. Alan Lipscomb, gag writer on the Ben Bernie and other shows, ailing with heart condition at Mt. Sinai hospital here. Registered under real name, Abe Lipschutz, about a week ago, after being stricken while visiting a sister in Philly.

Lipscomb works in partnership with Parke Levy.

## The Difference

Trade has its eyebrows up over recent C.A.B. report which showed two programs produced ironically by the same agency. One show cost around \$9,000, the other costs \$950 net.

There was less than one point difference in popularity rating.

## REITER OUT OF TRANSAMERK

Virgil Reiter is no longer associated with the Transamerica Broadcasting & Television Corp. His post as manager of the company's Chicago office has been temporarily taken over by DeWitt Mowrer.

## ERNEST CHAPPELL'S BANKRUPTCY PLEA

Ernest E. Chappell, who has been tied up with independently-produced commercials as performer or announcer since his exit from the NBC Artists Service, last week applied to the N. Y. federal court for the right to take a financial bath.

Schedule which was attached to Chappell's bankruptcy plea gave his liabilities as \$9,037 and assets, \$300.

## Paleys Swap Stock

Washington, Jan. 10. Large batches of voting trust certificates held by Jacob and Samuel Paley have been turned in for additional shares of Columbia Broadcasting System's Class B stock, according to report last week by Securities and Exchange Commission. Relations of the web president made the swaps during October and November.

Sam Paley exchanged 26,000 certificates, holding of the B securities to 26,006, while Jacob cashed in his 33,362 certificates. Report also showed Prescott S. Bush, web director, reported reductions in the A and B stock listed in his name when Brown Bros.-Harriman got rid of 10 A and 9 B shares and Investment Corp. disposed of 4 A and 4 B. Leon Levy reported he has given away 118 B shares, keeping 44,412.

## Al Goodman in Legit

Al Goodman will direct 30-piece pit crew for the Jimmy Durante-Ethel Merman show, 'Stars in Your Eyes.' Show opens in New Haven tomorrow.

One of largest pit crews ever assembled for a legit musical with an added novelty being the installation of pit mikes. Latter was made necessary by sub-tone instruments.

## Park with Gardner Agency

Chicago, Jan. 13. James Park, formerly with the William Morris agency here in the radio department, has joined the Gardner agency in St. Louis.

Will rate as assistant to Charles Claggett, radio chieftain.

## O'Dea Out of Hospital

Richard E. O'Dea, v.p. of WNEW, N. Y., and a New Jersey civic official, last week left St. Joseph's hospital, Paterson, N. J.

He had been confined there for three months while under treatment for a heart ailment.

## GABBY 10 MONTHS SETTLED NOTHING

Yesterday Saw Admen's 'Counter-Proposals' Quickly Laughed Off by Actors' Union

## FUTURE UNCERTAIN

A climax was reached in the 10-months' negotiations of the advertising agencies and the radio actors union, AFRA, yesterday (Tuesday) in New York. 'Counter-proposals' were made to the union by a committee of Four A's members which the union rep spurned in 15 minutes flat. AFRAites stated they took the 15 minutes recess from the conference room simply to determine the manner of the refusal and not whether to refuse. Unionists branded the agencies' suggestions as 'ridiculous' and declared that they were being smothered in a blinding snow of beautiful-sounding but meaningless advertising phrases.

Agencies stressed their non-responsible position as intermediaries rather than principals, expressed an interest in protecting actors from exploitation and abuse, but declined to go beyond a suggested wage scale which AFRA promptly described as inferior to the networks' sustaining scale and wholly unsatisfactory. An AFRA Board of Directors weekly meeting Thursday will consider further tactics.

Agencies suggested \$15 for quarter hours with two hours free rehearsal, \$20 for one-half hour with three hours of rehearsal; \$25 for a one-hour broadcast plus four hours of preparation. Re-broadcast would be 25% of base rate. Actors stated such a scale offered 'no basis for further discussion.' Actors are burning over the agencies trying to make capital of Equity's Broadway minimum scale of \$40 weekly. They say this is not a fair comparison.

AFRA representatives at the meeting included Mrs. Emily Holt, executive secretary; Henry Jaffe, attorney; George Heller, associate executive secretary, and Marc Smith, Alex McKee and Nelson Case, of New York; Jean Hersholt, of Los Angeles, and James P. Holmes, of Chicago. Eddie Cantor, union prez, had returned to the Coast, while Lawrence Tibbett, first vice-prez, was rehearsing with the Met opera.

## BOB HOWARD CONTINUED

Bob Howard, pianist-singer on the air for Williams Glider Shave Cream, was renewed last week for another 39 weeks. Singer's initial 39-week stretch will be completed this week.

Commercial is one of the latest on the air, being inked at 11 p.m. following Bing Crosby.

## 747 Stations in United States

FCC Gagged Five in 1938, Granted 47 New Transmitters—Two Out of Every Three Turned Down

Washington, Jan. 10. One out of three applicants for new broadcast facilities was successful in the fiscal year ending June 30, 1938, when number of stations rose to 747, the FCC said last week in its annual report. Document stressed tremendous physical load on the staff and members, noting almost 7,000 requests of every conceivable kind required attention and overtime exceeded 2,000 days.

Conducting 350 hearings and rendering 250 formal decisions, regulators granted permits for 47 new transmitters, slightly over one-third of the requests, and gagged five outlets. Applications for new stations numbered 147.

## AFRA Loses Vote at KWK; Gets Only 7 of 24, but May Demand Investigation of Tally

### BERNIE'S DANCE DATE

First Hoof Booking in New York Since 1929

Ben Bernie's first dance job in New York since 1929, when he was at the Hotel Roosevelt, N. Y., is dated to start Feb. 2 at the Hotel Pennsylvania succeeding Kay Kyser. It's an MCA booking, as is Kyser.

Bernie will double with his Half-and-Half radio commercial. Date is for six weeks and then Tommy Dorsey comes in.

## PRESS-RADIO'S VAGUE STATUS

Latest development in the curious situation surrounding the Press-Radio bureau was a notice that the latter teletyped to station managers yesterday morning (Tuesday). The notice read: 'The agreement between your station and the Press-Radio bureau is that the monthly bill for service and equipment shall be paid in advance of each calendar month. No payment having been received for the month of January service is hereby suspended.'

Late the same afternoon these same stations got their regular evening service.

## REVOLVING FUND FOR KMBC EMPLOYEES

Kansas City, Jan. 10. Employees of KMBC completed organization of credit union last week, plans for which have been considered for some time. Group hospitalization has also been under consideration, but waits for completion at a later date.

Neal Keech, special events director for the station, is proxy of the new organization with Ken Cook, of the technical staff, as vice president, and Frank Hunter as secretary-treasurer and manager of the credit union. Gomer Cool and Don O'Brien with other officers complete the board of directors.

Group has a round robin credit system whereby members may keep personal funds on deposit or invested in treasury and from which loans may be made, purpose being mutual benefit. Besides officers plan functions through credit committee headed by Ken Krahl and a supervisory committee chaired by Chick Allison.

St. Louis, Jan. 10. Election at KWK to determine whether the gabbers, singers and actors wanted the local chapter of AFRA to be designated as its bargaining agent, was won by the station Friday (6). Vote is being investigated by AFRA execs and if reports substantiated the NLRB will be asked to hold another election. Of 24 votes cast AFRA received seven; 12 were found to be negative and five votes were challenged, one by AFRA and four by the station.

Don Phillips, local AFRA president, says he has an appointment with the local attorney for NLRB this week to go into the matter more fully. In the event the five challenged votes are found to be favorable to AFRA the question would be stated, as NLRB has ruled that 51% of the votes cast are necessary to determine whether any organization shall be recognized as the bargaining unit for a group of workers.

Crestfallen Phillips was decidedly crestfallen at the turn of events last week, as he and other AFRA execs were convinced the organization would have easy sailing in the election. Whether Henry Jaffe, associate national counsel for AFRA, will come to St. Louis to join Phillips and others in the investigation could not be learned. Jaffe was here several weeks ago when plans were made for the election for radio employees of KSD, WEW and KWK. KSD, owned and operated by the St. Louis Post-Dispatch, a p.m. rag, stipulated that AFRA was the bargaining unit for its gabbers, singers and actors. KMOX, which was designated to have a majority of its employees members of AFRA.

AFRA won its election at WEW, owned and operated by the St. Louis University, four of the six votes cast being in favor of having AFRA negotiate its wage scale.

## DUCK HEM-HAW ON NEW JOINT SURVEY

NBC and Columbia have undertaken another joint survey on listener habits, the latest one having to do with urban areas. Unlike the previous joint probe, which involved rural listeners, the current job is being done without the supervision or blessing of the Joint Committee on Radio Research. The networks figure that they will be able to get places in quicker time.

Rural check was completed about a year ago, but the findings are yet to be published. NBC and CBS got together and collated the field findings months ago and the general interpretations were approved by the JCR's technical committee. Webs had arranged to put the study to press when John Benson, president of the American Association of Advertising Agencies, who is also chairman of the Joint Committee, asked that the publication be deferred until he had examined a set of proofs. He is still giving his scrutiny to the study's interpretations.

Meanwhile the question of continuing the existence of the Joint Committee remains open to settlement. The office maintained by the committee is still without a managing director. National Association of Broadcasters has agreed to contribute to the support of the JCR's bureau, NBC and Columbia are willing to go on financing the project so long as it has the approval of the 4 A's and the Association of National Advertisers.

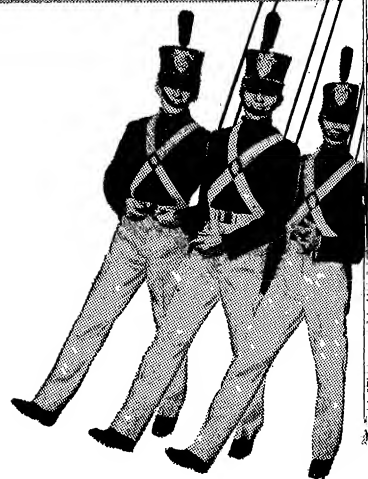
**AMERICA'S CROWDS**

**ARE MARCHING**

**TO THE GREATEST**

**WEST POINT PICTURE**

**EVER MADE!**



**NEW YORK CITY...RADIO CITY MUSIC HALL**  
Knocked over the biggest pre-holiday business  
in four years at America's foremost theatre!

**PHILADELPHIA...ALDINE**  
First three days equal whole week's average  
box-office take. Held over second week!

**WATERBURY...POLI PALACE**  
Setting sensational pace as receipts soar  
to 53 percent over average gross.

**WORCESTER...WARNER**  
In step with theatre's biggest money  
attractions. Headed for record receipts.

**BROOKLYN...ALBEE**  
Business zooms to 68 per cent over average,  
pointing to extended run.

**UTICA...AVON**  
Hits one of season's peak openings and plays  
to smash crowds throughout engagement.

EDWARD SMALL  
*presents*

# THE DUKE OF WEST POINT

with LOUIS HAYWARD • TOM BROWN  
RICHARD CARLSON

JOAN FONTAINE • ALAN CURTIS

Directed by ALFRED E. GREEN • Original screen play by GEORGE BRUCE

RELEASED THRU UNITED ARTISTS

## WATCH

the exciting parade con-  
tinue as "Duke" opens  
soon in these ace houses  
from coast to coast:

★ ★ ★

Loew's State, Providence

Loew's State, Norfolk

Loew's, Richmond

Poli's, New Haven

Poli's, Hartford

Apollo, Atlantic City

Loew's State, Memphis

Brantford, Newark

State, Jersey City

Liberty, Seattle

Broadway, Portland, Ore.

Denver, Denver

Lincoln, Miami Beach

Loew's, Akron

Fox, Phoenix

Fox, Tucson

Capitol, Washington

Elgin, Ottawa

## No 10-Gallon Hats in Oklahoma Bally

'Not in the Rate Card' Splurge Includes WKY—  
Arithmetic Vs. Personality One Part of Campaign

WKY, Oklahoma City, figures in a unique nation-wide ballyhoo which is being launched this year to celebrate the 50th anniversary of Oklahoma. Campaign is on the theme 'not on the rate card' and will deal with the aspects of personality, showmanship, prestige, among other things not reflected by sheer arithmetic.

Gaylord interests, operating WKY

(as well as stations in Denver and Colorado Springs), are newspaper publishers who have gradually spread into many fields. Perhaps their most unusual activity is a fleet of 75 trucks which not only delivers their newspapers all over Oklahoma, but carries motion picture film, frozen meat and general get-there-fast cargo. This activity was forced on the newspaper years ago when

railroads discontinued much of their local train service.

One part of the philosophy of this group, which is noted for smart management, is a feeling that the advertising world has an unfortunate habit of ignoring the vital question of 'general alertness' and community personality. These elements do not, of course, show on the rate card. Hence the present ballyhoo.

A notable aspect of the campaign is to stress the 'urban' character of Oklahoma. They bequeath the ten-gallon hat stuff to the state of Texas.

Benny Venuta's WOR sustainer, went back to a full hour schedule Sunday (8). Time had been curtailed to half hour, due to singer's other activities.

*On the threshold of a new year,*

*Transamerican takes pleasure in announcing further steps in its program of continued improvement and expansion. The construction of new quarters in New York to be completed in April will be three times as large in order to provide for increased personnel and enlarged program facilities.*

*A reorganization in Chicago of all departments will bring to Transamerican several important personnel additions to further enhance the value of Transamerican's service to Chicago agencies.*

*Closer association with Warner*

*Bros.-First National Pictures makes available greatly enlarged program and talent facilities and enables Transamerican to offer advertising agencies an unparalleled radio program service in Hollywood and New York.*

*We express our gratitude to those whose confidence in Transamerican is reflected in the ever-increasing volume of business that has made this expansion possible.*

**TRANSAMERICAN BROADCASTING & TELEVISION CORPORATION**  
New York Chicago Hollywood

## Slap at Testimonials

Washington, Jan. 10. Restriction on testimonials from professional endorser was proposed for the radio industry last week by Rep. Paul H. Maloney, Democrat, of Louisiana.

Bill would require a statement to the effect that plugs were paid for whenever advertising carried a comment from a user who was given money or other valuable consideration in return for his good words.

## DALBERG LAWS BEFORE F.C.C.

Washington, Jan. 10. Although fired for undisclosed reasons, Melvin H. Dalberg, for four years a FCC examiner, has been admitted to practice radio law before the government body. One of nine new barristers granted privilege of appearing as spokesmen for government permit seekers. Others added to the list are:

Walter W. Ahrens, Sidney V. Smith, and Eugene R. West of this city; William S. Bennet and Abraham A. Berry of New York City; George Echeleman of Jersey City; William E. James of Los Angeles; Irving B. Kendall of Mount Vernon, N. Y., and Kenneth S. Nathan of Chicago.

## SLIGHT MIXUP

KYW Leader Hired Man, but Who Paid Him?

Philadelphia, Jan. 10. Nathan Snader, new batoneer of the KYW house band, ran into a snarl with the Tooters' Union before he even completed a month at the outlet. A.P.M. claims he went out and hired an extra addler without warning either the station—which pays the men—or the union. Result was that at the end of the week there was no coin forthcoming to pay him: Snader then tried to levy on each of the other members of the band to chip in and make up his salary.

It was the latter action which caught the attention of the union. Rex Riccardi, secretary, stopped the cooperative pooling and demanded that the extra man be paid, even if it came out of Snader's own pocket. Guy got his coin and was promptly laid off, but who is to finally foot the bill hasn't yet been fully decided.

## WIP 8% Over 1937

Philadelphia, Jan. 10. Financial report by WIP this week claims 1938 to have been the best year in the station's 16 years of existence. Upturn was 7.9% over 1937, most of it attributable to local biz.

## Horlick's Malted Milk Bankrolls 'Hatterfields'

Cincinnati, Jan. 10. Horlick's Malted Milk last week began sponsoring the 'Mad Hatterfields' serial, written by Pauline Hopkins, on WLW for a year's stretch. Monday through Friday, 4 to 4:15 p.m. Author doubles cast, along with Bess McCammon, Duane Snodgrass, William Green, Harry Cansdale and Paul Hughes. Account through Roche, Williams & Cunyngnam, Chicago.

## Worcester Feed to NBC

Worcester, Jan. 10. WTAG studio band, under direction of Dol Brisette, resumed broadcasts from local station over Red net last week. Programs, to be heard Saturdays from 11:15 to 11:30 mornings, will run indefinitely. Chester Gaylord, chief announcer, is producing the shows, and sharing vocals with Wini Stone. Same group put on daily 30-minute show over WTAG.

## Harriett Johnson's Return

Oklahoma City, Jan. 10. Harriett Johnson, half of the Johnson Sisters, formerly NBC harmony team, has joined Marty Hall and Lee Norton, standbys at WKY, to form a harmony trio. This is Miss Johnson's first radio go since marriage in 1934 broke up the sister team.

## WIP Says That Gal's Air Club Is 'Old Stuff'

Philadelphia, Jan. 10. WIP this week dropped its home-makers' show with the explanation that women's club programs have 'outlived their usefulness,' while WFIL, at precisely the same time, announced that it would start a new femme show of the same type. Simultaneous actions are claimed to be more co-incidence.

WIP, which ran a weekly visual with guest names from vaude and niteries, usually attracted upwards of 700 women to its auditorium and has had as high as three thousand. Exec explained this week, however, that 'they were the same faces at each meetings, consisting of a low income group that was looking for a free show, not the type of women who would make good customers for the sponsors' product.'

A participating show, it recently has had but two sponsors. It has had as many as a dozen sponsors at one time in six years of successful existence. It was the first show of its type in this territory. Annabelle Adams, its director, was let out with the demise of the show.

WFIL's new airing for the gals will be tagged 'Martha Laine's Club of the Air' and will be handled by Mrs. Margaret Schaefer, assistant-g.m. and program director. Mrs. Schaefer, supposedly a similar show some months back because of the pressure of other duties.

## PEDDLE WLS-WENR BASEBALL PACKAGE

Chicago, Jan. 10. Sid Strotz, new midwest chief of NBC, is jaying out plans for putting baseball play-by-play on WENR-WLS on a combination deal. Has arranged a package deal with Glenn Snyder of WLS and the WLS-WENR. Combo is now being peddled to advertisers at a figure reported at \$115,000.

## Procter & Gamble In Doorbell Job for 'Marlin'

Milwaukee, Jan. 10. Example of how some sponsors back up a radio program by dominant merchandising is seen in Procter & Gamble's Milwaukee tieup with the serial, 'The Story of Mary Marlin,' aired daily over WTMJ. A special factory detail man went into Milwaukee and engaged a crew of 25 distributors. These distributors not only 'sampled' 80% of the homes in Milwaukee with P & G's Ivory Soap, but left on the door knob of each home a clever promotional device which carried the story, 'Listen to The Story of Mary Marlin' daily over WTMJ.'

Promotional piece, with string attached, was made with the idea that the listener could hook it onto a knob on the radio where it would serve as a constant reminder of 'Mary Marlin' broadcasts over WTMJ. In fact, this procedure was urged on the promotion piece itself.

## Transcription Co. Bkpt.

Hollywood, Jan. 10. Associated Cinema Studios, transcription and studio rental outfit, has petitioned for bankruptcy. Firm was organized 11 years ago by Freeman Lang. Mark Gerstle, Frisco capitalist, is the present owner.

## Panelmen Shift at WKRC

Cincinnati, Jan. 10. Engineering staff changes on WKRC, local CBS station: Bob DeHart transferred to the web's Boston outlet and Ed Hamel to Chicago. Thomas Donohoe came on from NYC, Don Hulce from Chicago, and R. C. Webster from Boston. John Tiffany is acting chief engineer of WKRC.

## Mercer on Camel Show

Johnny Mercer, songwriter-singer, was added to the Benny Goodman Camel commercial on CBS last night (Tuesday). Mercer will handle encee chores and a number or two. No interruption in the guest policy is contemplated.

# SCAN HOLDING COMPANIES

## NEW QUIZ FORM CALLED AN OMEN

**Trade Jittery in Anticipation of Drastic Corporation Reshuffling—No Official Intimation of Motives—More Detailed Than Previous Probes**

### UTILITY MODEL

Washington, Jan. 10.

Alarm over the possibility that the New Deal may pronounce a death sentence for holding companies in the broadcasting business—as was done in the public utility field and has been urged in connection with banking—spread through industry circles last week following receipt of a sweeping FCC questionnaire concerning ownership and management policies. Most inquisitive of a series of blanks sent out in the past year is designed to produce data for consideration in the chain-monopoly investigation.

While Chairman Frank R. McNinch emphasized the regulators have 'taken no position' on the practices being scrutinized, the nature of the interrogatories caused apprehension that the Commish will consider drastic moves to acquire closer supervisory powers over stations. Uneasiness heightened by recollection McNinch was at the helm of the Federal Power Commission four years ago when the groundwork was laid for stringent legislation under which the Securities and Exchange Commission gained authority to dissolve complicated corporate setups among the electric utilities.

#### Uses of Data

The new questionnaire goes much farther than the Commish ever has sought to delve into private affairs of broadcasters. While the general tenor of the question suggests the Federal body is toying with the thought of urging that station owners be forbidden to have any other major industrial, commercial or financial interests. Observers were immediately struck by the possibility the data submitted in response to the quiz will be used to further the campaign against newspaper ownership, to justify either a regulation or a law preventing networks from owning or operating stations, and to tighten up on individuals or corporations controlling more than one outlet.

For the most part, the questions are framed to elicit data that is conspicuously missing from FCC files, supplement the new blanks put into use during the past year in connection with applications for renewal licenses and for permission to transfer control or assign licenses.

Questionnaire sent to all stations under date of Jan. 5 is fourth in a series prompted by Commission's desire for dope about ultimate ownership and control of U. S. transmitters. Previously, the FCC queried more than 400 corporations shown by present records to hold stock in licensee companies, 169 second-tier firms which have an interest in the record owners, and 1,000 individuals concerned with the intermediate holding companies. Latest blank calls for facts about the direct relations between stations and between licensees and other interests, for the purpose of giving a full picture of management control and incidental transfers of control.

Answers under oath required to many questions aimed at conditions never before revealed, such as the terms on which time is made available to other enterprises in which station owners or officers may be interested. Replies due by Jan. 25, with separate set for each station.

Practically identical data must be submitted by individual and corporate licensees, but the Commish insists on voluminous facts in the

case of stations which are incorporated. Information wanted about every officer, director and employee. The questions touch on many subjects previously covered, either in connection with the chain-monopoly inquiry or the general policy hearings conducted last spring, but more up-to-date facts are desired. Such matters as income, expenses, profits, and employment must be explained as of Jan. 1, 1938.

Licensees, both individual and cor-

porate, must state numerous facts about personal activities. For instance, whether any employee engages in other business, and, if so, what; profession practiced by every individual connected with the station; past experience of key executives, including station manager, program director, commercial manager, and other department heads; duties and responsibilities of each major individual on the staff.

In the realm of business opera-

tions, the Commish wants to smoke out licensees who may play favorites between clients or kick back part of their revenues. Owners must tell whether any person gets a commission or bonus above flat salary, divulging amounts and reasons. Full details called for in event any other department or business of an individual licensee or organizations with which officers, directors, and employees are affiliated make use of the station.

## NEW LUX DAYTIME GLORIFIES HUBBY

J. Walter Thompson is readying a new daytime show for Lux soap. It's 'The Family Man,' agented by Rockwell-O'Keefe, Inc. Schedule would be five quarter hours a week.

# popularity TOPS!

**T**HERE is so much glib verbal sky-painting about radio surveys that we decided we would make ours neat and stark and plain. We decided—let's toss the telephone out the window and with it that thing called the "memory factor." Let's forget people and what THEY think. Let's give the dial a chance to talk.

Maybe you heard what happened. If you didn't, listen—

We called in Hooper-Holmes. We told them: "Go look into cars—don't touch—parked cars, in paid-space, parking lots, garages, in Manhattan, Brooklyn, Queens, Bronx-Westchester, Newark. Find," we said, "to what stations the dials are set." Out went Hooper-Holmes. In time came this report—

SURVEY MADE—TUES., DEC. 20, 1938

CARS LOOKED INTO—5850

TOTAL CARS RADIO-EQUIPPED—40%

N. Y.'s Four 50-kw. Stations	% of Auto-Radio Dials Set at Call Letters
<b>WOR.</b>	<b>23%</b>
Station B	17%
Station C	13%
Station D	10%

**ERGO—more people were listening to WOR than to any other Metropolitan New York station. In fact, 35% more auto-radio**

dials were found set at WOR than the next most popular station : . . 130% more dials were set at WOR than at Station D.

To us this is a significant survey. Not just because we came out on top—though that's good. But because it proves better than anything we could possibly say that WOR must be dishing up the kind of programs *MOST* people want.

If (1) you're an advertiser, or (2) an agent, or (3) a space- and time-buyer and you are not using WOR, this pretty little survey ought to start you thinking seriously about this station. For, after all, we clocked only auto-radios. Maybe we would have come out on top if we looked at the dials in the more than 4,250,000 radio homes we smother with sound. Maybe we wouldn't. But you never can tell.

The point is—WOR's popularity ranked tops this time. But don't get the idea that we think it's popularity alone that makes a station. Popularity and sales results go hand in hand. A lot of America's biggest time-buyers must know this or else more than 73% of WOR's sponsors wouldn't be among America's greatest national advertisers.

# WOR

#### Sales Offices:

NEW YORK, 1440 Broadway  
CHICAGO, Tribune Tower  
BOSTON, 80 Federal Street  
SAN FRANCISCO, Russ Bldg.

## No Advance Script Defense Accepted in 'Censorship' Charge

Washington, Jan. 10.

Exertion of political pressure on Tennessee broadcasters during the torrid primary campaign last summer was revealed last week in a Senate report which exonerated WREC, Memphis, of alleged violation of the Communications Act. Discarded complaint charged the outlet with discrimination in refusing to air a talk by W. M. Fuqua, chief investigator of the state crime commission.

Detailed account of what happened showed Senator Kenneth McKellar, unavailingly turned the heat on WTJS, Jackson, which carried the talk originated at WSIX, Nashville, and that Memphis organizations, with the assistance of Mayor Watkins Overton, protested local broadcasting of the talk via WREC.

Explanation of Hoyt B. Wooten, president of WREC, about the failure to put the speech on the air satisfied the Senate committee that no offense had been committed. Wooten's defense, transmitted to the FCC in response to an inquiry from the regulatory body, was that text of Fuqua's remarks was not received until too late for thorough examination by station attorney.

## CLERIC CONDEMNS SUNDAY KID SHOW

Troy, N.Y., Jan. 10.

A blast at the practice of staging amateur shows in theatres on Sunday morning—presumably aimed at the children's sponsored program formerly broadcast over WABY from the stage of WB's Troy and now aired from Proctor's—was fired by Dr. James A. Perry, of the Fifth Avenue State Street Methodist Church, during a talk on WHAZ under auspices of the Troy Ministerial Association. Dr. Perry, who urged a stricter observance of the Sabbath in all fields, characterized the producing of amateur performances as a 'flagrant' abuse of the purpose of Sunday. He declared it 'should merit the disfavor of every Christian and every churchman.'

WABY's kid show rides the air lanes from 10 to 10:30, with additional time in the theatre.

## Change of Pace

Betty Garde does a prosthetic role in George Abbott's new stage play 'The Primrose Path.' She's same Betty Garde who personates 'Mrs. Wiggs of the Cabbage Patch' on the radio.

## Want to Control German Program In Milwaukee

Milwaukee, Jan. 10.

Threats to start a boycott against advertisers on WEMP, Milwaukee, include unless the station makes a change in its 'German Hour' programs were made by pro-Nazi leaders in Milwaukee. George Froboese, midwest director of the German-American Volksbund, and Paul Knauer, v.p. of the German-American Citizens' Alliance, demanded that Bert Weisfogel, prez of the GACA, again be given supervision of the German hour.

Weisfogel directed the programs un-

## Washington Lobby

Washington, Jan. 10.

Despite the mounting finger-pointing, Broadcasting industry has a good record for decorum, figures in the FCC's annual report indicate. While 65 investigations of complaints were closed, only six of the squawks weighed in the past fiscal year proved incapable of informal adjustment. At the start of the year, 30 kicks were pending, while 79 matters were still being probed at the year-end, last June 30.

Continued animosity toward the idea of lengthening the license period was reflected by Chairman Frank R. McIninch. In letter transmitting the annual report to Congress, whipcracker admitted 'that six-month limitation involves a large amount of work checking renewal pleas, but commented 'the time and study given to them, however, do not seem disproportionate to their importance.'

Long wait for the new allocation scheme and modernized principles of regulation was hinted in the report. While complete revision of the rules and regulations was undertaken in past fiscal year, Commish said 'this major undertaking is scheduled for completion within two years.'

Nov. 22, when WEMP canceled his conditional sales contract. C. J. Lanphier, station director, agreed to study the requests. He explained that WEMP desired only to run a German-American hour free of any propaganda or propaganda for either Nazis or anti-Nazis.

## Priest Banned in Canada

### Meanwhile Nazi Party Secretary's Talk Stirs Protests in Dominion

Toronto, Jan. 10.

Following numerous complaints occasioned by broadcasts in which religion and politics have been interwoven, Father Charles Lanphier, director of the Radio League of St. Michael, has been indefinitely suspended from the air by Gladstone Murray, general manager of the Canadian Broadcasting Corp. Suspension followed the priest's latest diatribe when he personally attacked Communist candidates for this city's Board of Control and threatened to go to ecclesiastical authorities of Ontario and have the 'Toronto Star' barred from Catholic homes should the sheet persist in the glorification of Russia and the Red doctrine.

In announcing the suspension Murray made it clear that the action was taken, not because of the nature of the priest's political partisanship, but because of a 'flagrant breach' of the Canada Broadcasting Act. In intervening actively in the municipal election campaign in Toronto, Father Lanphier infringed that section of the Act which reads:

'Political broadcasts on any Dominion, provincial or municipal election day and on the two days immediately preceding any such election day are prohibited.'

Said the CBC chief, 'In January,

1938, after a period of suspension from the air, Father Lanphier was restored in the religious series sponsored by Radio League of St. Michael. Complaints had induced the board of governors of the Canadian Broadcasting Corporation to decide that in future religious periods should be devotional in character. 'An understanding was reached with Archbishop McGuigan of Toronto and Father Lanphier that his broadcasting could be resumed on condition that he confined himself to items of a purely ecclesiastical nature, avoiding politics, national and international, and controversial theories in economics.'

Breaking of promise during the election campaign here, in which the priest lashed out with a series of personal attacks, resulted in flood of protests descending on CBC, with suspension following.

### A Provincial Feud

Montreal, Jan. 10.

New Year's Day speech over station CKAC by Karl Dannenberg, Feuhrer of the Nazi Party in Eastern Canada, and the suspension of Rev. Charles Lanphier, Toronto, by the CBC has again brought the issue of Governmental control and censorship of radio broadcasting to the front. Indications are that the matter will be thoroughly aired in Parliament this session.

New Year's Day speech by the local Nazi Feuhrer has provoked a storm of protest from citizens in every part of the country, with the Canadian Corp and other groups making representations to the newspapers and the Government. Study of the text of the message delivered by the acting Consul General here reveals a rather innocuous address. Gladstone Murray, general manager of the Canadian Broadcasting Corp, has not been able to discover any 'breach of regulations' either.

In common with the courtesies extended to nine other consulates by Station CKAC during the holiday season, the German Consul was also offered the privilege of extending the season's greetings to his compatriots in their native tongue. With German Consul Eckner home on leave, Karl Dannenberg, senior German consul officer in charge, made the speech.

Nativist protest resulted because Dannenberg is also the Secretary of the Nazi Party here, his claim that he was speaking only in his capacity as acting consul being met with derision.

## Broadcasters Victorious in Spiking Anti-Gambling Information Law

### Yes, We Have—

Melori Fruit Co., of Boston, can claim a radio first for itself. It's going on the air to peddle its own brand of bananas. The account, which is a subside of the Fruit Dispatch Co., will use transcribed one-minute announcements at the rate of three a day five days a week for 28 weeks.

Campaign starts Feb. 13 and will be concentrated in the New England territory. B. B. D. & O. is the agency.

Philadelphia, Jan. 10.

Injunction to prevent enforcement of the new Pennsy law banning horse race information over leased wires was won by WCAU and 20 other stations Friday (6). Dauphin County (Harrisburg) court ordered a continuation indefinitely of the injunction it had granted at a hearing earlier in the week, which was marked principally by the testimony of Dr. Leon Levy, WCAU prez. Restraining order will stand until a final decision is written by the Court, when the law will become inoperative.

It is probable, however, that it will get the ultimate test of its constitutionality in the Supreme Court on an appeal backed by the Philadelphia Federation of Churches and the Philadelphia Board of Jewish Ministers. Court allowed the two bodies to intervene in the suit in defense of the act.

Law, passed by the recent special session of the Legislature, prohibits furnishing by utilities of private leased wires for the dissemination of gambling information. Anything concerning horse racing is made prima facie evidence by the act that the wires are being used for gambling. Pennsy kilowatts, therefore, would be unable to air any of the famous racing classics which are regularly broadcast.

President Judge William M. Hargest, in issuing the injunction, declared he was doing so because the damage which may be done to the plaintiffs would very much outweigh any injury to the public pending the final determination of this case.

### Levy Testifies

Principal portion of the three-hour argument on the injunction last Thursday (5) was taken up by the lengthy testimony of Doc Levy. Testified that approximately 20% of his income came from airing sponsored sports events. (He was counting in this figure baseball and football commercials, which might, under the broadness of the act, be used for gambling). Under cross-examination he declared that it was impossible to tell how much gambling was indulged in by listeners as a result of the broadcasts, and that his station had no control over the programs aired by CBS.

Clause eliminating newspapers from the effect of the act was called by former Attorney General William A. Schnader, counsel for the broadcasters, discriminatory against radio stations.

Participating in the suit with WCAU are WIP and WDAS, Philly; WEST, Easton; WORK, York; WAZL, Hazleton; WCAL, Lancaster; WLEU, Erie; WKBO, Harrisburg; WFBC, Altoona; WSN and WCBA, Allentown; WBAX, Wilkes-Barre; WRAX, Williamsport; WQU, WJAS, WCAE and WWSW, Pittsburgh; WRAW and WEEW, Reading; and WGBI, Scranton. Practically all carry either Atlantic Refining baseball or football commercials.

## BOYCOTT TALK NOT SERIOUS

Philadelphia, Jan. 10.

Koppers Coke Co. last week renewed for a second 13 weeks its every-hour-on-the-hour news broadcasts from DAS. Exec at N. W. Ayer & Son, which handles the account, said the agency was frankly wondering what effect on advertisers the boycott of WDAS by Father Coughlin followers would have.

But the sponsor reported perfect satisfaction and no trouble or losses whatsoever, so the renewal was given.

### Pickets Turn to CBS

Claiming that their march was in retaliation for refusal of Columbia Broadcasting to grant air time to Father Coughlin earlier in the season, between 600-700 pickets paraded before the CBS building in New York Sunday (8) toting placards denouncing the action. Pickets were the same who did their stuff before WMCA earlier in the afternoon.

### At Smith on Board

Former Governor Alfred E. Smith has been elected to the NBC Advisory Council on Education. Council at a meeting Monday (9) reaffirmed its faith in the course that NBC has followed in matters of free speech and treatment of religious, economic and social questions.

## MAC PARKER RAPS CONTEMPT CITATION

Philadelphia, Jan. 10.

Stepping in as he has done repeatedly before, where angels fear to tread, Mac Parker, agency exec and WCAU commentator, used his time Thursday night (5) to defend the Philly Record against charges of contempt and libel brought by the State Supreme Court following an editorial criticizing that body. Even the other newspapers, except for mutual news stories, laid off the matter editorially for fear of involving themselves in contempt proceedings.

Parker, a former member of the Record staff, was outspoken in his comment on the Court and Chief Justice Kephart, who ordered the prosecution. He started right off with: 'I hope my next broadcast is not from jail. . . . Declaring the high tribunal was 'too touchy,' he cited the Constitution to uphold the Record.

Parker is an account exec with the Al Paul Lefton agency. He handles the Sylvan Seal Dairies account and is sponsored by them on WCAU.

Al Jolson will have Grand Duchess Marie of Russia on his Lifebuoy program Jan. 24.



Poor Snodgrass—he used to be President of the Glutz Company—then his competition bought WGC.

5,000  
Watts  
Day  
1,000  
Night

ALL YOU  
NEED IN  
CENTRAL  
OHIO

CBS  
wbns  
Columbus, Ohio  
John Blair, Rep.

570 KC NBC  
RED-BLUE  
WSYR

## A Station That Sells—

WSYR pays off in sales results! The first choice in Syracuse of both national and local spot advertisers, WSYR has been used as the main medium to break a new product in a test campaign; successfully creating a large demand without any other advertising. In the files at WSYR are scores of letters—testimonials from clients attesting to the pulling power of the station. From surveys among advertisers and listeners alike, WSYR ranks high as a vital selling force in the rich Syracuse market area.

SYRACUSE  
NEW YORK

IN  
BALTIMORE  
IT'S  
WEBR

NATIONAL REPRESENTATIVES  
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

WALTER O'KEEFE  
New York, N. Y.

January 10, 1939

Universal Recording Company  
RKO Building  
Radio City  
New York, N. Y.

Gentlemen:

On Thursday night, January 12th, I bow in with my new show, TUNE-UP-TIME, with Andre Kostelanetz and his orchestra, Kay Thompson and her Rhythm Singers and our first guest, Lily Pons. We'll be heard over the Columbia Broadcasting System at 10:00 o'clock, Eastern Standard Time.

Consequently it will be impossible for me to hear my favorite program -- the Bing Crosby-Bob Burns Music Hall -- which is my opposition on NBC. Please take off a recording of Bing and Bob so that I can continue to be their Number One Fan.

Sincerely,

*Walter O'Keefe*  
Walter O'Keefe

# FCC Skeptical on Television; Fingers Also Crossed on High Frequencies Despite Their Use

Washington, Jan. 10. Rapid increase of interest in the medium and ultra high frequencies was cited last week in the annual report of the FCC but the government authorities kept their fingers crossed while discussing the prospect for early development of television into a mature commercial enterprise. Services other than those accommodated in the standard 550-1600 kc band—such as relay, international, visual, educational, et al—have grown materially, with a sharp increase during the 12 months ended June 30, 1938. During this period, new rules were promulgated blocking off the spectrum up to 300,000 kc to provide room for expansion and experimentation.

Inclination of newcomers to try out the shorter waves, due largely to crowded situation in the regular frequency sector, was shown clearly in the statistical review of 1938 accomplishments. Experimenters in radio's upper story were more than half as numerous as the regular operators. From 418 on June 30, 1937, the number of experimental stations mounted to 510 at the end of fiscal 1938. Broken down as follows:

High-frequency broadcast, 48; experimental broadcast, 14; television, 19; international, 13; facsimile, 6;

low-frequency relay, 143; high-frequency relay, 268; non-commercial educational, 1.

## International

Reception conditions in the international broadcast field did not improve materially during the fiscal year, the report said, adding that experience supports other evidence that higher wattage and directional antennas are required to give reliable service to some foreign areas. In discussing television, the Commission pointed to evidence that technical phases of visual operation are progressing satisfactorily but still was skeptical about the possibility of providing regular service to the public. (Report was limited to last fiscal year, consequently not covering announced NBC plans to institute routine transmission this coming spring.)

## Television

Television has developed to the state where complete transmitting equipment is available on the market, the report explained, but such equipment is costly and, because of the experimental status of the art, may become obsolete at any time due to technical developments. Possibility that new type of synchronized operation will help remedy present shortage of service in some areas was suggested in the discussion of technical progress. Research connected with operation of stations not linked by land lines was successfully completed, report said, with evidence that theory is practicable. System may be utilized to improve coverage, regulators agreed, remarking that minimum-signal zones were comparatively small and not particularly objectionable.

Research into the high-frequency broadcast field, while encouraging, has not reached the point where certain important conclusions can be drawn. Data turned in by 37 experimenters is not sufficiently comprehensive to permit a conclusive determination of the propagation characteristics of the channels, but present studies give ground for hoping that enough info will be available to allow allocation of frequencies above 30 megacycles. Use of frequency-modulation suggests way to overcome static, particularly from thunderstorms, and holds out hope of good reception at relatively great distances from transmitters.

Grant New Vision Licenses. Four more experimental television stations were added to the growing list of visual transmitters Monday (9) by the FCC. Permits granted General Electric for plants at Schenectady (2), Bridgeport, and Albany. Capsule opinion approved the program of research as giving reason to expect valuable contributions to the development of the art but stipulated the stations must be used for experimentation. Frequencies assigned are 60,000 to 80,000 kc. at Albany and Bridgeport, and 42,000 to 56,000 for the Schenectady twins. Power limited to 40 watts.

## Lady Esther's 8th Year

Chicago, Jan. 10. Lady Esther will go into its eighth year on the air, renewing for another 52 weeks starting in February. Guy Lombardo orchestra, current attraction. Lord & Thomas agency.

## Fear NBC Initiative

Consideration of the question of promulgating technical standards to guide development of television was directed last week by the FCC coincidental with order for hearing on application of Milwaukee Journal for permission to start experimental visual programs for public consumption.

Three-man committee was designated to study the progress of the visual art and the social problems with a view to recommending on adoption of specific rules for television transmitters. Move is result of spreading fear that NBC's plan to inaugurate programs on a regular schedule may operate against the public interest, combined with concern over the Commission's past failure to fix basic policies dealing with visual operation.

Committee comprises Commissioners T. A. M. Caven, who has taken the lead in emphasizing the urgent need to keep close watch over television before the field is pre-empted; Thad H. Brown, and Norman S. Case. In looking at the broad picture, the committee will weigh the Milwaukee paper's request, the first contemplating broadcasting for home reception instead of for research purposes.

# FCC ASKS 53 MORE HELPERS

Washington, Jan. 10.

Expansion of Federal Communications Commission staff was recommended to Congress last week in the 1940 budget, for the purpose of allowing more intensive supervision and speeding up operations. Money for 53 additional employees was requested by President Roosevelt.

Jump of \$284,000 in estimated expenditures during fiscal year starting July 1 was forecast, with probable outlay figured at \$1,985,000. Appropriations request was for \$2,038,175, a rise of \$293,175 above the current year.

In estimating larger outlay, the Budget Bureau approved the FCC's item for salaries and normal expenditures, which is \$300,000 higher than 1939, with the explanation it will permit more careful checking of rates—of common carriers—and replacement of antiquated equipment used by the field force. If the items get by Congress, the Commission can take on 47 headquarters employees, making the total 492, and six more field workers, raising the force to 211.

In the home office, Commission plans to add more engineers and attorneys, as well as clerical help. Three technical experts of various grades will be taken on as well as 10 lawyers with assorted ratings.

## WKY Show May Hit NBC

Oklahoma City, Jan. 1. 'Southwestern Stars,' WKY all-star talent variety show, is being groomed for possible NBC airing in the near future. First inkling came when NBC requested back scripts of the show from WKY officials. Show uses Allen Clark and WKY staff orchestra, Terry O'Sullivan, m.c., Ben Bezoff, news announcer, John Shafer, sports; Pancho and his Mexican Ridge Runners (Lee Norton), Marty Hall, Harriett Johnson, Ken Wright and practically everyone else at WKY studios.

## Don Miller to Ramban

Chicago, Jan. 10. Don Miller has joined the William Ramban station rep outfit and will be located as the manager of the New York office.

Miller was formerly with the World organization in the east, besides serving with Blackett-Sample, Hummert agency and the Cosmopolitan mag.

## WSAI Trailers in Theatres

Cincinnati, Jan. 10. Film trailers plugging WSAI's commercial broadcasts are being shown in eight neighborhood theatres, with addition last week of the Evanston and Norwood houses. Station began cinema blurs last May.

# Inside Stuff—Radio

Listeners Digest, devoted solely to the publication of talks, interviews, gags and other material, appears on the newstands this week (10) with an initial print order of 100,000. Bessie Feagin, formerly with NBC, is handling clearances. Magazine is of pocket-size format and sells for 25c. once a month. In addition to its staff of readers, Digest has a group of 'program detectives' to glean material from purely local stations around the country. Most of these are Main Street radio editors. They include Norman Siegel, Rod Reed, Paul Kennedy, Robert Pearson, James Holden, Wauhiliu LeHay, John Cleghorn, John Cameron Swayze, James Lovell, Alice Quinlan, Pat Kelly, B. Milligen.

Six-year-old son of John L. Clark, prez of Transamerica Broadcasting & Television Corp., is recovering from a curious accident which occurred on the family farm 20 miles from Richmond, Va., during the holidays. The youngster, while at play, struck his chest against something and at the same time coughed vigorously, with the result that air was forced out of the lung into the surrounding cavity. Inflammation and severe pain followed. Since the boy could not be moved X-ray and other equipment had to be rushed from Richmond along with several specialists.

Air Features, Inc., which books most of the shows of the Blackett-Sample-Hummert New York branch, has been holding extensive auditions lately for the purpose of having an annotated card index file of players not previously used by the organization. About 20 are auditioned in an hour. Sifting and classifying process will continue on regular basis. Candidates first register and are later notified when they will be heard. Agency reports two new voices have since been used.

Mutual got a turndown last week from Santa Anita race track at Arcadia, Calif., on a proposal to air nationally the weekly stake events. Officers of the turf club vetoed the offer on the ground that regular broadcasts would take the glamour from the big purse events and reduce the plant to the ordinary status of a horse track. Hialeah plant officials in Florida are not so particular so the Mutual weekly race feature will come from the Atlantic side.

Naylor Rogers is not joining the John Blair organization. Report that he was got around the industry when the Blair outfit recovered the representation of WLS, Chicago, several weeks ago from International Radio Sales. Linking of Rogers' name to the story of the station's shift proved embarrassing to Blair because it gave some the impression, so it was felt, that Rogers had had something to do with the recoup.

Amos 'n' Andy were separated on the air last week for the second time in their history. Charles Carroll (Amos) pulled out of the show last Thursday (5) after the eastern broadcast when word of the death of his new-born daughter reached him. Freeman Gosden (Amos) hurriedly revamped the script for the repeat program. Andy also was missing from the show the following day.

New combined CBS and NBC program schedule which is made up for the information of their respective sales departments now includes the number of stations in each program's hookup and the latest CAB rating. This sched is revised at the end of each month.

Gal on the cover of Cosmopolitan this month is Mary Grabhorn, daughter of Murray Grabhorn, sales manager at WFIL, Philly. Comely femme is a co-ed at Manhattan U and was recently named 'Ideal American College Girl' in a contest by Saks-34th street.

Leighton & Nelson agency of Schenectady paid a year-end bonus of 10% of each employee's earnings for the entire previous 52 weeks. Same procedure has prevailed for three consecutive years.

Washington State Progress Commission wants Bing Crosby, a native, to sing the state's new theme song: 'It's a Thousand to One You're From Washington,' on his Kraft program.

## SPITALNY'S GROSS

\$3,740 Figure in House with \$3,200 Record to Shoot At

Youngstown, O., Jan. 10. Phil Spitalny and his femme band, opening here today (Tuesday) broke their jump from Akron, O., by stopping over in Cleveland Monday (9) for their regular General Electric broadcast, and established records in both prior stands. In Akron, the final (Sunday) lap of a three-day stanza saw Spitalny grossing \$3,740, at the Palace, where the previous high for the day was \$3,200.

At the Cleveland broadcast, the Auditorium's 14,000 capacity was taxed, with many thousands being turned away, and necessitating a heavy police detail to handle the mob.

## Philly, That Farm Town

Philadelphia, Jan. 10. Following in the steps of KYW, WCAU has started a show to cater to the farm trade. New program is tabbed 'The Farm Weekly' and is aired every Friday by Charles P. Shoffner, former editor of the 'Farm Journal,' at 4:30 p.m. KYW is the plow-boy's pal with a daily morning airing.

## Grabhorn at WFIL

Philadelphia, Jan. 10. WFIL sales staff now numbers five. T. G. Tinsley, erstwhile WIBG sales manager, and Donald H. Greenfield, recently on the Philly Record soliciting staff, latest.

Murray Grabhorn took over as national sales manager last week.

## Ed Burke Joins WJJD

Chicago, Jan. 10. Ed Burke, key announcer for WCFL here for several years, shifts over the WJJD this week. Burke will particularly handle the educational and religious broadcasts.



The Nations No. 1 Box Office Attraction

PAUL WHITEMAN and His ORCHESTRA

Played to 120,000 persons at Loew's State, New York, week ending January 4th—Broke all existing house records for single day's business, Dec. 31st.

Broadcasting Weekly Chesterfield Program Coast-to-Coast, CBS Wednesdays—8:30 P.M. EST

Playing STATE THEATRE EASTON, PA.

Jan. 12th, 13th and 14th

17 E. 45th ST. N.Y.C. MU. 2-1888

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% pure

LISTEN TWICE DAILY

NBC Red Network, 12:15 to 12:30 P.M. EST

CBS - WABC - 2:15 to 2:30 P.M. EST

IN COAST TO COAST

DR. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

All-American Swing Trumpeter

**ROY ELDRIDGE**

And His ORCHESTRA

Arcadia Ballroom New York From Jan. 6—Indef.

Management

**JOE GLASER, Inc.**  
RKO Bldg., Radio City, New York

**NBC**

Tues.  
Thurs.  
Sat.

**JOSEPH RINES**

And His Orchestra  
HARRY RICHMAN'S  
ROAD TO MANDALAY  
WILLIAM MORRIS AGENCY

**WBAL**

means business in Baltimore



## Inside Stuff—Music

Harry Link this week started as general professional manager of Feist, a couple of weeks ahead of schedule, or as soon as he got back from Florida. While he will concentrate on Feist, Link will also be general studio contact at Metro for all the three firms—Feist, Miller and Robbins.

Link may also delve into the Miller Music situation, now professionally managed by Willie Horowitz. Jack Robbins will continue operating the parent company, which bears his name. An idea is to concentrate production music into the Miller catalog.

Along with Elmore White and Mary Murray whom Link brought over to Feist, Charles and Nick Kenny, songwriters, who contributed several hits to Irving Berlin, Inc.'s catalog last year, will be given contract at Feist by Link. Latter will have the say on the choice of song material at Feist, of course.

Paramount Pictures last week settled its differences with Shapiro, Bernstein & Co. over some music used in the score of 'Army Touchdown' by the payment of \$7,500. Shapiro claimed that the bars in question were closely related to the compositions, 'On Brave Army Team' and 'The Official West Point March,' whose copyrights it controlled. Amount that had been demanded for the alleged infringement was \$10,500. Shapiro also charged that before the film was scored inquiry had been made of it by a Paramount rep for the use of these same two numbers. The price it set for such uses was \$2,500.

Mayor Lee D. Schroy of Akron, O., was 'stood up' by members of Phil Spitalny's girl band Friday (6) a.m., when females failed to appear at Union depot for official welcome. Matter was turned into front page story (with picture of mayor standing around at station in the early a.m.) by local Beacon Journal. Mayor was on hand at 6:45 a.m. and was greeted only by P. Buda Baker while girls and Spitalny slept until 8. Mayor left station at 7:30 a.m.

Warner Bros. publishing group has set something of a record for music combines by having five tunes running among the current best sellers. 'Umbrella Man' (Harms) nosed out 'Deep in a Dream,' also of the same firm, out of first place, while the three others in the 15 best are 'You Must Have Been a Beautiful Baby' (Remick), 'Jeepers Creepers' (Witmark) and 'They Say' (Witmark). 'Baby' and 'Jeepers' are film tunes.

Jerry Vogel, who publishes many of the old George M. Cohan songs, and who ballyhooed the occasion of the latter's 60th birthday last July 4 for a national radio 'tribute'—meaning a giant plugfest of Cohaniana—is now propagating a similar 'salute' to Sophie Tucker Jan. 14, her umpteenth birthday. The song tieup in 'Some of These Days.' P. S.—Vogel also publishes the reprint on that.

### Dorsey Brothers Overlap: New Yorker's Specials

New Yorker Hotel (N. Y.) will have a guest band policy during Jimmy Dorsey's stay at the Terrace Room. Jimmy's band opened there last night (10) in a combination

opening and closing on the same night. Tommy Dorsey's aggregation exited and Jimmy's came in, the two overlapping.

Guest band thing will bring in a name crew every Sunday night and is due to the Musicians' Union six-day rule. Initial guest tooters will be Russ Morgan this Sunday (15).

## Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Jan. 2-8). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, \* denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Jeepers Creepers.....	Witmark.....	*Going Places.....	44
You Must Have Been a Beautiful Girl.....	Remick.....	*Hard to Get.....	37
I Must See Annie Tonight.....	Bregman.....	Pop.....	37
Thanks for Everything.....	Robbins.....	*Thanks for Everything.....	35
Get Out of Town.....	Chappell.....	*Leave It to Me.....	35
This Can't Be Love.....	Chappell.....	Boys from Syracuse.....	33
Deep in a Dream.....	Harms.....	Pop.....	31
F.D.R. Jones.....	Chappell.....	*Sing Out the News.....	31
Two Sleepy People.....	Famous.....	*Thanks for the Memory.....	30
Hurry Come.....	Spier.....	Pop.....	30
My Heart.....	Robbins.....	Pop.....	28
I Go for That.....	Famous.....	*St. Louis.....	26
Have You Forgotten So Soon.....	Berlin.....	Pop.....	25
Umbrella Man.....	Harms.....	Pop.....	25
Room with a View.....	Bregman.....	Pop.....	25
What Have You Got that Gets Me?.....	Famous.....	*Artists and Models.....	24
They Say.....	Witmark.....	Pop.....	24
Ya Got Me.....	Lincoln.....	U. of Penn. Mask and Wig.....	24
Please Come Back for Me.....	Wards-Music.....	Pop.....	23
Your Eyes Are Bigger Than Your Heart.....	Shapiro.....	Pop.....	23
Could Be.....	Santly.....	Pop.....	23
All Ashore.....	Shapiro.....	Pop.....	21
You Look Good to Me.....	Bregman.....	Pop.....	21
Between a Kiss and a Slap.....	Pop.....	Pop.....	21
It's a Lonely Trail.....	Berlin.....	Pop.....	20
I Won't Tell a Soul.....	Crawford.....	Pop.....	20
What Do You Know About Love?.....	Marks.....	Pop.....	19
I Have Eyes.....	Pop.....	*Paris Honeymoon.....	19
Old Folks.....	Remick.....	Pop.....	18
Old Curiosity Shop.....	Feist.....	Pop.....	17
Girl Friend of the Whirling Dervish.....	Harms.....	*Garden of the Moon.....	17
Say It with a Kiss.....	Witmark.....	Pop.....	17
Singin' in the Secedles.....	Powell.....	Pop.....	17
Love, I'd Give My Life for You.....	Stansy.....	*Hollywood Revels.....	16
Ferdinand the Bull.....	ABC.....	*Ferdinand the Bull.....	16
Simple and Sweet.....	Miller.....	Pop.....	14
Angels in the Sky.....	Fishers.....	*Angels in the Sky.....	14
You've Got a Sweet Little Headache.....	Famous.....	*Paris Honeymoon.....	13
Never Felt Better.....	Miller.....	Pop.....	13
Heart and Soul.....	Famous.....	*A Song Is Born.....	12
From Now On.....	Chappell.....	*Leave It to Me.....	12
I Long to Belong to You.....	Red Star.....	Pop.....	12
When Paw Was Courtin' Maw.....	Santly.....	Pop.....	12
After Looking at You.....	Robbins.....	Pop.....	12
I'm Madly in Love With You.....	Mills.....	*Cotton Club, N. Y., Revue.....	11
Love Is a Wonderful Thing.....	Pop.....	Pop.....	11
Song of Old Hawaii.....	Feist.....	Pop.....	11
Sing for Your Supper.....	Chappell.....	Boys from Syracuse.....	10
While a Cigarette Was Burnt.....	ABC.....	Pop.....	10
It Serves You Right.....	Tenney.....	Pop.....	10
April in My Heart.....	Famous.....	*Say It.....	10
Day After Day.....	Green Bros.....	Pop.....	10

## MET DANCERS MUTTER ABOUT CLAUSES

Ballet dancers at the Metropolitan Opera, New York, are squawking about the terms of this season's contracts with the management. Several are reported planning to appeal to the American Guild of Musical Artists (AGMA) union with jurisdiction in the field.

Particular grievance is a clause in the contract which states: 'The dancer agrees not to negotiate or make any contract or agreement with any person or organization for the purpose of organizing or instigating a strike.' Subsequent clause reads: 'The dancer declares he is entirely free and has good right to make this agreement and that he has not entered into any agreement of any description which prevents him from carrying out in full the terms of this agreement.' Dancers claim that such clauses are in violation of the Wagner law.

Pay under the contract is set at \$35 a week during engagements and \$20 a week during rehearsals. Dancers claim there is no limit on working or rehearsing hours and that they are required to work as many as 10 hours a day, seven days a week. There are 44 dancers in the Met ballet, none of them members of AGMA.

### Balto Symph Opens

Baltimore, Jan. 8. Baltimore Symph orch, municipally managed by Frederick R. Huber, and again this year, conducted by Werner Janssen, opened its season to night (Tuesday), at Lyric, with a capacity house sold out weeks in advance. Because of turnaway trade, concerts will be repeated to accommodate insistent stub holders.

Boom trade started last season, when Janssen took hold after rather lethargic doings. Mrs. Janssen (Ann Harding) is living here during musical season.

Count Basie has composed and recorded a 'Panassie Stomp' in honor of Hughes Panassie, the French jive savant, author of 'Le Jazz Hot' and noted international swingophile.

Franz Waxman working on the musical score of 'Honolulu' at Metro.

### Cossackitis

Vancouver, B. C., Jan. 10. Public reaction to the first appearance on this continent of the General Platoff Don Cossacks, in the Vancouver Auditorium, Friday (6), gave evidence that plenty of headaches are in store for concert managers and even more confusion for concert audiences due to similarity in name of Serge Jaroff's troupe of Don Cossacks, which has been touring United States and Canada for several seasons.

General Platoff's Cossacks arrived in Vancouver from Australia. They are reputed to have sung hundreds of concerts throughout the world, but why the highly profitable American market has not been tapped until now is not explained.

Despite extensive advertising, audiences in both Vancouver and Victoria were under the impression that this was a return engagement of the

### Larry Clinton Must Duck N. Y. Until Expo Time

Larry Clinton is slated for a World's Fair berth next summer, hence he's foretended from any more metropolitan New York dance engagements until opening at Flushing Meadows.

Which accounts for his booking Jan. 20 to open at Frank Dailey's Meadowbrook, Jersey roadhouse.

original Don Cossack group, which appeared in both cities early this fall. As a result, attendance was only fair in Vancouver and poor in Victoria.

Choir has dated scheduled in Seattle, Portland, San Francisco and a certain amount of time in the mid-west, winding up probably in Chitina or New York before sailing for France.

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# 15 Best Sheet Music Sellers

(Week ending Jan. 7, 1939)

Umbrella Man	.....Harms
Deep in a Dream	.....Harms
Two Sleepy People	.....Famous
All Ashore	.....Shapiro
My Reverie	.....Robbins
You Must Have Been a Beautiful	.....Remick
Peppercorns	.....Witmark
F. D. R. Jones	.....Chappell
This Can't Be Love	.....Chappell
Sweethearts	.....Schirmer
Ferdinand the Bull	.....ABC
I Must See Annie Tonight	.....Bregman
Hurry Home	.....Spier
They Say	.....Witmark
I Won't Tell a Soul	.....Crawford
* Indicates film musical song.      Indicates stage production song.	
The others are pops.	

## Metro Firms Hold to Demand For Point Audit of Cinema Fees; Robbins May Lose ASCAP Seat

Metro-Robbins publishing group may, after the end of this month, be without representation on the board of directors of the American Society of Composers, Authors and Publishers. Dominant opinion among the pub members on the board is reported to be in favor of relieving Jack Robbins of his directorship unless his publishing group shows a disposition to renew its membership contract by Jan. 26, when the ASCAP board is slated to hold its regular monthly meeting.

Metro-Robbins group remains the lone holdout among major publishers in the renewal campaign. Others that haven't signed are the firms controlled by Sam Fox and Edward B. Marks. The pubs on the board feel that since Metro is determined to go its own way unless certain conditions are granted the issue ought to be met at once by calling upon Robbins to deliver or stand the loss of his directorship.

### Metro Position

Position assumed by Metro is that it will not become a party to a renewal contract unless the ASCAP board so changes its method of royalty allocation that "proper recognition" is given the millions of performances that occur in motion picture theatres. Under the present system no point accounting is made of the \$1,000,000 that ASCAP takes in from theatre licenses. This latter money is tossed into the general distributing pot, and the only performance yardstick applied is that based on radio usages. Metro feels that this \$1,000,000 should be kept separate and that data covering theatre usages should be compiled by the Society, so that the firms preponderantly responsible for such music will get an equitable share of the proceeds. Sam Fox is another publisher that holds this view.

It is understood that the ASCAP board proposes to advise members a year in advance of the expiration of their present contracts just what catalogs will be available to them on renewal. The Society wants to avoid the situation which developed a couple years ago, when Warner Bros. withdrew its publishing firms from membership in the Society after contracts had already been made with broadcasters.

### RAP BENNY GOODMAN

He Led Massed Non-Union Bands in Philly Parade

Philadelphia, Jan. 10. Benny Goodman won for himself last week the official endorsement of A.F.M. locals, even though because he came to Philly on Thanksgiving Day and led a 2,000-piece corps of non-union musicians. Goodman was guest of honor in Gimbel Brothers' parade welcoming Santa Claus to town. Following the parade, he led the massed bands in 'Jingle Bells' and 'The Star Spangled Banner.'

Rex Riccardi, secretary of the local, said Goodman's action was regretted, but that no further disciplinary action would be taken against him.

### Durante Ups to Olman

Jimmy Durante has squawked to Phil Kornheiser, operating the Olman Music firm (Lombardos' company) about 'Ups to Her and She Ups to Me' as an infringement of his (the Schnoz's) trademarked comedy material.

Olman recently published a tune by that title, written by Al Hoffman, Al Goodhart and Manny Kurtz.

## PUBS FEUDING WITH DISCS AS IS

Calm marking the licensing situation between music publishers and major phonograph record manufacturers was threatened last week when Milton Diamond, counsel for the Decca Record Co., advised a couple of pubs by letter that his client was considering making a complaint to the U. S. Department of Justice. Diamond's letters stated that the stand taken by the music men smacked of conspiracy in restraint of trade. Meanwhile, both camps are sitting tight, with the pubs refusing to issue phonograph licenses unless the manufacturer agrees to restrict them to home use.

Another development growing out of this controversy last week was the issuance of the new form of license to an independent recorder, the Liberty Music Shop. The new form requires that the manufacturer stipulate on the label that the disc is not to be used in coin machines. The two tunes licensed by Liberty, for whom this type of recording is an innovation, are 'You Cast Your Shadow on the Sea' and 'Far Away,' both published by Chappell.

### RCA Position

RCA Victor indicated its determination to hold off from the new licensing form and at the same time avoid any complications on the special arrangements issue by recording the stock arrangements of six new numbers Monday (9). Johnny Messner's was the orchestra used for this job, with the numbers consisting of 'Could Be,' 'Have a Heart,' 'Dawn of a New Day,' 'Slop the Clock,' 'Singer in the Saddle' and 'Devil with the Devil.' These recordings were done under the compulsory provision of the copyright law, which requires the payment of a straight 2c royalty.

Under the new licensing form the manufacturer recognizes the provision in the copyright law which limits the right to make special arrangements to the owner of the copyright. The pubs intend to make this provision of the law an important instrument in their move to get phonograph record manufacturers to take out a special license for discs to be used in coin-operated machines.

### NEW YEAR'S EVE FLOPPY

Promoter Blames Curfew Which Nobody Bothered About Any Way

Philadelphia, Jan. 10.

New Year's Eve dance, with Bunny Berigan and his orch and a 15-act show at the 103d Regiment Armory here, dropped its promoters behind the eight-ball for \$1,500. Fewer than 700 of the jitterbugs expected forked up the \$1.50 tax, putting just slightly over \$1,000 in a treasury that needed nearer \$2,500 to cover.

American Legion post sponsored the five party, with Jolly Joyce, local agent, handling details. Joyce blamed the poor attendance on announcement by the mayor that all festivity must cease at midnight because of the Sunday blue laws. No one paid any attention and there was no attempt anywhere to shutter that early, but Joyce said few people were willing to plunk down the levy with the prospect of being tossed out just when things were getting under way.

## JOE SANTLEY IN AS BERLIN'S PROF. MGR.

After bringing in Joe Santley as the new professional manager, George Marlo as associate professional manager, Saul H. Bornstein, v.-p. and general manager of Irving Berlin, Inc., has undertaken the reorganization of his New York exploitation setup. Bornstein declared yesterday (Tuesday) while he is strengthening each unit in the local professional division, the out-of-town contacting personnel will remain as is.

For Santley it is a return to the organization he left several years ago. Of late he had been executive secretary of the Professional Music Men, Inc. Before that he was professional head of the whilom firm of Donaldson, Douglas & Gumble. George Marlo is coming from Chappell & Co. He had his own firm, Marlo Music Co., and was for several years Remick's professional manager.

Mack Goldman, professional manager of Harms, Inc., was among those who had also discussed the job with Bornstein. After Goldman had turned in his notice to Edwin H. Morris, head of the Warner Bros. publishing combine, there was a snag over money and on Monday (9) he resumed his old post. Morris had meanwhile moved Norman Foley, manager of Witmark, into the Harms vacancy and assigned Johnny White from the Remick staff to the head spot at Witmark.

## 'SHADRACK' NUMBER AN ODDITY OF MUSIC BIZ

Current novelty hit, 'Shadrack,' is one of those 'once in a lifetime' things. Tune is about nine years old and originated in the delta region of Louisiana, where it was sung for some time before it was published, by Bob MacGinsey, its author. Originally a concert spiritual, it was used by Nelson Eddy, John Charles Thomas and other concert baritones, before Decca waxed it with Louis Armstrong.

Obscure publishing house first put it out in black and whites and MacGinsey was forced to buy it back before turning it over to Carl Fisher who now publishes. Decca got hold of it when its author played it at a recording studio while cutting the 'Snow White' records on which he whistles. Decca saw good chance to remove Armstrong from a groove with something new and novel and made the record with Lyn Murray's 14 voice choir, Armstrong and four musicians. Larry Clinton also waxed it for Victor. Both are currently on best seller lists.

## Not Certain When Tribunal Will Hand Down Rulings—State of Washington Case the Most Important Right Now

Washington, Jan. 10.

Ruling of the United States Supreme Court, which probably will have profound effect on the future trend of the war between radio and composers over use of copyright music in broadcasting, is just over the horizon. Verdict of the final judges in cases involving the Washington and Florida statutes aimed at American Society of Composers, Authors and Publishers may be announced next week, although more time may be required to digest the arguments advanced by rival barristers this week.

Although constitutionality is not an issue in the present round, counsel for both sides hope the tribunal will make some casual comments that will provide a guide-post and clarify the confused situation resulting from arguments over the scope of the Federal laws and the Constitutional guaranty that genius will be protected. Two tiffs under advisement relate chiefly to question of Federal jurisdiction in injunction proceedings initiated by ASCAP in attempt to prevent enforcement of measures enacted at instigation of broadcasters, hotels and other music users.

### Washington Case

The Washington case is the more important, since it centers around one of the statutes which was pushed by National Association of Broadcasters in the campaign a few years ago to break the copyright pool's hold on the industry via blanket licenses. Act involved is duplicate of the Montana law, which also is messed up in litigation.

Question the Supreme Court is due to answer is: Do Federal courts have power to enjoin enforcement of the state copyright codes? Test is the value of 'property' involved, which must exceed \$3,000 in order to make the Federal tribunals a proper place to seek relief.

In the event the judges hold the Federal courts enjoy jurisdiction, the way will be paved for direct tests of constitutionality. Counsel for ASCAP so far have been unable to get a decision whether the states have power to dictate manner in which performing permits are granted to their residents. Consequently no binding statement whether the state statutes nullify guaranties of the U. S. Constitution and the hoary Federal copyright act.

In the Washington suit, in which KMO, Tacoma, has intervened, the Federal court refused to issue an injunction requested by ASCAP to block application of the statute designed to force adoption of the per capita principle of licensing public performances. Several copyright owners claimed the state was trespassing on Federal domain, depriving individuals of property without due process of law, and violating the 'equal protection' clause of the U. S. Constitution. Year after the bill of complaint was filed, the Federal court granted motion to dismiss because there was no showing the matter involved property with value of \$3,000. Judge subsequently refused to receive additional evidence which ASCAP sought to offer.

### Destroys 528 Contracts

Raising three other questions, counsel for ASCAP insist the bill of complaint, given the Federal court jurisdiction. If enforced, the state law would destroy 528 contracts with Washington users who pay annually \$60,000 in license fees. Furthermore, it would cost over \$300,000 to comply with the act, which requires registering a complete list of the compositions covered by performance licenses. Additional claim is made that the statute directly affects copyrights which bring in \$3,200,000 annually from broadcasters throughout the nation.

Other issues involved in the case—but not likely to draw a definite ruling at this stage of the proceeding—(1) whether the Federal court has jurisdiction regardless of the amount; (2) whether the state has infringed the copyright clause of the U. S. Constitution by depriving composers of right to dictate how works are used; and (3) whether the state can control the actions of non-residents

who do not engage in business within Washington.

In the case of the Florida law, reverse situation is up for review. Although the statute is not the same, the question is closely related to the procedural issue in the Washington row. But in Florida the Federal court denied the state's motion to dismiss and, claiming jurisdiction in the matter, issued the restraining order preventing enforcement.

The Florida authorities here contend the Federal court had no power to consider the bill of complaint. Value of property involved does not exceed \$3,000, according to the brief of the state lawyers. Second question presented for determination is whether a combination of copyright owners may seek the assistance of an equity court to help carry out assertedly monopolistic price-fixing practices.

The District court abused its discretion when the injunction was issued, the Florida brief claims, because there was no finding of fact or conclusion of law persuasively showing the need for nullifying a legislative action. Other protests grow from the \$3,000 controversy and the contention the Federal tribunal aided a monopoly.

Response of ASCAP is much the same as the argument advanced in the Washington case. Copyright crew, noting injunctions were granted against the almost identical Nebraska and Tennessee statutes, maintains the revenues from Florida licensees, exceeding \$50,000 annually, the possibility of being fined \$5,000 for violation, and the danger of being dissolved, jeopardizing \$3,200,000 worth of contracts, give the Federal court the right to entertain the motion for injunction.

The Florida law is materially different from the state legislation NAB has promoted. Sponsored principally by hotels and dance halls the act is based on anti-monopoly theory and would have the effect of licensing every purchaser of sheet music to use compositions for profit. Each printed work would convey the right to perform at a price printed on the face of the copy, with no royalty due if a fee was not designated. While anxious to see ASCAP curbed through the medium of state legislation, Florida station-owners did not endorse the act in toto, desiring amendments which would put it on firmer legal and moral foundations.

Both statutes make use of the anti-trust theory, although the resemblance practically ends at that point. In the Washington act, individual copyright-owners did not retain complete freedom to make any arrangements they wish, but two or more would not be permitted to team up in granting licenses unless they produced a complete catalog and adopt the per-capita theory of payment. The Florida law prohibits combination by substantial number of owners where the object of the licensing is to fix prices.

## PITTSBURGH SYMPH BOOKS WHITEMAN

Pittsburgh, Jan. 10. Paul Whiteman appears with the Pittsburgh Symphony Orchestra in a special brace of concerts at the Syria Mosque night of Jan. 27 and the following afternoon. Fritz Reiner local symphony's regular conductor, will step down to permit Whiteman to direct combined organizations.

Concerts aren't included in the Symphony's regular series inasmuch as week-end was previously an open date on the local schedule. Last time Pittsburgh Symphony did a similar stunt was more than five years ago when the late George Gershwin came here as guest conductor and soloist.

### Joe Shribman's Chore

Joe Shribman, brother of Charlie, Manny and Cy, has joined Rockwell O'Keefe as a booker of one-nighters. He will assist Harry Squires who is in charge of this department.

## PERFORMANCE PAYOFF POOR IN CANADA

Ottawa, Jan. 10.

Canadian Performing Rights Society will receive in 1939 but \$5,000 more than it collected from Canadian radio stations during 1938. The actual award allowed by the Canadian Copyright Appeal Board is the same this year as it was last, namely, \$88,336, with the increase of \$5,000 merely due to the boost in the number of sets.

Society's bid for this year had been \$154,535, but this was bitterly contested by counsel for the Canadian Association of Broadcasters and the Canadian Broadcasting Corp. Under the law the Society is required to file with the Secretary of State a tariff of the fees, charges and royalties it wants from users during the ensuing year.

Broadcasting stations in the dominion will have to contribute jointly an additional \$1,000 allowed by the board to the Society because of its loss of income by newly adopted statute from radio receiving sets operated in public places other than theatres where an admission is charged. The performing rights society had asked originally that broadcasters assume this loss to the extent of \$38,370, but the appeal board cut the amount down to a grand.

## ASCAP'S Top Dec.

Collections of the American Society of Composers, Authors and Publishers for December went substantially over what had been estimated and established a new monthly record for the organization. Intake was above \$850,000.

Payments from broadcasting stations reflected a neat pickup in that industry.

## Oui, Oui Negro Tunes

Los Angeles, Dec. 10. Negro folk music in the Federal Theatre Project's 'Run Little Chillun' was recorded for the French Government at the NBC studio.

Waxes were made at the request of Henri Diamant-Berger, here studying American folk lore for the French Ministry of Communications.

## Mrs. Al Hahn Sues

St. Louis, Jan. 10.

Albert O. Hahn, leader of a band of tooters tagged as Hahn's 'Synco-paters' playing in The Jug at the Coronada Hotel last week, was sued for divorce in the Circuit court in St. Louis County by his wife, Mrs. Minnette Heimberger Hahn. In her petition Hahn is charged with general indignities.

Mrs. Hahn asks for the restoration of her maiden name and suitable alimony for maintenance. The couple were married here June 15, 1927, and separated last Dec. 30.

## BAND BOOKINGS

Snub Mosley, Woodmere Club, Bellmore, L. I., N. Y., Jan. 14, indef.

June Crosby and Boy Friends, strollers, Community Coffee Chop, Birmingham, N. Y., Jan. 2, indef.; Four Americans, Hill hotel, Omaha, Neb., Jan. 7, six weeks.

Jan Savitt, Claridge hotel, Memphis, Tenn., Jan. 12, indef.

Reggie Childs current at Ben Franklin hotel, Philly, and indef.

Joe Haymes one-niting for CRA.

Hal McIntyre, Radisson hotel, Minneapolis, Jan. 9, four weeks. Band features Lorraine Willis, 18-year-old singer, and started at U. of Minnesota several years ago.

Jimmy Dorsey, New Yorker hotel, N. Y., Jan. 10, replacing brother, Tom.

Ted Travers out of Old Vienna, Cincinnati, to Lookout House, Covington, Ky., Jan. 11.

Four Queens, renewed at Henry Grady hotel, Atlanta, Ga., from Jan. 25 through Feb. 10.

Jimmy Richards exits Commodore hotel, Toledo, O., Jan. 15 for Trianon ballroom, Cleveland.

Lee Shelley, current at Le Mirage, N. Y., Jan. 15, six weeks.

Eldyth and Sophisticates, strollers, set for fortnight at McCarty hotel, Evansville, Ind., Jan. 23.

Dick Todd, Strand, N. Y., weeks Jan. 20-27.

Ralston Ayers, Biltmore hotel, Los Angeles, Jan. 13, for ROK.

Four Queens, renewed at Town House, Los Angeles, Jan. 19.

Ted Lewis, Royal Palm, Palm Island, Fla., Jan. 11.

Bill Bardo held over at Schroeder hotel, Milwaukee.

Jess Carmell added to R-O-K roster. Ditto Jimmy Lunceford for theatre dates.

Mal Hallett, current at Bradford hotel, Boston, with NBC-WJZ wire twice weekly.

Diosa Costello and Echoes of Cuba, Jan., Road to Mandalay, N. Y., Jan. 2.

At Donahue, Palm Island Casino, Miami, Fla., Jan. 12.

Peter Kent, Book-Cadillac hotel, Detroit, Jan. 12, four weeks.

Ramona, Roosevelt hotel, New Orleans, Jan. 17.

Toasty Paul, Graemere hotel, Chicago, Jan. 10, 13 weeks.

Ron Perry, Boca Raton, Miami, Fla., Jan. 14, indef.

Raphael Font, Delmonico hotel, Jan. 9.

Paul Sabin, Colony Club, Hollywood, Fla., Jan. 25, six weeks.

## Tommy Dorsey Feuds With Columbia On Sustaining Hookup

Claiming he was being treated unfairly by being made to suffer a curtailment of network sustaining time which rightfully should have been taken by the Henry King orch. Tommy Dorsey pulled his outfit off a CBS remote Sunday (8) night. Airing would have been Dorsey's last for CBS from the New Yorker Hotel, N. Y., from which he exited last night (Tuesday), being replaced by his brother Jimmy's crew. Squabble was the second during Dorsey's stay at the New Yorker, the band having been off CBS for 11 days last month.

Outfit's regular airing on a net of over 100 stations was from 12:30-1:00 a.m. King, from the Fairmount Hotel, San Francisco, was picked up a half hour earlier, also on a full coast-to-coast spread. Two weeks ago a Ben Bernie repeat broadcast was added to CBS' schedule but went only to the west. This was King's time out there and evidently the Fairmount squawked at the lack of local outlets and King was shifted to Dorsey's regular spot at 12:30 a.m. or 9:30 coast time which followed the Bernie repeat and Dorsey was asked to take the 12-12:30 spot. This gave Dorsey only the east and Dixie net, coast outlets being clogged by the Bernie repeat.

Dorsey's beef was that the only conflict was between Bernie's and King's programs and that he shouldn't have been shifted to a curtailed net on King's normal time while the latter assumed his (Dorsey's) time on a full net.

## THEY GET YOUNGER

Paul Krassner, six-year-old violinist, rates as the youngest prodigy to make a concert appearance at Carnegie Hall, N. Y. Date is Jan. 14.

On the same bill will be his brother, George, but three years older.

## COLLEGE RHYTHM

The tenth and last of a series of articles on collegiate likes and dislikes as regards dance music and dance bands. [Last week's No. 9 was announced as final, so this goes as a postscript finale.]

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

## ALABAMA

By George McBurney  
(Alabama 'Rammer-Jammer')

When you get on that midnight choo-choo and head for Alabama you're headin' for the deep south. A part of the south that is very rhythm-conscious and where the boys and girls would rather dance around the phonograph in a fraternity house and listen to the new records than almost anything else.

In this era, a college education is a mysteriously wonderful thing. If the 5,000 or more hopefuls in our educational institution give more thoughts to Humber than Homer, swing than Suetonious, who are we to tilt a disdainful bugle?

Since Alabama is a "down south" institution and since the south is reputed to be a hotbed of swing, one would think that Alabama would be full of jivin' and jammin' and everyone swing crazy. That's not 'Bama.

When Joe Undergrad gets his last year's tax out of mothballs and heads for the prom, it will be because there is some smooth band there—Kay Kyser has the most popular orchestra that ever played at 'Bama. Kyser has been here twice within the last four years and each time has gone over with a bang.

'Bama students like a little swing every now and then but in the main they prefer smooth rhythms. Tommy Dorsey is a big favorite when he plays those smoothies but when he and his Clambake Seven go rugcutting on some goofy number like 'Sheik of Araby' then Tommy's popularity takes a decided tailspin. Hal Kemp is probably the most talked of band on the campus. We like his collegiate rhythms. Kemp's ex-singing star, Skinnay Ennis, is rapidly overtaking Kemp in popularity for this type of music. All of the femininity at Alabama like Skinnay's whispering voice, and what fellow would turn against a band that makes his girl go Ohhhhh when they play?

That sugar-coated rhythm of Guy Lombardo and Jan Garber gives over ok in a date parlor, but when we are trippin' the light fantastic give us rhythm with a life. But not too much!

Now that you know that 'Bama students prefer smooth rhythm don't get the idea that we have an anti-swing course down here because that's not the case. There is a decided minority who take over one little corner at every dance and wait for some hot number and then they go to town on the little apple, shag or do a little jukin' on the side, but that's the minority and in the main the bunch from upstate. We don't go in for fancy dancin' down here. Any boy at 'Bama would rather do the 'Mobile Shuffle' all night and talk to the pretty girls than try his hand at the Lambeth Walk.

When the record man comes around he finds that the ones we prefer on wax are the sweet of Blue Barron, Kay Kyser, and Hal Kemp; the smooth swing of Tommy Dorsey, Benny Goodman and Larry Clinton and the novelty of Henry Busse and Mal Hallett.

It's not often that we get to hear big bands down here at Alabama, but for the midyear and spring formals, the Saint Pats ball and the Junior Prom you can bet your cookies that we'll have one of the nation's best. There have been some swell bands here at 'Bama, but we've got more Kay Kyser. We thought Tommy Dorsey could not be beat, and Will Osborne was swell. They yelled for more Glen Grey, and Joe Sanders, Ted Weems went over mediocre and we thought that Buddy Rogers was just so-so. We didn't like Little Jack Little and we don't want any Wayne King; his music is too gooeey for us.

Why doesn't somebody tell them these things and pass the word on to Ozzie Nelson and Russ Morgan to come on down to the southland because we are nuts about their style. Don't talk too loud because as far as we are concerned Bob Crosby, Count Basie and Red Norvo can go somewhere else with their dizzy disappassions. And as for Ray Noble and Eddy Duchin—"not enough life."

Before coming to Alabama, Mr. Leader Man, better have a little of everything, but take our advice and bring out many smooth arrangements.

Maybe we're a little behind on this thing called swing, but if we are, we have one consolation—we have no jitterbugs in our midst.

## JACK HARRIS FROM CIRO'S, LONDON, TO NBC

Early in May NBC will pick up its first regular sustaining band program from England via hookup with BBC. Deal arranged through William Morris and Moe Gale for net to air musicking of Jack Harris' band from Ciro's, London.

Former New York boy (Local 802) will be heard once weekly, Saturday night around 8 o'clock, on transoceanic good-will. Idea was originally sketched for January but atmospheric conditions during winter won't permit uninterrupted regularity.

## On the Upeat

Anita Boyer returned to vocalizing with Dick Barrie band at Brown Palace hotel, Denver, this week after convalescing from operation. Inn now getting its first net pickup via CBS on Monday nights 12:30 p.m.

Dick Kuhn playing in Astor hotel lounge, N. Y., using a blackboard device where song-requesters print numbers of any one of 200 songs he has listed on sheets supplied each table. Saves time and headaches, he thinks.

Joaquin Gill into Bill Green's Casino, Pittsburgh, Friday (6) succeeding Ray Herbeck outfit.

Howard Baum into Continental Room of Hotel Schenley, Pittsburgh,

for remainder of winter season, replacing Jack Walton crew. Buzz Aston doing the vocals.

Ken Baker orch., which alternated with Gene Krupa during the latter's stay at the Palomar, L. A., opens Jan. 24 at the Roseland Ballroom, N. Y.

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**WHAT DO YOU KNOW  
ABOUT LOVE**

*Watch Out For*  
**AMONG THOSE SAILING**

*Xavier Cugat's*  
**NIGHT MUST FALL**

*Emery Deutsch's*  
**BEAUTIFUL DANUBE**  
*No Wonder You're Blue*

*Joe Cherniavsky's*  
**STRANGE**

EDWARDS MARKS  
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**OLD SONG SUGGESTIONS  
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**"THERE'S SOMETHING  
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348

Major Radio Broadcasts

### 3rd Quarter

THIRD WITH

'I'm Gonna  
Lock My Heart'

319

Major Radio Broadcasts

### 2nd Quarter

FIRST WITH

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# N. Y. LEADS VODE 'REVIVAL'

## Vaude's Future in Public's Lap, But It's a Question of Talent Again

By Yates Stirling, Jr.  
(Rear Admiral, U.S.N., Retired)

The future of vaudeville is in the lap of the theatre-goer. If the wheel of fortune is to spin and stop again at the important niche once held by stage shows in the entertainment world, John Q. Public himself will be the determining factor. It's the customer who controls the grosses and the theatre operator always has both eyes fastened on the dollar weather-vane.

Bands in the pit, with a few special performers, are being tried out to feel the pulse of audiences. Although virtually on the stage, the action of the pit band is preserved, relieving the theatre from carrying out the exacting rules of the unions for additional help. The stage settings are the handwork of home talent and to a critical artistic eye they look it, but by that means cost is held down.

The continuous slump in stage show business has been disastrous in many ways to diverse ceilings, but the banks and the producers with their fingers ever on the public pulse appear not to believe the time has arrived to make a change. The stage unions have picketed the film theatres but the callous public gives little heed to such protesting placards.

The people have grown tired of two features. Theatres with pit bands are drawing good audiences. The film is still most popular but there is an unmistakable sign that the public is beginning to want the more intimate sight of flesh on the stage again.

When the people who support the film theatres register their demand for the return of flesh to the presentation theatres, where will the needed talent be secured? Show people must be trained and except in a limited amount this is not being done. That wide school of thousands of theatres employing flesh in addition to films is no more. Even the once complacent Hollywood is said to be deploring the dearth of talent for the films, trained at no expense to itself.

The loss of this great reservoir of stage talent is serious enough, but there is also the great economic loss of many businesses that depended upon these stage performances and the thousands of people thrown into the already overcrowded mass of unemployed.

The public may be fickle but is a master always. Just how much longer the popularity of films will succeed in keeping vaudeville and stage shows from staging a comeback depends upon boxoffice receipts. Why should managers incur the expenses in putting back flesh if the public fills the theatres without it? After all, it is money that decides such a question and no amount of picketing can change that fundamental law. When the stage people can show that flesh will add to boxoffice receipts, then they have won their case.

### Basic Urge for Vaude

The great American public can have flesh back on the film theatre stages whenever their demand for it is recorded in the boxoffice receipts and not before. It does seem that there is a basic urge for live flesh on the stage provided always what is offered is pleasing—beautiful, shapely and graceful girls, and spontaneously funny comedians. The greatest difficulty will be to provide the talent. If flesh is to return, then no time should be lost starting (Continued on page 45)

### Hawaiian Troupe Quits

Vancouver, Jan. 10. Hawaiian unit, "Paradise Islands," which was brought to this country as feature for the Toronto National Exposition last July, and which has toured the continent for the past six months, folds in Seattle Sunday (15).

Troupe returns to Hawaii Wednesday (18).

## EMA Re-elects Slate

All officers of the Entertainment Managers Association, New York bookers, who served during the past year, were re-elected Wednesday (5).

Howard Wheeler was renominated; Fred Watson, executive secretary; Ed Newman, v.p., and Annette Marantz, treasurer. Board was also returned to office.

## W. C. KELLY, 65, DIES IN PHILLY; 'VA. JUDGE'

There were few men who provided as much laughter to America as did Walter C. Kelly, who died in Philadelphia Friday (6) at 65. Kelly succumbed to head injuries received several weeks ago in Hollywood, when he was hit by a truck. When he arrived in Philadelphia on a stretcher over a week ago, the beloved 'Virginia Judge' joked with reporters. His recovery had been anticipated.

The master dialectician, who was probably the most familiar figure in the Friars club a decade or more ago, had loved a joke in which he was its subject as much as he liked to tell them. Kelly was an inveterate card player and when he was in New York there rarely was a poker (Continued on page 42)

## INGALLS NIXES MCA JOB AS VAUDE DEPT. HEAD

Offer from Music Corp. of America to head its cabaret department was nixed in New York last week by Miles Ingalls, latter preferring to remain an independent agent in partnership with Jack Davies. MCA is reported to have offered Ingalls \$12,000 a year, plus bonuses, for the job.

MCA, formerly almost strictly in the band-booking biz, has been expanding its vaude and nitery departments for the past couple of years. Its threat in this field to the William Morris agency was one of the contributing factors in the latter swinging into band-booking, one phase of show biz it had previously shunned.

## H'wood Show to Play Vaude; Seek Miss Grable

Bobby Sanford is preparing his Hollywood Restaurant, New York, floor show for presentation houses, following nitery's request for a second act appearing with Joan Brooks and Candy and Coco, instrumentalists. Show will get \$2,400 weekly guarantees against a percentage. Guaranteed three weeks and may go to London later.

Austin started tour with film, "Songs and Saddles," which featured those in unit, last July. Film was dropped last month. Was used with unit in 'preview' idea, and is now ready for general release.

## Austin Opens Sparks

Circuit Tour Jan. 21

After closing at Earle, Washington, where he's appearing currently, Gene Austin starts tour of Sparks circuit in Florida Jan. 21 on one-night basis. Singer is appearing with Joan Brooks and Candy and Coco, instrumentalists. Show will get \$2,400 weekly guarantees against a percentage. Guaranteed three weeks and may go to London later.

Austin started tour with film, "Songs and Saddles," which featured those in unit, last July. Film was dropped last month. Was used with unit in 'preview' idea, and is now ready for general release.

## INDIES CHIEFLY BEHIND UPBEAT

Circuits Shy Away from Restoration in Most Cases; Out-of-Town Keys Leithargic—Robitschek's Try in Gotham Fair

### NEW HOUSES

The expected vaude 'revival' boils down to one fact, that it's strictly an indie idea and promotion. Thus far—and with little indication that there's going to be a change of heart in the near future—the circuits have shied clear of any general restoration of flesh, except in the few isolated spots where competition makes stage shows vitally necessary.

New York still leads the vaude comeback, such as it is, while activity in the out-of-town keys continues lethargically.

Kurt Robitschek's straight vaude policy at the Majestic, N. Y., wound up its first nine days Saturday night (7) with a total gross of around \$19,000. Not estimated at \$14,000 weekly. At \$1 top weekdays, \$1.50 weekends, house is geared to gross around \$24,000 at capacity, but mixed notices on the opening show, plus the sidestreets location of the house, makes a capacity house appear unlikely.

Second bill, opening Jan. 19, will be headed by Bert Wheeler and will include Estelle Taylor, Chaz Chase, Lorraine Runyon, Joey Faye, burlesque comic, late of 'Sing Out the News,' which closed a week ago.

Where Bros. will be held over from first edition. Other acts will be added for 15-act bill. Mark Plant and Sisters on opening bill. Shows are scheduled for five days.

Skouras Theatre Makes Try Skouras' Beacon theatre on upper Broadway, a former Warner house, opens tomorrow (Thursday) with 'Angels With Dirty Faces' (WB) and vaude, whose budget is \$3,500, according to booker Arthur Fisher. Dave Schooler's girl band, Ray and Harrison, Evelyn Wilson, Nelson and Marsh, Bill Ames and Three Hanson reopened two weeks ago. Shows are scheduled for five days.

Grosses at the recently opened Shubert, Newark, and Majestic, Paterson, N. J., have been sizeable. Figures on Rivera, Brooklyn, have been good with theatre doing turnaway business weekends. House is on split-week. Shea's Hippodrome, Toronto, reopened two weeks ago, with William Morris office booking. Office also took over Loew's, Montreal, from Fisher. Rockland, Nyack, N. Y., opened two-day sessions last week.

Walter Reade opens three one-day stands near Albany Jan. 18—Broadway, Kingston Community, Saratoga Springs, and Community, Hudson—will play Wednesday, Thursday and Friday, respectively. George Sargent's band heads 40-minute units in each spot.

St. George theatre, Staten Island, N. Y., is being rented by Fabian circuit for vaude. Bill Miller, booker, is negotiating with Fabian, and will probably open in about two weeks.

Frank Fay is still dickering in N.Y. to take over a legit house for two-day vaude. Says deal would not necessarily be with the Shuberts for the Cort theatre, as first reported. He'll definitely have something on the boards next month, he says.

### Brandt Union Deal

After months of negotiating with musician and stagehand unions, the Brandt Circuit of N. Y. has finally worked out deal for the return of vaude in one of its houses. Vaudeville policy will be tried at the Windsor, Bronx, in several weeks, and, if successful, will be attempted at the Halsey and Flatbush, Brooklyn; the Audubon in Manhattan and Carlton, Jamaica.

The Windsor, it's said, will use a minimum of eight musicians and stage crew of three and an alternate.

## 41 of 48 States Have Licensing Laws for Agents; 13 Specifically Mention Theatricals, Survey Shows

### Grays Back in Vaude

Gray Family (5), after several years in nitery work, is returning to vaude. Open Friday (13) at the Palace, Cleveland, with the Shubert, Cincinnati, immediately following. Both are RKO spots.

Max Tishman agenting.

## TA IN NEW MOVE TO CHECK FREE KENNY SHOWS

Matter of Nick Kenny playing benefit shows with his Radio Gang has been taken up with publishers of the New York Daily Mirror by the Theatre Authority, which controls all benefits. Organization charges Kenny, radio columnist on the Mirror, is depriving acts of work by appearing gratis at heretofore paid benefits with his 'amateur' crew.

TA charges the 'amateurs' have appeared with Kenny for several years, at benefits and at Kenny's intermittent theatre dates. While getting little or nothing for their services, those in show are anything but tyros, TA says.

Agents around town have joined the beefing parade. They claim Kenny is cutting into their take on clubdate benefits and other dates. Also alleged that Charlie Kenny, brother of the columnist, squeezes his recently-formed band into benefits, further cutting into take of established bookers.

TA is seeking the sanction of its talent union affiliates to check Kenny. Wants to nix all shows on which his crew would appear and, seeking to prohibit acts of various unions appearing on the same bill with the scribe.

## B&K SELECTS PLATT AS HEAD OF BOOKING

Chicago, Jan. 10. New vaude booking setup for Balaban & Katz, following the shift of Lou Lipstone to the Coast as musical director for Paramount studios, puts Nate Platt in charge of all booking for B. & K. theatres, with Max Turner replacing Lipstone as talent booker.

Platt will supervise booking as an adjunct to his regular duties as B. & K. theatre district manager. Turner was formerly manager for the William Morris agency here and lately has operated independently.

Platt and Turner plan an extensive spread of vaudeville in all suitable and likely spots in the B. & K. circuit. Will institute vaude in several nabe spots that have been fleshless for the past couple of years.

These are same conditions under which the Rivera, Brooklyn, is now operating. Brandt has expressed willingness to go along with the unions of the Rivera basis.

Whether the unions will agree to break precedent in supplying fewer men than required under old vaude house agreements is the hitch to any widespread plans for extension of vaude policy in his picture houses.

Pending outcome of the experiment in isolated spots, the unions prefer to go slowly on setting working conditions conforming to demands and economic restrictions of the picture house operators.

A survey of agent licensing question in 48 states has been completed by Howard Wheeler, president of the Entertainment Managers Association of New York. It was conducted to give percenters a gauge on problems to be met in each territory, to get interpretations of laws and to form basis of a drive for more standardization of varying laws.

Result shows that 41 states have agent (all types) laws. Of that number only 13 specifically mention theatricals. One state has no regulating laws and another permits no agencies of any kind. Canada also requires no licensing but demands that a permit be secured in order to keep a record of those operating. Canvass also reveals that enforcement (on theatricals) is lax in most cases and that fees vary from \$10 to \$200, while bonding averages \$1,000 per license.

Wheeler's forwarded definitions of agent, artist representative and entertainment bureau (club date agents) was basis for replies. Same definitions are those accepted by the Social Security and New York State Unemployment Insurance Boards. Where there was no law, Wheeler secured opinions from authorities who in many cases refused to be quoted in print.

Colorado, California, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, and the District of Columbia specifically mention theatricals. Eight of these, New Jersey, Pennsylvania, Michigan, Colorado, Nebraska, California, Minnesota, and D. C. exempt the club date bookers from licensing as not being agents. Oklahoma, Oregon, Louisiana and Arizona also exclude the true theatricals from a definition of agent. Law does not cover them. That's same opinion held by Unemployment and Social Security in New York both of which have designated club date bureaus employers and not handlers. Thus, they are responsible for collection of taxes from all employees and must also play out their own taxes as well.

### Iowa Exempts

Iowa exempts all theatrical agenting from licensing. Missouri and Illinois require license for all forms of booking, regardless. Pennsylvania and Maryland require agents of other states who send talent into their respective states to be licensed. Colorado requires that every employee of an agency be licensed at \$50 as well as the shop itself. This act of Illinois with a \$4 fee, Idaho permits no agencies whatever. (This despite ruling of U. S. Supreme Court which ruled in 1928 (Continued on page 42))

## BERNIE CAN'T FIX AIR, CANCELS PITTSBURGH

Pittsburgh, Jan. 10. Inability to arrange his weekly network broadcast from here forced Ben Bernie to cancel date at Stanley, WB deluxer, this week. House hastily substituted vaude bill headed by Block and Sully, Phil Regan and Fuzzy Knight. Efforts being made to re-book Bernie for Jan. 20, but so far radio problem hasn't been ironed out.

Stanley lets Hal Kemp Friday (13), with Russ Morgan coming in Jan. 27 and Eddy Duchin tentatively set for Feb. 10.

## Circus Acts for Cops

Fanchon & Marco is booking 10 circus acts for the annual Police Show in St. Louis, opening Jan. 14. Production plays the Arena, 14,000-seat aud, for 10 days.



## N. Y. Niteries Look to World's Fair As Only Means of Hiking Ragged Biz

Current niterie business in New York is so low that those counting on the World's Fair are really depending on it in a big way, or else, it's patent that the usual midwinter visitors to New York are deferring their sojourns to coincide with the exposition. All joints are off, though that's not unusual since the two weeks after the holidays are usually downbeats.

A new thought stems from the full among the managers who reason that the cabarets had better take stock of themselves and the "hidden cost" that goes with patronage. They advertise \$1.50 minimum, for example, but the customer finds that a choicer table costs an extra 50c.; that ring-side tables necessitate a \$2 or \$2.50 minimum food charge, with liquors extra; that the coatroom implies another 25c. for checking; that the cigarette girls, the concessionaire who sells perfumes, toys and nuts, and the other little extra charges bring that \$1.50 minimum nearer a \$4 average check.

When there's a heavy flux of transient trade it comes out all right, because it usually means that the locals are taking out necessary out-of-towners, and the visitors themselves are usually in a freer spending mood. But with purely local trade basically disinclined to go the chum route, it's something else again. The just-fair New Year's Eve business proved that.

Despite newspaper balldoo about happy days, the hotels benefited primarily. The 52d street bistros suffered particularly because of the overpublicized 3 a.m. curfew since these are chiefly windup spots. This year, because of the Sabbath curfew, they stayed in one spot and then scrambled home, when it wasn't a private party.

A couple of the class east side spots took a chance by admitting only known regulars, in the Volsteadian speaky manner, and now many others are sorry they didn't chance it similarly, since the authorities were reasonably lax.

The casualty to the Hollywood restaurant, the reported closing of the International Casino — which didn't happen, however — and the generally poor conditions fully attest to the midwinter lull.

### Philly's Quaky Take

Philadelphia, Jan. 10. Tally of New Year's Eve grosses in niteries here last week revealed a considerable drop in biz from previous years. Operators of the temp-and-toperies, who had been depending heavily on the one night's receipts to pull them out of the doldrums they have been in all season, were extremely disappointed.

Principal call for the crying towel came from Jack Lynch's Walton Roof, where under 500 guests converted to the town's top show, a stiffest levee. Attractions for the Eve included Mitzi Green and the Stroud Twins, as well as a flock of other acts. But even such marquee strength couldn't combat a \$6 per person cover tap, which was collected at the door on the way in, reminiscent of a fight, or a ball game.

Another sad spot on the year's gay night was the Benjamin Franklin Hotel's new Garden Terrace, opened just the evening before with Reggie Childs and his orchestra. Same true at the Adelphi's Cafe Marguery, where Howard Woods and his orch had the supplementary strength of a lengthy show.

For actual number of patrons on hand, Arcadia-International took the palm, with both the main dining room and the cocktail lounge well filled. Fees, however, were lowest in history (\$2.50 per person, including supper) and despite a bigger crowd than last year, gross was considerably lower.

Aside from generally poor biz conditions which have prevailed here, Pennsy's midnight curfew law on Saturdays hurt the New Year's trade. Spots all remained open and sold, but until the last customer left, without a squeak from the cops, but a large number of potential customers did their parting and guzzling at home for fear there'd be no likker available in the gay spots.

### Minneapolis' Slump

Minneapolis, Jan. 10. With the post-holiday slump hitting night club trade hard, casualties among the niteries here already

are in evidence. First of the larger establishments to shut "temporarily" is the Coconut Grove, second time in two years it's gone dark. Recent reopening lasted only four months.

Biggest snag for the niteries is reform element's recent activity. Cafes claim they can't exist if they're compelled to quit selling liquor at 1 a.m., as prescribed by law, and to eliminate gambling, etc. Two night clubs doing biggest biz here, outside of the town's principal class spots, the Hotel Nicolet's Minnesota Terrace and Hotel Radisson's Lounge Pierre, are the Paradise and Bowery. Both have floor shows that include female impersonators.

Severe competition from sports is adding to the niteries' troubles. Two rival boxing clubs operate a professional wrestling once weekly in the Auditorium, amateur boxing, University of Minnesota and high school basketball, Minneapolis A. A. professional hockey, etc., also add to the woes. The Minnesota basketball games draw from 11,000 to 15,000 people and hockey from 2,500 to 5,000 a game.

### Balto Blah

Baltimore, Jan. 10. New Year's Eve niterie trade here was down below previous takes. Hotels and swank spots took it on the chin generally with only good reaction coming from innately cocktail bars and spots featuring no cover or minimum policy. Local bonifaces inclined to blame early police dept. announcement of plans to strictly enforce 2 a.m. Saturday night curfew. Considerable exodus of revelers to out-of-town spots and numerous house and private parties, also negative factors.

Usual after New Year's niterie bust-ups are already starting.

## CIO, AFL SNARL IN PITTSBURGH

Pittsburgh, Jan. 10.

Niteries and theatres employing CIO entertainers will be picketed in the future by members of AFL American Federation of Actors, according to George La Ray, international representative of AFA. CIO recently granted a charter to the United Entertainers Association here. It's first recognition CIO has given to an actor union.

LaRay charged UEA is a dual union invading jurisdiction of AFL. His statement contained a list of CIO members, including officers, and threatened fines and suspensions for any AFL entertainers who appeared on the same bill with them.

## 3 ST. L. CAFES CITED IN RUM VIOLATIONS

St. Louis, Jan. 10.

Three niteries, Top of the Town, Club Swingland and The Spinning Wheel, are in danger of being shuttered by State Commissioner McDaniel because of reported violation of the Sunday closing law. Gendarmes reported that these places were among half a dozen cafes that dispensed liquor Xmas Day, a violation of city and state laws.

## Gert Niesen, Vincent To Head Chez Show, Chi

Chicago, Jan. 10.

Gertrude Niesen and Romo Vincent will headline new show at the Chez Paree, starting Feb. 12. Also on the bill will be Raye and Naldi and Gloria Day.

## SENTENCE TWO IN HOLDUP

Detroit, Jan. 10.

Sentences ranging from 10 to 30 years were meted out last week to Halstead Duffey and Nolan Gunnells, found guilty of the \$20 holdup of a local niterie last November.

Judge Arthur E. Gordon gave Duffey 12 to 30 years in Jackson prison and Gunnells 10 to 30 years.

## Zelli to Reopen Yumuri, N.Y., as Arabic Night Club

The Yumuri, New York niterie, which closed recently, is reopening as the Arabian Nights, with Joe Zelli, of Paris, who has had former niterie ventures in N. Y., as operator for a group of unnamed business men.

Place will feature Arabian food served in the Arabic manner.

## CHI POLICE OPEN MORAL PURGE WITH RAID

Chicago, Jan. 10.

Threatened moral purge of night clubs in this sector got under way last week when police raided Blondie's Cafe here and arrested a flock of entertainers.

While they were booked on a number of charges, the top raps are based on such items as operating gambling games, indecent exhibitions and hostesses soliciting drinks from customers. Move is looked upon as the starting gun of a general clean-up campaign throughout this territory, following yelps from reform groups.

Result of the initial foray was a hurry-up cleansing by niteries around here.

Trade hasn't been up to snuff during the past few months, and operators of many small spots had been denuding the femmes in the hope of drawing customers.

## 'ICE FOLLIES' HITS BIG \$36,500 IN PITTSBURGH

Pittsburgh, Jan. 10.

'Ice Follies' grossed a spectacular \$36,500 in eight performances at Duquesne Garden last week and will be brought back for a return engagement next month. Management's going to try and make second date coincide with release of the M-G picture, 'Ice Follies,' starring Joan Crawford, in which troupe appears.

It's the biggest take 'Follies' has had locally since it first started coming around two winters ago, topping previous high by almost \$10,000.

Return booking for Bess Ehrhardt-Roy Shipstad troupe practically eliminates possibility of Sonja Henie's show playing the Garden. Management claims Henie's guarantee demands are too high to make a date profitable and will string along with 'Follies,' with even a third engagement at tag end of season not unlikely.

## Sunday Closing Observed By Kansas City Niteries

Kansas City, Jan. 10.

First time in two years, Kansas City spots are observing the Sunday closing law. Chief cause of closing was general order by E. J. McMahon, state supervisor of liquor control, calling attention to regulation that require beer and whiskey dispensers to close from midnight Saturday to midnight Sunday.

Figureheads took cue from St. Louis, where strict enforcement was ordered last week. Recent speeches by Roy McKittick, attorney general, rapping law enforcement thought to be another contributing cause.

## Chi Agency Quits

Chicago, Jan. 10.

Al Bord, who has been associated for the past two years with the Central Booking Office, are going their separate ways, with the CBO to be disbanded.

Office had been under strain for some time, but the straw that snapped its vertebra is said to have been the flop of the 'Boys Town' unit, in which the CBO had invested.

Indications are that Bord alone will remain in the agency biz.

## U. S. Dates for Darlan

William Darian, interpretive and modern dancer, who has been on the Continent for 14 years, has been signed for appearances in the U. S. by Bob Rosen.

## H'wood Restaurant's 2d Bankruptcy Plea; Cutting \$12,500 Out Down to 6G

### EASE GAMBLING CURB

Gov. Fitzgerald Sideslides Mich. Problem as State Issue

Detroit, Jan. 10.

Governor Frank Fitzgerald's declaration that 'gambling is up to localities' was the signal last week for wide reopening of gambling spots in Macomb county (neighboring Detroit), which had been closed for two years during regime of Frank Murphy, ex-governor, who last week was appointed U. S. Attorney General.

Macomb spots flourished during Fitzgerald's previous term, just prior to Murphy's, but closed when Murphy got state police after 'em. In his inaugural address, Fitzgerald asserted the state would stay out of counties, unless he was certain local officers weren't enforcing state anti-gambling laws.

## ROSE'S REFUGEE SHOW FOR N. Y. MAY SWITCH

Billy Rose's 'refugee revue,' set to open Jan. 23 as successor to the present vaudeville lineup at the Casa Manana, New York, may become merely an 'international' type show, following second thoughts on the subject. Rose is still strong for the idea that primarily, whether the talent is refugee or native, the show's the thing, and art has no boundaries. But some say there are supplementary considerations to such a proposition.

One is the thought that perhaps it over-dramatizes a personal tragedy so that no matter how gay the show might be primed, the atmosphere of background tragedy doesn't belong in a cabaret-theatre. Then, too, unless Rose decides to donate, say, 10% of the gross for some refugee fund, he might be faced with invidious commercialization comment. Furthermore, no matter how unique and extraordinary may be some of the foreign talent, there will always be a carping element, within and without the profession, that may want to know why Rose can't find enough native talent without going abroad for it. Hence, the probability that some of it may be blended into successive Casa Manana shows in the form of 'international' flavor.

Fact remains the Casa needs a new show. Present lineup, headed by Lupe Velez and Peggy Fears, is one of its weakest at the boxoffice, and whether or not Rose's new Diamond Horseshoe in N.Y. has anything to do with it, the latter is doing bullishly and the Casa n.g. But, for that matter, all other Broadway niteries are likewise limp.

## WHITEHEAD SUPPORTS KELLY IN PHILLY ROW

Philadelphia, Jan. 10.

Ralph Whitehead, exec secretary of the American Federation of Actors, asked by the Entertainment Managers Association, bookers here, and niterie operators, to reprimand Tom Kelly, local AFA biz agent, for alleged discriminatory tactics against them. Whitehead expressed complete faith in Kelly here last week.

Recent reports that the national body was in odds with Kelly were branded false by the AFA head.

## Holtz for Chi Cafe

Chicago, Jan. 10.

Lou Holtz has been signed for the Hi-Hat here.

Comes in Feb. 1.

## Ragland Into L. & E.

Rags Ragland, ex-burlesque comedian, will be one of the features of the new Leon & Eddie's show in early February.

Ragland has been in legitimate revues of late and this marks his first N. Y. niterie date.

The Hollywood Restaurant, N. Y., is in financial difficulties for the second time within 13 months. Former operators of the niterie, including Joe Moss, now managing the International Casino, filed a petition to reorganize under 77B of the Bankruptcy Act in December, 1937. While the proceedings in this were pending a new company was formed and it is this group under the title of Hollywood Associates, Inc., which operated the restaurant barely three weeks last month, and petitioned the N.Y. federal court Friday (6) for leave to reorg under the Chandler Act. The petitioners, through the president of the new company, Nicholas H. Weiss, fix the company's liabilities at \$138,080, and assets of \$169,694, including \$158,000 for construction work and repairs.

The petition lays its present trouble to having gone overboard in lavish remodeling of the place and proper judgment on the part of the management in setting overhead expenses away out of proportion to the income. This was also due, the petition states to low prices set for food and drinks and the hiring of five bands. However, Weiss asks that the court permit them to continue operation, it having reduced the overhead from approximately \$12,500 a week to \$6,000 weekly and the prospect of further cutting operation costs to \$5,500 weekly. Besides, the petition proposes that under a set-up the prices would be increased to assure eventually the settlement with creditors. As did other big Broadway restaurants which have sought to reorganize, the petitioners place great confidence in future business with the opening of the World's Fair. The petition states in part:

### Underscaled

"The management of the business, not knowing the volume to expect, had scaled the overhead expenses far beyond the volume of business done by the debtor. During the first week the cost of entertainment, music and payroll amounted to \$12,500. When the debtor became familiar with the volume of business to be done, the overhead of an extremely low price, so that at present it is \$6,000 a week, and it is expected that the same will be further reduced to approximately \$5,500 per week without jeopardizing the volume of business to be done. The management had been under the impression that the maintenance of an extremely low price restaurant and night club would be the proper method of doing a volume of business. As a result the food cost was approximately 40% of the gross income. It is intended that prices will be substantially increased. The petitioner brings to the court's attention that the month of December is not considered an active month in the restaurant and night club business. Considering the seasonal increase that takes place during the months of January, February and March it is expected that the minimum amount of business will be \$14,000 weekly on the basis of the reduced overhead and the advent of the World's Fair."

The petition asks the court to stay any court actions which have been or are about to be started by creditors pending the reorganization proceedings and explains that at present the company has not enough cash on hand to meet these outstanding debts, which approximate \$35,000. The new company was organized May 24, 1938, and reopened the Hollywood Dec. 7.

## INT'L CASINO'S CONFAB; TO STAY OPEN AS IS

The International Casino, on Broadway, will continue operating as is. Another financial meeting will be held today (Wednesday) between Farmer's Trust Bank, Bob Christenberry, Louis Brecker, of the management, et al, for final decision. Spot is still operating, not having closed Monday night.

Meeting to be held Monday night (9) was postponed until Tuesday morning. Outcome of this far reported is that moneybags are willing to stand by a while longer, ignoring other offers of takeover. Jack Amron, backer of Jack Dempsey, is one of the interested parties. It's also reported that Billy Rose was interested in a takeover and conversion into a super-dancery for the World's Fair trade.

## 41 States Have Licensing

(Continued from page 39)  
on Ribnick-McBride case that states could regulate but could not fix fees or abolish agencies since they are a private business.)

Connecticut, Florida, Indiana, Maryland, Missouri, Ohio, Tennessee, Texas, Virginia, Wisconsin, do not mention theatricals and yet have more actual booking and agenting conducted within their borders than majority of those who do list show biz.

In Mai, Massachusetts, New Hampshire, New York, North Dakota, Rhode Island and Utah, responsibility for enforcement is vested in municipalities. In other states the enforcement is statewide and the Department of Labor handles assignment in 29 of these states. State Employment Bureau takes over in three others.

Only in New York and Massachusetts is there any dispute on the bureau status. Though named employers by the S. S. and U. I. B., License Commissioner Paul Moss of New York has arbitrarily declared same eligible for licensing. Same is true of Boston.

Opinions and replies received were based on following definitions of three classifications of theatrical representatives: An agent is a third party who acts as intermediary between the artist and the employer and for such service receives a fee or commission from the artist. The employment agreement is between the artist and the employer, and the artist is paid in full for the engagement by the employer.

An artist representative is a personal representative and sole business manager for the artist and conducts all negotiations for the artist's appearances and engagements—collects all salaries. He receives from the artist, a fee mutually agreed upon between both parties. This fee varies with degree of service rendered.

An entertainment bureau (club

date office) furnishes a complete entertainment and music service usually for one night engagements or a series thereof. The bureau receives no commission from the artist, but engages or contracts with artists to appear on a program in accordance with requirements of his contracts and pays the artist, being solely responsible for same. When fulfilling an engagement for a bureau the artist has no dealings with the bureau's customer. The bureau is a program producer.

## PHILLY TMAAT SEEKS PACTS ON SPORTS B.O.S

Philadelphia, Jan. 10. With majority of boxoffice men here recently organized into the Theatrical Managers, Agents and Treasurers union, group is driving for closed shop agreements with all flesh, indoor and outdoor sports spots. Negotiations have been practically completed and signatures on pacts are expected before the end of the week with promoters Ray Fabiani, wrestling; Herman Taylor, boxing; Claire Hare, basketball, and the Arena, sports arena.

Drive is also on to replace non-union men in b.o.'s at the Academy of Music and the Shubert, burley house. Picketing is threatened at both unless pacts are reached shortly. Negotiations are on at the Shubert with operator Joe Hurtig, but TMAAT is running into trouble at the Academy. Buck is being passed, claims Dan Doran, biz agent of the Academy. Buck is being passed, and George Haly, operator of ticket office which handles all tickets for Academy events.

## Neal Out on Bail

Detroit, Jan. 10. Edgar C. Neal, ex-police censor and songwriter, recently sentenced to 1-4 years in state prison for felonious assault on his estranged wife, is out on \$2,500 bond, pending appeal.

Neal was convicted of shooting at his wife, former burlesquer, after she had told him she planned a divorce.

## CONN GETS THE NOD OVER FRED APOSTOLI

By JACK PULASKI

Professional boxing seemed to perk up around New York last Friday (6), when Billy Conn, of Pittsburgh, won a 10-round decision from Fred Apostoli, rated the best of the middleweights and called the champ around here. It was a rather close contest and some ringsiders questioned the unanimous ruling of the officials, while the short-enders gurgled over copping at 13 to 5.

Regardless, the Pittsburgher, exhibited some boxing class. He is growing into a heavyweight and is already talked about as a contender for Joe Louis' title. Indications were that the lad will have to gain more experience and develop a punch, which should come when he gains more poundage. He weighed in at 167 against his opponent, Fred Apostoli, in 15-round return bout, which was accepted by the Coast fighter who prefers the longer distance.

Conn displayed one of the best lefts seen in years, particularly scoring with hooks. He had little trouble jabbing foot and sure scoring tactics steamed up Apostoli, who wildly tried to knock out the young batter. Fred did most of the forcing, while Conn lashed with the port-side mitt and danced backward much of the way.

It was figured by observers that had the referee not taken one of the late rounds away from Apostoli, because of low blows, he might have won. He succeeded in damaging the countenance of the Pittsburgher, and while he did not seem to be much affected by the youngster's socks, Fred's rubber mouthpiece was jolted out of his kisser several times.

Conn is the lad who defeated Solly Krieger, last month in a non-title match. Solly had just won the title out west and had previously gotten the nod over Billy. Sports columnists who looked over the new boy revealed that Billy doesn't think fighting in the ring is more than a pastime, he being reputed to have claimed that he never worked. Boy is 21 and is described as boxing like Stribling, but rated a better mitman even now.

Friday (13) Tommy Farr is matched with Red Burman. It may be one bout that the Englishman can win, thereby breaking the string of goose eggs he has registered in the four fights he has had over here. Next week the Garden will have Sonja Henie and her Hollywood ice revue.

## Act Wins Judgment

Jack Miller and Janet, skating act, were given judgment of \$75 against the Monte Carlo Casino, New York nitery, yesterday (Tuesday) in Municipal Court because the cafe had canceled the act in violation of agreement.

Suit of Le Roy and Rogers, acrobats, was settled out of court this week in N. Y. for \$50. Had asked \$77 for cancellation at Oetjen's, Brooklyn nitery, last October.

## Chase Bank-20th

(Continued from page 3)

picked up 1,760 voting trust certificates while Harry Cohn added 1,676 v.t.c.'s and 80 shares of common. During November, Jack Cohn peddled 800 certificates leaving him with 31,017. Harry Cohn has 72,251.

Dad M. Sheaffer of Philadelphia picked up 500 Universal Corp. certificates, bringing his load to 16,500, the S.E.C. reported. His stake also includes an interest in 26,500 certificates owned by Standard Capital Co. and 111,283 warrants in the Standard portfolio.

Preston Davie of New York acquired 100 pieces of Universal Pictures 1st preferred during November. Two Loew's directors cut their investment, Isidor Frey selling 100 common shares and keeping 300 and Charles C. Moskowitz selling 400 to cut his batch to 600.

Sale of 100 shares of General Theatrical Equipment Corp. common was reported by Edward G. Delafield, who still has 100 shares.

Johnny Lange and Lew Porter sold their song, "Baby Buckaroo," to Phil Krasne for use in "Little Maverick" at Grand National.

## Walter C. Kelly Dead

(Continued from page 39)

game at the Club that did not find him among the players. He played in the last pinocle game participated in by the senior William Morris, when the showman bid a 400 hand at the stroke of 12 and then collapsed. Kelly's mannerisms, his unique vocabulary and native wit made him an extraordinary companion.

### In Great Demand

In the hey-day of vaudeville, Kelly, a single, was always in demand. His success in the English music halls had been just as great. He feuded with the late E. F. Albee, a quarrel that is said to have never been patched up. He did not cultivate the dialects from the Isles though, as a story-teller, he had always possessed the flair for the burlesque and cockney, as well as the of the Virginia colored folk and the picturesque Judge whom he emulated on the stage for years.

There are a number of stories as to his entrance into show business. It's said he was first noticed at Jack Sharkey's saloon on 14th street, N. Y. Kelly first appeared there when it was conducted by Barney Reich. He wore dungarees, having worked on boats for a time. He was also supposed to have had a bar and grill at Newport News, Va., at one time, and was also a political candidate. Upon being defeated, he turned his spot over to the bartenders.

Big Tim Sullivan heard about Kelly and invited him to entertain at the Eagles Club on the N. Y. east side. Sullivan decided Kelly should go upon the stage and his first appearance was in a show with the late Marie Dressler. Star was ill one night and during a stage wait, Kelly borrowed a Prince Albert coat from the stage manager, toted a table on stage and addressed the audience: "You will now hear from the Virginia Judge." Thus started a characterization that became known on two continents.

He appeared in "Both Your Houses," which won the Pulitzer Prize a few years ago.

### Brother Champ Oarsman

Kelly was born in Mineville, N. Y., but the family moved to a suburb of Philadelphia. One brother John B. (Jack) Kelly became the world's greatest oarsman and later a successful builder. He's presently a Democratic leader in Philly. The brothers were very close, Walter C. backing him financially many times. Another brother, George, wrote "The Show-Off" and the Pulitzer prize-winning "Craig's Wife." Like Walter C., he has spent most of his time of late in Hollywood. Among Walter's film appearances was "The Virginia Judge," in which he had the name role.

Kelly is believed to have made a fortune not alone from stage appearances but in records. He was

as well known in Atlantic City as New York and regularly spent his summers there until he went to the Coast. Among his favored friends was the late James J. Corbett. Kelly was a fight fan, often attending the training camps. He's said to have attended every championship heavyweight contest for more than 25 years.

It was during an altercation after the 1910 Jeffries-Johnson battle in Reno that Kelly lost a middle finger. The digit was bitten off by a sport from Boston.

## REFLOW DROPS \$15,000 IN ST. LOUIS XMAS SHOW

St. Louis, Jan. 10. Promoters of the Bobby Breen All-Star Revue that gave 16 performances in the Municipal Auditorium Xmas week lost \$15,000, and a squabble to determine what cut of the gross the Father Tim Dempsey Charities, which sponsored the show, would receive was settled after a 24-hour jawing contest. Earl Reflow, promoter of midget auto races and ice skating exhibitions, and prime backer in the show, dropped the \$15,000, although several others were associated with him in the enterprise, but are reported to have put up no money.

The Charities received \$3,689.40, 30% of the gross, which totaled \$12,298, although Reflow originally said the contract with the Charities was only for 15%. Nut approximated \$30,000. All performers were paid.

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**TED WEEMS AND HIS ORCHESTRA**

Closing a most successful five-month stay on the West Coast, Ted Weems and his orchestra and entertainers are now on their way East to fulfill personal appearance engagements. Weems and his all-star aggregation open their Eastern tour on January 13 at the Tower Theatre in Kansas City; January 20, Chicago Theatre, Chicago; January 25 over NBC on Elch Bandwagon program; Lyric, Indianapolis; Stanley, Pittsburgh; Earle, Washington; Hippodrome, Baltimore; Shubert, Newark; Earle, Philadelphia; and other theatre dates in Middle West and East.

**THANKS . . . .**  
To F. K. Wrigley and Harry Slaugh for six happy weeks at the famous Casino on Santa Catalina Island . . . to George Anderson for a similar stay at the Palomar in Los Angeles . . . to Managing Director Dan London of Hotel St. Francis in San Francisco for nine pleasant weeks . . . to Universal Pictures, Inc. for their co-operation during the filming of "Swing, Sister, Swing" in which we are appearing . . . to both NBC and CBS for their splendid manner in handling our numerous coast-to-coast broadcasts from the West Coast.

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**PARAMOUNT, N. Y.**

personate bands on violin, accordion and clarinet. Wayne King and Shep Fields perfect, but tougher ones skidded. Added are three pairs of recent blitterbug contest winners at the

## STRAND, N. Y.

Louis Armstrong Orch., Bill Robinson, Nicodemus, Sonny Woods, Luis Russell, Midge Williams, Rogers & Gordon, Henry Red Allen, Dandridge Sisters (3), "Going Places" (WB) reviewed in this issue.

An all-colored stage unit especially designed for the swingers has been assembled around Louis Armstrong's band, and Bill Robinson, the theatre's producer, Harry Gourfain. It's fast, hot and generally entertaining. Gourfain, who years ago had Armstrong with him at Balaban & Katz's Regal in Chicago, has rounded up augmenting talent in Rogers and Gordon (New Acts), Nicodemus, Luis Russell and the Dandridge Sisters, last-mentioned from the Cotton Club, N. Y. show. The Dandridge trio was with Armstrong in "Going Places" (WB), current here.

Armstrong's piece band and specialists do a swell job. Outfit carries Louis Williams (New Acts) and Sonny Woods, plus a featured trumpeter, Henry (Red) Allen.

Backed Armstrong in an effective drop, with a crown over the former trumpet, signaling that the self-styled "Satchmo" is king of this instrument. Entire setting, in fact, is appropriate.

Band opens the unit's show with a display of brass. Armstrong is down front nearly all the way, lending a Bar steam to his trumpet. Band works on its own and also with the specialists. Miss Williams then swings two pops acceptably, followed by Rogers and Gordon. Sonny Woods, with Armstrong's producer Nicodemus with a song, well done, and has been welded into a portion of Nicodemus' routine, as a straight for the latter's comedy. Woods employs a technique similar to that of Stepin Fetchit, Nicodemus does a lazy dance but winds up in a rapid-fire novelty.

With Robinson saved for next to closing the Dandridge Sisters come in harmony swing, including a conception of the Andrews Sisters. One girl does a bit with Robinson as he takes the stage.

The tapper (he says he's 61 in May) is still a swell performer and always sure-footed, even if a couple of his gags aren't so new. Opening with a soft-shoe dance, Robinson goes into his talk and then repeats the routine he did in "Up the River" (20th).

Luis Russell then takes over the piano to sing a special arrangement of "Some of These Days" while Robinson, hoisting a cane in the manner of a trombone, imitates the music of the instrument. He did it in the old days and it's still going over. A skating dance, as they ice-skated 40 years ago and as they're doing it now, winds up the act. Robinson then takes hold for the major portion of his stint.

He sings "Jeepers Creepers," hit number which he does in the current film, topped by "I'm Back Again." He also sings and plays "Skeletons in the Closet," while for the windup a special arrangement is done of "This Thing Called Swing," featuring various sections of the band individually. *Chr.*

## ALVIN, PITT

Pittsburgh, Jan. 7. Baron Elliott Orch. (11), Jane Withers, Bob Ripa, Duke Dugent, Cappy Barra Harmonica Ensemble (7), Englert & Schein, Maxine & Johnny, "Blondie" (Col.).

First flesh for Alvin in almost two years and it's a winner only because of Jane Withers. Harris deluxer intends bringing in vaude only occasionally.

Youngster delivers solidly and has plenty on the ball, which is not always noticeable in her films. She's a pushover for practically any in-person audience though she means little at screen boxoffice here.

Show's pretty ordinary until the youngster appears. Opens with Baron Elliott's band (WAS, Pittsburgh staff orchestra and also with local dance following), stretched across stage, and outfit's batonier m.c.'ing, Englert and Schein, youngsters introduced. Then comes the champ shagsters' pair off with Maxine and Johnny, supposed to be Pittsburgh's No. 1 jitterbugs, with each team coming on separately, and also together, with a back again. Next slot filled by the Elliott crew, which bears strong resemblance to Lombardo type of melody. Lads do a brief session of "I'm Back Again," guitarist stepping down from stand for bit of mick soloing. Good musicially, but outfit needs some novelty.

Doris Dupont, cute youngster, comes through with a back again, but for a pick-me-up, followed by the Cappy Barra harmonica ensemble (7). Three-quarters of latter turn is limited by "I'm Back Again," but accompaniment and too much emphasis on one of the lad's vocals. It isn't until they go into "Poet and Peasant" over-

ture, which they did in Deanna Durbin's "Tid About Music" (7), that they hit their stride. More soloing and straight-mouth-organ would give turn lift.

Withers closes and works like a trou, starting with couple of pops and then going into imitations via special set of lyrics, impressions, including ZaSu Pitts, Garbo, Hepburn and other famous actresses (takes on spoiled youngster, watching his first Mickey Mouse comedy, with biz a howl. It's her high spot. Curtain has her leading Barra crew in some hoke and shagging it with one of the boys while the two teams are stepping off, too.

Biz big.

Cohen.

## APOLLO, N. Y.

Three Whirlwinds, Dot & Dash, Vivian Harris, Irene Cort, Mills Bros. (4), Buster Cromwell, Pigmeat, Jimmie Baskette, Claude Hopkins Orch. (4), Beverly White; "White New York Streets" (20th).

This stand really returns to its former status (Hurtig & Seamon burlesque) this week with Pigmeat, a Harlem through come it is never actually offensive, always managing to win his audience with his showmanship. With exception of band the Mills Bros. (4), about 35 minutes are pretty light on straight talent.

Snappy production number by the house line opens show. Then there's a Harlem through come it is never actually offensive, always managing to win his audience with his showmanship. With exception of band the Mills Bros. (4), about 35 minutes are pretty light on straight talent.

Vaude proper gets under way with Dot & Dash. Boys go through a laborious fast session. They also try to be funny, but stagger. Whirlwind gyrations at finish can hardly be construed as dancing.

Bandiest of the blackouts includes Pigmeat, Miss Harris and Baskette doing burley. Baskette's "White New York Streets" they do all but tear off the lid, a couple of the gals doing a semi strip to foot.

Another line number is sandwiched between the latter turn and the Mills Bros. Includes Buster Cromwell singing, Irene Cort's acrobatics and the Whirlwinds' Negro with passable pipes. Last was worst of numbers when caught, and he was further stymied by some poor lyrics.

Miss Cort's work is novel. She starts mildly but speedily dissipates that impression with excellent breathers, but boy twists.

Whirlwinds don't rate highly. Open in unison tap and then go into a precision, terp. Considerable skill is combined in splits, poorly executed, and toe-balancing.

The Mills Bros. is the anchor act, preceding Hopkins' cats. They lost none of their fast, well-known song abroad, with the possibility that they've added something. Forced to do seven numbers at this catching, none are big, but all superbly served. Stout here is the showman of the crew.

Hopkins' 14 pieces, including much brass, are a fast, well-known session. Beverly White, vocalist, has 'em on edge with her swing "My Bonnie," "Heart and Soul" and "What Can the Heart Do for Me." A lot of the ballading but right there with the hot songology. Band, cleverly lighted, gets in only three numbers on its own but they're enough to wind up show well. *Hurl.*

## LYRIC, INDPLS.

Indianapolis, Jan. 7. Gangbusters, Britt Wood, Rolf Holbein, Randall Sisters (3), Four Ortons; "Going Places" (WB).

House breaking up band booking with straight vaude, bill running 55 minutes. Four Ortons open; they play the house annually and are a good wire act, mixing skill with comedy. The first woman do the tricks, while other man doubles in comedy, with fourth member doing the muscle work.

Followed by the Randall Sisters, hammy but effective, with tricky arrangements of "Old Gray Bonnet," "Alexander" and "Old Apple Tree." Rolf Holbein follows with a clever novelty turn in which he uses a large drawing board, with figures becoming animated as he completes them. Britt Wood is back again, doing his regular country boy routine. He played "Case No. 1" better than any other performer. Scores solidly in next-to-closing.

Gangbusters, who close, are headlined, but fall short. Players are skilled in their dance work, but seeing their radio show operations somewhat detracts from the air rating of program, particularly since the cast holds scripts and instead of the effects are disillusioning to the audience.

Biz thin at last show Friday (6).

Kiley.

## STRAND, BROOKLYN

Ozzie Nelson Orch. with Harriet Hilliard, Rosanne Stephens, Don Cummings, Betty Lou; "Ride a Crooked Mile" (Par).

Ozzie Nelson's unit isn't exceptionally strong, but it's a smooth, pleasant setup that should do well at the boxoffice. Hour show, with only three performers besides Nelson and Miss Hilliard (Mrs. Nelson), calls for the leader to fill in many minutes with his crew. That turns out to be one of the best points in the favor of Nelson's suave m.c.'ing and wealth of informal banter between him and the outfit clicking handily.

Opening in a colorful setting, Nelson's crew puts customers in a receptive mood with several good arrangements of old pops, which call for solo breaks from band members, Rosanne Stephens follows and tees up "My Bonnie" in drab, uninspiring style. Ozzie Nelson, in such, but it's done so amateurishly it's a tipoff she'll wind up swinging it. She does, and seconds it with another "My Bonnie" on a table and the tunes okay and is well liked, but lacks professional touch.

Nelson later brings on a little blonde with a big buildup, introducing her as Betty Lou from Scranton. Dancer goes on a table and goes into a soft shoe neophytic routine. However, that leads into an acro turn that makes her opening from memory.

Don Cummings used to do rope tricks exclusively. He hasn't been east for a couple of years and has changed his turn to comedy chatter with the other girls. Cummings, Gags he uses are stale, but he does, theless goes over due to good delivery. Trick of double talking himself via a hand in front of his face, and the greater number of lines of seven men behind the lines to supply their wants. So it was with flesh on the stage.

It has been variously estimated that there are from 16,000 to 20,000 theatres in the United States and that at one time nearly 4,000 of these had live shows, the greater number in conjunction with films. The great film circuits, such as Paramount, Fox, RKO, Loew's and Warner, controlled in the neighborhood of 2,500 theatres and of these perhaps one-fifth used vaudeville and stage shows to sell their films to a restless public.

Statistics In all the presentation theatres in the land there were probably 45,000 musicians and as many stage hands serving 150,000 performers. These shows traveled all over the country and in most cases were constantly on the move, carrying with them a

## STANLEY, PITT.

Pittsburgh, Jan. 7. Dave Broudy House Orch. (16), Block & Sully, Phil Regan, Fuzzy Knight, Lathrop Bros., Virginia Lee, Miss Romona, Yarn & Grobols (7); "Artists and Models Abroad" (Par).

Looks like a good layout on paper but they're still not paying off on paper profits. Bill lacks pace and unity but chief fault seems to be that it's almost strictly vaude and the music is not so much as that commodity here these days.

Doubtful if any show at the Stanley in months has run up against a colder audience, mainly because mob act coming up to wrow proportion on swing. Block and Sully, standard comics, m.c., and try to tie things together by working with other turns and passing the ball to the best gags to accomplices. But it's no soap. Ample rehearsals needed for this sort of thing to get off properly. It sounds stilted and flat here.

Dave Broudy's house orchestra on stage starts things off with a pop and then Jesse Block, introduced via offstage mike, takes over, later bringing on Miss Sully (Mrs. Block) to prelude the intro with snatches of their patter. Variety Gambols, four men and three gals, open with some fast tumbling that's okay without coming up to wrow proportion of similar acts house has played recently. They're followed by Miss Rosamond, child prodigy on accordion, and a young man who's grown into an attractive ingenue. Femme's good on the squeezebox, punching out a couple of classics, injecting a little trick stuff and piping a chorus of "You Must Have Been a Beautiful Baby" before going into a special arrangement. She's only fair on the vocals.

It's a case of Block and Sully again and then Fuzzy Knight, back after several years in films. He possesses the same whackiness in his songs and pianoisms. Knight's chorus of "You Must Have Been a Beautiful Baby" before going into a special arrangement. She's only fair on the vocals.

## Vaude's 'Revival'

(Continued from page 39)

the training by opening up as many of the present-day theatres as can absorb the talent available and thus stop the further drying up of stage talent in this country.

There was a time when the great American public highly prized both vaudeville and stage shows, in common parlance "flesh," in theatres throughout the country. In the era of the now defunct silent pictures, flesh divided honors with the films. Silent pictures could not impress the personality of their actors upon the audiences comparable to the live actor. Flesh brought a thrill that the silent screen could not achieve. The films and flesh were then recognized to be complementary since each supplemented the other. In combination they were satisfying. Box-office proved that to be a fact.

During those halcyon days while the film industry was rapidly expanding to illimitable heights and new film lands were being sprung all over the land flesh on the stage was in high favor with audiences and theatre managers. The film industry leaned heavily upon it to help put over its pictures.

During many years flesh on the stage had created a huge army of helpers in addition to the performers. There were musicians, stage hands, stage carpenters, electricians, scenic designers, painters, artists, and builders, wardrobe women, costumers and others. For every soldier on the battle line, it is said that there is a supporting force of seven men behind the lines to supply their wants. So it was with flesh on the stage.

It has been variously estimated that there are from 16,000 to 20,000 theatres in the United States and that at one time nearly 4,000 of these had live shows, the greater number in conjunction with films. The great film circuits, such as Paramount, Fox, RKO, Loew's and Warner, controlled in the neighborhood of 2,500 theatres and of these perhaps one-fifth used vaudeville and stage shows to sell their films to a restless public.

Statistics In all the presentation theatres in the land there were probably 45,000 musicians and as many stage hands serving 150,000 performers. These shows traveled all over the country and in most cases were constantly on the move, carrying with them a

throughout. A little a.a. wouldn't hurt.

Next-to-closing brings on Phil Regan, a quick repeat for Irish terror from films, who played here only about seven months ago. With Jack Carroll at the piano, he shoots across "My Own," "Heart and Soul," "When Love Takes Over," "I'm Back Again," "Make Believe" and "Wild Irish Rose" all in the groove.

Finish has Block and Sully in their familiar specialty and they add something new and attractive in a down-memory-line sequence. Occurs during their singing of "Thanks for the Memory," when they "remember" what they went into sections from a typical vaude act 15 years ago. It's a good idea and might even be elaborated on advantageously. At the curtain, Block steps out of character and mixes with his guitar, stating: "Let's be thankful we're living in a country where people carry pistol heroes on their shoulders instead of guns." A nice touch. *Cohen.*

## SHUBERT, NEWARK

Newark, N. J., Jan. 7. Roger Pryor Orch. Ann Sothern, Nick LaRocca, The Britt Wood, Marian Belett & English Bros., Buddy Page, Vox & Walters.

Top bill at the Shubert, with standees in the lobby when caught. Roger Pryor heads the card with his versatile orchestra, which shows best when it burlesques contemporary Broadway tunes.

Dead-pan trumpeter gives Pryor a run for his money. Only complaint against Pryor is his gymnastic tricks, which are okay only to a certain extent. Nick LaRocca, with his guitar, gets his songs across well and has to endure.

Ann Sothern (Mrs. Pryor), from films, has a limited voice but clicks in a couple of songs. Pryor gives her too big a buildup, which she doesn't need; she can stand on her own.

Condos Pryor, start the show with fast steps and Marian Belett and the English Bros. contribute some rousing rough-house acrobatics that win the crowd.

Buddy Page bawls when Pryor is not on stage. Vox and Walters, standard ventriloquists, round out the program. *Dalz.*

large personnel to accomplish their smooth running. Vaudeville and stage shows invaded every city and town of any size and supported agents, managers, directors and what not. Show business reached large proportions and in its various ramifications gave employment to hundreds of thousands of people in many diverse trades.

This army of flesh on the stage, buses and ships, boarded at hotels and rooming houses, ate at the local stores. A vast amount of money thus was given circulation. This money was liquid and was poured in golden streams into thousands of localities throughout the nation. Salaries were not as high as are paid to actors of the screen today, but it is conservative to say that this army of stage flesh dispensed over \$500,000,000 throughout the land. The beneficiaries were the small banks, merchants, hotels, restaurants and department stores.

When talking pictures proved their practicability the ever-elusive public began to display unmistakable signs of a letdown in its former admiration for flesh on the stage. There were good reasons for this. The newly appearing motion pictures, large as these huge theatre performers found themselves too far distant from their audiences successfully to maintain the intimate touch to sell their personality. The microphone helped but not enough. Then the new "talkie" began to attract the both ends of the theatre, and the show talent to itself. The old headliners being taken away, the remaining talent was forced to compete with high-salaried popular stars of the screen. Audiences realized at once that 'stage talent was deteriorating. People became restive and bored with the mediocre stage shows.

Then radio broadcasting completed the destruction in taking what it needed of 'what had been left. Show business found itself between Scylla and Charybdis, the both ends of the theatre, making exorbitant demands for talent and new talent was not being trained in sufficient quantity to repair the breaches in stage shows' ramparts. Stage shows sank lower and lower in the public's critical eye. Many people made it a point to arrive at the theatre after the flesh show had in time for the film, or else left in disgust in the middle of the stage show.

Labor's Problems To complicate matters still more, the several labor unions began to make what managers considered were unreasonable demands—more stage hands, more musicians, higher pay, complicated rules for overtime, and what not. Compliance with these demands made the cost increase enormously at a time when the public and the managers of the theatres were lukewarm toward flesh and managers even were weighing in their minds the advantage to box-office receipts if stage shows were ruthlessly jettisoned. Today, remaining headlines on the stage began asking greatly increased salaries. Psychologically, it was not a propitious time to put so many obstacles on the track, for the picture industry was beginning to realize that the talking picture in itself was sufficient attraction. The remarkable popularity of the films was enough to take care of boxoffice demands and flesh was thought to be costing too much for the effects it produced.

When the theatre believed that flesh was no longer added to the boxoffice receipts, then stage shows were ruthlessly jettisoned. Today there are hardly more than 50 presentation houses in the country using flesh in conjunction with films. Instead a second feature picture takes the time vacated by flesh.

Good scripts seem difficult to find and theatres are lucky if but one of their two pictures is an attraction. The public is becoming more critical daily and will not be beguiled to sit through an inferior picture. Complaints are being heard on all sides that two features are too much. Many people sit through only one of the features, the one that especially appeals or the one the theatre has emphasized. The public appears restless for something different, but is yet inarticulate. It resembles somewhat the reaction of public opinion just before the demise of flesh and may be a harbinger of the end of the two feature shows. Managers are already worrying over their boxoffice receipts.

**Numerals in connection with bills below indicate opening days and show, whether full or split week**

Lee Vaughn  
Reynolds Orc

**Fedra Bianco Ore**  
George Clifford  
Kathleen Casale  
Bath Chailes  
Joe Wilkoff Ore  
Joe 1933 Club  
Swing King Ore  
Bubbles Shelby  
Selma Williams  
Miss Lane  
Frankie Palumbo's  
Gates & Claire  
Joe Smythe  
Selma Holman  
Frank & Marilyn  
Frank Hall  
Yvonne (5)  
Bobby Morrow Ore  
Gay Nineties  
Sid Raymond  
Living Braslow Ore  
Mildred King  
Ollie  
Chick Williams Ore  
Harris Taverna  
Bobby Lyons  
Greta LaMar  
Mildebrand's  
Charlie Neld  
Vivian Olsen  
Danny Montgomery  
Barney May  
Doe & Mour  
Joe Valentine  
Joe & Lancel  
Oscar Bach  
Lobby Lee Ore  
Lobby Lee Ore  
Howard Woods Ore  
Fred Sullivan  
Nell & Nolan  
Duvall  
Lionel Johnson  
Bill Steele  
Joe Eastolina Ore  
Hotel Philadelphia  
C Wolf Gals (6)  
Jackie Beckman  
Kathleen May  
Walton & Joanne  
Tony Harris  
Glad Reed  
Joe Frassetto Ore  
Glad & Carol  
Jack Lynch's  
Jeno Donath Ore  
Vincent Rizzo Ore  
Barney Zeeman  
Mona Reed  
Wynne Shaw  
Rex Weber  
Miss Traber  
Ann Kirwin  
Helen Heath  
Chas Smith  
Jimmy Blake  
J Lynch Gals (17)  
Lattimer Club  
(Blue Room)  
Ann Rush  
Virginia Howard  
Barbara Bradley  
Joe Rumba Ore  
Little Bathsheba  
Jack Griffin Ore  
Zorita  
Bob Carney  
Bob Carney  
Dorothy Reckless  
Jerry Marcello

**CLEVELAND**

**Alpine Village**  
Otto Thurn Ore  
Rita & Rubin  
Alpinettes  
Margaret Armer  
Herman Pirschner  
Avalon  
My Barron Ore  
Leta Russell  
Jess Abarnabell  
Bob Marchand  
Cedar Gardens  
Madeline Jackson  
Susie Brown  
Bonette Moore  
Sn'kes-Hips Pat'ren  
Duke Melvin Ore  
Chateau  
Pete Gerard Ore  
Jay Jason  
Al Gayle  
Gayle Gaylord  
Felix & James  
Eight O'Clock Club  
Bill Miller Ore  
Sammy Lipman  
Freddie's Cafe  
Tommy Emma Ore  
Cliff Winshell  
Dagmar  
Linda  
Golden Glow  
Paul Simonetti Ore  
Taylor  
Philomena Ranello  
Gourmet Club  
Louis Chas Ore  
Billy Buthe  
Bill Loehman  
Nation's Club  
Phil Hollett  
Sherie Martin  
Rose-Harris  
Maana Grill  
Gypsy Lee

**PITTSBURGH**

**Anchorage**  
Ruglia Morton Ore  
Arlington Lodge  
Joe Ravelli Ore  
Laverne Kidd  
Jack Keller  
Balconades  
Tommy Carlyn Ore  
Bill Green's  
Joanquin Gill Ore  
Claire Sig  
Johnny Duffy  
Club Pettie  
4 Chickies  
Ted Blake  
Glad Gleiser  
2 Johnsons  
Pete Evans  
Glad and Bette  
Jack Davis  
Eddie Peyton's  
Eddie Peyton's  
Eddie Peyton  
Louise Carroll Ore  
Marlene Walker  
Sherinda Walker  
George Gould  
Nora Morgan  
Rhythm Falls  
Gladie  
Pedro & Dolores  
Dorice Bradley  
Hattermette (4)  
Larry Steele  
Ozzie Dial

**Nut House**  
Joe Lee Ore  
Booby-Wooby  
Harry Noscoff  
Cher Clark  
Al Merritt  
Jim Buchanan  
Piazza Cafe  
Jimmy Peyton Ore  
Adele Curtis  
Lemmy Rita  
Burt Layton  
4 Willie Ore  
Billy Cove

**MILWAUKEE**

**Bert Phillip's**  
Pep Babier Ore  
Eli Seidel  
Billy Snack's  
Miriam Smith Ore  
Louis Streeter  
Marty Hoff  
Jean Kahaner  
Blitz Palm Garden  
Eddie South Ore  
Lionel Hanson  
Blue Moon  
D Davidson Ore  
Vivian Miller Ore  
Jay Jayson  
Gale Parker  
Howard Geier  
Bud Vidoni Ore  
Chateau Club  
Joe Cunin Ore  
Curtis Duval  
Joe McCullough  
Jay Jerome Ore  
Frying Iron Ore  
20th Century  
Frances Diva  
Major Vales  
Rhythm Brown  
Tommy Cullen Ore  
Viking Cafe  
Cliff Conrad  
Watson Sig  
Barbara Reel  
Gore O'Hara  
Joe Delmar Ore  
Village Barn  
Tania & Kiroff  
Leon Felsen  
Edna Thompson  
Joe & Mary  
Teddy Oliver Ore  
Weber's Hot Brass  
Karl & Gretchen  
Bavarians  
Helen Heath  
Rudy Bruder  
Ray Miller  
Joe Flacco Ore  
Herbert Dexter  
Gene Clair  
Great Dagmar  
Mata Monteria  
Helen Worthington  
Sue Gardner  
Golden Co  
Jackie Moss  
Joe Flacco/mor  
Rita & Rubin  
Yacht Club  
Kitty Heimling Ore  
Ruth Cummings  
Ruth Kay  
Patricia Robinson  
Robert Ramsey

**BOSTON**

**Blue Train**  
Bert Lane Ore  
Brown Derby  
Al Waite Ore  
Ray & Wellington  
Pat Lynch  
Tom Hardy  
Joe & Betty  
Case Manana  
Morris Sacks Ore  
Pat Kelly  
The Shadow  
Southern Taverna  
Paul Burton Ore  
Don  
Nick Bonemps  
Ubangi Club  
Troy Singer Ore  
Glad Gardner  
Beale Brown  
Sonny Carr

**Rivers**  
Joe Lee Ore  
Show Boat  
Al Marale Ore  
Jackie Jenkins  
Evelyn Lee Gals  
Kay Marie Baird  
Betty Benson  
Mitchell & Rayburn  
Webster Hall  
Buzzy Kounts Ore  
Willows  
Eddie Waits Ore  
Gerry Richards

**DETROIT**

**Nebels**  
Buddy Lester  
Al Ziminy  
Freddy Miller  
Sophisticates (2)  
John Platt  
Band Box Dancers (6)  
Al Howard  
Peggy Warner  
Charlie Lash Ore  
Book-Caslin Hotel  
(Book Casino)  
Emory Deutsch Ore  
Enrica & Novello  
(Motor Hall)  
Peter Kent Ore  
Chene-Trombley  
Jimmy Gargano Ore  
Harry Miller Ore  
Shaw & Meade  
Dennis  
Jordan & Grace  
Club Frontone  
Dorothy Henry  
Amos J. Smith  
Betty Coeds (6)  
Commodore Club  
Sammy Dibert Ore  
Rosa Swann  
Ramon & Florene  
Buddy & Nech  
Downtown Casino  
Lionel Britton Ore  
Jackson & Bwell  
Banan (10)  
Cole & Phillips  
Barbarina & Poms  
Hotel Statler  
Jack Russell  
Jack Marshall Ore  
Mario & Florio  
Peggy Warner  
Conco Gals (6)  
Baron Ricco  
Jack Russell  
Andre & Frances  
Arlene Whitney  
Frank Rapp Ore  
State Gardens  
Florence Bell  
Shirley Little  
Mildred Seely  
Kathleen Kaye  
Claudia Ferns  
Open Door  
Tinner & Shellen/Ore  
Larry Powell  
Packard Ballroom  
Joe Smith Ore  
Paradise Gardens  
Anthony Gery Ore  
Rendezvous  
Katherine Kay  
Ruth Gargy  
Evelyn Sutherland  
Helen James  
Vera Reno  
Rudy Sager Ore  
Harry Rayburn  
Feg Manning  
Jana Alvin  
Sealer's  
Tony Bauer Ore  
Marie Keck  
Jennie Viola  
Dorothy Hamilton  
Roma Costello  
Schwartz  
Bob Nerlie Ore  
Les Leighton Ore  
Conco Club  
Bob Freeman  
M. Merzator Ore  
Jett Thomas  
Leonard Gay Ore

**Tax Squawks**

(Continued from page 3)

keeping pace with improved earnings in other lines of business. The picture business attempted to get the last Congressional session to raise the minimum figure at which taxes on theatre tickets start, pointing out that improved income at theatres would, in turn, be reflected throughout the film industry, and ultimately would show up in bettered tax revenues to the Government. This argument failed because Congressmen saw only the possibility of a slash in revenue from the theatre ticket source. This year the campaign is under way to strive for no taxation of film theatre tickets below 75c. The general overall argument will be that the Government should not put a ceiling on theatre admissions at 40c. And that by so doing the Federal agencies are holding back the entire picture business, thereby preventing it from participating in any general national recovery movement. More technical points to be taken up will include stressing the actual monetary benefits that would accrue to the Government should the minimum level be raised to 40c or 75c. Argument will be that higher revenues at the theatre box office, resulting from upping admissions, would mean better business for distributors and producers as well as exhibitors. This improvement would mean higher net return to the Government picture business, thereby thousands of individuals in the picture business, higher surtaxes, taxes on undistributed profits and others. Those in the trade who have studied the problem, too, are doubtful that any heavy inroad would be made into returns on theatre tickets.

**%-OF-THE-GROSS**

**Lee Shelley** Shoulders Unique Niterly Responsibility  
Lee Shelley and his orchestra are in Le Mirage, swank east side New York niterly, on a percentage-of-the-gross arrangement, similar the deal Leo Dellys had previously. It's a new wrinkle in niteries, sharing 35% of the take to the band, but instead of paying for the advertising, exploitation and providing the show. It puts the attraction in the position of creating his own draw, or else. Frank Ceruti operates Le Mirage.  
**Laurence Due Over**  
Laurence Lawrence, general manager for Metro continental territories and India, is coming to New York for a series of confabs with Arthur Loew, head of M-G foreign department. He sails from Paris, Jan. 15.

**Limit Commish to 10%**

(Continued from page 7)

tant bearing, since it is the first of its kind to arise since the NLRB certified the SWG as exclusive bargaining agent for all screen writers and directed that major companies negotiate with the SWG. Studios are accused in 45 affidavits filed with the Labor Board of coercion and intimidation by writers. Guild officers said they were surprised at the number of top rank scribes who expressed willingness to testify to overt acts. At the meeting Sunday (8), the members also nixed a proposal to publish a text book, "How to Write for Motion Pictures." Scribes also declined to take group action for an embargo on German goods, declaring it contrary to its by-laws. It was recommended that individual action be taken.

**Acad-Guild Affinity**

The Academy of Motion Picture Arts & Sciences recognizes the SWG and Screen Directors Guild and ignores the SP in its announcement of setup for the annual achievement awards in March. The SWG, SDG and Screen Actors Guild each was asked to name three representatives to a committee of 18 which will constitute the general awards committee. Invitation for the Guilds to participate and to appoint members on general committee stated: "Following the practice of last year, President Frank Capra of the Academy yesterday issued a special invitation to the Screen Actors Guild, Screen Writers Guild and to the Screen Directors Guild inviting them to appoint three representatives from each Guild to meet with three technicians, three producers and three Academy officers. This group of 18 will constitute the general committee in charge of the awards. Actors Equity is revising its rules to provide better opportunity for members of the Screen Actors Guild to appear in Little Theatre productions. Plan which will apply only to Little Theatres having working agreement with Equity, is being worked out by I. B. Kornblum, Coast head of Equity, and an SAG committee composed of Ralph Byrd, Irving Pichel, Edwin Stanley, Gloria Stuart and Porter Hall. To aid plan, eliminating the necessity of Class B members taking out a withdrawal card in order to appear in a Little Theatre cast. Rule provides class member may secure a 'permissive certificate' from Equity, unless he has an SAG withdrawal card, in which event he must obtain a work permit from Equity. All Class A members of SAG are required to join Equity in order to work in a Little Theatre. The SAG also has adopted a new rule which permits extras to transfer between jurisdictions governed by Guild branch offices, but prohibits them from working as an extra without permission of the board of directors where the books have been closed for extras. Another new rule prohibits extras from accepting a studio call and then failing to report because they had been called from another studio. **Join 4A Affiliates**  
The SAG has also amended its by-laws to require all members to join affiliates of the Associated Actors & Artists of America when they leave the picture field to engage in work in any field governed by Four A organizations. Dance group of the SAG has requested that Central Casting Corp. install a special telephone exchange to handle their calls. Aubrey Blair advised group that matter would be officially submitted to Central if the dancers appointed a committee to push the request.

**Not Discriminatory**

The Approved Plan is fair and equitable and does not discriminate unfairly in favor of any class of creditors or stockholders as is feasible. It complies with Sec. 77 and is hereby expressly approved. The offer of the Approved Plan and said acceptances are in good faith and have not been made or procured by any means or terms forbidden by the bankruptcy act. It will not be necessary to file a statement showing how many shares of stock have been purchased or transferred by those who are the Master's or Approved Plan after commencement of proceedings. Upon filing of a certificate of incorporation in Delaware substantially in form recommended by Special Master George Alger, with such changes as may be approved by the court and upon confirmation of the plan, the debtor and new corporation will be authorized by their respective charters and by state and Federal laws to take all action necessary to carry out the approved plan. Inasmuch as modifications of the Master's Plan (Alger) made by the provisions of this order will or may be materially adverse to some creditors or stockholders, who had previously accepted the Master's Plan, the trustee shall cause notice of confirmation to be published in New York newspapers. All creditors and stockholders who have heretofore accepted the Master's Plan shall be deemed to have accepted the Approved Plan unless on or before January 1, 1939, they shall cause to be filed with the clerk of the court a notice of withdrawal of such acceptances previously given. Unless pursuant to provisions of the foregoing paragraph there shall be withdrawals of acceptances to an extent preventing confirmation of the Approved Plan, the trustee shall be confirmed without further notice as soon as practicable after the time for such withdrawals has expired. Federal Judge William Bondy signed an order Monday (9) to the effect that all consents to the reorganization plan previously filed, will be allowed to stand as is without necessity of those entitled to vote on the plan having to produce actual certificates of stock or bonds, proving ownership. Bondy's action resulted from his desire to eliminate delays in confirmation from small legal technicalities.

the actors had been granted a 48-hour week. The American Guild of Musical Artists has lifted its ban on appearance of Ruth Miller Charnes at the annual orchestra dinner of the Southern California Symphony Association here tomorrow (11). AGMA leaders said negotiations have been started to iron out break between two groups which started over the use of Non-Guilders by the association. The SAG during the past five weeks recovered \$18,208.65 for members in salaries and adjusted compensation. The SAG handled a total of 1,462 claims, ranging from \$125 to \$271.50. Tri-Art Film Productions and United Players Productions, Inc., have signed 1938 Modification Agreement with the SAG.

**RKO Order**

(Continued from page 5)

Judge Bondy's recent order eliminating necessity for physical presentation by actual holders of claims or securities. First batch was from J. W. Seligman & Co. on the 10-year 6% Gold Debentures in the amount of \$5,671,800. Some \$481,000 of the Gold Notes also were on the 6% Unsecured Notes, Irving Trust filed a total of \$1,288,000 on behalf of The American Co. (\$625,000); Time, Inc. (\$598,000), and Roy E. Larsen (\$75,000). Claims of Copia Realty Co., Fabian Operating Corp. C. F. Realty Co., Inc. and First National Bank of Cincinnati, as trustee of RKO Midwest Corp. are hereby designated as claims entitled to be dealt with. **Not Discriminatory**  
The Approved Plan is fair and equitable and does not discriminate unfairly in favor of any class of creditors or stockholders as is feasible. It complies with Sec. 77 and is hereby expressly approved. The offer of the Approved Plan and said acceptances are in good faith and have not been made or procured by any means or terms forbidden by the bankruptcy act. It will not be necessary to file a statement showing how many shares of stock have been purchased or transferred by those who are the Master's or Approved Plan after commencement of proceedings. Upon filing of a certificate of incorporation in Delaware substantially in form recommended by Special Master George Alger, with such changes as may be approved by the court and upon confirmation of the plan, the debtor and new corporation will be authorized by their respective charters and by state and Federal laws to take all action necessary to carry out the approved plan. Inasmuch as modifications of the Master's Plan (Alger) made by the provisions of this order will or may be materially adverse to some creditors or stockholders, who had previously accepted the Master's Plan, the trustee shall cause notice of confirmation to be published in New York newspapers. All creditors and stockholders who have heretofore accepted the Master's Plan shall be deemed to have accepted the Approved Plan unless on or before January 1, 1939, they shall cause to be filed with the clerk of the court a notice of withdrawal of such acceptances previously given. Unless pursuant to provisions of the foregoing paragraph there shall be withdrawals of acceptances to an extent preventing confirmation of the Approved Plan, the trustee shall be confirmed without further notice as soon as practicable after the time for such withdrawals has expired. Federal Judge William Bondy signed an order Monday (9) to the effect that all consents to the reorganization plan previously filed, will be allowed to stand as is without necessity of those entitled to vote on the plan having to produce actual certificates of stock or bonds, proving ownership. Bondy's action resulted from his desire to eliminate delays in confirmation from small legal technicalities.

**Reine McKenna**

Pittsburgh gal picked by Barney Raap from series of auditions while playing at New Penn theatre, has left the band.

## Equity Letouts Less Than Expected; Accredited Pros Favored in Dismissals

Equity expected that several hundred among its 900 members in WPA's Federal Theatre Project would be dropped in the letout move ordered by Washington. Number of pink dismissal slips reported to the association by early this week totaled 72, in addition to which there were 28 people of Chorus Equity on the relief rolls who also were dropped. Total dismissals from the five arts projects is approximately 1,000.

Monday (9) there was considerable protest activity, a parade being scheduled for Friday (13), the procession to be made up of as many in the Federation of Arts Unions as possible. A mass meeting will be held tonight (Wednesday) at 11 o'clock at the Hudson theatre, it being hoped that the attendant publicity will be helpful in calling attention to the protest parade and that those dropped will be reinstated.

It was indicated that Equity and those whose professional standing was unquestioned were favored in the compiling of the pink slip lists. However, the chances of possible discrimination are not being overlooked and the association's committee has been granted hearings by FTP people in New York, so that the let-outs may be carefully considered and the retention of alleged amateurs be questioned.

### Protest Committee's Effect

Favoring of the distinctly professional people in the government theatre relief arm apparently followed instructions from the national director, Hallie Flanagan, which may be the reaction to the protest committee, which again visited Washington and was received by Mrs. Roosevelt and the new administrator, F. C. Harrington. Mrs. Flanagan sent a communication Equity stating that she and her staff had attempted to forestall the cuts and regretted the issuance of the mandatory order.

Equity's efforts to aid members who received pink slips will be somewhat classified. It was explained that cases of those members in WPA who have attempted to pay their dues will receive preferred attention, while those not in good standing will receive consideration later. Equity, in a drive to bring back WPAers, offered reinstatement at bargain rates, the privilege being to pay dues at the rate of \$1.50 per month.

Instead of isolated cutting, in some instances it is reported blocks of let-outs were decided on for several of the theatre and arts projects. One of the music units is said to have been dropped entirely, 160 people being affected. The long rehearsed 'Sing for Your Supper' was another unit where considerable slicing was ordered, something like 80 dismissals being made. Stated that few Equityites are in that revue. Most are said to belong to the Workers' Alliance, which is proceeding along similar lines in an effort to obtain reinstatement of members.

## Chi WPAers Organize Campaign Against Cuts

Chicago, Jan. 10. Federal Theatre Project employees here have started a campaign to prevent the proposed reduction in appropriations and personnel. Federal Theatre Workers organization has initiated a campaign by obtaining petitions in protest against the proposed slashing. At the same time a fund is being raised to send a delegation to Washington to make an in-person protest on the matter.

Main point being brought out in the campaign is the cultural aspect of the project and the good that the Federal Theatre has done in spreading a wider interest in theatre entertainment.

## Future of San Diego

### FTP Rests on Report

San Diego, Jan. 10. Federal Theatre Project's future in San Diego is contingent on a report by Peter O'Crotty, publicity director of the Los Angeles Project, and William Lusher, producer, who were dispatched to the border city to survey the situation.

Washington ordered the Project there disbanded, but reconsidered when natives set up a howl. Project has 35 actors on rolls.

## Shuberts Play Safe

Lee Shubert is taking out life and casualty insurance on Ole Olsen and Chic Johnson for an indeterminate term meant to cover the run of 'Hellzapoppin', current at the Winter Garden, N.Y.

Insuring of stars in Hollywood by film producers is not unusual, but is rare on Broadway. Amount of the Olsen and Johnson policies not revealed, but 'Hellzapoppin' is aimed to clean up a fortune, with the comics in for 40% of the gross.

## FTP Fair Shows Mostly to Wise Up Visiting Hicks

WPA's Federal Theatre Project has explained its plans for participation in New York's World's Fair and the Golden Gate Exposition, San Francisco. In both spots FTP will present what it classes as exhibits for the edification of visitors from the hinterland, where relief show activities have not been seen. WPA-ers state that the presentations are not to be regarded as opposition to the commercial theatre, because of the small auditoriums used and the low admission charged.

At both points it is planned to show a range of activities from marionettes to classic drama. Shows will start at 11 a. m. and continue 12 hours, each performance running around 40 minutes. Included in the schedule will be examples of scenic and costume designing, shop work, and also the product of arts projects.

Admission of 25c may be used to defray the transportation of players and possibly the cost of lunches. Exhibits and performances will be held in government buildings, capacity in Frisco being 400, while New York's spot will accommodate 220 at one time.

## Current Road Shows

(Week of Jan. 10)

'Amphitryon'-'Sea Gull' (Lunt and Fontanne), Erlanger, Chicago.

'Angela Is 22' (Sinclair Lewis), English, Indianapolis (9-11); Davidson, Milwaukee (12-14).

'Golden Boy' (Phillips Holmes-Jean Muir), Cox, Cincinnati.

'Td Rather Be Right' (George M. Cohan), Shrine Aude, Des Moines (8); Lyceum, Minneapolis (9-12); Aude, St. Paul (13-14).

'Kiss the Boys Goodbye', Erlanger, Buffalo (12-14).

'Of Mice and Men', Chestnut St., Philadelphia.

'Our Town', Cass, Detroit.

'Pins and Needles', Lyric, Bridgeport (9-11); Bushnell Aude, Hartford (12-14).

'Set to Music' (Beatrice Lillie), National, Washington.

'Sins and Substance' (Sir Cedric Hardwicke), Selwyn, Chicago.

'Susan and God' (Gertrude Lawrence), American, St. Louis.

'Stars in Your Eyes' (Jimmy Durante-Ethel Merman), Shubert, New Haven (13-14).

'The Women', Forrest, Philadelphia.

'Tobacco Road', Fairbank, Springfield, O. (9); Palace, Marion, O. (10); Morgantown, O. (11); Oil City, Pa. (12); New Castle, Pa. (13); Shea's, Erie, Pa. (14).

'Victoria Regina' (Helen Hayes), Shubert, Boston.

'What a Life', Locust St., Philadelphia.

'Whiteoaks' (Ethel Barrymore), Shrine Aude, Des Moines (9); Aude, Sioux City (10); Technical H., Omaha (11); Munny Aude, Kansas City (12-14).

'San Carlo Opera Co.', White Fresno (15); War Memorial Opera House, San Francisco (Jan. 16-Feb. 1).

'White Cargo', Shubert, Brooklyn.

## Keith's WPA 'Hamlet'

Chicago, Jan. 10. Ian Keith, starring here in 'The Copperhead' for the Federal Theatre Project, will follow up the current show with 'Hamlet,' according to present plans by FTP chief Harry Minton.

Shakespearean piece, the first on the local FTP schedule, is figured to go into rehearsal in about three weeks and open late in February.

## PLAYERS SHARE IN 'BACHELOR' ROAD COIN

'Bachelor Born,' English comedy which closed on Broadway last week, is going on tour with several cast replacements and a changed salary set-up. New contracts issued the players are unusual. Each will receive \$75 weekly, plus a percentage, which will vary it and when the show grosses more than \$5,000 weekly. While the basic pay is the same, the sharing varies among the principals, according to their regular salaries and the level of the gross.

'Bachelor' played half a dozen theatres in New York during an engagement that nearly reached the year mark. For most of that period, there was a similar sharing plan, but the basic pay was lower, running from \$50 to \$60 per week. Same idea has been used for 'What a Life,' which moved from the Biltmore to the Mansfield.

## 6 Shows Scram

Six attractions dropped out of Broadway's list Saturday (7), most of them having been in recent entry. 'American Landscape' closed at the Cort after a stay of slightly over five weeks. It failed to rally after a mild press.

### AMERICAN LANDSCAPE

Opened Dec. 3, '38. Majority didn't give this a chance. Anderson (Journal) said 'it falls sadly short of its noble aim and honorable intentions.' Lockridge (Sun) called it 'beautiful and deeply moving.' Atkinson (Times): 'An unwieldy pronouncement.' VARIETY (Idee): 'Doubtful of acceptance.'

'Everywhere I Roam' was withdrawn from the National after playing one and one-half weeks to mild business. Show drew mixed notices.

### EVERYWHERE I ROAM

Opened Dec. 29, '38. Reviewers were mostly negative. Atkinson (Times) said it was 'cluttered and truncated drama with a magnificent first act.' Coleman (Mirror): 'Insufficient.'

'Don't Throw Glass Houses' slipped out of the Cort where it played slightly less than two weeks. It was one of the holiday premieres which disappointed.

### DON'T THROW GLASS HOUSES

Opened Dec. 27, '38. Most of the critic pronounced it n.g.

Among the holiday debuts which dropped out previously were 'Bright Rebel,' Lyceum; 'Michael Drops In,' Golden; and 'Winnetka Shopping Longacre.' In addition, 'Sing Out the News' closed at the Music Box after playing 13 weeks, and 'Bachelor Born' exited from the Broadhurst, one of half a dozen spots it played during an engagement of 49 weeks. Another leaving last Saturday was 'Blossom Time,' brought into the 46th Street for the holiday period.

## Byrne, Ill, Quits 'Birds'

Jack Byrne, who was set for the lead in 'Birds of a Feather,' which George Abbott put into rehearsal this week, is confined to a New York hospital with a throat ailment and has had to give up the part. His successor has not been selected.

Until his illness, Byrne was in 'What a Life,' Biltmore, N. Y. Robert Foulk replaced him temporarily, but Frederic Clark has since taken the part permanently.

## Glorifying the Historical

This past year was notable for the unprecedented number of historical and current figures portrayed on the Broadway stage in various shows. Included in the list are the following: Shelley and the Godwin family in 'I Am My Youth.' Catherine the Great, Peter, Empress Elizabeth and Potemkin in 'Empress of Destiny.'

President Roosevelt, the Cabinet and Supreme Court in 'Td Rather Be Right.'

Hittler, Mussolini, Stalin and Chamberlain in 'Pins and Needles.'

Mayor La Guardia, Harpo Marx, Norma Shearer, Louis B. Mayer and Robert Morley in 'Sing Out the News.'

Queen Victoria, Prince Albert, Edward VII, George V, Duke of Windsor, Queen Alexandra, Queen Mary and Disraeli in 'Victoria Regina.'

Queen Victoria, Edward VII, Duke of Windsor, Oscar Wilde, George Ennard Shaw, James Whistler, Sir W. S. Gilbert, Sir Arthur Sullivan and Richard D'Oyly Carte in 'Knights of Song.'

Jesse James and Frank James in 'Missouri Legend.'

Shakespeare, Maude Adams, Helen Hayes, Alfred Lunt, George M. Cohan, Weber and Fields, Irene and Vernon Castle, Edith Day, Ernest Truex, Dudley Digges and Libby Holman in 'The Fabulous Invalid.'

Oscar Wilde, Frank Harris and Lord Alfred Douglas in 'Oscar Wilde.'

Lincoln, Mary Todd, Anne Rutledge, William Herndon, Stephen A. Douglas and Tadd Lincoln in 'Abe Lincoln in Illinois.'

Lincoln and Anne Rutledge in 'Prologue to Glory.'

Peter Stuyvesant and Washington Irving in 'Knickerbocker Holiday.'

Marie Antoinette, Emperor Joseph II of Austria, the Dauphin, Princess Marie-Therese and Mirabeau in 'Madame Capet.'

Danton and Robespierre in 'Danton's Death.'

Elsa Jumel and Louis XVIII in 'Great Lady.'

Moll Flanders and Harriett Beecher Stowe in 'American Landscape.'

## Sam Nirdlinger Left Estate of \$2,748,070

Philadelphia, Jan. 10. Samuel F. Nirdlinger, legit theatre operator who died in 1918, left an estate of \$2,748,070, an accounting in Pennsy Orphans' Court revealed last week.

Nirdlinger operated the Broad, Nixon's Grand and Nixon's theatres here. He left the estate in trust to pay 29% of the income to his son, the late Fred G. Nixon-Nirdlinger, whose former wife, Mrs. Theresa Burke Nirdlinger, also receives 29%. Most of the remainder goes to Samuel F. E. and John F. Z. Nirdlinger, grandsons.

## White's Frisco Fair Dicker, Prior to His New 'Scandals' in N.Y.

Hollywood, Jan. 10. George White is on a deal with 'Frisco interests to lease either the Tivoli or Casino there for revamp into a theatre-restaurant and presentation of a 'Scandals' revue during the 'Frisco fair.

If the deal goes through White will try out the material in S. F. which he has for his new 'Scandals,' being readied for the New York show. White would keep the Coast show in operation for duration of the San Francisco fair but duck east in April or May to resume production of the 'Scandals' on Broadway.

### Shuberts' S. F. Show

San Francisco, Jan. 10. Hottest news to come out of the Golden Gate International Exposition on the show end of things came last week, when manager Harris D. Connick signed a contract with J. J. Shubert for a girl show for Treasure Island following Shubert's arrival here from Honolulu.

Shubert deal gives the expo its first really big girlie show. Starting May 15, or possibly June 1, Shuberts will produce a show to run 10 weeks at the fair. Employing a cast of 100 people, the show will be the biggest to visit San Francisco since 1914. The production will have some names in the cast and will be presented three or four times daily in the California auditorium, which has a seating capacity of 3,500. Shubert said show will tour following its engagement here, ending up in New York.

Connick said that the Shubert show would be the first of a series of big productions to be staged at the fair. It is rumored that negotiations are in the final stage for a night club, which Eddie Cantor will sponsor, and a Mae West show. Sally Rand has been signed to stage the 'Nude Ranch' on the Gayway of the expo, but it is understood that she will not appear as a performer, just as manager.

## 'ROAD,' IN SIXTH YEAR, LOOKS TO EXPO BIZ

'Tobacco Road,' at the Forrest, New York, is advertising tickets will be available for performances during New York's World's Fair period. Drama, which recently completed its fifth consecutive year on Broadway, is second in length of run to 'Abe's Irish Rose.' Latter, with a six-year run, a Broadway record, played 2,532 times.

Management of 'Road' is not claiming it will establish a new run mark but last summer predicted the show would still be on the boards when the Fair opened. There is one road show of 'Road,' last season there were two, 'Abe' once toured six companies concurrently.

Recently, the 'Road' on tour played Cincinnati for the sixth time, repeating there after playing the stand two weeks previously. It played the first half last week in Columbus, its fifth date there.

Sam H. Grisman operated the drama until this fall, when management was turned over to Jack Kirkland and Harry Oshrin, who share in the ownership. Kirkland adapted the play from the novel of the same name by Erskine Caldwell.

## Mike Todd to Also Swing Tan 'Mikado'

Mike Todd has entered the streamlined colored 'Mikado' sweepstakes and will do his swing version of Gilbert and Sullivan coincidentally with the proposed Alfred de Liagre, Jr., version. Latter has the Chicago WPA show for Broadway.

Todd plans opening in Detroit and touring the west ahead of N. Y. and has Fletcher Henderson to conduct and arrange the score. Clarence Muse and Bob Parrish are set for the Todd version. It's called the 'Hot Mikado.' Meantime the orthodox D'Oyly Carte company has opened at the Beck, N. Y.

## Sherwood Sails in April

### To Set D.G. London Office

Robert E. Sherwood, author of 'Abe Lincoln in Illinois,' Plymouth, N. Y., plans to sail for England late in April, to be gone a month or so. Main purpose of the trip will be to set up a London office for the Dramatists Guild of which he's president.

Sherwood, currently occupied with other members of the Playwrights' Co. in casting S. N. Behrman's 'No Time for Comedy,' says he is doing no writing on his own and has no plans for his next play. There have been a number of tentative offers for the film rights to 'Abe,' but no specific bids.

# NO B'WAY-H'WOOD TROTH

## Tribute and Guarantee

Copy of an unusual nature appeared in the amusement pages of New York dailies last week, extra space being used in the exploitation of two new plays, 'Mamba's Daughters,' 'Empire,' and 'Everywhere I Roam.' 'Nation' did not help 'Roam,' however, which closed suddenly on Saturday (7). Special copy agent 'Mamba's Daughters' ran only in the Times on Friday (6), being paid for and signed by a group of first-nighters and professionals. Insertion was made without the knowledge of Guthrie McClintic, who produced 'Daughters' and who had previously spent \$2,000 in extra space to display quotes from the notices.

The ad read: 'We, the undersigned, feel that Ethel Waters' superb performance in 'Mamba's Daughters' at the Empire theatre is a profound emotional experience which any playgoer would be the poorer for missing. It seems indeed to be such a magnificent example of great acting, simple, deeply felt, moving on a plane of complete reality, that we are glad to pay for the privilege of saying so.' Attached were the names: Judith Anderson, Tallulah Bankhead, Norman Bel Geddes, Cass Canfield, John Emery, Morris L. Ernst, John Farrar, Dorothy Gish, Jules Glanzer, Helen Hall, Oscar Hammerstein, Paul Kellogg, Edwin Knopf, Ben H. Lehman, Fania Marinoff, Althea MacMahon, Burgess Meredith, Stanley Reinhardt and Carl Van Vechten.

It is understood that the idea was fostered by Van Vechten, a familiar figure around Harlem, who has written much about colored characters in the metropolis. Play drew a fair press, with Miss Waters' performance highly lauded by some critics. The group, however, apparently did not agree with the Times' reviewer, Brooks Atkinson, who was not fully in accord over the colored star's characterization.

Ernst is an attorney, well known in professional circles. He said his reason for subscribing to the ad was in support of his theory about theatre coverage which was espoused in a book he wrote some time ago. He explained that while the New York critics are as able a set of reviewers as could be found, their notices serve as a sort of bottle neck, with the result that the drama does not receive the attention nor the wide latitude of opinion it deserves. Ernst is a member of a playgoers' committee of perhaps 200 who would pass on the merit of legit presentations.

The ad on 'Roam' was inserted by Marc Connelly and Bela Blau, its producers, copy being to the effect that many persons believe the play to be 'exceedingly beautiful.' They offered to refund the money for tickets to anyone who did not think so, 'to find out if our own enthusiasm is idiotic.' No applicants appeared at the box office, although one playgoer, who purchased two 50c tickets, inquired if the offer was on the level. Play was withdrawn Saturday (7) after 12 performances to mild business.

A third insertion of out of the ordinary ad copy, and the largest of the three, appeared in Monday's (9) papers, when Eddie Dowling ran excerpts of the notices on 'Here Come the Clowns,' in which he is appearing at the Booth. Copy included an announcement of the play's withdrawal Jan. 21, at which time it will have played seven weeks. It was hoped the controversy over 'Clowns' would develop attendance, but there was no material improvement. Actor-manager says it has been a 'glorious experience' to appear in the play, but that because of booking contracts 'it just must be last two weeks.'

## FTP's Asst. Nat'l Director Mollifies Equity on Of Debbil Commercialism

Equity, which with other stage unions viewed with considerable concern the activities of WPA's proposed tie-ups with commercial showmen for the Federal Theatre Project, seemed to have been entirely mollified by J. Howard Miller, who appeared before council last week and presented a detailed statement of the relief theatre's aims in that direction. The Equityites were so impressed by the address of Miller, who insisted that the Federal Theatre Project was not a WPA's theatre project, that they accorded him a vote of thanks.

Miller declared there have been no deals entered into with commercial showmen due to the fact that they have refused to guarantee WPA attractions against losses and the provision for such funding in the FTP set-up. He explained that if FTP sends a show on tour, requiring a gross of \$6,000, and the boxoffice amounted to but \$4,000, the red could not be secured from regular WPA monies, unless there was some type of sinking fund.

Case in point is that of 'The Prologue to Glory,' quite successful from a WPA viewpoint at the Elliott, N. Y., last season. Outfit was sent to Chicago with money set aside during the New York engagement. The show engagement was a flop and the show was shifted to Philadelphia, there being enough coin on hand. It was the first time known that money secured through admissions could be used by the project in addition to the amounts regularly allotted. Previously, such money was supposed to be paid to the treasury, but apparently only the ticket tax is returnable to the government.

Another interesting angle to Miller's statement was his estimate that the FTP and Arts projects constitute but 4/5 of 1% of the entire WPA program. It was believed to be much higher. Mention of the relatively small outlay for the relief

theatre and allied arts came when mention of the cutting down of the complement was touched upon. Assistant director deplored that situation, but said nothing could be done about it at this time.

**Touring Costs High**  
It was declared that the cost of traveling WPA attractions was a factor that caused commercial managers to shy away from such participation. Most shows in the FTP have large casts and therefore transportation costs are much higher than ordinarily. Pointed out, however, that the pay of those in touring FTP attractions approximated or topped Equity's minimums, since \$3 per day subsistence goes to each player in addition to no security wage.

Miller defended the WPA in leasing theatres and thereby saving them from deterioration, if not razing in favor of parking lots, if the houses are not taken over for pictures. He added that theatres under WPA direction, though not of the playability condition, but are available for commercial show bookings. That especially applies to out of town spots, where at least two weeks out of each month can be used by road shows.

Cited was Erlanger's Atlanta, now being operated by WPA. House was involved financially and was falling into disuse, but has been used by road shows since the relief outfit took the house over. Similar policy will be used for the St. Charles, New Orleans, which is being leased by WPA.

Completing his argument that the FTP should not be regarded as competition to commercial attractions, Miller further pointed out that the low admission scales used should remove such shows from that category. Part of the statement was in reply to a complaint against WPA taking over a San Francisco legit. Miller claiming that road shows along the west coast are a rarity.

## LEGIT, HOWEVER, APPEARS HEALTHY

**Season Ahead of '37-'38 in Total Productions, Number of Playing Weeks and Aggregate Gross, About Equal in Hits—53 Shows Thus Far Against 50 in '37-'38**

### DIFFER ON OPTIONS

Despite official prediction that an agreement might be expected within a month, settlement of the Broadway-Hollywood breach appears little nearer than it did two months ago. Meanwhile, certain elements in the Dramatists Guild are again questioning the desirability of a return of film coin to legit production.

Those minimizing the benefit of picture financing point to figures on the current Broadway season as compared to previous ones. Contrary to reports of the 1938-'39 season thus far is ahead of the previous season in total productions, number of playing weeks and total gross, while it is almost on a par in number of hits. Repeated statements from various sources have been to the effect that the current season is running sadly behind last season's figures.

Although Sidney Fleischer, Dramatists Guild arbiter of film sales, has been conferring for more than two months with Jake Wilk, of Warner Bros., and J. Robert Rubin, of Metro, regarding a tentative agreement for submission to the Guild council, the League of New York Theatres and the various film companies, no such pact has been drawn up. However, it is explained that failure to reach an agreement is not necessarily the result of difference of opinion. Rather, it has been prevented from participating in many of the huddles because of illness and the fact that he was involved in the recent hearings of a stockholders' suit against Loew's.

Dramatists Guild council will meet tomorrow (Thursday), but it is unlikely that a draft of the proposed agreement will be ready for submission. Instead, the council is expected to deal with routine matters, one of which may be the appointment of a committee to act for the Guild in handling the proposed summer drama festival in the \$1,000,000 theatrical center to be erected at Dartmouth College.

On the other hand, one issue has been raised by the film companies which may short-circuit the entire proposed Guild-Hollywood agreement. Point concerns the matter of involving the guaranteed purchase of the proposed agreement a film company backing a legit production would guarantee purchase of such a play or would merely have an option. Film companies would naturally favor the option idea, but certain Guild members are reported strong for the guaranteed purchase.

Otherwise, both the Hollywood end and the Guild are inclined to agree in general on a plan whereby picture companies could back legit production, with the purchase price determined by total gross and (Continued on page 52)

## League to Grill 10 Bookers, 14 Treasurers on Code Violations; Central Ticket Office Up Again

### News' 'Abe' Sequel

Capt. Patterson, the N. Y. Daily News' editor-publisher and ardent show biz fan, put in a 'Call for Dr. Sherwood,' as he briefly captioned yesterday's (Tuesday) editorial:

Your play, 'Abe Lincoln in Illinois,' is the best Lincoln play we've seen and we call for a sequel, to be entitled 'Mr. Lincoln in Washington.' Many interesting things happened in that part of Lincoln's career, too.

## EQUITY AGAIN NIXES CASTING ADJUNCT

Equity has definitely nixed the idea of establishing a casting agency, a proposal which has cropped up now and then for 20 years. The matter came up at last week's council session and was voted down after little discussion. Chances of internal dissension if such activity were entered into by the association is the same objection that led the council to void the plan seriously.

Stated that Equity would face the issue of cancelling permits to casters, should it go into the agency field. There appears to be little desire to make such a move, regardless of the fact that agents have been under Equity fire recently. Understood that the association would not face legal action should the matter of cancelling the permits arise, provision being stipulated in the rules, whereby recipients concede Equity's right to withdraw such privileges.

## 'Blackbirds' Still Trying To Make B'way Flight; Kramers' Wings Clipped

'Blackbirds' is still billed on the boards at the 44th Street, N. Y., while Lew Leslie continues to seek a fresh bailiwick in the hope that the colored revue will eventually light up. Nate Kramer and others of his family connected with the Edison hotel, N. Y., who bowed out as backers, are said to have invested \$35,000 in the show. One item was for costumes, which cost \$15,000. Understood that if 'Blackbirds' is presented, the Kramer's will hold a percentage should the revue click.

Kramer sent out penny postcards expressing the season's greetings around the holidays. In explanation there was a P.S., which read: 'Blackbirds' got us.'

After a reputedly hectic session of the League of New York Theatres board last week, it was decided to interrogate boxoffice and agency people who are said to have evaded the code regulations. Stated that letters were sent to 10 brokers and 14 treasurers, ordering them to appear at the League's offices Thursday (12). Possibility of some of the agencies involved being dropped none the less was a list was mentioned by a League official.

During the board's last session, Lee Shubert was told that the handling of tickets for 'Hellzapoppin,' Winter Garden, N. Y., was not in accordance with the code. Manager was told that according to the tally sheets submitted for the show, it was indicated that less than 25% of the tickets were being retained at the boxoffice.

Shubert sought to explain that because of the volume of mail orders it was his opinion that the right percentage, if not more, was being sold directly to the public. However, he thereupon gave instructions to the Garden b.o. staff to correct the allotments to the brokers, when next made. It developed that the agencies had four weeks tickets in advance, so that any change in allotments would be dated after Feb. 11. Manager's instructions also included the Imperial, where the front running 'Leave It to Me' is playing.

**Central Ticket Office?**  
Ways and means to make the code more effective are being considered and a special committee meeting may be called for that purpose. There is talk of a plan to establish a central ticket office, same idea having been proposed from time to time for years and once unsuccessfully established. How tickets are reaching the hands of persons who refuse to sign the code has not been satisfactorily explained, that being one reason for calling in the boxoffice and agency men.

Last Thursday (5), Justice Louis A. Valente conducted a hearing in N. Y. supreme court on a motion for a permanent injunction sought by the Acme agency, which has been operating outside the code, on the grounds that it is in restraint of trade. League, Equity and a number of managers are named as co-defendants in the suit. The hearing is to file briefs Monday (9) after which a decision would be handed down. When a temporary stay was issued by the retiring Justice Black, counsel for the League objected on the grounds that the managers are attempting to prevent high prices. Court is reported to have told the managers were no better than the brokers. Brokers outside the code defend their position by stating that the public can buy tickets direct at the boxoffice if willing to purchase far enough in advance, but that persons who demand good locations close to the day of performance should not object to additional charges.

## Lindsay Out of 'Kiss' After Holdup Slugging

Lex Lindsay, who plays the part of a newspaper cameraman in 'Kiss the Boys Goodbye,' Miller, N. Y., was held up and slugged on 44th street, near Sixth avenue, last week, being forced out of the show. He had left his hotel nearby sometime after 1 a.m. to secure sandwiches and was forced into a doorway by two thugs.

Lindsay appears in the third act of the play, action calling for him to be beaten and stowed away in a cupboard.

Charles Holden, of the Chicago 'Kiss' company, replaced for several performances, Paul Frawley, the stage manager, taking over until Lindsay recovers. It was the fourth similar slugging recently reported on the block.

## B'way Legit Production So Far

(Figured on 31 weeks from June 1)

	1937-'38	1938-'39
Number of new productions.....	50	53
" " " straight plays .....	38	40
" " " musicals .....	7	9
" " " revivals .....	5	4
" " " hits .....	10	8
" " " shows in doubt .....	3	6
" " " current this week .....	27	22

(\* Includes six holdover productions last season, three this season.)  
Total grosses of all shows ..\$5,451,100 ..\$5,633,400  
" playing weeks ..476 ..505

(Figured on total number of weeks played by all shows, including holdovers.)

## Play Out of Town

## Shakespeare's Merch

gering along now, with house currently dark for second straight week. Relights Monday (16) with 'Susar and God,' returns of 'Victoria Regina' and 'Road' following successively. So far Nixon has played only 11 weeks, and very doubtful of reaching 20, which will give it one of worst seasons in several years.

The Wallaces are an unmar-  
family indeed, yet not without their  
odd clannishness and affectionate  
family life. When Emma Wallace  
(well trouped by Betty Garde) packs  
her overnight bag for an excursion  
into town with her young son,  
she knows they're usually Corn-  
nell, Dartmouth or Texas A. & M.  
men: her own shiftless husband is  
Harvard '19) it's not for revenue  
only. There's an aura of maternal  
affection about it all, as she brings  
back gifts for her brood in the  
shanty, nearby Buffalo — a wrist-  
watch for the adolescent son —  
fume and scarves for the grand-  
children — and a dress for the  
three-year-old, all for the three-

Miss Janis' 'next-to-closing' contribution, of course, proved the highlight of the evening, she imitating a flock of stage personalities including George M. Cohan, Sascha Guitry, John Barrymore, his sister Ethel, Will Rogers—which gave her the chance to toy with lariats—and Fannie Brice. There was a kid, Bill Walker, who emulated Rogers with the ropes earlier in the routine. Star had several numbers in French, one of which cued her into an impres-

gering along now, with house currently dark for second straight week. Relights Monday (16) with 'Susan and God,' returns of 'Victoria Regina' and 'Road' following successively. So far Nixon has played only 11 weeks, and very doubtful of reaching 20, which will give it one of worst seasons in several years.

# Chi Sags After Holidays; 'Shadow,' \$8,000, 'Boy,' \$6,500, Both Mild

Chicago, Jan. 10. With the holiday season out of the way the legit houses are settling down to normal pace. Absence of the holiday hype dropped two shows into the four-figure bracket, and influenced one show to chop its scheduled four-week stay to three.

"Golden Boy" wound up its repeat showing in town Saturday (7) after a mediocre fortnight; second company showing failing to recapture the fire that greeted the play's initial showing here early in the season. Grand goes dark until Jan. 24, when Cornelia Otis Skinner arrives with her revival impression of "Candida." Opening here on Jan. 24 (23) will be "Our Town," which comes into the Selwyn replacing "Shadow and Substance," the show which is calling it quits after three weeks instead of the originally planned four-weeker. "Shadow" failed to snatch attention here despite plenty of newspaper comment and boosting. Got good initial week on holiday boom but the gross shot downward last week, and the show will scam the loop Saturday (18).

Lunt and Fontanne finished their "Amphitryon 38" last week, after corralling four smash sessions and last night (Monday) began a fortnight of "Sea Gull," which also figures for coin on the star monikers. New entry for next week is "Kiss the Boys Goodbye," which comes into the Harris Sunday (15). "Bachelor Born" is due in town Feb. 5 at the Grand, following "Candida."

**Estimate for Last Week**  
"Amphitryon 38," Erlanger (1,400; \$2.75). Wound up four weeks of great trade, taking down excellent \$18,000 for final week. Last night (Monday) for a fortnight and will also garner practically capacity houses on the Lunt and Fontanne labels.

"Golden Boy," Grand (1,300; \$2.20). Low-priced show failed to catch on for repeat stay in the burg; scrambled Saturday (7) on a \$4,500 deal. Show failed to catch on as impressively as previous stay of "Golden Boy," which was superbly exploited and publicized.

"Shadow and Substance," Selwyn (3d final week) (1,000; \$2.75). Dived quickly when holiday prop was kicked out from under. Despite terrific newspaper coaxing, public failed to rally to show, and show sagged to meek \$4,000 in second session. Will go on its way after third week, cutting its originally planned four-week Chi schedule.

**WPA**  
"The Copperhead," Blackstone. Ian Keith in the title role giving this show a prestige few Federal Theatre Project shows have possessed, and on Keith's attraction Civil War piece is garnering plenty of attention.

"The Mikado," Great Northern. Now in its 10th week and then, colored swing version of "The Mikado" and Sullivan comic opera is playing to absolute sell-out trade at \$1.10 top, which means around \$5,000 weekly gross.

## LETTY' HEFTY \$11,000 IN SECOND WEEK, L.A.

Hollywood, Jan. 10. Unexpectedly bright shown by "Leaning on Letty," Harry Charles Greenwood, at El Capitan theatre, has resulted in comedy being held for third week. Was to have folded (7), but the show's legs through (14), before resuming tour.

**Estimate for Last Week**  
"Leaning on Letty," El Capitan. (C-1,250; \$1.85) (2d wk). Drew big \$11,000 on second week. Gross included two New Year's Eve shows, with engagement extended for another six nights.

**WPA**  
"Run, Little Children," Mayan. In 26th week.

"Two a Day," Hollywood Playhouse. Nearing fourth month.

"Volpone," Belasco.

## Hayes Record \$20,000

### Despite Mont'l Blizzard

Montreal, Jan. 10. Bigger than any gross yet at His Majesty's, Montreal's only legit house, since the D'Oyly Carte Opera Co. played here in the spring of 1935, Helen Hayes in "Victoria Regina" took a take of \$20,000 for six nights and two mats at a top of \$3.38. This, despite zero weather for four days and one day of icy roads and blizzard, when fans refused to turn out.

**Estimate for Last Week**  
His Majesty's (CT) (1,600; \$1.13-\$3.38). "Victoria Regina." House sold out in advance for six nights, which was lucky, in view of weather. Fell off badly Thursday (5), but packed houses balance of week; \$20,000 gross, record for four years.

## 'Town,' \$6,200; 'Angela,' \$4,500, in Cincy Split

Cincinnati, Jan. 10. Cox has "Golden Boy" this week at \$2.75 top. It will be idle next week and relight Jan. 23 for a week of Ethel Barrymore in "Whiteoaks."

Burg had a legit feast last week, when Frank Craven, in "Our Town," played the first half and was followed by the new "Angela Is Twenty-two," with its author, Sinclair Lewis, in the leading role. Audiences at Saturday (7) matinee and night performance also saw and heard from Philip Merivale, who hopped in from New York preparatory to assuming the lead, war correspondent, in "The Great Dictator," the role of commentator. Merivale flew back to N. Y. Sunday (8) and will rejoin the troupe this week in Indianapolis for a fortnight of rehearsing.

Well received here, "Angela" is to return for three days in February.

**Estimates for Last Week**  
"Our Town," Cox (1,350; \$2.75). First half, four performances; dandy \$6,200.

"Angela Is Twenty-two," last half \$2.75 top, four performances. Okay \$4,500. Got favorable notices and front-page news breaks on closing day, while Philip Merivale came on with repeat of replacing Sinclair Lewis in lead.

## Rerouting 'Right' Into New England; \$42,000 Last Wk.

Bookings for the tour of T'd Rather Be Right' are being re-routed and the road clean-up traction this season will be worked eastward, with New England stands played, possibly including Boston for repeat of Premier in the latter stand last season provoked unprecedented publicity.

Originally, "Right" was slated to play central southern time, particularly Texas, but since George M. Cohan, did not care to go through the rigors of that type of touring. However, he played three weeks in Minneapolis. Sunday (8) the show played Des Moines, establishing a record take of \$9,641. Date at the Auditorium was arranged to break the jump between Tulsa and Minneapolis, where "Right" is splitting the week with St. Paul. One of the matinees was scratched to eliminate a nine-performance schedule.

**K. C. Record**  
Kansas City, Jan. 10.

Four performances in three days last week by George M. Cohan in "T'd Rather Be Right" in the 2,573-seat Music Hall of the city auditorium rang up a new high gross far in advance of anything garnered in a similar period since opening here the auditorium. Figure of \$22,000 exceeded by \$9,000 nearest gross in the Music Hall, that of "You Can't Take It With You" in four shows in January, 1938.

"Right" was first of four attractions set in Music Hall for January, making heaviest leg line in single month since opening of the Hall. Ethel Barrymore in "Whiteoaks," Sinclair Lewis in "Angela Is Twenty-Two" and Lunt and Fontanne in "Tide in Delight" complete the January roster.

Including a one-niter in Wichita, two performances in Oklahoma City and one show in Tulsa, "Right" amassed a grand total of \$22,000 last week, including the take here.

## 'Susan' Smash \$21,500

### In Del.'s Best Season

Detroit, Jan. 10. Legit New Year got on right foot here, with "Susan and God" clicking off smash \$21,500 in eight performances at the Cass last week. Previous stanza of "Of Mice and Men" set through the between-holidays session with only fair \$13,000, despite New Year's Eve performance at \$3.85 top.

"Susan" is 1938 Pulitzer prize play, "Our Town," which opened six-day stand at Cass Monday night (9). House is booked pretty solid through rest of season, which so far rates among the best in town.

**Estimate for Last Week**  
"Susan and God," Cass (1,500; \$2.75). Ballyhoo niter and came home with smash, \$21,500. Current is "Our Town," in for six days.

## Pola Negri Loses Suit On Unpaid Tailor Bill

Paris, Jan. 2. Pola Negri was deprived of a 300,000-franc (about \$8,000) mink coat and slapped with a court order to pay 43,805 francs (about \$1,165) owed a Paris tailor on a beaver coat if she wants the former back. In 1935 Miss Negri bought the beaver coat from the tailor but didn't pay the bill. Recently, she sent the mink coat to the same tailor to have it repaired, after sent her a note that she would have it back if she paid the 43,805 francs. She then took the case to court.

## Philly B.O. Blah; 'Women' Sad 6G, 'Life' Mild 6½G

Philadelphia, Jan. 10. Philly's legit theatres are face to face with another clade period, which comes within a month of the pre-holiday lay-off. Erlanger closed Saturday night (7) after two unimpressive weeks of "Yes, My Darling Daughter," return visitor in Philly. Forrest goes dark Saturday (14) after two very sad weeks of "The Women" (also a return), and the house has no announced booking until the D'Oyly Carte Co. in March.

"What a Life" is reported as winding up its stay also on Saturday at the Locust, but "Women" may not run may be prolonged with any kind of promising note in the biz this week. Overhead isn't much and crux and word-of-mouth have both been favorable.

Only house with any kind of consecutive booking sked is the Chestnut Street Opera house, where "Of Mice and Men" opened last night as fourth of this season's set of six ATS subscription plays. It will play the usually allotted two weeks and will be followed Jan. 23 by "The Birds Singing," John Golden try-out production with Ruth Gordon.

Last week's biz was rather painful as around "Women" and "What a Life" given the "thumbs down" sign by the crit, who weren't overly enthusiastic when the Max Gordon show opened here two years ago. Present take was looked on as unfavorable light. On the other hand, although current company of "Yes, My Darling Daughter," was generally well-regarded, this Mark Reinhardt production, got started in its return visit. Fortnight had to depend entirely on two-for-one support, management confining campaign to "Of Mice and Men" and not campaigning downtown.

Both "The White Steed," Paul Vincent Carroll's drama being tried out by Eddie Dowling at the Chestnut, and "What a Life" played the Locust, had considerable help from the theatre parties. "Steed" managed to achieve nearly \$9,000, with virtually no help from the parties.

**Estimates for Last Week**

"The White Steed" (Chestnut) (2d week) (1,750; \$2). Cast changes and revisions gave show some second-thought reviews and most of them were favorable. Show now well regarded, although still on the uncertain side. No balcony break, but downed fairly well, \$9,000, or very close to it. "Mice and Men" opened Monday (9).

"What a Life" (Locust) (2d week) (1,400; \$2). Inexpensive comedy by localite (Clifford Goldsmith) swung along mildly for \$6,500 in second week. Listed to close Saturday, but may stay a fourth with any kind of break. Nothing listed to follow.

"The Women" (Forrest) (1st week) (2,000; \$2). Return engagement generally panned. Wasn't critically well received, but "Women" did, though biz was then good. Painful trade with less than \$6,000, and show reported as closing here. No bookings for "Rough" (Lunt and Fontanne) (2d week) (1,800; \$2). Good notices and favorable word-of-mouth couldn't save this return visit. Last week's biz, despite two-for-one campaign, was down around \$5,000 and wouldn't have reached that if it hadn't been for slight spurst last three performances. Nothing in line for this indie house.

**'Abie's Rose' 3G, B'klyn**

Brooklyn, Jan. 10. Bushwick region responded nicely to Shubert's showing of "Abie's Rose." Anne Nichols' play brought b.o. \$3,000. Current attraction is "White Cargo."

Bratford reopened this week with adaptation by Hans von Twardowski of "Merchant of Venice." Play is tagged "Shakespeare's Merchant of Venice" and is a good, good press with a claim to have climbed during week; around \$8,000 in seven performances estimated.

**Estimate for Last Week**  
"Abie's Rose" (Shubert) (1,750; 25-85). Proved popular; nifty \$3,000.

## Post-Holiday Reaction Fails to Hurt B'way Hits; 'Leave Me,' 35G, 'Hellz,' \$34,000, 'Boys,' \$32,000, Still Tops

There were no hits revealed among Broadway's holiday newcomers. Probably two entrants will achieve moderate successes, but the bulk of attendance went to established standouts and a number of the Christmas hopefuls have been withdrawn.

The winter period, however, is expected to develop fresh clicks, starting with the current week. At least two productions are regarded on of town are on the way in; others are trying out, and the current list of shows in rehearsal should be produced in considerable presentations. Half a dozen or more producers with reps for hits are represented by the attractions due in early February.

Box office reaction after New Year's was naturally anticipated, but the leaders again registered hefty grosses. "Leave It to Me," \$35,000; "Hellzapoppin'," \$34,000, and "The Boys from Syracuse," over \$32,000, are the musical big three which were unaffected. "Abe Lincoln," with \$23,000; "Kiss the Boys Goodbye," \$16,000; and "What a Life," \$15,000, topped the straight shows. All were helped by extra matinees.

"The Merchant of Venice" is indicated to be a success at the Guild, with takings of \$10,000 or better for the first full week. The other new shows indicated to stick are "Mama's Daughters," Empire, and "The Gentleman Caller," Belmont. The Primrose Path, Biltmore, seems to be in doubt, but the revival of "Outward Bound" is figured to be a coin toss to Musical Music Box. D'Oyly Carte troupe from London started with a strong advance at the Beck.

Added closings Saturday (7) were: "Everywhere I Roam," National; "American Landscape," Cort; "Don't Throw Glass Houses," Vanderbilt; and "Blossom Time," 46th Street. "Bright Rebel" was yanked on New Year's eve at the Lyceum.

Due in late next week: "The American Way," Center, it being preceded by "Set to Music," Belmont. "Where There's a Will," Golden, and One Act Repertory, Hudson.

**Estimates for Last Week**  
"Abe Lincoln in Illinois," Plymouth (13th week) (D-1,036; \$3.30). Turned in top gross among dramas again; post-holiday reaction slight and takings approximately \$23,000 in nine times (extra matinee New Year's).

"American Landscape," Cort. Taken off last Saturday after playing slightly more than five weeks; operated in the \$22,000 mark.

"Blackbirds," Failed to open. "Bright Rebel," Lyceum. Failed after seven performances; sudden closing at \$12,000.

"Boys from Syracuse," Alvin (8th week) (M-1,255; \$4.40). Drawing great money; with holiday matinee last week, takings went well over the \$32,000 mark.

"Dear Octopus," Broadhurst (1st week) (C-1,107; \$3.30). Presented by John C. Wilson; written by Dodie Smith; well regarded in Boston; opens tomorrow.

"Don't Throw Glass Houses," Vanderbilt. Taken off Saturday (7) after playing two weeks less one performance.

"Everywhere I Roam," National. Withdrawn Saturday also; played week and half.

"Gentle People," Belasco (2d week) (C-1,000; \$3.30). Drew fair press at opening last Thursday (5); better line on chances indicated this week.

"Hellzapoppin'," Winter Garden (17th week) (R-1,871; \$3.30). Leader in ticket demand running neck and neck with "Leave It to Me" in gross; \$34,000 in nine times.

Here comes "Kiss the Boys Goodbye" (6th week) (D-704; \$3.30). Last two weeks announced; some betterment in attendance, but not enough; estimating around \$5,000.

"Tide in Delight," Angel, Shubert (38th week) (M-1,377; \$4.40). While new musical leaders are now making the pace, holdover still earning good profit; strong finish last week to around \$24,000.

"Kiss the Boys Goodbye," Miller (16th week) (C-944; \$3.30). Played two extra matinees last week and took in \$16,000. Reaction to the show, some reaction after the holidays, but real coin getter.

"Knickerbocker Holiday," Barrymore (13th week) (M-1,096; \$4.40). Rated "B" last week. Last week; some performances off, but total claimed to be satisfactory.

"Leave It to Me," Imperial (10th week) (M-1,468; \$4.40). One added matinee after New Year's. Takings went around \$35,000 mark; so far the top grosser among musicals.

"Mama's Daughters," Empire (2d week) (D-1,066; \$3.30). Drew fairly good press with a claim to have climbed during week; around \$8,000 in seven performances estimated.

"Oscar Wilde," Fulton (14th week) (D-913; \$3.30). Surprising matinee

strength; one extra matinee last week—with the gross quoted around \$15,000.

"Rocket to the Moon," Windsor (8th week) (D-1,949; \$3.30). Theatre parties have been helping with moderate grosses; season opening, \$6,000 estimated; some profit for short stay show.

"Spring Meeting," Morosco (5th week) (C-961; \$3.30). Dipped last week, but of most actors in the post-holiday going; around \$5,500 last week; claimed better than ever break.

"The Merchant of Venice," Guild (3d week) (C-914; \$3.30). First full week drew \$10,000, or better, which looks okay after mixed notices; operated to profit at level.

"The White Steed," Cort (1st week) (D-1,059; \$3.30). Presented by Eddie Dowling; written by Paul Vincent Carroll; seemed to register at Philadelphia tryout; opened Tuesday (10).

"The Primrose Path," Biltmore (2d week) (C-919; \$3.30). Opened last midweek, drawing divided press; better line on chances this week.

"Tobacco Street," Ford (36th week) (D-1,107; \$1.65). Long run drama is reported having bettered even break, though business dipped; added \$5,000, estimated.

"What a Life," Belmont (39th week) (C-1,050; \$3.30). Laugh show still setting by, using sharing plan with cast; figured around \$5,000 last week.

**Revolutions**

D'Oyly Carte Opera Co., Beck (2d week) (M-1,189; \$3.30). Opened last Thursday; heavy advance, sale claimed.

"Blossom Time," 46th St. Went out Saturday after two weeks, as anticipated.

"Hamlet," St. James (13th week) (D-1,520; \$3.30). Last two weeks business eased off to around \$15,000; "Henry IV" will follow later in month.

"Outward Bound," Playhouse (4th week) (D-878; \$3.30). Looks like good thing; held its pace and quoted over \$12,800, which indicates a run.

"The Importance of Being Earnest," Vanderbilt (1st week) (C-909; \$3.30). Presented by Richard Aldrich and Henry Myers in association with Albert Tarbell; opens Thursday (12).

**Added**  
"Pins and Needles," Labor Stage (5th week) (R-500; \$2.75). Labor unionist; one week, one week, one week to profit with average takings around \$6,000; last week, but okay.

"The Girl from Wyoming," American (1st week) (C-909; \$3.30). Old type melior in cabaret style.

Ruth Draper, Little; engagement extended until Jan. 15.

Janis, Music Box; Sunday nights; "Café Lofus" ended Sundays at Vanderbilt.

"Polley Kings," Bayes; disappeared after couple of performances.

**WPA**  
"The Big Blow," Elliot.

"Androcles and the Lion," Lafayette, Harlem.

"Pinocchio," Ritz.

"Awake and Sing," Daly's (Yiddish).

## 'SET TO MUSIC' BIG

### \$31,000 IN BOSTON

Boston, Jan. 10. Helen Hayes and company returned for one week in "Victoria Regina" Monday (9), and with no opposition in town practically every performance was sold out solid in advance.

"Set to Music," new Noel Coward revue, and "Dear Octopus," Dodie Smith family comedy, left town Tuesday (7) after two-week and 10-day tryouts, respectively. Both show big promise.

Dwight Wiman's new musical, "Stars in Your Eyes," starring Ethel Merman and Jimmy Durante, arrives Jan. 17. Other favorites slated: "Of Mice and Men," Jan. 20; "O. Stranger, Stranger," Jan. 23; "Macbeth" (WPA), Jan. 31; "Susan and God," Feb. 13; "T'd Rather Be Right," Feb. 14.

**Estimates for Last Week**  
"Set to Music," Shubert (2d wk) (\$5,000; \$3.30). No hesitation in territory; set in opening week. Second stanza near-capacity to tune of \$31,000. Beatrice Lillie at her best and the show has uncovered a sure-fire comedian, new to America, Richard Harlan.

"Dear Octopus," Plymouth (2d wk) (1,480; \$2.75). Although generally rated a hit by the press, public reaction was under that par. "Our Town" was similarly treated to tune of \$31,000. Title is thought by some observers to be a handicap until the play is established as a hit. Second week good \$12,000, but not exciting.

## WPA Plays

## PINOCCHIO

Extravaganza with music. In three acts (line scenes). Adapted by Tasha Frank from the story by C. Collodi; staged by Tasha Frank; set design by Perry Weiler. Special effects by Stephen Jan Tschack; music by Eddison von Ottenfeld and Armando Leroy; choreography by Alexander Mamlet; military dance routine by Harry Miller; special musical arrangements by J. L. Bricelj. Produced by Morris Ankrum; associate producer, Matt Shelves; presented by Federal Theatre Project of the Works Progress Administration, at the Ritz, N. Y., Jan. 2, '39. 80 seats.

Cast: Allan Frank, His Cat, Bittore Maggioni, Tova Grif, Jean Harper, Phyllis Reed, Yvonne Foster, Vito Scotti, Pinocchio, Lino, Edwin Michaels, Juggler, Archibald, Tumbler, George, The Ancient Grands, Bill Swan, Puppeteers, Elizabeth Roberts, Marjorie, Gabrielle Rival, Warrior, George, Helen, Rags Doll, Helen, George, Rags Doll, Phyllis Reed, Mary Channon, Beggar Women, Anya Kubert, Bronka Stern, Blue Hired Girl, Anya Kubert, Sam Lewis, The Cat, Sam Lewis, The Fox, Jolly Coachman, Robert Williamson, Ringmaster, David Manning, The General, Mickey Kane, Pinocchio, The Mule, Mickey Kane, The Fireman, Sherman Dickson, City Child, Vito Scotti, Nurse Maid, Annie Thomas, Little Fifi, Lino, Edwin Michaels, Fried Meat, Harry Duncan, Lino, Edwin Michaels, Collins and Mary, Harry Duncan, Romeo, Harry Duncan, Juliet, Joseph Falkovich, Horse (front), Mickey Kane, Horse (rear), Pete Wilson, Ship Figurehead, Christiani, Lino, Edwin Michaels, Female Goldfish, Elizabeth Beydova, Blind Woman, Elaine Eldridge.

Although the WPA-ers are plugging this as adult entertainment, it is palpably for the moppet trade. Only on the theory that the Federal Theatre and commercial show business draw entirely different audiences can this be classed as grown-up fare. It's hardly calculated to please hard-boiled Broadway playgoers; on the other hand, the urchins lap it up with noisy relish.

Familiar childhood fable of the puppet that comes to life was premeditated by the WPA in time for the holidays and hopped off to healthy biz, but the reviewers weren't invited until the show had been smoothed in performance. Story has ample opportunities for imaginative production and staging, some of which are capitalized. The standouts are Pinocchio's adventures in a marionette show, a fantastic circus and a scene on the floor of the ocean, with the puppet and his father being swallowed by a whale. There are songs and dances, some of which are distinctly well done, but in general too much has been crowded into the tale and the performance at times becomes disjointed and sprawling.

Several members of the cast are vets in show business, mostly from

vaudeville. Among the oldtimers are Edwin Michaels, formerly in musical comedy; Ettore Maggioni, formerly the Piccanti troupe; Archie Onri; Bill Swann, formerly of Swann and Bambar; Gabriel Duval, former dancer in vaude; Helen Galuback, really Helen McMahon, formerly of Diamond and Chaplow; Edward Lalo; Sam Lewis, of Lewis and Dody; Harry Duncan and Phil Dwyer, Jack Grooper, as a member of the Philharmonic orchestra, not only extracts music from an amazing assortment of gadgets, but is notable for his unexaggerated playing. Michaels is satisfying as the puppet, while Miss Duval makes an attractive ballerina marionette, and Miss Galuback is admirable as a rag doll. Besides the large orchestra in the pit there is a Hammond organ used at times through the performance.

"Pinocchio" is hardly a highspot in WPA theatre annals. Hobe.

## THE COPPERHEAD

Chicago, Jan. 4. Revival of drama by Augustus Thomas; edited and staged by Ian Keith, produced by the Federal Theatre of Illinois under supervision of Harry Minturn; direction, Vito Scotti. Cast: Ian Keith, George Postman, William McKelvie, Joe, Muriel Schofield, Randolph, Percy, Muriel Schofield, Muriel Schofield, Margaret Shanna, Captain (later Col.) Hardy, Mr. Sutherland, Milt Shanks, Ian Keith, Mrs. Bates, Yvonne Foster, Belmont, Lem Tollard, Charles Riden, Herbert Briston, Brother Andrews, George Dwyer, Postman, William McKelvie, Madeline, Audrey Totter, Phillip, John, Hazel, Hazel, Mrs. Manning, Hazel, Hazel, Dr. Randall, Carl Rodgers, Soldiers, William Edward Allen, George, Joan Nordlander, Fawn Woman, Marcella Gaudel, Elizabeth Brown.

This Civil War drama is now dated, enough years having passed since its first showing to make it old-fashioned. It is, however, a fine offering for a Federal presentation, dealing as it does with an important phase of American history.

Most of its effectiveness must be credited to Ian Keith who edited, staged, and takes the leading role in the play. Keith turns in a splendid job as the Copperhead. He holds the show together with a solid professional sureness, giving pace and stride.

Two supporting roles are carried off in great fashion by Carl Rodgers as Dr. Randall and Audrey Totter as Madeline. They appear only in the second act, but their contribution to descendants of the Civil War veterans, and their scenes are brief brief romance scuffles for the most part, but they handle them with an excellent feeling for the lines and characters.

Production itself is of nice calibre with the sets and costuming indicating research. Only objection to the set design is the proportions of the second act set, which is too small for a stage of this size.

This is the first show that the Federal Theatre has produced since Harry Minturn took over the direction of the state project, and his inaugural piece demonstrates his long experience in the theatre and his knowledge of the stage. This is also a first-timer for Keith, who finally accepted to Minturn's long-continued coaxing to do a show for the Federal Theatre. Keith, who not only has done a remarkable job with this dated show, but his presence in the play is building a great advance demand for seats and is giving the WPA here a stature and a recognition that must result in its greater acceptance by the legit-goers. Gold.

## CONCERT GUILD MEETING JAN. 19

Annual membership meeting and election of the American Guild of Musical Artists, which was to have taken place last Wednesday (4), has now been set for Jan. 19 at the Plaza hotel, New York. Original date was cancelled when insufficient members attended to make a quorum.

Explained by the union's executives that the lack of attendance was caused by the fact that a Metropolitan Opera performance was given that night and that a number of other artists were out of town on concert dates.

## Back for 'The Touch'

Hollywood, Jan. 10. Isabel Jeans, British actress recently dropped by Warners, gets the femme lead in W. P. Lipscomb's stage play, 'The Woman's Touch,' in London. Miss Jeans leaves Thursday (12).

## Shows in Rehearsal

'The Birds Stop Singing'—John Golden.  
'The Little Foxes'—Herman Shumlin.  
'Mrs. O'Brien Entertains'—'Luck of the Irish'—George Abbott.  
'What Every Woman Wants'—Lee Shubert.  
'Henry IV'—Maurice Evans.  
'The American Way'—Sam H. Harris & Max Gordon.  
'Jeremiah'—Theatre Guild.  
'Candida' (revival)—Cornelia Otis Skinner.  
'One for the Money'—Stanley Gilkey & Gertrude Macy.  
'Where There's a Will'—Edward Stirling.

## B'way-Holly'w'd

(Continued from page 49)

length of run. The option point is a minor one, but it might become the crux of the whole situation.

Guild members who minimize the good that might result from a renewal of Hollywood financing of legit revive the argument that there is no actual shortage of production coin on Broadway. As shown by the accompanying table, there have not only been more productions this season than last, but there have been more new plays and more musicals produced. That is offered as proof that there is just as much money available for legit backing. Pussing that line of reasoning, the Guild members repeat their argument that an influx of easy coin for play producing would merely increase the number of flops and would do the theatre more harm than good.

Robert E. Sherwood, Guild president, has stated that he personally is opposed to revising the minimum basic agreement, believing that the entry of Hollywood money would not benefit the theatre. However, since arguments have been advanced that such coin might be used to produce the plays of unestablished dramatists, he feels that the Guild should make every effort to meet any reasonable proposal. George S. Kaufman, Guild vice-president and another highly successful dramatist, is said to hold similar views.

As final proof that the current year is more profitable than last, Guild members state that the assessments for membership in the Guild rose more than \$4,000 during 1938. Since assessments are based on earnings, it is evident that dramatists made more money during 1938 than in previous years.

In the matter of picture buys of legit shows, some enlightening figures are offered. Classifying the deals according to the season of production, it is shown that there were seven buys of 1933-36 shows, for a total of \$548,000. That was under the old minimum basic agreement. Of the 1936-37 shows, four buys under the old agreement brought \$229,400, while 10 buys under the new agreement brought \$1,044,000. Of the 1937-38 productions, there have been five buys, all under the new agreement, totalling \$251,000. There have so far been no buys of 1938-39 shows. Only plays produced under the basic agreement (which means virtually all plays produced) are included in the above figures.

According to Guild members, Hollywood buys should really be figured according to when the deal was set, rather than upon the date of production. They base that argument on the theory that such deals depend on many conditions, general business and various other elements; and when the show was produced has virtually nothing to do with its worth for film adaptation or the studios' willingness to pay for it. Slump in Hollywood production assessments might explain the drop in buys during that period.

Theory is that there is a regular cycle of both the number of film buys and the total price paid, that the cycle is two years and that it results in alternately rich and lean years. Figure that way, the record of picture deals seems to bear out the belief. Classified according to the date of purchase, the figures are as follows: During 1936 there were eight deals involving a total of \$706,650, during 1937 there were 15 deals totalling \$1,128,900, while in 1938 there were 10 deals totalling \$292,250. Difference between the total figures under the two methods of classification is because three unproduced plays are included in the rating according to date of purchase.

## Inside Stuff—Legit

Fact that 'The Primrose Path' (at the Biltmore, N. Y.) is adapted from the best-seller 'February Hill' is not mentioned in the program at the specific wish of Victoria Lincoln, the novel's author. Her reason was that the locale of the story and the names of the characters were changed for the play. Novel was laid in Fall River, Mass., while the play is set in Buffalo. Changes were made to eliminate the possibility of a damage suit, since a family in Fall River claimed the book libeled them. However, no legal action was ever brought.

Robert Buckner and Walter Hart, who collaborated on the adaptation, are dividing the royalties equally with Miss Lincoln. That is the usual arrangement on dramatizations of literary works. George Abbott, producer of the show, got the script last summer and gave it its present title. Sam H. Harris had an option on the play two years ago, but dropped it when the possibility of a damage suit arose. Abbott is understood to be disappointed at the way the critics stressed the dirt in the show, his idea being that 'Primrose' is a play of character and that the profanity and immorality are essential to bring out that quality.

Meyer Eckert, property man at the Biltmore, is considering membership in the United Brotherhood of Wild and Domestic Animal Trainers and Caretakers of America. Not only does he have to take the kitten required in 'The Primrose Path' home over weekends, but his will be the job of disposing of the animal and finding a replacement each time it grows out of the part.

During the Baltimore tryout of the play, two kittens of different ages were used to allow for the six months' difference between acts of the show, but that became too complicated and now they're just hoping audiences won't notice the kitten hasn't grown during the supposed interim.

Production of 'Everywhere I Roam,' which closed Saturday (7) at the National, N. Y., precipitated ill feeling between Arnold Sundgaard, the original author, and Marc Connelly, collaborator and producer-director. Although several public announcements were made to the effect that the two were in 'complete accord,' the split is reported still to exist.

According to Sundgaard's friends, Connelly rushed the play into production before it was ready. On the other hand, intimates of the producer claim Sundgaard did not complete revisions to the script at the date promised. As a result, it is explained, Connelly had to help with the rewriting. There was later a dispute over the question of whether Connelly should receive program credit as collaborator and also as to his share of the royalties. The program on the former point, while the latter was compromised. Sundgaard attended few rehearsals and was not seen around the National much after 'Everywhere' opened. Audrey Wood, who agented the script, was also reported involved in the quarrel.

Upon the sudden death of Dave Coffman, company manager of 'I'd Rather Be Right,' in Kansas City last week, Bill Norton, of the Sam H. Harris office, planned there to take over, accompanied by his wife, 'Sid.' Norton is returning; Leon Spachner, who has been back with Harris' 'Of Mice and Men' on tour, taking over. John Leffler was assigned to manage the lesser attraction. Coffman's wife died similarly in Cleveland last year, when he was back with 'You Can't Take It With You.'

Norton is due to be company manager of 'The American Way,' slated for debut at the Center, N. Y., Jan. 21.

Actress-manager Cornelia Otis Skinner, who will star in a revival of 'Candida,' will open a 14 weeks' tour at the Grand Opera House, Chicago, Jan. 24. Show is due on Broadway April 16. Two drama reviewers will be in advance, they being Francis Robinson, formerly of the Nashville Banner, and Harry Forwood, of the Cincinnati Post. Both agented Miss Skinner's solo appearances on 'Edna, His Wife' to the Coast recently, although they were new to the field.

Tour was booked by William Fields. Clarence Jacobson will be company manager.

Drama is more important than Broadway and Hollywood, take it from Gilmore Brown, president of the National Theatre Conference, in talk to students of the Pasadena, Cal., Community Playhouse School of the Theatre. 'Don't go out looking for a contract to be handed to you,' Brown told the students' solo appearance on the theatre. In fact, there could be nothing more wonderful than a chain of repertory playhouses across the country, based on the community theatre idea.

The advance agent for George M. Cohan (John Montague) has a new gag and is having a lot of fun with it. He carries a stamp and ink pad in his pocket and wherever he patronizes a restaurant he stamps on the menu, 'Sam H. Harris presents George M. Cohan as President Franklin D. Roosevelt in 'I'd Rather Be Right'.' Then he calls a waiter and asks when that show is coming to town. The waiter is mystified how the advertisement got on the menu and a general conference ensues.

Upon his return to New York from the Coast after month's vacation, Ted Harris, playman of 'Our Town,' then playing Nixon, Pittsburgh, and told him to give entire cast of Pulitzer Prize play Christmas presents in form of general salary increases. 'Town' has been doing excellent biz on road, averaging better than \$15,000 weekly, and looks set for tour remainder of season.

Recently, Equity removed a number of managers from its list of shown-men exempt from the requirement of posting guarantees of salaries and transportation for touring shows. William Harris, Jr., was one scratched, but that was revealed as an office error and he continues to have the rating of an exempt manager. Harris' production activities are intermittent but he is expected to ready a play for presentation this winter.

Twelve minutes were shorn from playing time of 'Angela is 22' between its world premiere in Columbus night of Dec. 30 and its matinee performance the next day. Into the basket went the melodramatic gun scene in third act, in which Author Sinclair Lewis assembles a shotgun with which to blow out his brains when his girl bride (Flora Campbell) leaves him.

A suicide leaped from a window in a fraternity house adjoining the Lambs Club, N. Y., last week, and landed on the skylight of the Theatrical Managers, Agents & Treasurers union offices. Members were startled and showered with glass, but none were hurt.

## LEW CANTOR, MCGUIRE LAND FTP '2-A-DAY'

Hollywood, Jan. 10.

Lew Cantor and William Anthony McGuire finally closed a long delayed deal with Uncle Sam for the New York stage rights of 'Two a Day,' Theatre Project's vaudeville extravaganza, now showing here. Deal calls for an option on road-showing.

Cantor is en route to Manhattan to arrange for cast and production.



Opening at GRAND OPERA HOUSE, CHICAGO - JAN. 24



CORNELIA OTIS SKINNER

in GEORGE BERNARD SHAW'S MASTERPIECE

"CANDIDA"

with DOROTHY SANDS ONSLOW STEVENS and Brilliant Supporting Cast

Production Designed by DONALD OENSLAGER

Staged by GEORGE SOMMES

Advance Representatives

Harry Forwood

Francis Robinson

Company Manager

Clarence Jacobson

Route includes Madison, Milwaukee, Minneapolis, St. Louis, Buffalo, Cincinnati, Columbus, W.ington, Cleveland, Pittsburgh, New York, Boston and Philadelphia with

NEW YORK OPENING - APR. 16

## Jesse James Rides Again

Fortmoothing pictorialization of the life of Jesse James has given Street & Smith the idea of reviving one of its old nickel-thrillers based on the same character. Firm has taken the very first of the James series down from the shelf and placed it on the press without even a dust-off. It will appear at the time of the film's release in an exact replica of the original. With one exception. Price will be a dime. No profit today in a nickel book.

'Jesse James' Stories' (to give them their official title) were sensational at the turn of the century. Volume I, the one slated for re-issue, appeared in May, 1901, labeled 'Jesse James, the Outlaw.' When it was grabbed up by a few hundred thousand youngsters, S&S followed with another episode in the saga, and kept issuing this story.

S&S at this time was an old hand at nickel-thrillers, and because the juvenes read them under school desks and under bed blankets, they were frowned upon. But the 'Original Narratives of the James Boys,' as the series was subtitled, out-thrilled the previous thrillers, and protests from Sunday school teachers mounted.

Squawks meant the stories were selling like wildfire. So much so that Frank Tousey, rival publisher of S&S, figured to cash in on some of the Jesse James gold, and began getting out a competitive weekly series. But despite the increased production of competitors, the kids took the yarns and virtually begged for more.

Hue and cry by the elders against the thrillers finally got to the point where S&S thought maybe the thing had gone far enough. A dickier was made with Tousey to the effect that both put a lid to a James stuff. Tousey was agreeable, and that ended the double series.

Around 120 Jesse James stories were issued by Street & Smith over a little more than a two-year period, and somewhat fewer were issued by Tousey. Both publishers had a number of scribblers turning out the sagas, with W. B. Lawson and Ned Buntline doing most of those under the S&S imprint. Very first of the Street & Smith series was by Lawson, and his name goes on the title page of the reissue.

Rights to all the James stories are now controlled by Street & Smith, since that firm bought out Tousey many years ago. Plates of the issues in both series long ago went into the scrap heap. Nevertheless, re-issue of 'Jesse James, the Outlaw' will be as much like the original as has been possible to make it. Publishing house figures novelty of an a.k. thriller will be a strong selling point.

## Ed Sullivan Back East?

Rumor is abroad again that Ed Sullivan will return to New York from the Coast and revert to his former Broadway columnist stint for the N. Y. Daily News, with John Chapman switching to the filmland locale. Chapman, however, partially denies its authenticity.

According to Chapman, Sullivan evinced a desire last year to return to the Broadway beat. That was when Chapman was on the Coast. Later said then he would switch with Sullivan for a year if Sullivan himself made the request to the News' managing editor and also gave Chapman sufficient time to get rid of his Connecticut home.

But, says Chapman, he hasn't heard of Sullivan making any such request as yet, though the report has 'em exchanging addresses by March 15. Chapman also mentioned the possibility of Danton Walker, currently the News' Broadway columnist, being switched west should Sullivan make a request for a Broadway holiday, with Chapman being retained east for his feature-type column.

## Maloney to Succeed

J. L. Maloney, assistant managing editor of the Chicago Tribune, is expected to hold down the managing editorship and all probability will get the berth permanently. He succeeds Robert M. Lee who died suddenly Saturday (7). No formal announcement is expected until after funeral services today (10). Widely rumored that Francis Carson may be brought in from the N. Y. Daily News.

## Scribner's-Random Contest

Coincidental with opening of lists by Houghton Mifflin for its annual two literary fellowships, Scribner's Magazine and Random House have jointly arranged a short novel contest.

Houghton Mifflin fellowships will be one each in fiction, and non-fiction. Awards of \$1,000 each will be made

to promising scribblers to aid them in completing projected books. Sum to be entirely apart from subscription royalties.

Scribner's-Random House contest will fetch \$4,000, divided into five equal prizes of \$800 each to the authors of the five best short novels submitted before May 1. Novels, to run between 15,000 and 25,000 words, will first be published in the mag and then released in one volume by the book house.

## Snails on Factual Yarns

Factual story maps riding high in popularity just now, but pleasure over their earnings tempered by squawks of subjects mentioned, and in some instances libel suits. Sensationalism of the factual stories brings frequent complaints from the subjects. Often followed by libel suits.

Has gotten to the point where fact story scribblers have to furnish documentary proof on their narratives. Sometimes even releases from individuals concerned. Mags now particularly careful since one libel suit recently put a factual detective periodical out of business.

As one publisher explains the situation, factual story mag can be safely published only by putting an editor on one side of the desk and a lawyer on the other.

## Push Drive for Poet Fund

With election of Mrs. Hugh Bullock as prez of the Academy of American Poets, organization will push its drive to establish a trust fund from which to award annual \$5,000 fellowships to deserving rhymesters. Project contemplated since establishment of Academy five years ago, but goal far from reached as yet.

Meanwhile, Academy is sponsoring a national contest for an official poem for the New York World's Fair. Required subject and title of the poem is 'The World of Tomorrow,' theme of the Fair. First prize is \$1,000, with five additional awards of \$100 each. Judges will be William Rose Benet, Louis Untermeyer and Col. Theodore Roosevelt.

## Writer League Aids Refugees

League of American Writers has a number of projects under way to raise funds for scribblers refugees. Has collected articles against anti-Semitism, written by Dorothy Thompson, Booth Tarkington, Carl Van Doren, Sherwood Anderson, Theodore Dreiser and others, which will be in a booklet, where proceeds from sales will be used to aid the exiled authors.

In association with the Booksellers Guild of America, League will auction manuscripts and books around Lincoln's Birthday. Authors and others have been asked to donate manuscripts and books of value.

## Day, Putnam Tieup

Active association has become effective between John Day Co. and G. P. Putnam's Sons whereby latter handles all publishing details, except editorial, of the Day Books. Tieup is the same as existed between Day and Reynal & Hitchcock for past four years.

Editorial department of Day, which during the period of association with Reynal & Hitchcock, had been quartered with the latter, is now in the offices of Richard J. Walsh, Day head.

Walsh, recently returned from Sweden, where his wife, Pearl S. Buck, received the Nobel Prize for literature. Miss Buck is advisory editor for her husband's book firm.

## Joint Publishing Project

Joint publishing project, still in the formative stage, is a mag which fictioneers, seeking recognition, will help publish. Each issue will be the joint effort of all those represented by prize contributions.

Prime mover in the undertaking is a Texan, Ralph E. FitzGibbon. Weekly to sell for 5c. Round-Up's stuff will be 'samples' of what the cooperating fictioneers can do, and besides going on sale in the regular way, the periodical is to be sent to the allegedly 2,500 U. S. manuscript markets now in existence. Figured that these markets will order stories if they like the 'samples' in Round-Up.

## Augustin Severs Reich Link

Publishing company operated in New York by J. J. Augustin has severed link with parent organization in Germany, and will be continued by Augustin under own identity. Parent body has been in existence over 300 years.

Books to be published by Augustin will be mostly on Americana, and strictly non-fiction. Manhattan quarters of Augustin to be retained.

## He Must Mean No

Henry R. Luce isn't seeking a N. Y. daily and most emphatically is not planning to convert 'Time' to a daily, and disregard all those rumors and leave Mr. Luce in peace because getting out Time, Life and Fortune is enough of a job and Mr. Luce isn't looking for any more headaches, you betcha!

Denials by Luce that he has been after a N. Y. daily have become wearied by frequency, but more recent chit-chat that, having failed to obtain a certain N. Y. morning paper, he contemplates turning Time into a daily, have evoked loud guffaws at the Time building. That, they say, is the Time office is utterly ridiculous, since daily publication of Time would violate its basic policy.

## NEW PERIODICALS

The Senator, weekly New Yorker for Washington, preems Jan. 20. Second periodical of the type planned for the capital, Norman Hays having begun preparation recently on Go, subtitled The Magazine of Washington Life, also to bow in at about the time of The Senator's debut. Publisher of The Senator is Harry Newman, who gets out Judge in N. Y. Ken Watson editing, with a number of past and present Washington news writers on staff. Senator is to appear weekly; Go fortnightly.

Faith, monthly mag devoted to practical religion, is being prepared by Bernard Macfadden. It bows with March issue. Publication, subtitled 'Why Not Try God?', will contain true stories of prayer and how they were answered, and influence of faith on human lives. New mag will be edited by the Macfadden general office, under Fulton Oursler.

Gaiety will be published by Bert Garmise, former exec of Harlan Logan Associates, publishers of Scribner's Magazine. Gaiety subtitled The Magazine of Diversion, and will contain a miscellany of matter. First issue to appear next month. Editorial staff now being set.

Coast to Coast Picture News, pretentious illustrated publication, is now in the making. Details guarded temporarily, but understood it'll hinge on chain retail establishments for distribution. Femme appeal to be primary. Will precede winter or in the spring. Headquarters in New York.

Softball has begun publication as official organ of the Amateur Softball Association of America. In tab newspaper form, it'll appear monthly eight months of the year and twice a month during June, July, August and September.

Glamour, Conde Nast monthly mag, makes its first appearance in March. Periodical will cover films for the femme fan from the standpoint of style significance. Alice Thompson, editorial and fashion writer for Conde Nast publications, editing.

The Golden Door to publish pieces culled from the classics a la the old The Golden Book. Publishers describe the new periodicals as 'a magazine anthology for bookish folk.' Publication monthly. Walter Kahoe editor.

Fair Play, monthly mag on international affairs, published by Louis Casorelli. He's also editing. Periodical pleads for tolerance on controversial matters now agitating Europe.

## Phillips Enters Publishing

P. H. Phillips has organized Surrey House, Ltd., and begun work on his first publishing list, with initial volume due shortly.

Quarterly Leisure League of America, which gets out pocket-size books on various subjects.

## Outdoor Pubs to Ernst

Outdoor Publications, Chicago organization publishing Outdoors Magazine, has been acquired by Clayton H. Ernst, Boston publisher. Mag moves to Boston, where Ernst will quarter it with his Open Road Magazine.

Practically entire staff of Outdoors going along with the purchase, including Victor B. Klesbeck, editor, and Charles Askins, Jr., associate. Ernst personally edits Open Road.

## Bystander Press Plans

New book-publishing company in N. Y. is Bystander Press, with Jesse Skolkin, prez; Norman Laidhold, treasurer, and Sidney Mehlman, sec.

with Skolkin as editorial director, new firm is drawing up publishing program. Won't consider any material for publication until fully set on policy.

Temporary offices in Rockefeller Center until Fifth avenue quarters can be fixed up.

## Court Sues Philly Record

In an almost unprecedented action in Pennsylvania, the Supreme Court last week ordered the Philadelphia Record prosecuted for libel and contempt because of a Record editorial lambasting the tribunal. Chief Justice John W. Kephardt, speaking for the entire bench, instructed Charles E. Kelley, district attorney of Philadelphia, to prepare suit against the Record.

Editorial declared the court 'had attempted to nullify the basic tradition of American government.' Editorial also charged the court ignored its own prior interpretation of the State Constitution.

Except in factual stories, other papers kept away from the Record suit editorially. Record had an editorial next day, however, in which it proclaimed: 'If this be libel and contempt, let the good justices make the most of it.'

## Fortuny's Companion Firm

Companion publishing company to Fortuny's, Publishers, has been formed by firm's head, Carlo M. Flumiani, of the Prometheus Press. Will get out book action only. Fortuny's, hitherto sponsoring fiction and non-fiction, will be limited to the latter only.

Flumiani, also company's editor, will begin reading fiction manuscripts shortly for publication under the new imprint.

## Menke P. Ains Derby

Frank G. Menke is publicizing the 1939 Kentucky Derby. The 65th running of the classic is dated for May 6.

Another hat contest is slated, limited to scribes. Last year 70 kellys were awarded, on the point system. Only two writers selected the winning Lawrin.

## LITERATI OBITS THIS WEEK

Joseph W. McGuck, 52, newspaper cartoonist and magazine illustrator, died in Philadelphia Monday (9) of bronchial pneumonia and uremia. Was associated with Hearst Newspapers for 14 years, retiring from that organization five years ago. He had created the cartoon 'Kayo Tortoni,' which had been syndicated by Hearst. Survived by two sisters.

John A. Price, 53, veteran Pittsburgh newspaperman, but more recently advertising manager and publicity director for the Peoples-Pittsburgh Trust Company in that city, died suddenly in a Pittsburgh hospital Jan. 3 of a cerebral hemorrhage. Widow and two sons by an earlier marriage survive.

Edwin L. Simpkins, 58, circulation manager of the San Jose (Cal.) Mercury Herald for the past 18 years, dropped dead at his home Jan. 4. He had been a former prez of the California Circulation Managers' Association.

## CHATTER

John Savage Rich in the Virgin Islands.

John Macrae, the Dutton head, has gone abroad.

Bennett Cerf has Katharine Cornell's autograph.

Jack Denove has a new publishing undertaking on tap.

Faith Baldwin has chalked up her 30th published novel.

Gene Fowler writing a novel with a Javanese background.

Eleanor Mercein in from Kentucky for a family celebration.

Ralph West Robey new addition to the Newsweek editorial staff.

Widow of O. O. McIntyre has gone abroad for extensive travel.

W. Adolphe Roberts doing a book for which he's been commissioned.

Harry D. Phillips, the advertising man, has a new publishing project on tap.

Upton Sinclair his own publisher again, this time a pamphlet on economics.

Arthur Rollins goes to Florida next month for fishing and a scribbling.

Robert Joyce's novel, 'OK for Murder,' is to be published this Spring by Stokes.

Alice Kauser, lit agent, back to active duty after a long tussle with the flu.

Mrs. William Brown Meloney, editor of This Week, goes to the Coast shortly.

C. Brooks Roberts, assistant N. Y.

editor of Look, engaged to marry Dorothy Taylor.

Menahem Menschel, the book-seller, has a pamphlet publishing undertaking under way.

Joe Alex Morris named by United Press as foreign news editor, new post in the organization.

George Antonius here from London for publication of his 'The Arab Awakening,' by Lippincott.

John S. Martin, of Time, will have his first novel, 'General Manpower,' issued Jan. 26 by Esandares.

Margaret Gilbert Mackey has done a book on the film capital, entitled 'Los Angeles Proper and Improper.' Slight switch in paternity: John Swope is Gerard's boy, not Herbert Bayard's. Latter Swope is his uncle.

Whit Burnett, editor of Story, will have a new book out soon, entitled 'The Literary Life and the Hell with It.'

Farrar & Rinehart has published 'Radio Writing,' by Max Wyllie, script and continuity director for CBS.

Robert P. Lamont, Jr., assistant ed. of Atlantic Monthly, and author Elizabeth Laine have become Mr. and Mrs.

Harvey Deuell, m.e. of the N. Y. Daily News, recuperating from illness, off on Mediterranean cruise with wife.

Nat Ferber, who used to be a New York newspaperman before turning novelist and film writer, has written his autobiography.

Menorah Journal will celebrate 25th year with a dinner at the Hotel Astor, N. Y., Jan. 19. Number of literary notables will speak.

After 29 years as editor of Lachting, the mag, Herbert L. Stone elected president of its publishing company. Continues as editor.

Extreme specialization in book publishing will be policy of new California publisher, Wallace Heberd, who will issue biographies only.

DeWitt Wallace (he's publisher and editor of Reader's Digest), gave a dinner for their niece, Julia L. Acheson. She has done a couple of books.

Donald Graham Cormack has joined the Red Circle mags as an editorial assistant, replacing Paul Chadwick, who has gone to Street & Smith.

Morehouse, New York Sun's drama critic, will have a book on Broadway first nights published by Dial Press, entitled 'Forty-Five Minutes Past Eight.'

Alfred Hafner, who heads G. E. Steecher & Co., N. Y. book and mag publishers, has acquired the building adjoining his firm's quarters for expansion of the concrete activities.

Special election called by Pittsburgh chapter of American Newspaper Guild resulted in election of Walter C. Burson, of Post-Gazette business department, to presidency.

George Palmer Putnam has come east to dispose of his Westchester estate prior to permanent settlement on the Coast, where he has re-embarked in the book publishing biz.

Many babies for Christmas at the Look editorial office. 'Assoc. eds. Gartner, James Mahoney and Burns are the mag's new parents, as well as Earl Theisen, its Hollywood photog.'

The St. Louis Post-Dispatch, p.m. rag owned by the Pulitzer Pub. Co., has opened a New York office to expedite the handling of photos for the sheet's enlarged Sunday rot section, and also for the coverage of news stories.

New youthful writing team of David Brown and Ernest Lehman has sold three articles in two months—piece on Ted Lewis to Collier's, one on Eddie Cantor's daughters to Madeleine and a third to Harper's, all to appear shortly.

Group which operates the Publishers' Guild, comprising Horace A. Hocking, Max Marten and Samuel Kaplan, has formed the Publishers Investigating Service as a new servicing organization for American and Canadian book and mag publishers.

## Propaganda Pix

(Continued from page 1)

affiliated with the commercial industry and the Government. In latter classes are Mrs. Harold L. Ickes, wife of the secretary of the Interior; Assistant Attorney-General Thurman Arnold, Senator Arthur Capper, Representative Vito Marcantonio, Walter Wanger, Theodore Dreiser, Dudley Nichols, Philip Merivale, Heywood Brown, Fred MacMurray, Rogers, Jr., Sherwood Anderson and Louis Bromfield.

## Broadway

Ruth Schwerin, Monogram promotion manager; ill at home.

Chic and Katherine Johnson are buying a farm for weekends.

John Gobi has called off that trip to Europe, his friends report.

Tommy and Jeanne Brotherton celebrated 15th wedding anniversary.

Joe Bernhard back to the desk Monday (9) after two weeks in the hospital.

Bill Doll to Washington ahead of Noel Coward's 'Set to Music,' for Willard Keefe.

Robert Ardrey left last week to winter in New Orleans, where he'll work on three plays.

Ed Kuykendall, on a holiday hunting trip in the south, bagged a deer and some wild turkeys.

Nan Blakstone secured a divorce from W. J. Dennis while in Chicago at the Connely Club.

Jean Durante to Miami for the winter where Jimmy is rehearsing with the new *Wimpy* musical.

Jimmy Steward, from the Coast Monday (9) after costuming Earl Carroll's nitery show there.

Al Selig has taken the U. S. rights to Marcel Hellman's French film, 'Double Crime in the Maginot Line.'

Jean Lenauer, manager of *Flamingo* theatre, bedeviled by gripe last week, but expected back on job shortly.

Julius E. Brulatore helps keep his finger by foregoing luncheons, but still mind watching others and chatting.

George West, accompanied by his wife, left Thursday (5) for the Coast on Monogram business and vacation.

Mary Mason, legit player, has temporarily joined George Abbott's office staff in place of Sue Briggs, who's ill.

Ray Millard, in from Europe today (Wed.), proceeds to the Coast by the end of the week to report at Par studio.

Milton Diamond, legal rep for the recording companies on the subcommittee 'studying' copyright, ill with gripe.

Frank Seltzer, Hal Roach's press contact, back to the Coast after 'Topper Takes a Trip' campaign was set with UA in the east.

Bojanovic and his wife were guests at the Cotton Club Sunday (8) night, Bill Robinson and Louis Armstrong doubling from the Strand.

Colonel Sturges, who has been more weeks of personals, was talking of the autograph pests, and cracked, 'Vaudeville, luckily for me, is a dead art.'

Michael Strange (ex-Mrs. John Barrymore and now Mrs. Harrison Tweed), far enough along on that autobiog to have a secretary copy it.

Glover and La Mae held over at the Copacabana, Rio de Janeiro. First dance team so honored, they'll remain. Expect to be home late this month.

Charles B. Paine, treasurer of the old United, has joined Tri-National, headed by E. Otterson, in similar post, after being inactive of late.

Having subtlet his Miami Beach house, Ben Bernie commutes to his Florida farm by plane almost every Monday, directly after his Sunday evening broadcast.

Jimmy Cagney left yesterday (Tues.) for his farm at his vineyard, Mass., prior to returning to the Coast and Warner Bros. for 'Each Dawn a Die.'

Louis (Journalist) Sobol off on his annual material quest to Washington, Atlanta, Hollywood, Frisco and back via the New Orleans Mardi Gras. Making it motor.

Mrs. Minnie Armbush, mother of Frances Arms (Mrs. Abe Lastfogel), tossed a New Year's Eve party and dinner for the William Morris agency journalists, 15 courses and chamoagne.

Harlem society in all its finest turned out for the 'Mammas' Daughters' picnic at the Empire last week, giving the distinguished house one of its most curious premiere attendances in its history.

Mrs. Esther Ray Adams, wife of Franklin P. Adams, F.P.A. of New York Post and radio's 'Information Please,' left seventh of residue of estate of her father, late Charles E. Adams, to her children, Anthony, Timothy, Persphone and Jonathan, left about \$2,500 each.

## Pittsburgh

By Hal Cohen

C. J. Latta's younger brother died in Indianapolis.

WB's experimental theatre celebrated 10th anniversary this week.

Alex Kahn in from New York to be at bedside of ailing mother.

Charlie Baggs, theatre manager, on job again after 10-day illness.

Harold Lund off to Miami for couple of weeks of biz and pleasure.

Malcolm Milligan gets lead in next Playhouse show, 'Night Must Fall.'

Louis Sturchoff off to St. Louis to join Lawrence Welk's band at Chase hotel.

M. A. Rosenbergs celebrate their

19th wedding anniversary next week.

Harry Kalmine just made associate member of Phi Epsilon Pi fraternity.

Mrs. Joe Hiller back to Johns Hopkins, Baltimore, for further observation.

Kilbuck theatre has resumed run of 'Mr. and Mrs. Phipps' after two-week layoff.

M-G office has first father-son combo in its history in Ted and Allen Tolley.

Arthur Braun has resigned as manager of WB's Regal theatre in Wilkinsburg.

Florence Bowman, daughter of Pitt's Swagelok, in Playhouse acting company.

Alex Kahn back to New York after spending some time here with ailing mother.

Hinda Wassau back at George Jeffe's burley Casino for second time this season.

Charlie Shannon, Belmar manager, and Ed Kearney have announced their engagement.

Heller family alone practically filled rinside at opening of Jackie's band in Chatterbox.

Jimmy Emert joined Bob Crosby's band here last week, quitting Henry Halstead for new post.

Universal exchange privately screened Ken Murray's 'Swing, Sister Swing' for comedians.

Marshall Goldberg took in Hollywood studios before returning from East-West grid game.

Tom Winnet, whose 'And Niebe Wept' was recently produced here, has finished a second play.

Esther Kennedy has succeeded recently-married Mabel Sessi as George Swagelok's RKO.

GOP headquarters here deluged with job-seekers for film censor posts under new James administration.

## Sydney

By Eric Gorrick

Metro hitting consistently well over own chin.

Will and Joe Mandell scored in Sydney for Tivoli.

Reported that 'Hollywood Hotel' has discarded stage shows at Capitol Melbourne.

20th-Fox put on show for crippled kiddies of New South Wales.

Larry Adler clicked big in Sydney on opening of Tivoli Theatre.

Mike Lustig handling special exhibition for Metro's 'Great Waltz.'

J. C. Bendroitt, who operates an ice rink here, recently opened a class cabaret.

Sir Ben Fuller has sold part of his Bjoij site in Melbourne to a commercial concern.

'Frank Graham, Hoys exec, reckons a dictionary should be supplied with every VARIETY.'

Reported that 'Hollywood Hotel' unit may play a season in India after a run in South Africa.

Stuart F. Doyle, although kept busy with his flying and aviation interests, will be figured, he back in show biz this year.

Jack Percival, formerly exploitation director Snider-Dean, doing solo advertising for Sturges, F. J. C. Bendroitt and Luna Park unit.

Hints are about that the New South Wales government will permit night trotting at Casino.

Luna Park turned in a \$39,100 profit on the year and will pay a dividend of 6 per cent.

The profit amounted to \$48,512, with dividend 7 1/2 %.

Hoys brought 'Alexander' (20th) in for an additional week at Palace, Sydney.

'The Front Page' had already scored four weeks at the Regent and similar period at Century.

Hoys brought back 'Snow White' (RKO) at Palace Sydney, as main Yuletide attraction. Picture played 21 weeks here recently. It's still doing well in Melbourne.

Feders' department will supply Hal Roach with data for his production of 'Captain Moonlight.' Stated that Sir Earle Paige made certain arrangements with Roach during a recent Hollywood visit.

## Miami Beach

By Arthur Thomson

Roger Wolfe Kahn a visitor.

Halekah Park opens today (Wednesday).

Mr. and Mrs. Ralph Hitz at the Roney-Plaza.

DeWitt Biske opened at the Drummond (9).

Ray Hall orchestra has replaced Alberto's rhumba band at El Chico.

Gulf Stream Park, new horse track in Broward County, opens Jan. 18.

Miami Daily News and WIOD will sponsor a music festival Feb. 18 at Roddey-Burdine Stadium.

Les Ward here. Reported to have deal on to join Dempsey enterprises either here or in N. Y.

Bob Nolan, former m.c. at Royal Palm Club, opened with his own band at the Miami Beach Kennel Club.

Albert Bouche will operate a theatre-restaurant in Havana this season.

Paul Sabin orchestra booked into Colony Club late this month.

Ben Brinkman, former banker, who went broke promoting the Arena, West End rink and exposition hall, has been sued by Internal Revenue Dept. for \$29,350, 1931 income taxes.

## London

Jack Powell to the Savoy hotel.

Stoll Circuit wants to dispose of the Hippodrome, Bristol. Asking \$252,000.

Cardini, after playing Berlin and Hamburg, to the Savoy Feb. 20 for two weeks.

Will Ahearn (and Gladys Ahearn) ordered by the doctor to lay off for three weeks.

Robert Morley's comedy, 'Goodness, How Sad!' celebrated its 100th performance at the Vaudeville Jan. 5.

Gilbert Brown, bought new play by Archie Menzies, which he intends to produce in the West End in March.

Ivor Novello returns to Drury Lane with a new musical, 'The Dancing Years,' written and composed by himself.

Murray Silverstone becomes alternate director of United Artists Corp. and UA Export Corp., both English subsidiaries.

Afrigue took 200 German refugee children to see Jack Hylton's 'Band Wagon' at the Prince's, in which he is appearing.

'Let's Pretend,' children's revue at the St. James, donating two weeks' takings to Great Ormond Street hospital for children.

Harry Saltzman, of Rottenberg & Golden's Paris agency, expected here to line up talent for the ABC, Paris, which his firm operates.

Burton Brown, formerly of Drapricson & Brown, has leased the Adam Smith Hall, Kirkcaldy, Scotland, a 1,200-seater, to play vaudeville and light.

Robinson & Martin refused offer by Jack Hylton to play in 'Band Wagon,' at Prince's theatre, owing to previous three-week provincial tour.

Key Hammond and Ronald Squire to co-star, and Harold French will produce.

Patrick Hamilton's 'Gaslight,' tried out at the Richmond recently, has been purchased by Gilbert Miller.

Later will produce in the West End in conjunction with Greydon, Linnett & Dunfee early next month after tryout in the sticks.

## New Haven

By Harold M. Bone

Ruth Draper into Shubert for Jan. 26 one-niter.

D'Oyly Carte due at Shubert in April.

William Lyon Phelps has left for quick shooting in Georgia.

Sam Badamo has moved the family here from Bridgeport.

John Hesse has about worn out the train his kid got for Xmas.

Torrence Brangan, formerly with Elsie Janis, died here Dec. 31.

Sam Wasserman put on a single 10-ct vaude bill at Arena to so-so biz.

Nitery biz New Year's Eve not so hot, with smaller spots getting all the business.

New officers for International Alliance of Theatrical Stage Employees are John O'Connell, president; Charles McBride, vice-president; Robert Watson, secretary; Dan Cummings, business agent; Sam Wasserman, treasurer.

## St. Louis

By Sam X. Hurst

Father of Julius Karty, assistant manager of Municipal Auditorium, died in New York.

Gordon Carter will direct 'The Front Page' at Little Theatre, Feb. 22 to March 1.

Toledo Archdiocese resigned as ballet master and choreographer for St. Louis Muncy Opera.

Jimmy Harris, p. a. at Loew's, piloted own plane to N. O. and back New Year's Day. Took in football game at Sugar Bowl.

Frank Sullivan, known in Hollywood as Frank Sullivan, visiting parents. Has role in Doug Corrigan's 'The Flying Irishman.'

Harold Bassage, back from two-week jaunt to New York, has returned over on 'The Stoop to Conquer,' which he will direct for Little Theatre, opening Jan. 26, for eight performances.

Ben Brinkman, former banker, who went broke promoting the Arena, West End rink and exposition hall, has been sued by Internal Revenue Dept. for \$29,350, 1931 income taxes.

## Palm Beach

Arlene Judge here.

Mrs. Frances Alda back to N. Y. after two weeks here.

Paul Sabin orchestra booked into Colony Club late this month.

DeWitt Biske, acting head of talent at M-G, flew in from Hollywood.

Mrs. Arthur Somers Roche quit scribbling under palms to go to N. Y. for son's wedding.

Mrs. Clifford McKee, wife of British

pianist, keeping house in town while husband fills engagements.

Feb. 18 set as date for Helen Jepson to sing with Romanay Choir, directed by Ernest Buckley.

Rex Reynolds, former program director of WBAL, Baltimore, now directing Jungle Grill at Palm Beach hotel.

Dr. Leon Levy, president of WCAU, Philadelphia, and Mrs. Levy booked in for several weeks on their We Three.

Charles Francis 'Socker' Coe says he's through writing for the mags. Being boomed as candidate for governor of Florida.

Breakers hotel now an Allied Properties of California affiliate, linked with Santa Barbara's Blittmore, Robert S. Odell announces.

Society of Four Arts has booked Anna Entens, Julien Bryan, March of Time cameraman; Yale Puppeteers, Capt. Irving Johns and Miami Symphony.

John Charles Thomas planes into N. Y. when necessary, while yacht Masquerade stays anchored off Palm Beach. Mrs. Thomas staying in Florida.

Walter Davis, Jack Robbins, Les Santley, Gordon and Revel, Mort Dixon, Sammy Fain, Irving Kahn, Warren and Rubin, Rodgers and Hart, Kalmer and Ruby, and Johnnie Burke, together this month at songwriters' feed here.

## Paris

By Hugo Speck

Sai Shoki in from America.

Mrs. Edward Stirling to America.

Murielle Ponsard topping new Alcazar revue.

Michael Morgan to star in Jacques Feyder's next.

Film 'Entre des Artistes' in fourth month at Colisee.

Marcel Hoffer beginning 'La Brigade Sauvage.'

'Grandeur Nature' will be Jean-Benoit Levy's next.

New Felix Rossan revue opening at Champs Elysees.

Theatre Vieux-Colombier celebrated 20th anniversary.

Cecile Sorel making film of her South American visit.

Jack Oakie and Mrs. Oakie through to St. Moritz.

Clotilde and Alexandre Hakharoff off for Moroccan tour.

Reda Claire coming with Henri Fescourt for third time.

Marcel Teisseire, Fox p.a., marrying Mme. Maurice Ader.

Kate de Nagy in from Berlin, where she made 'Wagon-Salon.'

Mistinguette produced own short revue for Moulin Rouge holiday offering.

Yves Mirande, director, will turn actor in 'Derriere la Facade,' his next film.

Stella Anderson through on European tour, before appearing here next month.

Sessue Hayakawa, long inactive, will make his next film, 'Macao,' next month.

'Madame La Folie,' new revue starring Jeanne Aubert, opening at Folie-Bergere.

Maurice Cloche filmed scenes of 'North Atlantic' off Boulogne during sub-zero.

'Manon Lescant,' new piece by Marcelle Maurette, in rehearsal at the Montparnasse.

Victor Francin replacing Eric von Stroheim in 'Le Duet,' which Rene Barberio is making.

Warners changing offices from Rue Caumartin to new chateau in Boulevard Malesherbes.

'Cyrano de Bergerac,' by Edmond Rostand, being presented at Comedie-Francaise on 41st anniversary of premiere.

Danielle Darrieux participating in Salle Chopin public debate on whether private lives of stars should be publicized.

Feldmans, representing Warner music publishing houses, Witmark, Remick and Harms, for continent from beginning of new year.

Robert Guggenheim, 16-year-old cousin of Rudolph Valentino, making film debut in 'Les Cinq Sous de Lavarede,' which Maurice Cannonage is making.

## Minneapolis

By Les Rees

Bob Long, M-G homeoffice auditor, a visitor.

Archie Zachery, Universal salesman, a fun victim.

Rud Lohrenz, Warner district manager, in town.

Helen Manion, Universal secretary, celebrated a birthday.

Moce Levy, 20th district manager, back from Los Angeles.

Joe Floyd and Dick Wagner, Sioux Falls, S. D., showman, visitors.

Daughter of Ben Friedman, independent exhibitor, engaged to wed Curt Houck's band back at the Radisson for brief return engagement.

Twin City Variety club installed Chief Barker W. A. Steffen and other recently elected officers.

Joe Prill and Duane Becker, cashier and booker, respectively, transferred by Paramount to Sioux Falls, S. D., to Minneapolis to handle South Dakota accounts.

## Hollywood

Jerry Fairbanks to Miami.

Gracie Fields dude ranching.

James R. Grainger to Dallas.

Wendy Barrie on Arizona vacation.

Dick Mayberry home from hospital.

Doc Misher here from Altoona, Pa.

Leon G. Turrou in from Washington.

Normal Alley back from lecture tour.

Konrad Berocovi home from hospital.

Shirley Ross home from eastern tour.

Bert Gilroy back from his Arizona ranch.

Delight Evans in town for two weeks.

Pan Berman in from Yosemite vacash.

Merle Oberon back to work after illness.

Fay Holden laid up with ptomaine poisoning.

Anna May Wong out after 10-day flu battle.

Walter Walker here to live with her daughter.

Randall Rave home after six-year stay in England.

George H. (Daddy) Hines laid up with pneumonia.

Robert Sterling hosting friends from Manhattan.

Ted Williams in from Manhattan fratricide huddle.

Talbot Jennings back from eastern research tour.

Harvey Stephens bought a site for a new valley home.

Hugh Herbert returned to work after two-week illness.

Dorothea Kent home from hospital after appendectomy.

Larry Turner reported for work after two months' illness.

Rita Warner improving in hospital after fall from horse.

John Barrymore postponed his Manhattan trip until Jan. 16.

H. F. Kincey looking over product for his North Carolina circuit.

Mrs. Charles Correll recovering after loss of her baby girl at birth.

Vivian Cosby recovering from burns sustained in gas heater accident.

Oliver Olsen back to work after being laid up 16 months by motor crash.

Darryl Zanuck away from his desk at 20th-Fox for the first time in his production career. A flu germ put him to bed.

Rain ruined a rainstorm on the 'Midnight' set at Paramount. With Clatette Colbert and Don Ameche ready to take an artificial shower, a natural downpour drove them to cover.

## Budapest

'Snow White' opened to smash biz.

'Marie Antoinette' (M-G) and 'Mayerling,' Charles Boyer, banned.

Karoly Ady, Hungarian playwright and screen writer, killed in auto accident.

'Scarlet Empress' passed by censor after having been repeatedly vetoed.

Daniel Job, co-manager of Vigzin-haz, married Boske Simon, Miss Europe in 1929.

'Foolish Wives' is title of new musical version of Ery Halasz's comedy, 'How Long Will You Love Me?' which ran eight years ago. Revived at Belvaros.

Gizinski Elett, theatrical and screen periodical, being forbidden publication under new press laws. Three other pubs have cropped up, which imitate defunct fan mag.

## Philadelphia

By Herb Golden

George Nonemaker now p.a.ing Nixon's Grand as well as Fay's.

Paul Vincent Carroll, who authored 'White Steed,' current at the Chestnut, giving a reception at the Art Alliance.

Low Pizor back at work after serious illness which developed at Motion Picture Theatre Owners Association convention.

Clifford Goldsmith, author of 'What a Life,' and Mrs. Goldsmith entertained the cast of the show at the Bellevue-Stratford after its opening at the Locust.

Mel Koff was tossed a bachelor party by friends at the Showman's Club, Wednesday night (4). Steps off this week. Allen Lewis named new prez of the club.

## Baltimore

By Howard A. Burman

Purnell Gould to Bermuda.

Doc Reynolds to Florida and the bangtails.

Milt Mann now in complete ownership of Penthouse nitery.

Dick Embry and frau in on holiday visit to Mississippi home.

Daughter born to Mrs. J. C. Goode, wife of WBAL's accountant.

Morris Mechanic, leading new Center theatre for February opening.

Frank Durkee heading committee in charge of Variety Club dinner dance.

# OBITUARIES

## WALTER C. KELLY

Walter C. Kelly, 64, famed as the 'Virginia Judge,' died Jan. 6 in Philadelphia. Kelly suffered a head injury while dodging a truck in Hollywood some time ago. He was taken to Philadelphia by plane Dec. 23, when he failed to improve. Two brothers survive, one of them George Kelly, the playwright.

Details in the vaudeville section.

## J. HOWARD DOYLE

J. Howard Doyle, 29, former Columbus radio announcer, died in Chambersburg, Pa., Dec. 28, from injuries suffered in an automobile accident near that city. He joined WSEN, Columbus, in 1928, and later originated the 'Daddy Longlegs' children's program for WAUI, for which station he subsequently became chief announcer. He was identified with WLW in Cincinnati in 1933. For the past four years he had been with WOR, Newark.

His mother, a sister and four brothers survive.

## OTTO W. G. PFEFFERKORN

Otto W. G. Pfefferkorn, 75, composer and pianist, died Jan. 5 at

## SHELLEY HULL

DIED JANUARY 14, 1919

"Whom the Gods Love Die Young"

## BILL HALLIGAN

Gainesville, Ga., after a stroke. He was dean emeritus of Brenau College Conservatory.

Pfefferkorn, native of Hohenstein, Germany, had appeared in series of concerts in American cities and London. In 1891-97-98 he went abroad for study and recital work, and, among others, he worked under Leopold Godowsky. His widow and four children survive.

## LOUIS R. RUBENSTEIN

Louis R. Rubenstein, Twin City exhibitor, died in Minneapolis at the age of 53 following a long illness. He had owned and operated theatres in Minneapolis and St. Paul since 1911, as a partner of Abe Kaplan. Rubenstein & Kaplan owned the Hollywood here and the Palace, and, Aust, St. Paul. They built two other houses which they leased to Finkelstein & Rubin.

A widow and three sons survive.

## LELAND A. NORDHAUS

Leland A. Nordhaus, 46, senior bandmaster of the Atlantic Fleet during the World War, died at Jefferson Barracks, Mo., Jan. 5, following an operation for appendicitis. Nordhaus at one time was assistant to John Philip Sousa. After the war he headed the band sponsored by the Majestic Radio Corp., later entering the music business in Chicago where he made his home until two years ago.

## DAVID M. CAUFFMAN

David M. Cauffman, 68, manager of the touring 'D' Rather Be Right' company, starring George M. Cohan, died

## IN GRATEFUL MEMORY

OF

MIKE O'CONNOR

For two decades chief electrician for the Theatre Guild.

His kindness and wisdom aided many a beginner in other branches of the theatre.

of a heart attack in Kansas City Jan. 2 a few hours before the company was scheduled to open a three-day run there.

Cauffman, born in Rochester, N. Y., had been in show business more than 30 years. He had toured with many musicals for Sam H. Harris and the Shuberts.

## JAMESON THOMAS

Jameson Thomas, 50, British actor appearing in American films the past 10 years, died Jan. 10 in the Sierra Madre Sanitarium near Hollywood. He worked in English pictures before coming to this country.

He was stricken during the filming of 'Marie Antoinette' and never recovered.

## HARRY BURNS

Harry Burns, 55, early silent comedy director and former trade paper publisher, died Jan. 9 in Los Angeles

of a heart attack at wheel of his car. He directed comedies 25 years ago and later launched the Hollywood Filmograph, which folded three years ago. Recently he'd been doing bits in pictures.

He leaves a widow, Dorothy Vernon, one-time film actress, and a stepson, Bobby Vernon, former film comic, now writing.

## WILLIAM F. BOLLY

William F. Bolly, 72, for many years excursion agent for the G. A. Beedling Co., operators of Cedar Point on Lake Erie, died Dec. 29, at his home in Sandusky, O. He had been with the resort for almost 20 years.

His widow and a daughter survive.

## PAUL MORGAN

Paul Morgan, German film and stage comedian, died recently in a German concentration camp from congestion of the lungs, according to word received by friends in Vienna. Morgan played a lead in 'Why Cry at Parting?' one of the early German films to be shown in the U. S.

## C. EDWIN BRANDT

C. Edwin Brandt, 68, legit player, died Jan. 8 in New York. He had appeared in plays for A. H. Woods and David Belasco among others, including the Percival Vivian revival of 'Romeo and Juliet' in 1933. Brandt was a member of the NVA and the Lambs. Widow survives.

## JOHN S. JEFFERS

John S. Jeffers, 65, on the stage and screen for 50 years, died Jan. 3 at his Long Beach, L. I., home. He had been on the Pantages circuit for years. His first film work had been for the old Bison company.

At one time he managed the California Players.

## JOSEPH ALLENTON

Joseph Alenton, 55, legit player, died Jan. 5 in New York. His real name was Joseph Buttery. His last engagement was in the road company of 'You Can't Take It With You.'

## CARLETON E. BREWSTER

## EUGENE V. BREWSTER

Carleton E. Brewster, 66, pioneer Long Island exhibitor and a resident of Bay Shore, L. I., for years, was killed Jan. 4 in an automobile accident near Smyrna, Fla. His death followed by three days the death of his brother, Eugene V. Brewster, fan mag publisher.

Details in picture section.

## FRANK C. REINECKE

Frank C. Reinecke, 33, owner of two neighborhood theatres in Akron, died there Dec. 28 after a lingering illness.

His widow and a son survive.

## ERNEST DUDWAX

Ernest L. Dudwax, 67, screen actor, died Jan. 3 in Los Angeles. Veteran of the New York stage, he had been in pictures seven years.

Bernard M. Miller, 69, owner of Miller-Dervant, the only remaining theatrical costume and makeup establishment in Spokane, died there Dec. 31. He was born in Hungary and went to Spokane in 1893. He dropped the Dervant from his name later.

Capt. Thomas McGILL, of the Philadelphia Fire Department, died suddenly Jan. 4 in Philadelphia. He was in charge for many years of fire regulation and inspection in film and legit theatres and was well known in the industry.

Mrs. Nadine Brown Lomba, 32, wife of Edward F. Lomba, assistant to W. F. Hutchinson, foreign head for 20th Century-Fox, died Jan. 4 in Poughkeepsie after an illness of several months.

Walker Baughman, 67, pioneer Circleville, O., theatre owner, died at his home in Circleville, after lengthy illness. Been identified with the business for more than 50 years.

Max Joachim, 67, father of the Ritz Bros., died Jan. 4 in New York from a heart attack after a week's illness. Another son and a daughter survive.

Mother, 77, of Nat Nazario, New York vaude agent and producer, died Dec. 30 in Philadelphia.

Mrs. Fannie Rosen, mother of Leo

Rosen, manager of the Troy, died in Troy, after an extended illness.

Harry Fouch, 56, chief recording engineer for Universal Microphone Co. in Los Angeles, died there Jan. 3.

Mrs. Tom Boland, wife of one of the retired founders of First National Pictures, died Dec. 30 in Hollywood.

Mother of Milton Hocky, scenarist, died in New York Jan. 5.

Mother, 65, Brian Donlevy, film actor, died Jan. 8 in Sheboygan, Wis.

## MILLS CIRCUS

(OLYMPIA, LONDON)

London, Jan. 1.

Charlie Rivels, Garday & Corbett, Bice and Orlans, Little Fred's Football Dogs, Gend. Lipkowsky's Arab Horses, Two Reveries, John Boland's Sea Lions, Christian Riders, Starnes & Anavan Foursome, Mroczkowski's Horses.

This year's annual luncheon to mark the opening of Bertram Mills' Circus at the Olympia was attended by the death of its founder. John Ringling North and Tom Mix were among those who attended.

This is the 19th year that the Mills Circus has returned to the Olympia. It has been recruited from Mexico to Norway, but there's no mention of Germany and its Arab Horses and acts have been deleted; the nearest to one is a cage of polar bears. The most effective turn is Charlie Rivels, who does a Charlie Chaplin on the trapeze. Rivels closes the first part and later he and his two assistants do a musical clown turn that's old-fashioned in outline but funny in execution.

Most of the acts, new to London, are circus standards. They include Garday and Corbett, Bice and Orlans, five men and two girls in regulation springboard somersaulting; Little Fred's surefoot dogs, Gend. Lipkowsky and his Arab Horses are neat and the Two Reveries stand out, with two men juggling on a slack wire. One does a single handstand while juggling with the other hand and both feet.

Most original bit from John Boland's Sea Lions is a towhigh, with one seal on Boland's back and the other doing a fin-stand. There have been much better Polar bear turns from the Hagenbeck menagerie.

Cristiano Riders is a fine bareback trap, comprising 10 men and women. Starnes and Anavan Foursome is an excellent tossing act. The biggest number is Mroczkowski's New Liberty Horses, which do excellent, complicated evolutions. Flags of several nations are attached to their harnesses, but no German insignia is included. Jolo.

## New R.R. Circus

Owatonna, Minn., Jan. 10. A new railroad circus skeddled to sally north last night. It has been formed here by Glenn J. Jarnes who has set up general offices and winter quarters in this city.

Show, of an undetermined number of cars, has appointed D. C. Hawn as general agent and traffic manager.

## 'Waltzer' Verdicts \$925

Syracuse, Jan. 10. Verdicts totaling \$925 were reported to Justice Frank J. Cregg by a supreme court jury in negligence actions brought by four children who were injured when a 'waltzer' left the runway on the state fair midway last September and overturned.

## BIRTHS

Mr. and Mrs. Bob Hussey, daughter, in Hollywood, Jan. 2. Father is radio contact at Paramount.

Mr. and Mrs. Charles Leonard, son, in Hollywood, Jan. 4. Father is former Coast advertising manager for U. A.

Mr. and Mrs. Bob Clark, son, in Pittsburgh, Dec. 30. Father with the Par exchange, Pittsburgh.

Mr. and Mrs. Louis Sumner Bookwalter, son, in Portland, Ore., Dec. 29. Father is chief engineer of KOIN, Portland.

Mr. and Mrs. Paul Kohner, son, Jan. 7, Hollywood. Mother the former Lupita Tovar, film actress. Father is an agent.

Mr. and Mrs. L. J. Purcell, son, in Los Angeles, Jan. 5. Father is in comptroller's office at 20th-Fox.

Mr. and Mrs. David Horsley, daughter, in Los Angeles, Jan. 4. Mother is former Rose Joseph, publicity director for Leon Schlesinger cartoons; father is radio commentator.

Mr. and Mrs. Allen West, daughter, in Hollywood, Jan. 6. Father is with European Picture Service.

Mr. and Mrs. Lew Seiler, son, in Hollywood, Jan. 8. Father is director at Warners.

## He Found Out

Santa Monica, Cal., Jan. 10. Sylvester Kirby, concession barker, shoved his arm into a lion's mouth to show he wasn't afraid. The lion wasn't afraid, either.

Kirby is in the hospital, minus an arm.

## 20% Down Payment Surprises N. Y. World Fair Concessionaires

Showmen who will have spots on the New York World's Fair midway are reported slightly astonished at what they describe most liberal terms handed them if agreeing to sign up for shows. Only 20% down on the total amount to be paid to the exposition is asked. However, what some don't know is that their financial responsibility is thoroughly checked before signaturig is allowed.

Remainder amount of sum due on these midway pacts is payable in graduated sums over a period of four or five months before the fair opens. Billy Rose's show in the New York state amphitheatre alone will be allowed a 40c admission as against the 25c set elsewhere. This concession or entertainment is not strictly in the midway sector but off to one side, facing the fair's long lake.

Ground has been broken for the new \$40,000 Fair Association building on the fair grounds. Structure, a two-story affair like the other administration buildings, will contain quarters for visiting newspapermen and additional space for the exposition's publicity department now in an office building near the main Administration Building. New building also will house the treasury department (which has charge of tickets) and the operating division.

## Frisco Expo Exhibs Exempted from 3%

Sacramento, Jan. 10. The California Assembly in a swift proceeding gave final passage to a bill exempting exhibits brought into the state for the Golden Gate International Exposition from the 3% tax.

The measure was passed by a vote of 73-0 without reference to committee. It will carry an urgency clause and will be effective at once if it is approved and signed by the Governor.

## Syracuse Will Buck World Fair 15 Days

Syracuse, Jan. 10. Despite previous opposition, the New York State Fair advisory board, defying the counter advocacy of the New York World's Fair, has carded a 15-day exposition this year. The state exposition will open Aug. 26 and close Sept. 8.

This will give the state fair, which some officials thought should be limited to one-week this year, three Saturdays and two Sundays. The program will be completely revised. The motorcycle races, traditional final day event, will open the program. Harness horse races will be provided the first full week, and running races, including steeple-chasing, the second week. President Roosevelt is being sought for one of the Sunday speakers.

Name bands will again be imported for nightly dancing in the Coliseum and an effort will be made to stress the industrial aspects of the expo.

## MARRIAGES

Marion Crenner to Dave Fulton, in Youngstown, Jan. 7. Bride formerly with WCAE, Pittsburgh; he's announcer at WJW, Akron.

Mrs. Ina de Martino to Emerson Buckley, Jan. 1 in Flushing, N. Y. Bride is opera and concert soprano; groom leader of Romany Choir in Palm Beach.

George Johnson, KVI, Tacoma, staff violinist, to Maxine Erickson, Tacoma.

Leona (Bubbles) Schnasi to Wayne Morris, Jan. 7 in Beverly Hills. He is film player; she non-pro.

Francine Behar to Mel Burns, Jan. 7 at Ensenada, Mexico. He's head of RKO's makeup department.

# FRISCO STUNTS START FEB. 13

San Francisco, Jan. 10. Although the Golden Gate International Exposition doesn't open until Feb. 18, San Francisco will start celebrating the completion of the fair Feb. 13 with a week-long program of festivities. Costumed bands, Spanish street singers, cowboys, miners and Indians will make merry in the streets. Sirens, whistles, automobile horns, bombs, army and navy guns will be utilized to produce a record volume of noise. There will be rallies, parades, street dancing and costume balls. Street decorations, interior and exterior building decorations and window displays will conform to the general theme.

Major events already set start Feb. 13 with a 'Kick-off' rally in Dreamland Auditorium, followed on successive days by 'Cavalcade of the West' parade, with district celebrations and events in hotels and night clubs; a fireworks show, a jitterbug contest and a 'Fashions of the Old West' review in the Civic Center; a '49'er Costume Ball' with the crowning of 'Miss San Francisco' and on the eve of the opening a big electrical parade.

Chamber of Commerce and exposition officials will be hosts Wednesday (18) to 250 Los Angeles business and civic leaders at a party on Treasure Island. A special display of the \$1,500,000 lighting system, will be a feature of the affair, which will be broadcast over a network.

## Nebraska's Governor Asks Fair Financing

Lincoln, Jan. 10. Gov. Cochran asked the unicameral legislature in his annual budget message to again attempt to refinance the state fair's \$250,000 5% debentures at a 3% rate.

Cochran made the same suggestion in 1937, but the legislature turned him down. His proposal is that the bonds be bought by the educational and lands funds (school money), securities which is now invested in securities which average less than 3% interest. Says during the last two years the fair could have saved \$14,500 in interest.

## Charlotte Fair Sale Put Up to Creditors

Charlotte, Jan. 10. Plans for merging Charlotte Agricultural Fair with the recently organized Southeastern Fair Corp. are in an intermediate stage, pending approval of the Charlotte group's creditors.

President John L. Wilkinson, of the Charlotte unit, disclosed that Southeastern had an offer the directors considered satisfactory. Charles E. Lambeth, a creditor, and Dr. J. D. Dorton, manager of Southeastern, are contacting creditors. Understood the debts total about \$4,000.


## Fair Officer a Senator

Ballston Spa, N. Y., Jan. 10. Gilbert T. Seelye, an officer for years of the Saratoga County Fair, took office last week as State Senator a day before he was renamed a director of the exposition. The annual report submitted at the meeting of county agricultural society in Ballston Spa courthouse showed \$4,028.06 was cleared on the 1938 fair. It was one of the few upstaters to make a substantial black ink entry. Receipts totaled \$24,441.50 and disbursements \$20,413.44.

## NEB. TO CUT FAIR SCALE

Lincoln, Jan. 10. With an eye to dropping admissions to 25c from the present 50c scale, Nebraska State Fair submitted its annual budget to Governor Cochran for presentation to the 1939 legislature. Fair asks \$135,000 for the next biennium, against \$74,000 for 1937-38.

Contributing to the increase was a \$20,650 item for construction and repairs which did not appear in the last budget. It will be used to match WPA funds.



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## N. Y. FAIR LEGIT LOOKS COLD

### N. Y. Drama Critics' Box Score

AS OF DEC. 29, '38

Key to abbreviations: SR (shows reviewed), R (right), W (wrong), O (no opinion expressed), Pct. (percentage).

	SR.	R.	W.	Pct.
SIDNEY B. WHIPPLE (World-Tele.)	42	36	6	.857
JOHN ANDERSON. (Journal-American)	42	35	7	.833
WALTER WINCHELL (Mirror)	23	19	4	.826
RICHARD WATTS, JR. (Herald Trib.)	42	34	8	.819
JOHN MASON BROWN (Post)	42	34	7	.816
BROOKS ATKINSON (Times)	42	33	8	.788
RICHARD LOCKBRIDGE (Sun)	42	33	9	.788
BURNS MANTLE (News)	42	33	9	.788
VARIETY (Combined)	44	39	5	.886

### Whipple and Anderson Lead Legit Box Score at Half-Season Mark

At the season's halfway mark, with 44 shows in the VARIETY alleged mathematician's bag, Sidney B. Whipple, of the World-Telegram, leads the New York legit critics by a narrow margin in the 1938-39 box-score. The tabulations show all the reviewers, with one exception, are sticking strictly to business.

Like all his brethren, but leaving Walter Winchell, of the Mirror, out of the hard-working class, Whipple shared 42 of the 44 entries, and comes up at this point with a percentage of .857. This is based on calling 'em right 36 times out of 42. John Anderson is a close second with .833 on being correct in 35 instances, with a 'Hellzapoppin' for the remaining seven.

Winchell took a sun-tanning in Miami for part of the season and peeked at only 23 shows. He was right 19 times ('Hellzapoppin' included), and comes into the stretch in third place with a percentage of .826. In view of the fact that Winchell's catching almost all the important openings, Robert Coleman, of the Mirror, a box-score winner last year, is rated as that sheet's No. 2 reviewer this season.

Richard Watts, Jr., who snipes at (Continued on page 49)

### Add Exhib Headaches: 12 of 16 Major Clubs May Essay Night B.B.

Night baseball on an extended scale in both major leagues this summer looms as an added headache for exhibitors. Latest indications are that 12 out of 16 clubs in the two leagues may go in for night games this year, and the total may be increased.

Although Brooklyn went for the nocturnal games late last season on a modified scale and Cincinnati had a number of contests scheduled, few followers of the national pastime expected such a sweep toward after-dark playing. All of the clubs have (Continued on page 55)

### Credits at End of Pix; Rep. Says, 'Who Cares?'

Hollywood, Jan. 17. Republic is tempting the wrath of talent appearing in its pictures and others connected with production by relegating credits to tail end of films. Herbert Yates, board chairman, in ordering change said only preview audiences in Hollywood care anything about credits.

Names will be run off after final fade, giving exhib opportunity to clip them. First picture under new system is 'Mysterious Miss X.'

### 'Obscene' Discs Go Thru Mails At Legal Risk

U. S. Post Office Dept. is reported as investigating the circulation of risqué recordings and has advised several music shops in New York to stop sending 'em to subscribers through the mails or answer a charge of posting obscene matter. Ruling not only covers mailing the records, but extends to advertising matter as well.

Sophisticated cuttings have grown considerably in popularity of late, being sold singly and in sets. Piping of double entendre tunes used on the waxings is handled, in most cases, by well-known names.

### Smugglery Pic

Hollywood, Jan. 17. First picture dealing with the current jewel smuggling case is 'Key Woman,' now rolling at Universal under Joe May's direction. Irene Hervey has the title role, playing opposite Preston Foster.

### PATRONS WON'T PAY \$3.30 TOP

Showmen Fear Full-Scale Legit Would Be Out of Gear with Other Fair Admissions at 75c Top—ATC Wants B'way to Remain Focal Point for Theatre-Going Tourists

#### NO REVIVALS

Legit participation during New York's World Fair will be confined to Broadway and not on the fair grounds, according to most recent consideration of the policy to be used in the music hall being erected there. Although construction at the Fair was announced to be 90% completed over three months prior to premiere, there are a number of problems yet to be settled, including (Continued on page 48)

### Paris Theatres Force Free Radio Shows Not To Affect B.O. Hours

Paris, Jan. 10. The radio station here have agreed to change the hours of their free audience shows, following pressure brought by music hall and theatre managements. Boxoffice contingent had as allies in the campaign the Society of Authors and the Ass'n of Authors, Composers and Publishers of Music. What served as the stroke that dissipated broadcaster resistance was the refusal of the Society of Authors to work with the stations unless they consented to put on their audience events within prescribed time limits.

Clash between the broadcasters and boxoffice element started last summer, when the Poste Parisien took over the Emire, with 2,200 seats, and the Radio Cite moved to rent the Normandie Cinema and the Pigalle theatre. The music hall men complained that the free shows at all hours of the day and night were affecting their business adversely. Under the new plan such free broadcasts will be staged in the evening only between 7 and 8:30 o'clock and not between 9 and 11 o'clock, as had been the custom. Agreement is to hold until June 30, 1939.

### Burlesque to YWCA

Spokane, Jan. 17. Jane Lord was out of a job when Smoky Wells' burlesque folded at the Empress here. But not for long. She went to Seattle where she persuaded the YWCA to let her teach dancing.

### Fearing Swing on Wane, B'way Par Fortifying Itself with Personalities

#### GWTW Peeved Pix Eds

Film editors on the New York dailies were all for ignoring the release of the final selection, Vivien Leigh, as Scarlett O'Hara in 'Gone with Wind.' They were burned at all the phonies planted during the 'decision' period, and were conspiring on the freezeout. What they feared happened—story was a 'city desk item and out of their hands.

Though not officially stated, it's reported that the Paramount, New York, is beginning to take steps to fortify its stage end in the event that the name band policy and current swing craze starts to fade. Deluxer's operators, originators of the pit band vogue, are reported viewing with apprehension their manifold imitators as one factor in probably eventually murdering the proverbial goose.

Name bands are now also in vogue in the Times Square sector at Warner's Strand and off and on at Loew's State. Other metropolitan spots occasionally playing name bands are the Riviera, in the Bushwick section of Brooklyn, and the Strand, in downtown Brooklyn. The competition to the Paramount is evident and growing greater, and other types of flesh attractions are now due for a trial at Par's Broadway spot. These will run to film personalities where possible.

First such show will evidently be the layout due to open Feb. 8 with the picture 'St. Louis Blues.' While the basic pit band policy will continue, house has set a couple of picture names to adorn the pit as well. They are John Boles and Patricia Ellis. Orch will be Vincent Lopez's, and its Betty Hutton, who gained recognition at 'Billy Rose's Casa Manana, and Abbott and Costello, radio act on the Kate Smith program. Though the show looks costly on paper, house operators claim it's no more expensive than the average pit layout the deluxer has been playing. That's probably due to the fact that Lopez's aggregation isn't getting the fancy figures of some other bands, (Continued on page 55)

### Frisco's Expo Sets Flock Of Pic-Air Names

San Francisco, Jan. 17. Harris D. Connick, manager of the Golden Gate International Exposition, has signed contracts with Jack Benny, Eddie Cantor, Fred Allen, Fannie Brice and Sophie Tucker for appearances at the Expo. Each will appear twice daily for single week stretches in the open air pavilion. Gus Arnheim and John Scott Trotter have inked contracts to provide music the two opening days, Feb. 18-19.

Deal for Rudy Vallee to play for the ball opening night has chilled. Elsa Maxwell, during a speaking engagement at the Opera House last week, said she would be one of the hostesses at the fair. Miss Maxwell is a former San Franciscan.

Harry Joe Brown's 'Hollywood Boulevard' will not be at the fair. Phil Jacks took over when Brown failed to come through with more coin and is rumored as having sunk \$30,000 in the venture.

### Too Much Propaganda In Current Fiction Scares Off H'wood

Grumbling by some of the literary agents that picture companies are buying much less published material than formerly, preferring originals, is answered by film story editors that considerably less current published fiction is suitable for the screen because more and more scribblers are weaving propaganda into their tales. That's all right with the film story editors personally, most of them hasten to point out, and seemingly okay with the mag and book publishers. But they remember the to-do over Walter Wanger's production of 'Blockade' as a case in point, and prefer stories furnishing out and out entertainment.

### How to Crack Radio; 'March of Time' Disc Takeoff Lands Job

Hollywood, Jan. 17. Dave Roberts is a radio actor, but more importantly a showman. Try as he would for months to get the ear of producer Glenhall Taylor of Silver Theatre, he got no further than the Young & Rubicam receptionist. He had that 'nothing today' dinned into his consciousness so often that he decided to change his tactics.

A few weeks later a disc arrived at Y. & R. reception desk. The label read 'the story of Dave Roberts and how he got on Silver Theatre.' Curiosity of the Y. & R. gang was aroused so they ran it off. Using a March of Time formula, Roberts related his many brushoffs at Y. & R. interrupting the passages to show his range of talent. Punch at the windup was that Roberts, as an old man, was still trying to get to Taylor. Just as Taylor again gives him the brushoff, flash comes through that the Silver Theatre has been cancelled.

Taylor will use Roberts on an early show.

# Par in N. Y. Denies Blumenthal's English Circuit Claims; London Reports a Pool with Oscar Deutsch

Paramount Pictures, Inc., has filed suit in N. Y. supreme court for an injunction to prevent Ben Blumenthal, international film broker, from executing a writ obtained from the London (England) courts for damages for alleged breach of contract on the part of the picture corporation. Blumenthal had sued on the claim that Paramount had run out on an agreement to buy the agent's commission for obtaining a prospective buyer for theatres in the British Isles either owned or controlled by Paramount. He claimed he secured a purchaser but that Par had refused to go through with the deal.

In asking for an injunction, the picture concern denies entering into any agreement with Blumenthal. Not only that, but declares it neither owned or controlled the theatres mentioned by the agent. Besides this the plaintiff contends the English court had no jurisdiction and that if any such suit were made, it would have to be done in New York City.

A hearing on the injunction is set for today (Wednesday).

## Blumenthal's Stance

Paramount's countersuit against Ben Blumenthal, filed in N. Y. Supreme Court Friday (13), seeking to enjoin the later from proceeding with a suit against them, filed in London, Dec. 27, is a maneuver by Paramount to get Blumenthal to sue the corporation and its officers here instead of abroad, according to him. Jurisdiction was first established on British soil before papers were served to recover \$1,000,000 from Paramount and Oscar Deutsch, of Odeon Theatres, and permission was granted Blumenthal by British courts to serve papers on Paramount officials in New York.

Film agent, who claims Paramount executives verbally agreed to transfer control of their British theatre interests to an English syndicate, states that Paramount's object in starting counter-suit here is for purpose of obviating necessity of contesting the suit in the English courts.

At the N. Y. supreme court hearings today (18), Paramount will contend all negotiations on any deal were carried on in New York; besides which, Par has no English theatres—only stock in British companies.

## Deutsch-Par Deal?

London, Jan. 17. Reported here Oscar Deutsch is negotiating to acquire Paramount's entire English circuit, and that part of the condition of the sale is that Par product play in Deutsch houses. When Philip Hill docks a new Deutsch-Gaumont-British Co., the Paramount theatre circuit would be included in flotation, according to local financial dope in the 'City'.

Paramount here will in future concentrate solely on production. It's headed by David Rose and Adolph Zukor, with Earl St. John, now in charge of theatres, to head the sales force under David Rose.

## Loew's Dividend Meet Today on Both Issues

Directors of Loew's, Inc., are scheduled to meet today (Wednesday) to act on dividend payments for both the common and preferred shares. This is the postponed session from earlier in the month.

Regular quarterly distributions probably will be made on both classes of shares, which means the regular dividend on the common. Understood that earnings in recent months, justify an extra payment above this amount, but such distribution may be delayed for the time being.

## C. Henry Gordon Stricken

Sacramento, Jan. 17. C. Henry Gordon, veteran character actor, was taken to a Stockton hospital Jan. 10 for an emergency appendicitis operation.

Gordon was stricken on location at Sonora where he is General Santa Ana in Republic's picture dealing with the life of Sam Houston.

## Court Upholds Laurel

Los Angeles, Jan. 17. Demurrer by Hal Roach to the \$700,000 breach of contract suit filed by Stan Laurel was denied in superior court. Defendant was ordered to answer the suit within 20 days. Laurel charges producer with illegally cancelling a four-picture contract which still had two pictures to go.

## B&K, Indies Both Balk At Opening Books

Chicago, Jan. 17.

Balaban & Katz and other circuit and distributor defendants in the case filed against them by the Allied independent theatre owners here, hauled a flock of exhibitors up before the master last week for a flood of depositions in what the defendants state is their only way to obtain a fuller understanding of the grievances of the suing exhibitors.

Big wrangle, in the taking of the depositions, is whether the books of the theatres are to be thrown open for general inspection. Early on the heels of the original filing of the suit by Allied the various distributors were filled with the happy prospect that, win, lose or draw, they would come out ahead in the suit by learning many hitherto hidden bits of information regarding the actual grosses and profits of these theatres. Among those to be questioned are Leon Errol, Frank Morgan, Herbert Marshall, Nick Carter, Miriam Hopkins, Phyllis Brooks, Bing Crosby, Jean Mogileski, Binnie Barnes, Cary Grant, Nola Hahn, Joseph M. Schenck and Ronald Colman.

With this phase still unsettled, the depositions are a compilation of data on the various theatres regarding protection, product and other essential info on the setup of these houses.

Meanwhile several plaintiffs originally in the suit against Balaban & Katz have withdrawn their objections and declared themselves out of the case. Firm of Jules Goodman and Lou Harrison was one of the most important theatre groups to bow out of the picture.

Government suit against B&K and seven major distributors on allegation of violating the 1932 consent decree has been postponed to Feb. 17 for its next hearing. Stall was caused by fact that Federal Judge Woodward is not ready, being busy at present with several prior cases on the docket.

## Add: Momand Motions

Oklahoma City, Jan. 17. Additional motions in the A. B. Momand \$4,500,000 anti-trust suit were filed in Federal district court here last week by defendants Griffith Amos Co., Regal Theatres, 20th-Fox, United Artists, Universal, Vitaphone, Loew's, RKO Pictures and RKO Distribution Corp.

Motions asked plaintiff to name more definite and certain his charges by naming dates, locations, situations, etc., when the alleged violations of the anti-trust law were committed.

Regal Theatres, Inc., denies all allegations in the Momand amended petition with reference to themselves.

## MORE COFS 'N' ROBBERS

Hollywood, Jan. 17. Universal will make a film based on the '47th Street Precinct' in New York (Times Square section) by Martin Mooney and Burnet Hershey. Film will hit marquee under label of 'Metropolitan Police.'

## Other News of Interest to Films

Yank distributs get 'frozen' Jap coi .....Page 15  
AFRA strike stories .....Pages 24-26  
Radio reviews of Kellogg's 'Circle,' Screen Guild show, Rudy Vallee, Phil Baker, Franchot Tone, John Barrymore, Myrna Loy, Joe E. Brown .....Page 36  
Warners may sue on discs .....Page 37  
New act review: Joy Hodges .....Page 43  
Sonja Henie vows 'em at Madison Square Garden .....Page 44

## Hill in U. S. on GB-Odeon-20th-Metro

Philip Hill, British financier and underwriter of Odeon Theatres Circuit, Ltd., of England, arrived from Europe yesterday (Tues.) to discuss possible amalgamation of G-B Theatres and the Odeon group, with 20th-Fox and Metro, minority interests in G-B.

American companies may put their okay on the deal which would provide an outlet for their product in approximately 600 theatres. Hill and Oscar Deutsch, head of Odeon, originally planned to base flotation of a new public stock issue on a booking arrangement of pictures in both circuits. Nothing concrete resulted from the scheme.

Hill may try to interest American capital to join with his syndicate, which includes Arthur Rank and Lord Portal, in acquiring controlling stock in G-B held by the Odeon brothers via the Metropolitan & Bradford Trust. About \$10,000,000 will be required. If the is successful, in raising money in the U. S., insiders predict Rank and Portal will finance the entire deal. Best opinion also holds that if this eventuates, Deutsch will lose controlling position in the merged chains.

Hill is expected to go to Florida to see Nicholas M. Schenck, president of Loew's, Inc.-Metro. Joseph M. Schenck is also expected to come on from Coast for the confab to take place latter part of this week.

## Detroit Labor and Wages Near Peak, But B.O. Off; Exhibs Blame Bad Pix

## QUESTION 14 FILMERS IN U. S. BOND CASE

Los Angeles, Jan. 17. Loretta Young and 13 other members of the film colony are due for questioning by Uncle Sam's men on the bond manipulations of Wm. P. Bruckner, Jr., Assistant U. S. Attorney John C. Walsh and Louis F. Maged of the Securities and Exchange Commission are here to investigate the Hollywood angle.

Among those to be questioned are Leon Errol, Frank Morgan, Herbert Marshall, Nick Carter, Miriam Hopkins, Phyllis Brooks, Bing Crosby, Jean Mogileski, Binnie Barnes, Cary Grant, Nola Hahn, Joseph M. Schenck and Ronald Colman.

## UA PARDS STILL HUDDLING % DETAILS

Hollywood, Jan. 17. Owners of United Artists are still clinched in their annual meeting, carried over from last week with two major problems still unsolved. Questions are: the allotment of undistributed funds on an equal basis to all permanent producers for UA, regardless of ownership, and the distribution costs.

Solution of the first problem was delayed by Samuel Goldwyn, who asked a majority of the funds as the most profitable producer, with David O. Selznick demanding an equal share in case he re-signed a releasing agreement. Question of distribution will likely be solved by lowering the cost below 25% with equal treatment to all.

While no conclusions were reached by Monday night (16) on main issues, it was indicated that the session will wash up by Thursday (19). Murray Silverstone is optimistic regarding accord being reached all around. The question of electing a president was not discussed, with intimation it may not be acted upon at this date.

Goldwyn's determination for reduced distribution costs on his pictures and a fatter cut of the profits is stalling action on other matters. Accountants are now at work in New York to fix amount for fund to be divided up among producers.

Detroit, Jan. 17. Film biz in Michigan is still about 25% below the normal line, although b.o. currently is in much healthier condition than this time a year ago.

Exhibitors' chief cry is scarcity of topflight product, while many blame the b.o. sourness on distrust engendered in patrons by the letdown in recent Movie palaces at film box offices. While quite general in Detroit, b.o. is likewise sour in outstate theatres, according to circuit operators.

Employment conditions in Michigan currently are at the highest level since 1937, and aren't far from that peak year, but only slight effort has been made to make at film box offices. Average wages are likewise near peak, but exhibs believe there'll be no substantial pickup at the b.o. until there's a consistent flow of grade A flickers.

Philly's Statistics Philadelphia, Jan. 17. Film grosses in Philly during 1938 slipped about 10% from the previous year, indie, circuit and distribut excels figured here this week. This is a composite of both de luxe and nabe grosses. Worst affected, particularly during the latter months of the year, were indie subletter-runners, some of which claim to have hit the skids for as much as 30% off of 1937. Downtown houses, in the best position, of course, due to lack of competition because all are Warner theatres, suffered least, showing a slip for the 12 months of only about 8%.

## Young, Haley Leave 20th

Hollywood, Jan. 17. Loretta Young goes freelance when she finishes her current job in 'Alexander's Ragtime Band' at 20th-Fox. Her contract expires Jan. 20, but she will remain at the studio for another month.

Studio has also let Jack Haley's option lapse.

## SAILINGS

Jan. 21 (New York to London), J. Carlos Bavetta, Mr. and Mrs. Edward R. Murrow (ile de France).

Jan. 14 (New York to London), Hugh Williams, Marcel Hellman, Elsa Lanchester, Jean Gacon, de Cavaignac, Albert Lentz, Barney Lewis, Ben Lane, Stump and Stumpy, James Cross, Edward Hartman, Eddie Liberman, Nesta Williams, Cookie Bowers, Rene Blum, Christian Troupe (Paris).

Jan. 18 (New York to London), Al Lewis (Washington).

Jan. 14 (New York to Naples), Mrs. Caniglia, Lucrezia Bori (Rex).

Jan. 14 (London to New York), Richard Tauber, Diana Napier, Veloz and Yolanda (Aquitania).

Jan. 18 (London to New York), Otto Kruger (Manhattan).

Jan. 13 (New York to Buenos Aires), Robert Shawood, Karl Macdonald (Uruguay).

## ARRIVALS

(At the port of New York) Stella Adler, M. A. Schlesinger, Herbert Janssen, Mr. and Mrs. Samuel Dushkin, Irene Bordon, Andre Aigazy, Sydney Chaplin, Mr. and Mrs. Jack Oakie, Mr. and Mrs. Lee Tracy, Margaret Lockwood, Laudy Lawrence.

# TAX RELIEF PROSPECTS NIL

## 20TH'S EARLY SELLING FOR 1939-40

Beating other majors to the gun, 20th-Fox last week first announced dates of four international sales conventions to be held during 1939. Initial meeting of sales forces will be the domestic organization's convention in Chicago, April 15-17. This will probably be the earliest convention any of the major companies will hold this year. Production has been so highly geared that all of the '38-39 product will have been completed by April and selling plans on product for the '39-40 will be ready for discussion sooner than normally held.

Company's second convention will be held in Paris May 4-6. S. R. Kent and Walter J. Hutchinson will for Europe April 20 to attend this meeting and then proceed to London for the convention here on May 11-13.

A new departure for 20th-Fox will be its first Pan-American sales convention which takes place in Rio de Janeiro June 1-3. Kent and Hutchinson will arrive in Rio from London on May 29. Both are due back in New York by June 27.

## RKO CONFIRMATION PROCEEDING SLOWLY

Confirmation of RKO plan of reorganization is proceeding slowly with Federal Judge William Bondy taking no final action until he is satisfied the plan has the necessary two-thirds consents in proper legal form.

Belief in RKO circles was that Jan. 26 (date of next public hearing) would see the company officially out of 77B, with all parties in reorganization being given a sufficient period in which to withdraw approval of the modified plan. RKO trustees to date have not received Judge Bondy's order to proceed with notifications, and believe that even if Judge Bondy finds two-thirds consent all in order he will still give security holders and creditors time to object, before putting signature to plan.

He is also studying list of RKO's contracts with executives, tentative slate of new board of directors; long-term leases; terms of new stock underwriting by Atlas, and other details. Anticipating filing of appeals from his final order of confirmation, Judge Bondy is carefully sewing up all legal loopholes and going slow to forestall possibility of his decision being upset in higher courts.

## Johnston to Supervise Monogram Production

W. Ray Johnston trained out Saturday (14) for the Coast, where he plans spending majority of his time in future overseeing Monogram production with Scott R. Dunlap.

Decision to remain on the Coast most of the time henceforth follows the organization of a home office setup under Eddie Golden, former sales manager, who is now a v.p. of Mono. George W. Weeks, general sales manager, is out of town at present on product deals, and the foreign department, too, has been substantially built up under Norton V. Richey.

In celebration of Johnston's 25th year in the picture business, Mono is putting on a sales drive during February through its 36 branches. Johnston started in the business with Tannhauser Co. 25 years ago. In 1921 he formed Monogram, which later became Republic and was sold to Herbert J. Yates, Johnston temporarily retiring from business but returning to the field in 1938 with a new company, to be again known as Mono.

## TOMORROW'S STRAIT-JACKET

Six weeks ago Hollywood participated in a radio broadcast intended to glorify the Bill of Rights as embodied in the American constitution. This was smart advertising of an old line of goods—democracy—in which all of show business has a very direct and vital stake. But since then the good idea has been forgotten, the Bill of Rights taken for granted, the automatic continuance indefinitely of favorable democratic conditions presupposed.

Show business, and that includes sponsored entertainment on the air, is notoriously prone to confine its thinking to the everyday shop talk of its own small, immediate sphere of interest. It is true that the film industry, to cite one branch of amusement, has set up an organization (Will Hays) to keep a watch on the Rhine against censorship, taxation, discrimination, bigotry and so on. But while useful and necessary, this is not enough.

Events since 1933 conclusively answer the 'it can't happen' argument. Therefore those who are alert to the threats of expropriation, political and group tyranny, fanaticism generally, violent disregard for personal liberties or other people's opinions, ought to be doing the least that can be done—keeping the values of democracy well advertised by any and all methods. Entertainment will not be happy in the strait-jackets of future dictatorship and should therefore now—this moment—be in there fighting—but fighting intelligently, calmly, smartly, with good grace and no name-calling.

Bill of Rights is now, as it always has been the greatest theme in American life. Yet, like

most human blessings, it seldom arouses the lifting of glasses in a heartfelt toast. More-over the Bill of Rights is a tough pill for 'strong minds' (i.e. prejudiced zealots) to get down their gullets since they desire only to be heard and not to hear. In times of economic cracking at the seams, such as these, the charlatan, the demagogue, the disciple of hate-thy-neighbor can always be relied on to sound the tocsin for a mass exodus from civilization back to the jungle.

America is dotted with fancy-sounding organizations for the protection of democracy, the slapping down of the enemies of democracy, and so on. But their net effective contribution to the job of really making the Bill of Rights—cornerstone of democracy—have some practical and universal and everyday significance may be said to be slight. Many of them are pussyfooters, some of them are insincere, the more aggressive sometimes seen as much concerned with the peculiar Russian brand of 'democracy' as with what America in general would recognize as such.

A judicious, sincere, hokum-free but constant and intensive advertising campaign for the Bill of Rights is a form of insurance that should have a ready appeal to the imagination of show business, which has everything to lose if European ideologies infect the American system.

A good start has been made. The 'how' has been suggested. The advertising of democracy should not be forgotten and neglected for lack of enthusiasm in the right places. Some highly-placed gentlemen might start reading something for a change besides manuscripts.

## N. LEVINE AGAIN DEPARTS METRO

Hollywood, Jan. 17. Nat Levine checked off the Metro lot for the second time in one year. He just completed 'Four Girls in White'. Studio announced his walk-out was due to doctor's orders advising a six month vacation.

Levine's chief assistant, Albert LeVoy, stays at the studio to carry out preparations for other commitments, first of which is '20 Little Working Girls.' Contract called for a series of six B budgeters.

Former head of Mascot Pictures, Levine moved onto the Metro lot when his company was absorbed by Republic. He never made a Metro picture under his first deal, and his contract as producer was eventually bought up. Two months ago, with LeVoy as principal aide, he moved back into the Culver City studio and started lensing 'Four Girls' a week later.

## All Crafts to Decide Thalberg Award for '38

Hollywood, Jan. 17. All crafts in the picture industry will vote on the Irving Thalberg Memorial Award for producers at the Academy dinner in March. A committee of 12 producers, appointed by Frank Capra, will nominate five producers for the kudos. Last year's winner was named by a special committee. Award is given each year for the most consistent high quality production achieved by an individual producer on pictures personally produced.

Oscars this year will be given in music for best scoring job. Best original score and best song written for picture.

Acad balloting on nominations starts late this month with 15,000 votes anticipated.

## FANCY COIN

British Bankroll of \$7,000,000 Reported for Edgington

A British bankroll reported running up to \$7,000,000 is behind Harry Edgington to produce pictures for Universal release over a two-year period. Three pictures for the 1939-40 program call for \$3,000,000 to be provided by the London capitalists, and the rest for four films the second year. Douglas Fairbanks, Jr., gets the star spot in the first picture.

Roland V. Lee has signed to produce and direct U.S. 'The Sun Never Sets,' a tale of England's diplomatic service. Shooting starts March 15. Budgeted at \$800,000.

Basil Rathbone is slated for a top role.

## REP. DICKERS PATHE STUDIO

Hollywood, Jan. 17. Republic is mulling the purchase of the RKO-Pathe studio in Culver City, currently occupied under lease by Selznick-International. E. H. Goldstein, Republic studio manager, has completed a detailed survey of the plant and equipment and reported his findings to Herb Yates, chairman of the Republic board.

Yates has been seeking a permanent home for Republic since 1936, when negotiations for the purchase of the present plant fell through. His lease on the current home, owned by Guaranty Liquidating Corp., has 18 months to run. RKO is understood to be willing to sell the Culver City studio.

## Taylor-Loy's 'Night'

Hollywood, Jan. 17. Metro has called Robert Taylor back from his Manhattan vacation to co-star with Myrna Loy in 'Lucky Night.'

Picture was advanced on the schedule to replace 'The Return of the Thin Man,' delayed by William Powell's illness.

## CALIF. TO UP INCOME TAX

Sacramento, Jan. 17. A heavy increase in personal income taxes is under consideration in Sacramento as one means of meeting a state deficit which Governor Olson claims will be close to \$45,000,000 by July 1. Administration leaders are accumulating data on which they expect to base recommendations for the increase.

It was reported that the proposed sharp upswing in net personal income taxes holds first place on the tax program. Higher rates for corporation franchise taxes, changes in the inheritance tax structure and other plans to hit the heavier taxpayers are also under consideration.

The New York income tax, in particular, is being studied, it is understood.

## Frank J. Harris Not Interested for Office

Pittsburgh, Jan. 17. Widely boomed for a vacant seat in the Pennsylvania State Senate, Frank J. Harris, president of the Harris Amus. Co., told supporters he 'wasn't in the running' and that his only interest at present is the 'advancement of the Republican party in this state.' Harris is chairman of the GOP in Allegheny county.

He served in the State Senate for almost a dozen years, losing out in the Democratic landslide of 1936. Although nominal head of theatre circuit bearing his name, active head is John H. Harris, his nephew and son of late John P. Harris, who founded chain at turn of century.

## Par's Etherer

Hollywood, Jan. 17. Radio show, 'I Want Divorce,' which emanates from San Francisco, has been bought by Paramount. George Arthur will produce filmization.

## 40C TAX CEILING AND H'WOOD AS IS

10% Levy from 40c Upward Urged for Continuance by the President—Gov't Needs Every Dollar of Income—No Special Consideration to Hollywood Income Comes Even Though Limited in Span of Life

## U. S. SEES B. O. PICKUP

Washington, Jan. 17. Prospects for tax relief for the film industry are virtually nil. Scant chance that either individuals or corporations can get Congress to lift the present burdens, judging from sentiment in legislative circles last week.

Continuance of the present 10% levy on receipts from all admissions over 40c is requested by President Roosevelt in his 1940 budget message, which emphasizes the Government's unchanged financial plight and the undiminished need for every possible penny of revenue. Chief Executive asked Congress to perpetuate the nuisance imposts, expiring June 30 this year, without fixing any termination date. Though they may be unscientific and unfair, levies are easy to collect and machinery is all set up.

Pickup in film business is visualized by the Treasury statistical experts. Grosses of the entire amusement industry are not expected to be as good in the period beginning July 1 as they were in the 12-month span which ended last June 30, but the guessers see an upturn ahead. Estimate of receipts from this source is \$19,200,000 in fiscal year 1940, against \$18,400,000 in 1939 and \$20,800,779 in 1938.

The outlook for stars, directors, writers and other individuals who pay through the nose when they are riding high is discouraging. Despite all the talk about applying the theory of special allowances for the slim years, as is done in the case of oil wells and gold mines, the yelping in Hollywood has fallen on deaf ears, as far as the lawmakers are concerned.

(Continued on page 21)

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# Self-Reg. Stymie Necessitates Rewrite of First Draft; Means Sales Machinery Not Before '39-40

Because of the delays occasioned in steps taken to get at a trade practices program that will be satisfactory to the exhibitors, with negotiations now in a state of suspense pending a rewriting of the first draft and possible future hitches, suitable machinery is not likely to be set up before selling begins on the 1939-40 product. On the current season's ('38-39) pictures, selling began in April and it will start as early this year.

There is no assurance in view of how self-regulation has stalled along that a suitable trade practices agreement can be arrived at by April when selling is expected to begin, nor that it may come in time to do much good on the '38-39 contracts that will run out in July.

This is as the distributors would prefer it, which leads some exhibitor thought in the direction of surmising that the major companies would just as soon see sufficient delay to prevent effectiveness of any trade practices pact except with the beginning of the '39-40 product. The original intent of the distributors has been to place self-regulation into effect with the coming year's product, rather than make it apply immediately on current ('38-39) contracts and operation. The insertion of a clause in the first trade practices draft making all provisions start with the selling of the '39-40 product has brought considerable protest, this being one of the major complaints of the Motion Picture Theatre Owners Association. The MPTOA could see no reason why that first draft, if accepted, should not be placed into operation immediately so that benefits of it would accrue on the balance of this year's pictures.

The possibility of that now, with the delays that have been caused and the time that is likely to be needed in doing most of the job over again, is very unlikely, aside from the attitude of the distributors. Later, if forced to make any accepted trade practice program effective on being signed, would have to make clauses and conditions retroactive on contracts already being signed since the fact that so many sales angles figure in connection with self-regulation would mean a rewriting of '38-39 contracts on pictures yet to go, to conform to the trade practices pact, is believed to be what the distributors are hoping to avoid.

## Rodgers

Following meetings during the past week with the MPTOA and several smaller exhibitor bodies, L. F. Rodgers, of the distributor negotiating committee, left for Washington where he met with the executive committee of Allied States Assn. Monday (16) to get Allied's views. This national organization had refused to report its attitude, though understood to have been in complete satisfaction with the first draft submitted, until after its board had met in Washington Sunday and Monday (15-16). The committee of Allied which late last fall had met with the distributors and reported back it could reach no satisfactory agreement, met with Rodgers after the board had mulled the entire matter.

Rodgers is slated to leave Washington today (Wed.) for Miami on a vacation of two weeks. No meetings with any exhibitor groups is expected meantime though S. R. Kent, chairman of the group, could call any huddle that was deemed necessary.

On Rodgers' return it is expected distributor attorneys will sit down to rewrite the trade practices draft in an effort to embody within it language as well as clauses which are being clamored for. Some clauses over which complaint has been made may be eliminated altogether, while others are expected to be changed.

It may be another month or longer before a second draft can be drawn which, as occurred with the first, will have to be taken up by the various exhibitor groups and re-mulled, with subsequent meetings again to follow. That may bring the matter deep into the summer when the '39-40 pictures are beginning to roll.

Distributors also will meet with the MPTOA, the MPTO of Virginia, Independent Theatre Owners

## Bugs Throws a Party

By BILL HALLIGAN

They call the hardy souls who dip the body beautiful in the frigid waters of the frigid Atlantic every daybreak the bare bugs. That may be okay for the influenza defers but as far as I am concerned I will take my recreation with the Bugs Baers on Park avenue, instead. Central heating, my good man.

Bugs threw his annual birthday party last week. He threw it for a loss of about 500 bananas and I don't mean Peruvian grapefruit. Bugs polished up his substitute for the Ambrose Lightship, the Baer schnozzola, and George Rector came up a week in advance to supervise the caviar department. When Arturo goes to town it's a metropolis.

I remember in the lush days of Prohibition, in the dear old Beverly Hills, the last frontier of the red ant, when a movie star threw a party he served the guests bathtub French 75's, but always had a few bottles of the McCoy for himself and his intimates. Bugs does it different.

Anyway, once a year, the carpet is taken up, the ring cleared for action, the kiddies tucked away for the night and a new welcome Neon lights the way to the home of the master mind of the wisecrack. Walter Shirley has his tonsils simonized and bingo, the party is on, just like that.

Joe Connolly, the Hearst tycoon, who falls out of sky ships to scoop himself, and Bill Curley, the Journal's managing editor, always get there first. They are taking no chances. Who knows when Joe Stern will beat them to the punch with a contract in each hand, and how can you guess what Roy Howard of the Telly is up to? From Pegler to Broun to Bugs' would make a sweet editorial page infield. Brother, that's literature.

Anyway, they bring along Sid Mercer, Bob Considine and Dorothy Kilgallen to run interference. Bob Ripley, the Believe-It-or-Not syndicator, draws a caricature for the night's signatures and McClelland Barclay and James Montgomery Flagg bring their sketch pads. Peggy Hopkins Joyce and a handsome Argentinean drop in to dunk a little grape and Bert Lytell and his better half forsake the Central Park Reservoir for something a little more substantial. The reservoir is for the happy hiker, but no one ever got fat drinking the stuff.

Little Garry, the vauder, and Jack Pearl, who has yet to be indicted for murdering the king's English, drop in to spend a casual five hours, and Earl Benham, the westcut king and his handsome frau, the late Raymond Hitchcock's sister-in-law, help to make the occasion a festive one. Tommy Farr, the five-time loser, and Nate Blum, who has the boss of the Universal lot, discuss Ethical Culture, and Walter Huston, the erstwhile Federal Knickerbocker, and Vivienne Segal "from I Married an Angel" stop by after the evening performance. Ham Fisher, the strip artist; Dave Marks, Tony King and Paul Davis, the robust, round out the gathering.

## Gillham West Feb. 1, May Stay 2 Months

Bob Gillham will leave for the Coast around Feb. 1 to spend two months or longer on this trip. In future he may spend the majority of his time at the studio in close touch with pictures as they come up, as well as future production plans.

Meantime, there is no change concerning the studio advertising and publicity setup, Cliff Lewis remaining in charge of the former and Terry DeLapp the latter.

## O'Brien-McMurray Swap

Hollywood, Jan. 17. Paramount bowed to Pat O'Brien for the male lead in "Happy Ending," a Patterson McNutt play. In exchange, Fred MacMurray goes to Warners for one picture.

## Gracie Fields East For A Spell Before Sailing

Gracie Fields, in from the Coast, will remain in New York 10 days before sailing for London where she will make another Gaumont-British picture for 20th-Fox release. Her "Smiling Along" will be released this month by 20th.

Her next is "Shipyard Sally."

## STICKUP GIVEN 5 YRS.; OTHER HOLDUPS

St. Louis, Jan. 17.

Patrick Dillane, 19, of Indianapolis, received a five-year sentence in the Alcoa Reformatory at Jefferson City Friday (13) when he pleaded guilty to a charge of holding up Fanchon & Marco's downtown deluxer, Ambassador, on the night of Dec. 11 last. Dillane also received another five years for attempting to escape in a stolen auto but Circuit Judge James E. McLaughlin fixed the sentences to run concurrently.

Dillane who first said he was Patrick Devers, a native, held up (Miss) Kelly Hadgis, ticket seller, at the point of a gun and obtained \$32. Dillane was nailed a block away by a cop who had entered the theatre lobby as he was speeding down the street. Dillane, son of a veteran policeman in Indianapolis, had been placed on the eligible list for a job as Bertillon clerk in the FBI by J. Edgar Hoover.

## \$500 Theft

Los Angeles, Jan. 17.

Three bandits trussed up the Janitor, cracked the safe and made off with \$500 in weekend receipts at the downtown Cozy theatre, Los Angeles.

## \$645 Embezzlement

Detroit, Jan. 17.

Robert Stringfellow will be sentenced this week by Recorder's Judge Christopher Stein after being found guilty last week by a jury on charges of larceny by conversion in connection with the embezzlement of \$645 in Colonial theatre receipts.

Stringfellow denied the charge of his ex-sweetheart, Mrs. Erma Wood, cashier of the theatre, that she stole the money to finance a trip with him to Arizona. Mrs. Wood has pleaded guilty to embezzlement.

## Ohio Assistant Wounded

Youngstown, O., Jan. 17.

Roger Gustafson, 21, assistant manager of the Palace here, is in a hospital with a bullet wound in the leg in both legs inflicted by one of two bandits who attempted to hold up the theatre late Saturday night (Jan. 7). They obtained no money.

The two bandits at gunpoint compelled Gustafson and Henry Strowling, the latter chief of service, to sit in the theatre manager's office while they searched for the safe. After being convinced there was no safe in the office, the bandits apparently lost their nerve and made their escape through the lobby.

Gustafson and several ushers, picking up their trail after they disappeared into the street, gave chase. One of the bandits turned and emptied his revolver in the direction of the pursuers, two bullets striking the theatre executive in the legs. A cruising cop observed the confusion and joined the chase, overtaking both bandits in the downtown section.

At headquarters the pair gave their names as Charles King, 24, and Raymond McIlvaine, 28, both of Cleveland. King, police learned, had been an usher at Keith's 105th St. in Cleveland, and was familiar with workings of a theatre.

## Daring Stickup

Clarksburg, W. Va., Jan. 17.

An unmasked, armed bandit hid up the Warner Bros. Ritz here Sunday night (15) at 10:10 and escaped with cash estimated at between \$1,000 and \$2,000. The holdup occurred in the second floor office of James C. Keefe, manager. It took place shortly after the boxoffice closed. The receipts were in a small safe in the office. The pair gave their names as Charles King, 24, and Raymond McIlvaine, 28, both of Cleveland. King, police learned, had been an usher at Keith's 105th St. in Cleveland, and was familiar with workings of a theatre.

## Allied-Distrib Powwow Secret

Washington, Jan. 17.

Negotiations between Allied States Association, most dissatisfied exhibitor element in the industry, and the major distributor committee over self-regulation pact and new statement of trade practices were under way here this week. It's the chief item on the agenda of the exhibitor organization's annual meeting.

Closed-door huddle, lasting five hours, preceded the formal debate on the majors' proposals. Leaders of the allied forces were described as widely split whether to accept or oppose the suggestions, with lack of unanimity on what concessions are insufficient. Nothing came from the meeting, with all participants taking oath of secrecy.

Participants in the preliminary confab, most of whom also took part in the conversations today (Tuesday) at the board meeting were:

For the majors—Gradwell Sears, W. R. Rodgers and Abe Montague, reinforced by two attorneys, H. I. Levinson and Tyree Dillard. For Allied—Nathan Yamins, W. A. Steffes, Ray Branch, Sidney Samuelson and A. F. Myers, with M. A. Robinson and Herman Blum as alternates.

## Sparks and His Florida Pard Set Permanent Deal with Par

## Studio Contracts

Hollywood, Jan. 17.

Metro signed Daniele Amfitheatrof, composer.

May Robson signed for three pictures per year at Warners.

Hal Roach lifted Marvin Hatley's music director option.

20th-Fox hoisted Fred Sersen's technician ticket.

Warners renewed Edward G. Robinson's contract.

Metro picked up Gene Reynolds' player option.

Aldrich Bowker, legit actor, signed by Warners.

Warners handed new pact to Donald Crisp.

Ian Hunter inked ticket at Metro.

David O. Selznick lifted Richard Carlson's player option.

Warners signed Bill Tabor, nitery warbler.

Bela Lugosi inked five-year contract at Universal.

Metro handed scripting contracts to Sid Kuller and Ray Golden.

## SCREEN, RADIO OK'D AS EDUCATIONAL AIDS

Boost both for motion pictures and radio as instructional aids in the field of education is highlighted in the Regents' Report made this week by Dr. Elizabeth Laine, in charge of the recent study on films and broadcasting as teaching aids. Her report states that motion pictures have much to contribute as a teaching aid, pointing out their peculiar abilities to make growth understandable and to make abstract ideas concrete.

"With proper backing and sponsorship, the producers of entertainment films would have no reason to be indifferent to the production of educational motion pictures," she wrote. "The project could be worked out with the close collaboration of educational experts."

Dr. Laine said that subjects and methods of treatment must be selected by educators or with their aid, but that actual filming must be done by our best technicians—at present these are the Hollywood producers.

A State School of the Air is proposed for unrestricted experimentation, it being suggested by Dr. Laine that the department be given control of one of the university radio stations.

"The most conspicuous, as well as most important, contribution that the radio can make to education is undoubtedly that of introducing history in the making. Events of great significance brought into the classroom over the radio become meaningful and vital realities of which the listener feels himself a part."

## Metro's Testees

Michael Loring, George Tobias and Ardis Gaines have been screentested by Metro.

They are being considered for roles in "Return of the Thin Man."

ordered to line up with the others.

Laine was the radio to open the safe.

The robber placed the receipts in a brief case, warned the men not to stir, and just as he closed the door remarked, "Goodbye, suckers."

## Jan. 26 Date for Refugees' Gross B.O. in La. and Miss.

New Orleans, Jan. 17.

Picture theatres throughout Louisiana and Mississippi have been enlisted in a campaign to donate their entire receipts Jan. 26 to aid European refugees. E. V. Richards, president-general manager of the Sanger Theatre Corp., announced Friday (13). Richards is general chairman of the drive.

State chairmen are Arthur Lehman, Mississippi, and Abe Berenson, Louisiana, with Louis Rosen as treasurer. The funds will be turned over to the Joint Distribution Committee for use among the oppressed.

The theatres cooperating will not deduct even their operating expenses, and exchanges are providing product free for the night. Staffs of every one of the 325 theatres likewise donating services.

## Hays' Briefie West

Will Hays left for the Coast by train Friday (13) night, on his usual first-of-year visit, but it will be shortened because of press of business in the east.

Hays probably will be back in New York by Feb. 10, and may go back to the Coast later, before the directors' first quarterly meeting of the year in March, and for the annual meeting of MPPDA the same month.

# INDIES HOPE FOR REFORMS

## NW Hears Friedl-Ludwig All Set For Divorcement, As, If and When

Minneapolis, Jan. 17. Local film row believes that John J. Friedl and L. J. Ludwig, manager and assistant manager, respectively, of the Paramount Northwest circuit, are all set to take over the entire chain, if necessary, should any state theatre divorcement legislation or any government decree prohibit producer-distributor ownership or operation of showhouses. All arrangements are said to have been made for the organization of a company by Friedl and Ludwig to absorb the Paramount houses in North Dakota if the U. S. Supreme Court upholds the validity of that state's divorcement measure. And in case divorcement is enacted in Minnesota, or in case the U. S. Government succeeds in compelling producer-distributors to divest themselves of their showhouses, the Friedl-Ludwig interests also would acquire the other Paramount houses.

Northwest Allied, organization of independent exhibitors, is engineering the fight to put through a divorcement law during the present session of the state legislature. Political wisecracks believe the Paramount circuit has a good chance to block its enactment. The last election took control of the state away from the Farmer-Labor party and put it in the Republicans' hands. Governor-elect Harold B. Stassen apparently has ignored a Northwest Allied request to commit himself in favor of divorcement.

## Elsa Lanchester's Cuffo P.A.s Nixed By Can. Musicians Union

Toronto, Jan. 17. Two advertised personal appearances of Elsa Lanchester at the Uptown here were cancelled on threat of the Musical Protective Association toward Famous-Players-Canadian that projectionists and stagehands of affiliated unions would walk out of FF-Can's 200 houses across Canada unless a 10-piece orchestra were engaged for the visiting Englishwoman's scheduled onstage chat during the matinee and a night showing of "The Beachcomber," in which Miss Lanchester appears, opposite her husband, Charles Laughton.

Refusal of the musicians' union demand was provoked "not because of the \$100-\$125 involved, but as a matter of principle," according to J. J. Fitzgibbon, FF-Can. v. p. in charge of theatre operations. Miss Lanchester, paying her visit to Canada, was guest of honor at a luncheon tendered here by Famous Players. With the coincidental playing of "Beachcomber," it was the wish of the petite titan to watch the audience reaction; she fell in with the suggestion that she say a few words about her husband from the stage. Communication from Arthur Dowell, secretary of the Musical Protective Association, protested the appearance of "a living person" on stage unless this was "balanced" by an orchestra of nine men and a leader. To this, Fitzgibbon countered that Miss Lanchester was not being paid for her appearances, that she was simply a Toronto visitor, that she was not singing or dancing, and that no musical support was needed.

Answer was, that if the lady appeared without an orchestra, a road call would go out affecting projectionists and stagehands in all FF-Can. houses across Canada. Said Dowell, "There has been an agreement for a number of years that an orchestra must be used whenever personal appearances of any kind are presented in theatres. The actress (Miss Lanchester) was not officiating at attraction. It was not planned to present her to give her a boost, but to boost the boxoffice. We feel justified in stopping this sort of thing in its infancy. The union has a set rule which means that any person advertised as an attraction at a theatre must have an orchestra."

## In the Groove

Hollywood, Jan. 17. Dick English, Paramount writer, who's to brush up the Bob Hope-Gene Krupa film, "Some Like It Hot," used to swing a clarinet himself. Just to keep in the groove and to counteract any bad effect that scripting might have had on his solid sending, he sits in for jam sessions with Freddy Martin's and other Coast outfits.

## MPLS.-ST. PAUL MOVE TO TILT ADMISH

Minneapolis, Jan. 18. What may be an opening wedge here in a general admission boost is action by the University theatre, independent nabe, in tilting its prices from 20c. to 25c. A number of the Paramount nabes, as well as other Twin City independent houses, are scaled as low as 15c., while most of the others have a 20c. admission. The 25c. theatres are in the minority. Only one neighborhood house, Paramount's Uptown here, charges 35c. Hope among the independents is to raise prices to 25c. generally up-town. The indies would have Paramount up its downtown admissions from 5c. to 10c. at every house. Increased operating costs justify the increase, it's claimed.

## Akron's Price Cuts

Akron, Jan. 17. Visions of another price war in the downtown second-run houses appeared this week when the Forum, newly-built, went into a 10-15c. policy. Liberty, second-run house operated by Robert Menches, head of Akron independents, and just outside the business district, recently went into a straight 15c policy with double bills.

## FOSTER SONGS IN SELZNICK'S 'SWANEE'

Hollywood, Jan. 17. "Swanee River," based on the life of Stephen Collins Foster, writer of American folk songs, is being prepared for shooting by David O. Selznick. Among the Foster songs to be included in the film are "My Old Kentucky Home," "Old Black Joe," "Old Folks at Home," "Massa's in the Cold, Cold Ground," "Oh, Susannah," "Sadly to Mine Heart Appealing" and "Open Thy Lattice, Love."

## Leni Lands Distrib Deal

Hollywood, Jan. 17. The German Olympic pictures brought to this country by Leni Riefenstahl will be distributed by Dwaïn Esper. Hitler's "Girl friend," barred from all studios on her visit, managed to slip over a releasing deal.

**WALTER C. KELLY'S AUTOBIOG** "Of Me I Sing," memoirs of Walter C. Kelly, completed three months before his death, is ready for the printers. Manuscript, covering 40 years in show business, is in the hands of a New York agent for submission in serial and book form. His brother, John B. Kelly, is handling negotiations for the estate. The "Virginia Judge" wrote his story during the three years he lived in Hollywood.

## VERY BULLISH FOR NEW LAWS

**Blockbooking, Dualism, Trade Practice Changes, Divorcement, Etc., on the Fire — Expect Much to Happen from All This in 1939**

## HOTTEST IN 5 YEARS

Outlook for independent exhibitors in 1939 looms brighter than for any year in the last five, eastern exhibitor leaders this week indicated. There are today about 13,000 indie theatres operated by approximately 12,000 simon-pure independent exhibitors.

These exhibitors expect relief on blockbooking, a hands-off attitude on curbing double features, industry reforms resulting from trade practice conferences and possibly the breaking up of affiliated circuits (through theatre divorcement laws).

Indie leaders in New York are freely predicting that blockbooking will be tossed out of the window by the present Congress through a national law. These same independent chieftains are looking for the Supreme Court to uphold the North Dakota court ruling for divorcement of theatre circuits from parent distribution companies. They believe it will be a case of treating the subject as a state matter and that interstate commerce does not enter into the ultimate decision.

They are also anticipating a victory in the highest court's ruling on the Texas anti-trust case, which they claim would prevent any meddling with double features.

Independent exhibitors believe that the present civil anti-trust suit against major companies will not go far in actual taking of testimony before it is halted either by the government or defendant corporations. An offer of a consent decree would bring a halt on the part of the defendants but any shift in tactics on the part of the Federal government would be to file a criminal action touching on much the same points as in the civil suit.

If the North Dakota divorcement law is upheld, a rush to push through similar legislation in three or more other states is contemplated by independent exhibitors. The only thing that would prevent this is voluntary divorcement by major companies or a national law covering the same thing.

## Par's \$6,357 Default Judgment Vs. Catlett Following His Walkout

Hollywood, Jan. 17. Paramount won a \$6,357 default judgment in U. S. District Court here against Walter Catlett for actor's refusal to show up for work in "I'm From Missouri" and causing replacement of Tom Dugan in a part which necessitated reshooting a big scene. Studio has also filed a complaint against Catlett with the Screen Actors Guild.

## Doug, Jr., 'Knighted'

Hollywood, Jan. 17. Douglas Fairbanks, Jr., gets the role of Lancelot in "Knights of the Round Table," to be produced by Albert Lewin at Paramount. Henry Hathaway is slated to direct from script by Talbot Jennings.

Albert Lewin is sailing this week from New York for historical background material to be used in "Knights."

## Several More Indie Suits On The Fire in Philly, Including One To Break Down 10-15c Embargo

## Riding the Scale

Hollywood, Jan. 17. Lew Porter is doing songs and scores for four series of sagebrushers comprising 26 pictures. Deal includes six Fred Scott westerns for Spectrum Pictures, six Arthur Jarretts for Grand National, six Tex Fletchers for Arcadia and eight outdoor specials for Majestic.

## FAIRBANKS, SR., GETS TAX REVIEW

Washington, Jan. 17. Tax troubles of Douglas Fairbanks, Sr., took a turn for the better Monday (16) when U. S. Supreme Court reversed previous action and agreed to review validity of an assessment against him running close to \$200,000.

Tiff between film star and Uncle Sam appeared ended through refusal of the highest tribunal last October to pass on Fairbanks' appeal from an adverse decision by the Ninth Circuit Court of California, but the screen actor revived his wails this month after the First Circuit Court (New England) had taken an opposite side in a similar case.

Newest concessions include granting of a motion for leave to file a petition for rehearing and of the petition itself, vacating of the order denying certiorari, and granting of the petition for writ of certiorari. High justices ordered that the entry of judgment by the California court be stayed until further order.

## WARNERS ENCORES ANTI-NAZI FEATURE

Hollywood, Jan. 17. Another film intended to expose true conditions in present-day Germany is in the making here by Warner Bros. Film, to be titled "The Bishop Who Walked with God," centers around the religious persecution of Dr. Martin Niemöller, prelate who defied Hitler. Paul Muni is slated for lead role with William Dieterle directing.

Studio will also put its "Confessions of a Nazi Spy" into production next week with Edward G. Robinson starred. Carl Jules is designing 83 sets for the picture, the most used at the studio in many months.

## Warners' Cohan Yen

Hollywood, Jan. 17. Warners is negotiating with George M. Cohan to play the lead in "Three Cheers for Irish," yarn about the New York police, by Jerry Wald and Richard Macaulay.

Metro's Cohan dicker for "The Four Cohans" film has been on the fire for some time, but never consummated.

## Fonda's Kudos

Hollywood, Jan. 17. Henry Fonda drew a new contract at 20th-Fox as reward for his "Jesse James" chores. Fact calls for two pictures annually in addition to starring in "Young Mr. Lincoln."

Philadelphia, Jan. 17. With one all-inclusive monopoly suit against the Warner circuit and all the major producers settled out of court through the granting of large-sized concessions, flock of additional exhibits are hopping on the courtroom bandwagon to win better runs as result of the majors' reported jitteriness at this time.

Latest call for an aspirin is being hatched by Dave Shapiro, operator of the Admiral theatre. He plans, starting Sunday (22), to slash his admission from 25c to 15c in the evening and a dime for matinees, and has sent registered letters to all the exchanges so informing them. As he expected, they all told him yesterday that under such circumstances they will refuse to supply him with product.

Shapiro thus plans to get a court test of both monopoly charges and the right of the producers to dictate admission fees. He is in Washington today to present his case in advance to Federal authorities who are understood to be friendly, and later in the week will seek a preliminary injunction in Federal District Court to prevent the exchanges from refusing to serve him.

Shapiro contends that his modern 1,400-seat house is blocked in, on both sides by Warner houses that get a seven-day protection over him, charge the same admission or less, and that are older and less attractive than his. Houses complained of are the Keystone, about seven blocks away, and the Wishart, about a mile away. The way, he figures it, he can't win on product, for if one of the WB houses (Keane's) beat him to a pic, the other one does.

Other exhibits confabbing with their attorneys on clearance and products suits against the freres Warner are Henry Rosinsky, of the New Broadway, and Sam Somerson, of the Palm. Wishart is also involved in both of their complaints. They want seven-day clearance after the WB Kent, instead of following the Wishart. They claim that by playing subsequent to the Wishart, which follows the Kent, they are often 21-28 days behind the key.

Similar suits by Harry Fried of the Suburban theatre, Ardmore, against WB is now pending in Federal court. One started by Herb Elliott, op of the Fern Rock theatre, was satisfactorily settled out of court two weeks ago by an arrangement pooling bookings of the Fern Rock and WB's Colony, its opposition. No changes in runs have been made yet at either house, nor will there be as long as the WB Lane, another source of competition, retained its 42c price. It gets seven days clearance over the Colony and Fern Rock, which charge 37c.

## 20TH-FOX'S MARGARET LOCKWOOD, EX-GB

Margaret Lockwood, whose Gaumont British contract has been acquired by 20th-Fox, arrived from Europe yesterday (Tues.) and flies to Coast today (Wed.) for conference with Darryl F. Zanuck, Joseph M. Schenck and Robert T. Kane. British actress is to do a series of pictures in Hollywood as well as a number at Gainsborough Studios under Kane's British unit for 20th-Fox. First picture she will do here will be decided on Coast.

## Among the Buttercups

Hollywood, Jan. 17. Paramount started construction of a tent village in Buttercup Valley, near Yuma, Ariz., to accommodate a company of 800 to 35 days during the exterior shooting of "Beau Geste." Studio is building a fort and an oasis in the desert where most of the action takes place.

# U.S. FILMERS NIX FOREIGN NATIONS' BID FOR A GOODS BARTER SYSTEM

**Even Though Cash Withdrawals Limited to 15-25% of Rentals—Steamship Tickets About the Only Compromise on Local Purchasing**

Despite ever-increasing restrictions, higher taxes, quotas, frozen funds and impounded coin regulations, major American film companies generally have managed to resist the lure of any goods barter system. Many offers have been made in the past and more recently by Italy to persuade picture companies to enter a system of merchandise barter, but these always resulted in a flat refusal. Contention of a majority of film executives is "we're in the picture business—and we're going to stay in it."

Even though some foreign countries will not permit more than 15-25% of total rental money collected to be shipped to the U. S., larger major distributors believe no profitable operation should be overlooked. Also, they believe the playing of their pictures in these countries means added popularity for American product and keeps the films of that particular nation from cutting into receipts in other foreign markets.

At one time, Hungary wanted American distributors to set up a system of goods barter. It would have had U. S. companies purchase fashions and femme wearing apparel in proportion to the amount of cash due from distribution of pictures. Then it would have had American companies ship into cash in this country by disposing of the material to department stores. Proposition was nixed.

**Aussie's Woolen Ideas**

About four years ago, when Australia tied up the coin of U. S. distributors, it was proposed that American companies buy wool, ship it here and then sell it on the market in order to get their coin out of pictures already played in Australia. United States firms refused flatly.

Foreign countries strive to protect their own features where the government has control over what films can and cannot play. Thus in Germany, Paramount Metro and 20th-Fox get in only eight to 10 features annually for distribution, and they seldom are the top ones. These three majors are able to withdraw from Germany only about 15-20% of total cash collected from distribution. Italy permitted about 25% out of the country until last Dec. 31.

Japan had a ban on U. S. rental coin for nearly a year because of the Sino-Japanese conflict. The money which had piled up during that time and until Dec. 31 was deposited in the Yokohama Specie bank in San Francisco and will be held in escrow until the end of a three-year period when it will be split up among the U. S. companies entitled to it.

Closest approach to any barter is the minor detail of using some of frozen or blocked native funds to purchase steamship tickets when a group of film officials is going abroad. Thus, tickets on any line might be purchased in Berlin coin being taken from the German exchange operation for the deal.

New restriction cropped up last week when Argentina put such a large assessment on posters imported into that country that U. S. companies in the future will have their posters made in that country. New regulation is in addition to heavy taxes on the exportation of coin and high taxes on all shipments into that nation. Argentina is an important foreign field, and since being located there. Revenue from that country represents nearly 3% of the total amount secured from the foreign field.

## Black King's Blackout

Los Angeles, Jan. 17. Black King Productions, Inc., indie picture making outfit headed by Fred S. Hirsch, asked permission to go out of business. Certificate of dissolution was filed in the county clerk's office.

Company was formed in 1935 with a capital stock of 1,000 shares of no par value.

## No Takers for Minn., Mpls.; May Be Razed For a Parking Lot

Minneapolis, Jan. 17. With Paramount Northwest circuit relinquishing the 4,200-seat Minnesota theatre Jan. 31, the \$1,500,000 de luxe showhouse, the most beautiful as well as largest in this section, faces permanent oblivion. That it may become necessary to turn the property over to the fee holders (owners of the ground) in order to save ground rent and taxes, is the declaration of George Lang, secretary of the company that owns the theatre. In such a case, it would only be a question of time until the theatre is torn down for a parking lot, he believes.

Although the Paramount circuit gave notice six months ago—as required by its lease—that it would terminate its tenancy Jan. 31, no progress has been made in obtaining another lease, Lang admits. Because of the enormous cost of operating the theatre and general conditions for downtown theatres, none has shown any interest in leasing the house, according to Lang.

Taxes run to \$40,000 a year while the ground rent is \$60,000. Then there are the items of insurance, etc. Unless the property's owners make a deal this week, Paramount will remove its sound equipment, art objects, hangings and much of the stage equipment which it owns.

## LE ROY'S WB SHORTS ENCORE FOR 6TH YEAR

Hal Le Roy has had his Warner Bros. shorts contract renewed for third consecutive year. New ticket starting Feb. 2 calls for four shorts over the year.

M. S. Bentham, dancer's manager, also has a deal for him to go to Australia next fall. Australian & New Zealand Theatres, Ltd., currently roading other American shows throughout Aussie, offer a guarantee of 20 weeks on percentage basis for dancer's services in a unit. Ernest Hollis is communicating with Bentham.

## Omaha to Des Moines, If New Neb. Law Passes

If present measure in Nebraska, which would place supervision of the state business in that state in the hands of the Railroad Commission, reported in New York that some companies might favor moving exchange headquarters from Omaha to Des Moines, Ia. Recalled in the trade that at one time New Haven was shuttered as an exchange distribution point and shipments made from Albany and Boston.

However, placing of Nebraska's distribution in Des Moines would mean that some shipments of nearly 600 miles might have to be made unless Denver was used for some of the picture business in Nebraska. More conservative film people in New York were dubious if this added expense would compensate for getting out from under the wing of the Rail Commission.

## Murder Takes a Kidding

Hollywood, Jan. 17. 'The Gracie Allen Murder Case' gets the gun next Monday (23) at Paramount.

Alfred E. Green, who will direct, is working on the script.

## Pugilistic 'Happiness'

Hollywood, Jan. 17. Paramount studio looks like cauliflower alley this week, what with three pugs working on let. Bob Roger, Joe Glick and Spike Mason are three sluggers working in 'Invitation to Happiness.'

## M-G Shorts Boom

Hollywood, Jan. 17.

Jack Chertok's shorts department at Metro is at the peak this week, with four shooting, two in the cutting room and two ready to go before the cameras.

Those in work are 'Baby Blue,' 'Somewhat Secret,' 'Dr. Jenner' and 'They All Come Out,' a four-reel special.

Life of John Peter Zenger, early American printer and pioneer crusader for the freedom of the press, is also to be produced by Chertok. Sam Chlain and Donald Baruch are doing the screenplay.

## New Pathe Plan Sent Out; Comes Up For Final Voting Feb. 16

The new Pathe Film Corp. recapitalization plan which has been passed on by the Securities & Exchange Commission, was mailed to stockholders last night (Tuesday), giving them 30 days in which to study before voting on it at a special meeting Feb. 16. Proxy statement was issued outlining all details of plan which would protect stockholders' interest in Du Pont Film holdings without the risks of operations by the laboratory setup.

Outstanding in the plan is a proposal to establish Pathe Laboratories, Inc., which would carry on the lab business now handled by Pathe Film, leaving the present Pathe strictly as a holding company. Pathe Film would transfer to the new corporation two laboratory properties: Monogram stock, Radio Keith-Orpheum notes, the capital stock, and properties of all subsidiary companies and all other assets of Pathe excepting 3,500 shares of Du Pont Film stock. It also would transfer \$200,000 in cash, borrowed by Pathe on security in Du Pont Film stock, to the new company. Pathe Film receiving in return 11,600 shares of stock in Pathe Laboratories, Inc. In consideration for these transfers the new company will assume all obligations and liabilities of Pathe Film, excepting bank indebtedness, corporation now owing Manufacturers Trust \$275,000.

Plan will be operative when approved by 66-2-3% of common stock.

It is the declared intention of Pathe Film directors to distribute as a dividend to Pathe common shareholders, 50% of the common stock in the new company. This divvy would be paid in the ratio of one share of new company stock for each 50 shares of Pathe Film common held. Intent of directorate is to distribute remaining 50% common stock to the new corporation as soon as deemed practicable within two years. No effort will be made to list the common of Pathe Laboratories on the stock exchange.

Idea of making the present Pathe Film Company a holding corporation is listed in recommendations outlined in the plan which would segregate the assets of the company by retaining the Du Pont Film stock in Pathe and transferring all other assets to this newly-formed, wholly owned subsid which will assume the liabilities as outlined.

## ZINGY AD MATTER GETS INDUSTRY O.O.

Will Hays addressed the major company advertising heads, comprising the advertising advisory council of the Hays office, last Friday (13) noon at the Harvard club. Officially the conference was listed as a routine affair, but it drew the attendance of Lester Thompson, head of the advertising division; Kenneth Clark, publicity chieftain, and Francis Harmon, head of the eastern Production Code Administration office, besides Hays. Another chief was slated for today (Wednesday).

It is known that Harmon went to the session with advertisements he has collected over a period of time. Production code office is known to

# U.S. Commerce Dept. Sees Dwindling Foreign Film Market; Off 8% in 1938

Washington, Jan. 17.

Tightening of foreign restrictions against American motion pictures is expected to have serious effects on the cinema industry's gross revenues during the coming year, Nathan Golden, head of the Commerce Department film division, warned Saturday (14).

With foreign income dropping rapidly during the past year, Golden sees 1939 as the industry's most critical year in international competition. American producers receive about 40% of their annual gross revenues from export of films to foreign countries, he pointed out, and revenues from this source already have dropped 8% in a year.

Film division chief cautioned Hollywood to concentrate on trade with Latin American countries, explaining that high taxes, quota laws and state film monopolies in Europe—combined with the aftermath of German territorial expansion—may leave South American markets the only fruitful ground for U. S. increases. Suggested production of more Spanish language pictures and importation of South American stars to cater to potential S. A. audiences.

Approximately 500 theatres exhibiting American-made films were wiped out following the Anschluss by Germany, Poland and Hungary, Golden said, and Germany's 'Anschluss' with Austria also contributed to the slack-off in U. S. film exhibition. Business between American producers and German exhibitors virtually at a standstill, he declared, due to severe censorship, economy waves and anti-Jewish laws in Hitlerland.

Picture business will suffer materially from complete cessation of exports to Italy in the new year. Before Dec. 31, 1938, Italian Government allowed importation of 250 American pix a year, but restricted withdrawal of revenues to only \$1,000,000 out of a total of \$3,000,000, Golden observed.

British Isles remain America's best foreign customer for films, Commerce Department exec reported, and despite the warfare raging in China, little reduction has been shown in the exhibition of U. S. films in Chinese theatres.

Outlook in Japan is gloomy for the coming year, even though a year's embargo on films (classified as luxuries) was lifted in October, to permit entry of 250 pictures.

# 3 Hours Is Statute of Limitations In Radio, Air Scriptor Tells Lefty

By Joe Laurie, Jr.

Coolacres, Cal., Jan. 17.

Dear Joe:

I really haven't got much news to push at you this week because I'm not in the mood. Although I've been sober for a week, I still am not talking to me and I know silence is a hard argument to beat. When she wants to ask me something she tells Junior to ask me, so you see she is practically talking to me through an agent. Women certainly know how to get a guy's goat.

I've had trouble with that radio station of mine which the banker practically owns. He is getting tired of broadcasting the news every day as he don't like the news. He is also kicking because we have no Crossley rating and I told him that Crossley don't figure in our program so I brought in a radio writer from Hollywood who was recommended to me by a guy I used to call a friend, before he sent him. He arrived here with a trunk strapped on the back of his car; he said it was full of belly-laughs. Well, he wrote the first program and it was a wow. I liked it and everybody in town was talking how good it was, but a film salesman who happened to be here said it was stuff that Fred Allen used a few weeks ago, so when I told it to this clerk he just shrugged his shoulders and said, 'Live and let live!'

The next program he handed me was a routine that Aggie and me did 15 years ago, and when I told him that he said it passed the statute of limitations. Then he explained that the statute of limitation in radio is three hours. I didn't want to argue with the guy because he knew so much about gags that he was liable to tell me where we originally got it from.

He was one of those guys who pulled gags on you no matter what you said. We were together and he said, 'I got the steak all bent up, do you think they'll take it back?' Then when the waitress asked him would he have tea or coffee he said to her, 'How many gusses do I get?' Then he asked her for Indian fried potatoes, and she said, 'You mean French fried?'.

'No, Indian fried,' he said.

Then she said, 'What kind are they?' and he said, 'Scalped.' Well, after that one I was cured so I gave him his fare back and followed him to the city limits to make sure he left town. Just for fun I put it on the radio that night and the stuff got howls.

Al Jolson passed through here on his way to the governor's inauguration where he was master of ceremonies. It was nice of him to stop off and say hello to us. We played with him when it was Jolson, Palmer and Jolson, and he was good even then. We talked over old times and had plenty of laughs. Jolson told me he is going to make a picture for 20th Century-Fox called 'Rose of Washington Square,' which I'm going to play as soon as I can, as they like historical pictures in this town, especially one with flowers.

Business has been pretty good the past week. Maybe it's because I've been watching the boxoffice. Not that I think I'm, my cashier, would take some samples, but I saw her with two new dresses and I owe her two weeks' salary. She seems to dress better when I don't pay her. I was a treasurer once and I dressed swell on passes.

I know if Aggie was talking to me she would send her best regards to the boys and girls back there on Wishing Lane. Anyway, I do, sez

Your pal,

Mervyn LeRoy sez, 'The only things worth looking at are those things that will be there long after you've looked.'

have been vexed for some time over the way certain exhibitors, usually non-affiliated houses, use advertising on a film having a production code purely seal in the same display space with ad matter ballyhooing sex, dope and other lurid pictures. Previously it was admitted that nothing could be done about this excepting through the sales departments of major companies, which is not considered likely.

Prominence given to limb and semi-nudity displays in ads and publicity stills also is reported to be on the upbeat.

## Ready Site for Picture Crowd's Sports Center

Hollywood, Jan. 17.

Ground is being cleared for the 20,000-seat arena and other buildings of the new \$2,000,000 Hollywood Sports Garden, Inc., under a 50-year lease. Construction to start in three weeks.

Structure, financed by picture people, is slated to house boxing, wrestling, hockey and other indoor sports.

# Chi Has Marquee Lure and B.O.; House-Frankenstein' Smash 22G, 'Patrol' Big 37G, Sweeties 3d OK

Chicago, Jan. 17. Profits are up all down the line currently, all houses feeling the surge of biz on general marquee strength. Not much for femmes around town, but they are nevertheless, pounding in to see strictly masculine items such as 'Dawn Patrol,' 'Illegal Traffic,' 'Son of Frankenstein.'

Outstanding in the town are 'Patrol' and 'Frankenstein,' both pictures taking their theatre into high figures. 'Patrol' is in the Chicago and is garnering heap of coin, getting away fast from the starting gun, and looks to put a bright figure in the books. 'Frankenstein' is a winner in the Palace and for the second consecutive week that house is using the black side of the ledger. That is almost a story in itself, considering the rough going this house has had in recent months. Palace is getting plenty of additional boosting from its stage show, but the picture is being held. House must be rated as boxoffice currently following his 26-week coast-to-coast radio gallop.

Both the Oriental and State-Lake are demonstrating a new type of vaudeville as front-page magnet. Operating with a low-price policy and plenty of flesh, both houses are bright spots in the nation's vaudeville situation.

**Estimates for This Week**  
**Apollo** (B&K) (1,200; 35-45-55-75)—'Kentucky' (20th). Moved here after so-so week in the Chicago, and is managing another fair \$4,500 for the session. Last week, 'Kentucky' (WB), took okay \$5,600 for its initial Chi showing.

**Chicago** (B&K) (4,000; 35-45-75)—'Dawn Patrol' (WB) and stage show. Is a strong coin-maker and is pulling the gross up into the higher regions with fifty \$37,000, one of the season's prettiest runnings. Last week, 'Kentucky' (20th) hit the big in midweek and ended disappointedly after a good start at \$29,700. **Garfield** (B&K) (900; 35-55-65-75)—'Woman Against Wall' (Col). For a quickie start and will do all right with \$4,500. Last week, 'Honey-moon' (Par), neat \$8,100.

**Oriental** (Jones) (3,200; 25-35-40-55)—'Waltz' (M-G) and vaude. Repeating 'Great Waltz,' following run of flicker elsewhere in loop, but still a mighty picture for this house. Herry \$18,000. Last week, 'Lulu' (20th), turned in bang-up \$17,500. **Palace** (RKO) (2,500; 25-55-65-75)—'Son of Frankenstein' (U) and vaude. Big House headlining and accounting for considerable share of the trade here this stanza, with the gross upping to \$22,000, strong. Last week, Fibber McGee unit on stage was the reason for the fine gross of \$12,000 picture, 'Pacific Limer' (RKO), being inconsequential.

**Roosevelt** (B&K) (1,500; 35-45-55-65)—'Everything' (20th). Opened in mid-week and setting one of the word-of-mouth, which is taking picture to bright \$13,000. Last week, 'Trade Winds' (UA), wound up good stay to okay \$10,000. **State-Lake** (B&K) (2,700; 25-35-40)—'Illegal' (Par) and vaude. Bargain policy has caught on and building 'patronage.' Again a nifty mark in the offing with \$12,000. Last week, 'Torches' (WB) and vaude, neat \$12,700.

**United Artists** (B&K-UA) (1,700; 35-55-65-75)—'Sweeties' (M-G) (3d wk). Coming into its wind-up period, with 'West With Hardys' (M-G) due to replace shortly. Will garner good \$8,000 currently, following splendid \$13,300 last week.

## STORMS CLIP DENVER; 'STAND UP' OKAY 10½G

Denver, Jan. 17. Two snow storms over the weekend and yesterday (Monday) holding big down in all houses.

'Stand Up and Fight' at Orpheum, will show top take of week.

**Estimates for This Week**  
**Aladdin** (Fox) (1,400; 25-40)—'Dawn Patrol' (WB) (4th wk), after week at Denver, good \$3,500. Last week, very good \$4,500. **Broadway** (Fox) (1,100; 25-40)—'Sweeties' (M-G), after week at Orpheum, good \$2,500. Last week, 'Blondie' (Col) and 'Up River' (20th), weak \$1,000. **Denham** (Cockrill) (1,750; 25-35-40)—'Zaza' (Par), good \$7,200 and holding two extra days. Last week, 'Artists and Models' (Par), strong \$8,200.

**Denver** (Fox) (2,525; 25-35-50)—'Kentucky' (20th) (4th wk), strong \$10,000. Last week, big \$12,500. **Orpheum** (RKO) (2,600; 25-35-40)—'Stand Up' (M-G). Strong \$10,500. Last week, 'Sweeties' (M-G), good \$10,000. **Paramount** (Fox) (2,200; 25-40)—'Devil's Island' (WB) and 'Swing

Sister' (U). Fine \$4,000. Last week, 'Tough Guys' (U) and 'Down Farm' (20th), good \$4,000. **Winds' (UA)** (2nd wk), after a week at Denver and Aladdin, and 'Last Warning' (U) (2d week). Average \$1,700. Last week, same bill, very nice \$2,500.

## REFUGEES HAVE B.O. IN PROV., \$7,000

Providence, Jan. 17. Three-inch snowfall failing to dampen biz on main stage with public giving nice play to 'Kentucky' at Majestic, 'Duke of West Point' at State, and 'Grand Illusion' at Albee. State started Saturday night Owl show policy Saturday (14).

'Refugees from Germany' revue on stage at Fay's is helping house hold own.

**Estimates for This Week**  
**Albee** (RKO) (2,000; 25-35-50)—'Grand Illusion' (French) and 'Exposed' (U). Prospects bright for nice \$7,000. Last week, 'Pacific Limer' (RKO) and 'Reno' (U), limped to port with so-so \$3,200. **Carlton** (Pay-Loew) (1,400; 25-35-50)—'Dawn Patrol' (WB) and 'Swing, Sister' (U) (2nd run). Pulling nice \$5,500. Last week, 'Sweeties' (M-G) (2nd run), swell \$6,500.

**Fay's** (Indie) (2,000; 25-35-40)—'Strange Faces' (U) and German Refugees unit on stage. Current widespread interest in refugee problem attracting biz. Paced for \$7,000. Last week, 'Storm' (U) and vaude, fair \$4,400. **State** (Loew) (3,200; 25-35-50)—'Best Point' (UA) and 'Men (C)' Paced for good \$12,000. Saturday Owl Show starting 10 p.m., helping draw late crowds. Last week, 'Stand Up' (M-G) and 'Girl Downstairs' (M-G), strong \$15,400.

**Majestic** (Par) (2,300; 25-35-50)—'Kentucky' (20th) and 'Titans Deep' (GN). Spotty response limiting possibilities to \$8,200, though still swell. Last week, 'Dawn Patrol' (WB) and 'Swing, Sister' (U), neat \$8,500. **Strand** (Indie) (2,200; 25-35-50)—'Thanks Memory' (Par) and 'Illegal Traffic' (Par). Stepping along to pace set by 'Sweeties' (M-G), 'Honey-moon' (Par) and 'Bengal' (Rep) (2nd wk), weak \$4,000.

## 'MEMORY' SHARP \$9,500 IN OMAHA

Omaha, Jan. 17. 'Stand Up and Fight' moved to the Omaha and keeping close to torrid pace set by 'Sweeties' (M-G). Home-state Robert Taylor with Wallace Beery slugging away for nice \$3,300. 'Thanks for the Memory' also hitting nice \$9,500 at Orpheum.

**Avenue-Dundee-Military** (Goldberg) (950-810; 10-25)—'Men Wings' (Par) and 'Campus Confession' (Par), dual, split with 'If King' (Par) and 'Vacation Home' (M-G), dual. Very good \$2,300. Last week, 'Arkansas Traveler' (Par) and 'Listen Darling' (M-G), dual, split with 'Breaking Ice' (RKO), Freshman Year' (U) and 'Songs of Legions' (Par), tripler, \$2,300. **Brandels** (Singer-RKO) (1,250; 10-25-35-40)—'Heart North' (FN) and 'Broadway' (WB) (2nd wk), dual, split \$4,600. Last week, 'Dark Rapture' (U) and 'Marry' (RKO), \$5,000, good.

**Omaha** (Blank) (2,200; 10-25-40)—'Stand Up' (M-G) and 'Storm Bengal' (Rep). Good \$3,300. Last week, 'Sweeties' (M-G) and 'Secrets Nurse' (U), dual, nine days, \$11,000, so-so.

**Orpheum** (Blank) (3,000; 10-25-40)—'Thanks Memory' (Par) and 'Spring Madness' (M-G). Excellent \$9,500. Last week 'Dramatic School' (M-G) and 'Nancy Drew' (WB), nice \$5,000. **Town** (Goldberg) (1,250; 10-20-35)—'Frontiersman' (Par), 'Convicted' (Col) and 'Last Express' (U), tripler, first-run, split with 'Buffalo Room' (Par) and 'Secretary' (U), both first-run, and 'Breaking Ice' (RKO), tripler. Good \$1,800. Last week 'Lawless Valley' (RKO), 'Meet Girls' (20th) and 'Cipher Bureau' (20th), dual, tripler, \$1,800. **Pals** (Singer) (Rep), first-run, 'Arkansas Traveler' (Par) and 'Brother Rat' (FN), \$2,000, good.

## First Runs on Broadway (Subject to Change)

Week of Jan. 19

Astor 'Pygmalion' (M-G) (7th wk).

Capitol 'The Shining Hour' (M-G).

Criterion 'Disbarred' (Par). (Reviewed in Variety, Jan. 11)

Globe 'The Lady Vanishes' (20th-Fox-BB) (5th wk).

Music Hall 'The Great Man Votes'.

(Reviewed in Variety, Jan. 11)

Paramount 'Zaza' (Par) (3d wk).

Rialto 'Pacific Limer' (RKO) (17).

(Reviewed in Variety, Dec. 28)

Rivolt 'The Beachcomber' (Par) (5th wk).

Roxy 'Jesse James' (20th) (2d wk).

Strand 'They Made Me a Criminal' (WB) (20).

Week of Jan. 26

Astor 'Pygmalion' (M-G) (8th wk).

Capitol 'The Shining Hour' (M-G) (2d wk).

Criterion 'The Girl Downstairs' (M-G).

Globe 'Devil's Island' (WB) (28).

Music Hall 'Gunga Din' (RKO).

Paramount 'Paris Honey-moon' (Par) (25).

Rivolt 'Son of Frankenstein' (U) (28).

Roxy 'Jesse James' (20th) (3d wk).

Strand 'They Made Me a Criminal' (WB) (2d wk).

## Taylor-Beery 9G, 'Zaza' Good 7½G In Placid L'ville

Louisville, Jan. 17. Grosses are leveling off here currently. New films stack up fair enough, but hardly in the punchy category. 'Kentucky' on dual at Strand, has been the sweetest item house has had in many months and is currently romping along in fourth downtown week, third at its present stand. Color pie still getting raves from latecomers, and the gross percentage of population will have seen the film before its downtown run ends.

Of the new pics, 'Zaza' on dual at Rialto, and 'Stand Up and Fight' on top half of dual at Loew's State, are grabbing the important coin. 'Stand Up' was shown as a preview New Year's Eve at Kentucky.

Basketball game between Notre Dame and U. of Kentucky, at the Jefferson County Armory Saturday (14), didn't help film grosses. Drew 7,000.

**Estimates for This Week**  
**Brown** (Loew's) (Fourth Avenue) (1,500; 15-30-40)—'Paris Honey-moon' (Par) and 'Stand Up and Fight' (M-G). Moved from Rialto, doesn't presage more than \$1,200, poor. Last week, 'Artists Models' (Par) and 'Warning' (U), poor \$900.

**Men** (Switow) (900; 15-25)—'Men Wings' (Par) and 'Miss Mantel' (RKO). Tame \$1,400. Last week, 'Suez' (20th) and 'Always Trouble' (20th), split with 'If King' (Par) and 'Swing Cheer' (U), fair \$1,600.

**Loew's State** (Loew's) (3,100; 15-30-40)—'Stand Up' (M-G) and 'Madness' (M-G). Pulling some biz on strength of Taylor-Beery names and lack of potent opposition. Pointing to satisfactory \$8,000. Last week, 'Sweeties' (M-G) on h.o., mild \$3,800.

**Mary Anderson** (Libson) (1,000; 15-30-40)—'Goin' Places' (WB). Racing theme always gets 'em in this town, but in this case nothing starting in the offing. Probably \$3,300, fair. Last week, 'Dawn Patrol' (WB) on h.o., sagged badly last few days to tally light \$2,900.

**Stolen** (Switow) (900; 15)—'Stolen Heaven' (M-G) and 'Sally, Irene' (20th), split with 'Marines' (Mono) and 'You Me' (Par). Indicate \$1,100, fair enough. Last week, 'Bullets' (M-G) and 'Coolidge Grove' (Par), split with 'Romance Dark' (Par) and 'Merry Go-Round' (Rep), average \$1,200.

**Fourth Avenue** (3,000; 15-30-40)—'Par' and 'Chan' (20th). Shaping up as healthy b.o. combo and should round up okay \$7,500. Last week, 'Paris Honey-moon' (Par) and 'Stand Up' (M-G) (20th), way under expectations at \$6,500.

**Strand** (Fourth Avenue) (1,400; 15-30-40)—'Kentucky' (20th) and 'Dove' (20th). Taylor-Beery names going strong; probably \$3,800, oke. Last week, second, sweet \$4,200.

# 'Jesse James' Holding Up B'way For Terrific \$80,000, 'Winds' Mild 65G, 'Marie' 25G, Storms Hurt

'Jesse James' rode into town Friday (13) on the crest of one of the worst 24-hour snowstorms New York has seen and is taking plenty of dough away from the natives. The saga of the Missouri outlaw, one of 20th-Fox's most expensive pictures, running around \$2,000,000 in cost, is making a haul on its first engagement at the Rialto that should mean about \$80,000 on the week.

This isn't far behind the high of \$87,500 under the present policy set by 'Alexander' Ragtime Band six months ago. Band got \$41,670 on its first three days, while 'James' hit \$40,024 in spite of the bad weather break. On Saturday the gross was \$17,702, new high for any one day at current prices, this beating the first Saturday for 'Alex,' which scored \$15,947. Rialto started opening at 9 a. m. yesterday (Tues.) instead of 10 in order to accommodate large early morning lines. Through Monday (4 days) house had played to 104,617 in attendance for a gross of \$17,702.

'Jesse James' has been well exploited, and the notices were extraordinarily good. The picture begins its second week Friday (20). Other first starters currently, all of which suffered from the blizzard than 'James,' were 'Trade Winds,' which is a deep disappointment at the Music Hall; 'Marie Antoinette,' on pop run at the Capitol, following last fall's \$22,000 showing at the Astor, also one of that's being passed by; and 'Arrest Bulldog Drummond,' Criterion's weak claim to fame.

'Trade Winds' will probably be short of \$65,000 at the Hall. It started slowly and is ending up nowhere. The same is true of 'Antoinette,' Metro's most costly picture of the season, which is doing no more than \$25,000, according to indications, and is being dumped after just one week. Cap is bringing in 'Shining Hour' tomorrow (Thurs.).

'Trade Winds' had a roadshow Metro film has received only one stanza at the Cap on pop run. Paramount is firm with Benny Goodman and 'Zaza' which starts this week today (Wed.), but won't go a fourth, as originally planned. A stronger picture than 'Zaza' with Goodman would have assured that fourth week. The first seven days' business was \$50,000, while the second week ending last night (Tues) was \$33,000, more than a normal dip. 'Trade Winds' profit so far on the run. House brings in 'Paris Honey-moon' and Bob Crosby Wednesday (25).

Also on a holdover is the Strand, which last week (2d) is dipping more sharply than expected to about \$22,000 after snaring nearly \$35,000 on the first seven days, with result 'Going Places' (WB) and 'Armstrong-Will Robinson' combination close to tomorrow night (Thurs.). New bill Friday (20) will be 'They Made Me a Criminal' and the Leo Reisman band.

'Pygmalion' continues very strong at the small-seater Astor, having pushed to \$14,400 last week, its fifth, and currently on the sixth lap should be \$13,000 or close. It is holding a remarkably sturdy pace. This is also true of 'Lady Vanishes' at the Globe, which got \$8,300 last week (3d wk) and will be about \$7,500 on the fourth stanza. Globe is holding English-made a fifth week, with 'Devil's Island' scheduled to follow on Jan. 28.

Another holdover in a non-stage show house is 'Beachcomber.' It is maintaining such good strength on its fourth (current) week at \$17,000 that a fifth has been scheduled starting Saturday (21). The picture follows with 'Son of Frankenstein,' which has been ready for several weeks now.

Rialto gets \$9,500, very good, with 'King of Underworld' on the first week and held it over five days through Monday (16), getting an additional \$6,000. 'Pacific Limer,' which should have been a hit this week, was brought in yesterday (Thurs.). Bulldog Drummond looks under \$5,000, poor, for the Criterion. Rialto's most direct opposition.

State is picking up markedly this week with 'Duke of West Point,' on second-run, and a vaude. bill headed by Benny Meroff band, Stroud Twins and Joy Hodge, indications pointing to no more than \$19,000.

**Estimates for This Week**  
**Astor** (1,012; 25-35-55-65)—'Pygmalion' (M-G) (6th week). Gait very steady, \$13,000 or close this week, excellent. Last week (5th) the gross built up \$14,400, also big. Stays on indefinitely. **Capitol** (4,520; 25-35-55-85-81.25)—'Antoinette' (M-G). In here for pop run at \$2 showing last week at twice-daily Astor but interest in picture slight. Last week \$10,000 indicated and will be replaced after one week tomorrow (Thurs.) with 'Shin-

ing Hour' (M-G). In ahead, 'Sweethearts' (M-G) on its third (final) week reported at \$21,000, good.

**Criterion** (1,632; 25-40-55)—'Drummond' (Par). They're passing this one in the money, probably \$7,500 this week (4th). The third week was \$8,300 and a fifth will be essayed. House has been advertising the picture much heavier than is its custom.

**Globe** (1,274; 25-40-55)—'Lady Vanishes' (20th-GB) (4th week). Still well in the money, probably \$7,500 this week (4th). The third week was \$8,300 and a fifth will be essayed. House has been advertising the picture much heavier than is its custom.

**Palace** (1,700; 25-35-55)—'Dawn Patrol' (WB) (2d run) and 'Peck's Bad Boy' (RKO) (1st run), dual, weak, \$7,500. Last week, 'Patting' (Wed.) at likely \$7,500. In ahead, 'Thanks for Everything' (20th), and 'Heart of North' (WB), both second run, the gross was less than \$4,500 on five days, mild.

**Paramount** (3,664; 25-35-55-85-90)—'Zaza' (Par) and Benny Goodman orchestra (3d-final week). Begins week in the money, probably \$7,500 for a very snub \$50,000 the first seven days and \$33,000 the second stretch of seven ending last night (Tues.). Good Goodman is filling the house with the jitterbugs during the day, but a stronger film to bolster night trade would mean a fourth week. It was planned but is now out.

**Radio City Music Hall** (5,980; 40-60-84-99-165)—'Trade Winds' (UA) and stage show. Patronage light and lucky if getting close to \$65,000. Last week, Goodman is filling the house with the jitterbugs during the day, but a stronger film to bolster night trade would mean a fourth week. It was planned but is now out.

**Rialto** (750; 25-40-55)—'Pacific Limer' (RKO) opened here yesterday morning (Tues.) and started out good. 'King of Underworld' (WB) remained 12 days, on that assignment turning in a fine \$15,500. **Rivolt** (2,082; 25-55-75-85-90)—'Beachcomber' (Par) (4th wk), 'Maintaining' good staying power for a probable \$17,000 this week (4th). The prior (3d) week ended stoutly at \$22,000 and the picture is being held a fifth week, longest for any here in more than a year. 'Son of Frankenstein' (U) is due Saturday (28).

**Roxy** (5,838; 25-40-55-75)—'Jesse James' (20th) and stage show. Forming cloud behind 'Ragtime Band,' record-ger here under present policy, new entry about America's No. 1 outlaws of pioneer days should net about \$80,000, powerful business. 'Band' at a better time of the year scored \$87,500 on its first week, all-time high at present prices, in a week about three years ago. 'Going Places' somewhat by Friday (13) snowstorm but on Saturday it beat 'Band's first Saturday by \$1,755. Last week, 'Kentucky' (20th) (3d wk) was \$9,000, last week, 'Marie West' (3,450; 25-55-75)—'Duke of West Point' (UA) (2d run) and vaude including Benny Meroff band, Joy Hodge and Stroud Twins. Business fair but below this week, looking \$19,000 or thereabouts, mild. Last week, 'Cowboy and Lady' (UA) (2d run) and vaude headed by Benny Meroff and Dick Foran, around \$25,000, good.

**Strand** (2,787; 25-40-55-75-85-90)—'Going Places' (WB) and Louis Armstrong band, plus Bill Robinson (2d-final week). Pushed through to nearly \$35,000 last week (1st), very good, but lowers to around \$22,000 on the holdover, more of a difference than was expected though due no doubt to current opposition, blizzard, etc. 'They Made Me a Criminal' (WB) and Leo Reisman open Friday (20).

## St. Paul's Ad Tilt

Minneapolis, Jan. 17. St. Paul newspapers—two of them and both under one ownership—have raised their display amusement advertising rates for independent exhibitors from \$3.50 to \$4.20 per inch. Smaller houses are endeavoring to induce the sheets to agree to a reduction in the required minimum lineage that carries the rate.

One of the larger houses, that have been exceeding the minimum, are cutting down their space substantially.

## Hula Premiere

Hollywood, Jan. 17. Honolulu will get the world preem of Metro's picture of that name on Feb. 1. Prints are being rushed to catch the Matsonia, which sails Jan. 26 for the island.

# Vallee Treats Par to \$18,000 Week;

## 'Winds' Neat \$23,500, 'King' \$13,500, 'Frankenstein' 18½G, L.A. Biz Spotty

Los Angeles, Jan. 17. Business spotty on current week, with Paramount heading list of first runs, due to Rudy Vallee and unit on stage. 'Trade Winds' and 'Thanks for Everything' at the State-Chinese doing okay, and 'Son of Frankenstein' and 'Next Time I Marry' should bring profitable grosses to RKO and Pantages.

'King of Underworld,' coupled with 'Freshman Year,' all right at Warner's first run, while on the 'Kentucky' piling up big returns at Wilshire and doing first rate at United Artists. 'Pygmalion' continues okay at Four Star, now in its fourth week.

### Estimates for This Week

Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—'Trade Winds' (UA) and 'Thanks for Everything' (20th), dual, okay \$15,000 in prospect. Last week 'Kentucky' (20th), one-reeler, Ferdinand the Bull (Disney) very good \$15,400.

Downtown (WB) (1,800; 30-40-55-65)—'King of Underworld' (WB) and 'Freshman Year' (U), dual, looks hot at \$7,500. Last week 'Going Places' (WB) and 'Devil's Island' (WB), five days on second week, \$5,500.

Four Star (F-WC-UA) (800; 40-55)—'Pygmalion' (MG) (4th), looks like keeping up merry pace and headed for sweet \$5,400. Third week ended with good \$3,900.

Hollywood (WB) (2,756; 30-40-55-65)—'King of Underworld' (WB) and 'Freshman Year' (U), dual, looks like \$6,000, fair. Last week 'Going Places' (WB) and 'Devil's Island' (WB), five-day second week, okay \$4,300.

Parades (Pan) (2,112; 30-40-55)—'Son of Frankenstein' (U) and 'Next Time I Marry' (RKO), dual. Will likely wind up with \$8,500. Last week 'Pacific Liner' (RKO) and 'Exciting Night' (U), below expectations, \$6,500.

Paramount (Par) (3,595; 30-40-55)—'Ride Crooked Mile' (Par) and Rudy Vallee heading stage unit. Later responsible for bump of \$18,000 draw. Last week 'Artists and Models' (Par) second week, not very hot \$9,000.

RKO (2,872; 30-40-55)—'Frankenstein' (U) and 'Next Time I Marry' (RKO), dual. Hey, no big \$10,000. Last week 'Pacific Liner' (RKO) and 'Exciting Night' (U), good \$7,200.

State (Loew-Fox) (2,414; 30-40-55-75)—'Trade Winds' (UA) and 'Thanks for Everything' (20th), dual. Will wind up with okay \$13,000. Last week 'Kentucky' (20th) and 'Ferdinand' (RKO), big \$17,000.

United Artists (F-WC) (2,100; 30-40-55)—'Kentucky' (20th) and 'Ferdinand' (RKO). Okay on moveover for \$5,200. Last week 'Sweethearts' (MG), fine \$5,400.

Wilshire (F-WC) (2,296; 30-40-55-65)—'Kentucky' (20th) and 'Ferdinand' (RKO). Kicking up big results on moveover and should hit fifty \$8,900. Last week 'Sweethearts' (MG), very good \$7,300 on moveover.

# HON' MOON SAD

## IN BUFF., \$7,500

Buffalo, Jan. 17. 'Son of Frankenstein,' at Lafayette, is climbing to a fine figure this week and should top everything else in town.

'Young in Heart,' at Buffalo, is sluggish.

### Estimates for This Week

Buffalo (Shea) (3,500; 30-35-55)—'Young Heart' (U). Should see over \$10,000, fair. Last week 'Sweethearts' (MG) (2d wk), four-day stanza for this holdover got okay \$8,000.

Century (Shea) (3,000; 25-35)—'Pacific Liner' (RKO) and 'Nancy Drew' (WB). Looks slated for neat \$9,000. Last week 'Going Places' (WB) and 'Devil's Island' (WB) (2d wk), four days, okay \$4,000.

Great Lakes (Shea) (3,000; 30-50)—'Paris Honeymoon' (Par). So-so \$7,500. Last week 'Dawn Patrol' (RKO), swell \$11,000.

Hipp (Shea) (2,100; 25-40)—'West With Hardys' (MG) (2d wk). Very nice \$8,000. Last week 'Kentucky' (20th) (2d wk), six days highly satisfactory, \$7,400.

Lafayette (Ind) (3,300; 25-35)—'Frankenstein' (U) and 'Swing Cheer' (U). Plenty of life in this bill, which should see fine \$11,000. Last week 'Spy Ring' (Col) and 'Adventures' (Col), nice \$7,300.

### Broadway Grosses

Estimated Total Gross  
This Week ..... \$304,000  
(Based on 12 theatres)  
Total Gross Same Week  
Last Year ..... \$316,900  
(Based on 12 theatres)

# CROSBY LIGHT

## 11G IN PHILLY; SNOW HURTS

Philadelphia, Jan. 17. Heavy snowfall Friday and Saturday and drop in temperature over week-end carrying grosses down this sesh. Although everything is pretty well in evidence, snow is a nuisance, that they're picking 'em out for 'Topper' is right since at better than \$15,500 at the Aldine.

Only other thing in the deluxers showing even moderate strength is 'Zaza' at the Boyd, wicketing a par \$15,500. Unsatisfactory reviews were no help. In the two-gun Stanton, 'King of the Underworld' is shooting things up well above average with \$6,200.

Fox theatre is taking it on the chin again with 'There's That Woman Again' at the Stanley is another disappointment.

Estimates for This Week  
Aldine (WB) (1,303; 42-57-68-75)—'Topper' (UA). Originally set to open last Thursday, but on the flick was pushed back at the last minute to Saturday (4). Opened well, however, despite snow and set for better than \$15,500. Last week, 'West Point' (UA), still slated for five days of second sesh, forced into a full week, poor \$7,100.

Boyd (WB) (2,350; 37-42-57-68)—'Zaza' (Par). Mediocre \$15,500 in the face of reviews and word-of-mouth, although the title seems to be helping somewhat. Last week, 'Sweethearts' (MG), in five days of third week, clicked off \$10,000, neat.

Earle (WB) (2,758; 26-37-42-57-68)—'Pacific Liner' (RKO). Will Osborne and Phil Regan on the boards. Combo provided a fairish week at \$20,000. Last week 'Going Places' (WB) and Bob Crosby band, okay \$21,000.

WB (2,423; 37-42-57-68-75)—'Woman Again' (Col). House continues to suffer this lap with below \$10,500. Last sesh, 'Artists and Models' (Par) very weak at just about \$10,000.

Kariton (WB) (1,068; 37-42-57-68)—'West Point' (UA) (2d wk). Poor \$3,800; flick was pretty well milked by two weeks at \$10,000. Last week, 'Kentucky' (20th) (2d wk), so-so \$4,200.

Keith's (WB) (1,870; 37-42-57-68-75)—'Sweethearts' (MG) (2d wk). Showing pretty strong, with almost \$5,000 in view of two weeks and five days at Boyd previously. Last week, 'Dawn Patrol' (WB) (2d wk), not at all \$5,100 after two laps at Stanley.

Stanley (WB) (2,816; 37-42-57-68-75)—'Honeymoon' (Par). Following in the path of other recent musicals, distinctly on the downbeat with sorry \$11,000. Last week, 'Stand Up' (MG), strong \$16,600.

Stanton (WB) (1,457; 26-42-57-68)—'Kentucky' (20th) (WB). Scarefire thriller clicking solidly at \$6,200 in this pistol pace. Last week, 'Newsboys Home' (UA), mediocre \$4,700.

### B'KLYN GOES FOR LOVE

'Sweethearts' Drawing Good \$20,000; 'Underworld' Dual N.G. 14G

Brooklyn, Jan. 17. Principal money getters in City of Churches are Loew's Metropolitan, flashing 'Sweethearts,' and Fabian Fox, with 'Dawn Patrol' and 'Ferdinand' Disappointing are 'King of Underworld' and 'Swing, Sister, Swing' at Fabian Paramount.

Estimates for This Week  
Albee (3,274; 25-35-50)—'Kentucky' (20th) (WB). Satisfactory \$17,000. Last week, 'West Point' (UA) and 'Road Demon' (20th), okay \$14,000.

Fox (3,089; 25-35-50)—'Dawn Patrol' (WB) and 'Blondie' (Col) (2d wk). Excellent \$20,000 for ten days.

Met (3,818; 25-50)—'Sweethearts' (MG) and 'March of Time.' Will bring in first \$10,000. Last week, 'School' (MG) and 'Christmas Carol' (MG), good \$16,000.

Paramount (4,126; 25-35-50)—'King

Underworld' (WB) and 'Swing, Sister' (U). Quiet \$14,000. Last week, 'Angels' (WB) and 'Down Farm' (WB) (3d wk), grand \$17,000.

Strand (2,870; 25-50)—'Stand Accused' (Par) and 'vaude featuring Dick Foran.' Last week, 'Crooked Mile' (Par) and 'vaude, nice \$12,500.

# 40c Vode-Duals

# Click in Boston; Horror Big 18G

Boston, Jan. 17. 'Dawn Patrol,' 'Son of Frankenstein' and holdover of 'Shining Hour' are the standouts in the Vode-Duals policy at the Boston, at 20-30-40c, is clicking.

Estimates for This Week  
Boston (RKO) (3,200; 20-30-40)—'Dawn Patrol' (WB) and 'Loveless Valley' (RKO), with vaude for three days; and 'Miss Manton' (RKO), and 'Road Demon' (20th) (2nd wk) dual, for four days. Aiming at satisfactory \$7,500. Last week, 'Blackstone' (U) stage full week, with 'Adventure in Sahara' (Col) and 'Tombstone' (RKO), dualled, for three days, and 'Sahara' and 'Blondie' (Col) (2nd wk), dualled, for four days, dandy \$14,500.

Fenway (M&P) (1,332; 25-35-40-55)—'Paris Honeymoon' (Par) and 'Storm Over Bengal' (Rep) (2nd runs). Tepid \$6,500. Last week, 'Going Places' (WB) and 'Comet Broadway' (WB), dual, \$6,100.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'Son of Frankenstein' (U) and 'Exciting Night' (U). Drawing fifty \$10,000. Last week, 'Woman Again' (Col) and 'Newsboys Home' (UA), steady \$12,500.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Dawn Patrol' (WB) and 'Nancy Drew' (WB). Attracting important money, around \$21,000 in five days. Last week, 'Kentucky' (20th) and 'Up River' (20th), okay \$19,000.

Orpheum (Loew) (2,900; 25-35-40-55)—'Shining Hour' (MG) and 'Dramatic School' (MG) (2d wk). Aiming at very good \$16,500. Last week smash \$23,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Paris Honeymoon' (Par) and 'Storm Bengal' (Rep) (2nd runs). Headed towards medium \$8,500. Last week, 'Going Places' (WB) and 'Comet Broadway' (WB), \$9,000.

Scollay (M&P) (2,538; 25-35-40-55)—'Young Heart' (U) and 'Going Places' (WB) (2nd wk). Okay \$7,000. Last week, 'Artists and Models' (Par) and 'Crooked Mile' (Par), \$6,200, fair.

State (Loew) (3,600; 25-35-40-55)—'Shining Hour' (MG) and 'Dramatic School' (MG) (2d wk). Aiming around \$12,000, very good. First week big \$19,000.

# 'Woman'-Vaude

## Poor 16G; Blizz

### Crimps Det. B.O.

Detroit, Jan. 17. Coupla holdovers and letdown in product strength spells so-so sesh here. Both 'Sweethearts' at UA, and 'Kentucky' at Adams, are doing okay by themselves on third stanzas.

'There's That Woman Again,' plus 'Gang Busters' radio program on flick, headed for pretty lean session at the Fox.

Estimates for This Week  
Adams (Balaban) (1,700; 30-40)—'Kentucky' (20th) (WB) (2d wk) plus 'Spy Ring' (Col). Former flicker, after smash sesh at Fox, moved here for two big stanzas. About \$3,000 currently, following big \$8,000 last week coupled with 'Mr. Moto' (20th).

Fox (Indie) (5,000; 30-40-65)—'Woman Again' (Col) with 'Gang Busters' and 'radio' heading show. Blizzard no help and likely to get \$16,000. Last week swell \$30,000 for 'Blondie' (Col) plus Joan Daub heading vaude.

Michigan (Indie) (Detroit) (4,000; 30-40-65)—'Zaza' (Par) plus 'Girl Downstairs' (MG). Figures for okay \$14,000. Last week 'Young Heart' (U) and 'Going Places' (WB) got only fair \$12,800.

Palm-Sate (United Detroit) (3,000; 30-40-65)—'Fate' (MG) plus 'Stand Accused' (Par). Headed for \$15,000. Last week, 'King of Underworld' (WB) and 'Torchy' (WB), okay \$8,500.

United Artists (United Detroit) (2,000; 30-40-65)—'Sweethearts' (MG) and 'March of Time.' Last week, 'School' (MG) and 'Christmas Carol' (MG), following neat sessions of \$11,000 and \$18,000. Will put out Thursday (19).

# Mpls. Pic Houses, It Seems, Need

## Opposish; 'Zaza' Only Mild \$5,500

### Key City Grosses

Estimated Total Gross  
This Week ..... \$1,485,300  
(Based on 24 cities, 162 theatres, chiefly first runs, including N.Y.)  
Total Gross Same Week  
Last Year ..... \$1,521,600  
(Based on 25 cities, 158 theatres)

# PITT B. O. COLD; KEMP-FRENCH FAIR \$19,000

Pittsburgh, Jan. 17. Weather's the alibi again this week and a good one, too. Getaways without exception were knocked into a cocked hat by winter's most severe snowstorm and slow pick-ups indicate a pretty sluggish season all the way around. Even Hal Kemp, in variably money in the bank locally, at the Stanley with 'Say It in French,' is off, illustrating session's general trend.

Expected a future for Taylor-Beery combo in 'Stand Up and Fight' is failing to develop at Penn and only bit of sunshine downtown is 'Kentucky,' moved to Senator for second week after hefty gross at the Stanley with 'Say It in French,' is off, illustrating session's general trend.

Alvin (Harris) (1,850; 25-35-50)—'Woman Again' (Col) and 'Chan' (20th). 'Chan' have struggle to get even \$4,800, do house here.

Last week, in six days, 'Kentucky' (20th) grabbed around \$10,000, good.

Fulton (Shea-Hyde) (1,700; 25-40)—'Exciting Night' (U) and 'Am Criminal' (Mono). It's the miser for this site lately, with no real product in sight until 'Tailspin' (20th) (Rep). Not much more than \$2,000 for current dual. Last week 'Chaser' (MG), yanked after four days to \$1,000 and reissue of Valentino's 'Eagle' lasted only three to a dull \$800.

Fenn (Loew-UA) (3,300; 25-35-50)—'Stand Up' (MG). Looks like Metro is overdoing the he-man stuff with Taylor. Paced for \$13,500, not too much, but hardly worth last week, 'Cowboy and Lady' (UA), also under \$14,000.

Senator (Harris) (1,800; 25-35-50)—'Kentucky' (20th) moved here after hefty session at Alvin. Headed for around \$4,500, best figure this house has enjoyed since it opened in November, and flicker will hold for another week, moving last week, 'Lady Vanishes' (GB). Last week, reissue of '20th Century' (Col) and 'Storm Over Bengal' (Rep), poor \$1,500.

Stanley (WB) (3,600; 25-40-60)—'In French' (Par) and Hal Kemp's band. Weather giving Kemp the bum's rush this week. At present pace will have tough time beating \$19,000, fair enough, but a disappointment because of original expectations. Last week 'Artists and Models' (Par) and Phil Regan-Block & Sully-Fuzzy Knight, same at under \$15,000.

Warner (WB) (2,000; 25-40)—'Thanks Memory' (Par) and 'Girl Downstairs' (MG). Kicking in with nice \$5,100, considerably better than house usually does with twinnings. Last week 'Sweethearts' (MG), from Penn, big \$8,400.

'Angels' Given a Hypo In Lincoln, Wow \$5,000

Lincoln, Jan. 17. 'Angels' looks heavenly at the h.o. Spritzy, took the start with fastest first hour pace ever clocked by the house. Opening day was also speeded by stage trick; Pat O'Brien was in the house from the stage via long distance telephone. Maynard Owen Copeland and Barney Oldfield, newspaper critic, conversations being amplified both ways for the audience.

Biz all over town is on the upbeat. 'Kentucky' is doing pretty well at the Stuart, and Robert Taylor's

Minneapolis, Jan. 17. Film houses here last week had more and tougher outdoor opposition than during any similar period within memory. Nevertheless, strange as it may seem, the downtown first-run theatres had their biggest business in several months and aggregate takings hit a high for more than a fortnight. Now they're all trying to figure out the answer.

The outside opposition came from the legitimate roadshow attraction, 'D. D. Rafter Be Right,' which copped \$23,000 at the Lyceum in four nights and a matinee; a pop concert by the Minneapolis Symph in the Auditorium; and a tennis match at the Auditorium. Two Tuesday Snow Train excursions for ski and skating enthusiasts; two professional boxing cards; a professional wrestling match, three hockey games (one professional and two University of Minnesota contests), a Minnesota basketball game that drew 12,000 and a number of highschool basketball contests.

Now the boys are almost beginning to believe the more opposition the better. Currently, with much less opposition, business at the film emporiums isn't so hot.

Best of the newcomers from a box-office standpoint are 'Kentucky' and 'Remember,' at Orpheum and World, respectively. The State, with 'Zaza,' is lagging, while 'Heart of the North,' Gopher offering, seems unable to maintain the exceedingly high level set by its predecessor, 'Blondie.'

Estimates for This Week  
Aster (Par-Singer) (900; 15-25)—'Pek's Bad Boy' (RKO) and 'New York Sleeps' (20th). En route to good \$1,800. Last week, 'Storm' (U) and 'On Farm' (20th), \$1,500, okay.

Century (Par-Singer) (1,600; 25-35-40)—'Sweethearts' (MG) (2d wk). Moved here from the extension of first-run. Still going along at profitable clip, but fortnight run will be sufficient and it will move out after Thursday 19th. Fair \$4,000 on heels of pretty \$19,000 first week at State. Last week, 'Hardy' (MG) (3d wk), \$5,000, big, after \$9,000 and \$7,000 first and second weeks.

Orpheum (Par-Singer) (998; 25-35-40)—'Heart North' (F.N). House has clicked since its opening. Good \$3,800 indicated. Last week, 'Blondie' (Col), \$4,300, new high.

State (Par-Singer) (2,800; 25-35-40)—'Kentucky' (20th). Lots of kind words for this one. Strong exploitation campaign also helping. 'Limbo' (WB) (20th) \$7,000. Runs eight days. Last week, 'Dawn Patrol' (WB), \$9,000, big, eight days.

State (Par-Singer) (2,300; 25-35-40)—'Zaza' (Par). Colbert slipping here and mixed opinions on the way. Will be fortunate to reach light \$5,500. Last week, 'Sweethearts' (MG), \$12,000, very big.

Time (Bergson) (1,500; 15-25)—'Dead End' (UA) reissue. House does well with most reissues and this one breezing through to fair \$7,000. 'Orphans of Street' (Rep) replaces to top (only the first week) 'Last Boy' (Mono), \$1,700 in 16 days, good.

Uptown (Par) (1,200; 25-35)—'Shining Hour' (MG) split with 'Circus' (WB). First name big showings. Good \$3,000 in prospect. Last week, 'Can't Take It' (Col), \$3,500, big.

World (Steffes) (350; 25-35-40-55)—'Man from Reno' (RKO). House have fallen all over herself in boosting this one and customers also are singing its praises. House tripled usual newspaper display advertising appropriation in selling it. Big \$3,000 indicated. Last week, 'To the Victor' (GB), \$600, poor.

'Stand Up and Fight' is fancy at the Lincoln.

Re-lighting starts (20) when the Liberty comes back as a dual feature house, one change a week. Will touch \$4,500, decent.

The Orpheum is to open soon, about Feb. 15. Both these spots have been decorating.

Estimates for This Week  
Colony (NTI-Noble-Mono) (750; 10-15)—'Wild Horse Canyon' (Mono) and 'Daredevil Drivers' (WB), split with 'Rhythm Saddle' (Rep) and 'Blondie' (Col). Okay \$1,000. Last week, 'Frontier Scout' (GN) and '100 Faces' (GB), split with 'Loved Fireman' (WB) and 'Buckaroo' (Mono), fairish \$900.

Lincoln (Indie) (1,600; 10-25-35)—'Stand Up' (MG). First single in a long time. Biz excellent, \$3,800. Last week, 'Tough Guys' and 'Kildare' (MG-G), good \$3,500.

Stuart (LTC-Cooper) (1,900; 10-25-40)—'Kentucky' (20th). Going at a speed which shouldn't stop before touching \$4,500, decent.

'Dawn Patrol' (WB), neat \$4,100.

Varsity (NTI-Noble) (1,100; 10-25-35)—'Angels' (WB). Zoomed from touch to \$4,500, decent.

Will run close to \$4,000, which is a 'c' pinch. H.o. week, 'White Banners' (WB), okay \$2,400.



# "JESSE JAMES" BLA ALL-TIME RECORD

- *Biggest single day*  
*"Alexander's" bigg*
- *This despite worst*
- *On Sunday 5,800*  
*nearly three ticket*
- *First three day att*  
*83,300!*

## "JESSE JAMES"—THE THRILL

# STS "ALEXANDER'S" AT ROXY, N.Y.!

**in history of Roxy — topping  
best day by \$38!**

**snow storm of years!**

**seats sold in 34 minutes—or  
s per second!**

**endance totalled a record**

## OF THE INDUSTRY!



THE KEYSTONE  
OF YOUR FUTURE

## Lincoln in the White House

(In French; with English Titles)  
Although Raimu dominates this picture masterfully, it is Michele Morgan who will win a host of new  
(Continued on page 19)

# GUNGA DIN OPENS NEXT WEEK

*Pre-release*

★ RADIO CITY MUSIC HALL ★

★ LOS ANGELES ★

★ MIAMI ★



# MOTION PICTURE HERALD

Alert  
insightful  
the  
industry

## MOTION PICTURE DAILY

Studio Fight  
On NLRB to

*The Pulse of the Motion Picture Industry*

## Boxoffice

## THE REPORTER

LEST MAY BE FORGOTTEN

## VARIETY

NEWS OF THE SHOW WORLD

World on Fire Challenges Films to Forge Ahead—Hays

## THE FILM

Indies Seek Clarification

## VARIETY

RADIO SCREEN STAGE

## VARIETY

25¢

## AIR TALENT'S STANDSTILL

Estimate N.Y. World's Fair Will

"THIS IS JUST ABOUT THE MOST NATURAL AUDIENCE NATURAL THE STUDIOS HAVE TURNED OUT SINCE THE GROSS AVERAGE STARTED SLIPPING."

"One of the finest film experiences of the year."

"De luxe entertainment... Flawless performances... delightful comedy."

"A great picture... has warmth, humor, timeliness... a rare treat for any audience."

"Sock appeal for mass patronage... Capital Entertainment."

"Grand piece of down-to-earth entertainment... Should score heavily at the box-office."

"Sparkles with value and brilliance... worthy of topmost position."

# THE GREAT MAN VOTES

with

## John Barrymore

Peter Holden • Virginia Weidler

Donald MacBride • Katharine Alexander

Pandro S. Berman in Charge of Production

Directed by Garson Kanin • Produced by Cliff Reid • Screen-Play by John Twist



OPENS  
RADIO CITY  
MUSIC HALL  
JAN. 19

## Want to Drop 'Quota' Stigma

Major companies are exerting pressure to have use of the word 'quota picture' abandoned in connection with films made in England or purchased from British producers to apply to quota credits. Executives claim that such designation stigmatizes the film in advance of release and after it is being offered to exhibitors. They say that descriptive term, 'quota' as applied to such productions is poison to an exhibitor.

Officials claim that there is no particular object in constantly referring to a picture as a quota credit film, particularly in view of the boxoffice success of several British-made features of late.

## U. S. Distributors Oppose New Sweeping Restrictions in New South Wales

Sydney, Jan. 2.

American distributors in New South Wales, after protesting against the new government restrictions against them, are laying plans to fight the bill which promises to check them in this state.

Distributors feel they are being discriminated against with new law possibly cutting them off from virtually 42½% of the average exhibitor's playing time. All predicted, of course, on ability to enforce the new percentage rules 100%. Most U. S. distributors are particularly annoyed by the regulation giving the new South Wales exhibitor the right to reject 25% of their product.

In addition they are handicapped by the new statute which forces an exhibitor to make up 15% of his program from British-made pictures. The other 2½% results from the proviso that each exhibitor must make up this amount of his program with Aussie films.

The only favorable factor in the new legislation, as expressed by American distributors, is the belief that perhaps 60% of the latest restrictions will be unenforceable. Foreign distributors, both U. S. and British alike, know that the rule forcing exhibitors to make 15% of their program British-made pictures is a plea to secure widespread distribution of Australian-made films. Great Britain. Exhibitors here are highly skeptical, too, of British-made films making the 15% grade.

Hoyts, through Charles E. Munro, its director, has protested to the New South Wales government on the compulsory 15% quota for British pictures in this territory. Such a high quota, Munro stated, would cause the exhibitors to lose heavily.

An endeavor had been made by Hoyts to build up British product throughout the Commonwealth, it was pointed out, but it failed. In the main British product has not been strong.

Other picture execs admit that quality product, both British and U. S., is not flowing to the Antipos, as previously. Say, too, that governmental interference, oversteering and poor product will continue to hit theatre operators in 1939.

### Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '38.  
'Robert's Wife,' Globe—Nov. 23, '37.  
'Me and My Girl,' Victoria Palace—Dec. 16, '37.  
'Nine Sharp,' Lyric—Jan. 26, '38.  
'The Fleet's Lit Up,' Hippodrome—Aug. 17.  
'George and Margaret,' Piccadilly—Aug. 30.  
'Running Riot,' Gaiety—Aug. 31.  
'Flashing Stream,' Lyric—Sept. 1.  
'Room for Two,' Comedy—Sept. 6.  
'Dear Octopussy,' Queens—Sept. 14.  
'The Corn Is Green,' Duchess—Sept. 20.  
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.  
'Bobby Get Your Gun,' Adelphi—Oct. 7.  
'When We Are Married,' St. Martin's—Oct. 11.  
'Quiet Wedding,' Wyndham's—Oct. 14.  
'Goodness, How Sad,' Vaudeville—Oct. 18.  
'Idiot's Delight,' His Majesty's—Oct. 24.  
'Elizabeth of Austria,' Garrick—Nov. 3.  
'Traitor's Gate,' Duke of York—Nov. 17.  
'Geneva,' Seville—Nov. 22.  
'Under Your Hat,' Palace—Nov. 24.  
'Story of African Farm,' New—Nov. 30.  
'Windfall,' Apollo—Dec. 15.  
'No. 6,' Aldwych—Dec. 21.

## MacDonald's WB Trek

Karl MacDonald, Latin-America supervisor for Warner Bros., sailed Friday (13) for Buenos Aires and an extended trip through his territory. He plans visiting every country in Central and South America before returning to U. S.

## 'Aryan' Magyar Law Would Oust 6 Legit Leaders

Budapest, Jan. 5.

If a proposed new anti-Semitic law passes in Parliament shortly, six of Budapest's 10 leading legit theatres will be without leaders. Legislation decrees that no Jew, i.e. one having one-quarter Jewish blood, hold an exec post in Hungarian show biz.

Of the remaining four theatres, three are state-subsidized, the Opera, National and Kamara. Only one comparatively unimportant private theatrical undertaking is in 'Aryan' hands. Prompt enforcement of the measure, which the managers proposed to anticipate by closing down at once, unless they were sure they could at least play until the end of the season, would be downright catastrophic for the profession.

Managers, however, have been assured they could play until the end of the season and also retain members of their companies until then, even if they have not been members of the Actors' Chamber. Membership rules for the latter will be revised in the next two months, so that some of the more glaring anomalies, i.e. leaving out eminent actors, may be remedied.

Many Hungarian actors of Semitic descent, working abroad, such as Lily Darvas, Rosie Barsonyi, Oscar Dancs, etc., have not applied for membership. Of the applicants, few were refused admission. Chamber of Actors was established under the first Jewish Law, which stipulated a ratio of 80:20 'Aryan' and Semitic members, but before this could take effect, the quota was changed by a new bill to 94:6, upsetting all previous arrangements in this as in other fields.

## ADELPHI, LONDON, SET FOR VAUDE START FEB. 6

London, Jan. 17.

Adelphi theatre is scheduled to start with variety shows Feb. 6. Operated by General Theatres, house will show twice nightly.

George Black and Val Parnell are handling the shows, which will be changed every four weeks.

Dick Henry, of the Morris agency, cabled London yesterday (Tuesday) from New York for definite date of Adelphi's vaude opening, since he's holding some American acts for the preem show. The agency had believed the opening would take place Feb. 20.

## 20th's S. Africa Deal

Johannesburg, Jan. 4.

Otto W. Bolle, 20th-Fox director in South Africa, has released details of first-run deal whereby the picture company and H. Laurie, Johannesburg financier, would construct a 2,200-seat first-run cinema here. Other business interests, including A. V. Lindbergh, director of Central News Agency, are reported in on the deal.

The other deal is for the erection of a suburban picture house near here to seat 800. Bolle is hopeful of other theatre-building deals in Pretoria and Port Elizabeth.

## BERGNER PIC'S PREEM

London, Jan. 17.

'Stolen Life,' the Elisabeth Bergner picture which Paramount will distribute in the world market, will be previewed at Paris Plaza here. Picture is scheduled to begin London showing tomorrow (Wednesday).

## Yankee Distributors Get Final Payment This Month on 'Frozen' Jap Money

### Lawrence's U. S. Huddle

Ludvig ('Laudy') Lawrence, European general manager for Metro, arrived in New York yesterday (17) on his first visit in several years. Lawrence will go over business conditions abroad with Arthur M. Loew, head of Loew foreign department. May also go to the Coast to look at some of the '39-40 product before returning to Paris, Feb. 15.

Sam Eckman, Jr., Loew manager in Great Britain, sails for New York in April to confer with Loew.

Final payment on the \$800,000 bulk fund permitted to leave Japan under an agreement made last fall with U. S. distributors probably will be paid this month, according to advice received at the N. Y. home offices. This is the money, originally frozen in Japan, the U. S. being deposited with the Yokohama Specie bank in San Francisco, in escrow, to be held for distribution to American picture companies at the end of three years. American distributors were permitted to ship about 240 features into Japan before the end of 1938.

Major distributors are hopeful that some similar arrangements can be made to withdraw funds obtained in rental collections during the present year. Because the Sino-Japanese struggle has developed stringent economic conditions in the past 12 months, which probably will grow worse, they are inclined to believe that no better terms can be obtained.

Besides breaking the embargo on the entrance of foreign films into Japan, the three-year bank deal was viewed as favorable for three reasons:

(1) It brought American distrib funds collected in Japan to this country and placed them under American banking laws (2) it converted these moneys into dollars and (3) the plan assured American companies they would receive their coin on a specified date.

Majority of major company foreign executives could see no hope for improved business in Japan during 1939 unless the present warfare stopped. Indications are that the loan to China and anti-dictator blasts against fascist nations by the U. S. administration are hindering amicable relations between U. S. distributors and the Japanese.

## Japs Weigh Bill On Gov't Control, Italy Status Quo

Japan may shortly join Russia and Italy in nationalizing its film industry. A proposed bill to nationalize the picture business in Japan comes before the Diet in April. It would control the entire home industry, according to A. A. Lowe, former United Artists general manager in Japan, who arrived in New York Thursday (12) from abroad.

A proposal for government control also comes up in the Argentine senate next May.

Lowe has been succeeded at the Tokyo post by Joe Goltz. He will receive a new foreign assignment when Arthur W. Kelly, UA's foreign manager, returns to N. Y. from London this month.

Situation in Italy on the Government distribution monopoly remained status quo during the past week. Meantime various U. S. companies were mostly concerned with getting rental coin collected during the last two or three months from Italy. Most majors, with their own exchanges, had nearly all their funds on old pictures removed from Italian soil before last Dec. 31, but there still remained a considerable sum which had piled up at the end of the year.

Companies with their own distribution system were shifting their managers out of Italy with few exceptions. Paramount's manager is now in Paris waiting to confer with John W. Hicks, Jr., the firm's foreign chief. Metro's Italian head is due in Paris shortly, while the general manager, sync studio manager and other officials were due to leave Italy soon. Both 20th-Fox and Warner Bros. managers were still in Rome cleaning up final details.

## Yankee Films Topped

### 1938 Anglo Competish

British and American films were the biggest competitors in Great Britain, with foreign films (aside from U. S. releases) representing an insignificant proportion of the total, according to a report from the London area commercial attaché in American to the U. S. Department of Commerce.

Problem for Great Britain's industry last year was the slump in production. Estimated that the number of features, British and American, declined 15-20%, while there was a slump of 35% in shorts.

Actual releases made or scheduled for 1938 totaled 483 foreign features, nearly all American, and 162 British-made pictures.

## Lift 'Carmen' Ban

Mexico City, Jan. 17.

'Carmen,' after a ban of several weeks by the Confederation of Mexican Workers, which figured the Spanish-made-in-Germany picture must be Nazi because of the political views of some of its players, has been okayed and is now at the Rex here. Confederation's scip and attendant publicity has been plenty profitable for the film. Scip: Africanus, deemed Fascist, is still banned.

## 20-FOX STUDIOS BRITISH PROD.

Hollywood, Jan. 17.

20th Century-Fox's future production status in England is up for settlement this week at a series of studio confabs. Conferences will decide the budgets and number of pictures to be made for next season under the guidance of Bob Kane, head of the company's British output.

Kane is here to huddle with Joe Schenck, Darryl Zanuck, Monte Banks, British director; Benjamin Miggins, managing director for Continental Europe, and F. L. Harley, British distribution head.

E. Francis Lombe, assistant to Walter J. Hutchinson, foreign manager of 20th-Fox, leaves N. Y. tomorrow (Thursday) for a six months' tour of Central and South America as special home office rep.

Hutchinson, who was scheduled to leave for the Coast Monday (16) to meet Ben Miggins, European manager, and T. H. Harvey, British manager, for product conferences, has cancelled his trip.

J. Carlos Bavetta, manager for Brazil, sails for London Saturday (21).

## 'Angel's' Wings Clipped In Melbourne; \$80,000 Loss

Melbourne, Jan. 2.

Australian-New Zealand Theatres is reported to have taken an \$80,000 loss here with 'I Married an Angel,' produced by Ernest C. Rolls with an all-American cast. Show quit after little over three weeks.

Critics rapped 'Angel' but it was thought the show would build after being whipped into better shape. However, it took a further dive in the third week and the fold order was posted.

'The Women' is doing excellently for the same management.

## CRICK TO LONDON

Sydney, Jan. 2.

Stanley Crick, former 20th-Fox boss here, and of now on the management of the Australian-New Zealand Theatres, leaves shortly to take up residence in London for ANZT.

# CAROLE CRIES!



It's a DAVID O. SELZNICK stroke of showmanship to make Lombard go dramatic!

CAROLE LOMBARD • JAMES STEWART  
in **"MADE FOR EACH OTHER"**

Directed by JOHN CROMWELL • Screen play by JO SWERLING  
presented by SELZNICK INTERNATIONAL

RELEASED THRU UNITED ARTISTS

# DIRECTOR-STUDIO ACCORD

## John P. Nick, St. Louis IATSE Head, Missouri Legislator Indicted

St. Louis, Jan. 17.

John P. Nick, v.p. of the International IATSE and head of the St. Louis local No. 143, and Edward M. Brady, member of the Missouri State Legislature and long-time friend of Nick, were indicted by the local Grand Jury Friday (13) on charges of extortion after a 10-day secret investigation into Nick's alleged domination of the union and his actions on two occasions when pay demands were discussed with theatre owners.

Nick was served with a warrant of his arrest by Sheriff James J. Fitzsimmons Friday (13) after the G. J. had handed down the indictment. Bail for Nick was fixed at \$25,000 by Circuit Judge Edward M. Ruddy, who issued the bench warrant. While bond was being raised, one of Fitzsimmons' deputies relieved two petty detectives who were sent to Nick's home.

Sigmund Bass, city's best known criminal attorney, who has been retained to defend Nick, obtained the following named as sureties on his client's bond: Walter P. Nick, a brother; Arthur Dill, prez of the Carondelet Brewing Co., and a brother-in-law; Sam Silk, a professional bondsman, and Harry F. Renzenbrink, tavern owner, and wife. They swore their assets, above all liabilities, were \$164,000 collectively. Judge Ruddy accepted them and after Nick signed the bond all guards were withdrawn from his home.

The true bill was returned after the Grand Jury had been told that a total of more than \$20,000 had been raised by theatre men in two years as payment to have union officials drop demands for wage increases which would have required drastic increases in the admittance scale to operate profitably. The Grand Jury devoted nine sessions to the investigation during which 18 witnesses, theatre owners, members of the motion picture operators' union and newspaper reporters were heard.

### \$10,000 Check Drawn

The members of the committee, which was appointed by film exhibitors in 1936 when \$14,000 was raised to stop wage increases of \$10 each per week to operators, are reported to have told the Grand Jury that \$10,000 of the money was paid to Brady with the understanding that it was to be turned over to Nick. A check for \$10,000 was drawn against the fund and made out to cash and the check was endorsed "Edward M. Brady." The signature is allegedly identical with that of the state legislator as shown on his salary warrants unearthed in the State Treasurer's office at Jefferson City, Mo. The check was scrutinized by the Grand Jury. Other endorsers of the 10G paper were Louis Landau, who filed a voluntary petition in bankruptcy last week in connection with the operation of the Colonial theatre, Manchester, Mo., and Ed. Clarence H. Kalmann, owner of a string of nabs in North St. Louis, who were members of the committee.

The Grand Jury also heard members of a committee which collected a fund said to have been approximately \$7,000 in 1937 when another wage increase demand was under discussion. Walter A. Thimmig, owner of the McNair, South St. Louis nabe, who was one of the members of the committee, appeared before the Grand Jury and later refused to discuss the matter and what he told in view of the oath he took before testifying. Prior to his appearance before the Grand Jury, Thimmig said he did not know Brady.

Whether the Grand Jury has concluded its investigation into the multiplicity of charges aired in the local rags against Nick and other execs of the IATSE and affiliate unions could not be learned. Rumors are current that other indictments may be voted.

Nick has been confined to his home because of an attack of arthritis which has settled in both knees and gendarmes have in-

dicted he would not be booked immediately.

A wide search is being made for Brady who disappeared from Jefferson City last week after a newspaper reporter quizzed him about the \$10,000 payment. He has not been at his home and cannot be found at his usual haunts.

### \$10,000 in \$500 Bills?

While witnesses before the Grand Jury stated Brady received the \$10,000 in new \$500 bills, which was paid in 1936, it has not been made public who received the money in the 1937 payoff, when only about \$7,000 was collected. Investigation also has revealed that there was no fund collected from the theatre owners in 1938 when a \$2.50 per week increase was granted picture machine operators for houses in the lower brackets.

Two weeks ago when agitation was begun against Nick's alleged domination of the union members of the picture operators, the local tendered him a vote of confidence. Two days later Nick, through Clyde Weston, business agent for the operators, said he had requested George E. Browne, prez of the International IATSE, to make an investigation of the affairs of the local. Since then it has become known that bona fide members of local No. 143 have started the circulation of petitions asking for the complete ouster of Nick who gained control in 1935 when he was placed in charge by Browne, after two factions were unable to settle their differences.

The petition, to be sent to Browne, will ask Browne, a personal friend of Nick, to authorize Elmer Theis, AF of L representative for Greater St. Louis, and William M. Nick, secretary of the Central Trades and Labor Union, here, to conduct an election of officers. No officers have been elected since Nick assumed control of the union the office being filled by Nick's appointees. Former convicts and others placed in motion picture operators' jobs by Nick are being ignored while the petitions are being circulated.

Prior to the Grand Jury investigation, veteran members of the union, disgusted with the revelations turned up by the expose, rebelled against their leader and applied to William Green, prez AF of L, for an investigation of Nick's administration of No. 143. Green finally announced, after additional demands were made, that he had ordered an investigation. Although there is no outward indication that an inquiry is under way, it is reported that a representative of AF of L is in town making a quiet study of the situation. No theatre owner is expected to be interviewed by this representative until after the Grand Jury has completed its work in the matter.

In addition to being v.p. of the International IATSE, Nick also is boss of Local No. 143 of the Motion Picture Operators' Union, St. Louis Theatrical Brotherhood No. 6 composing stagehands, electricians and sound engineers, and the Ushers' Union.

## 'Half' for Double-D.

Hollywood, Jan. 17.

Danielle Darrieux's next picture at Universal is "Half American," an original by Ralph Block and Frederick Kohner, to be produced by Joe Pasternack.

French actress is due to return from Paris next month.

## Fine Arts Resumes

Hollywood, Jan. 17.

Fine Arts resumed production at Grand National studio with "Panama Cifer," first of three pictures slated to start this month. Work had been delayed to await the outcome of huddles between prexy Franklin Warner and GN execs in New York. "Pushed Ahead" rolls this week and an untitled French and Indian War story starts Jan. 24.

## 80% GUILD SHOP IN 3-YEAR PACT

Minimum for Assistants Hiked 50%, Separate Group for Unit Managers—Ask More Time for Script Preparation, Cutting

### NEAR SIGNING

Hollywood, Jan. 17.

Three-year working agreement between the Screen Directors Guild and the film studios is practically settled and ready for signing in a couple of weeks, according to Frank Capra, Guild president. Pact calls for a 50% boost in the minimum wage for assistant directors and the establishment of a separate organization for unit managers.

Among the points settled is an 80% Guild shop for directors at each studio. In a letter to members of his organization Capra explained: "This means that studios can hire 20% of their directors, assistants and unit managers as non-Guild members. All the others must be Guild members in good standing."

That remark about "in good standing" was further emphasized by a warning that on the day the pact is signed all Guild members in arrears would be penalized 100% for invalid dues. The letter gave Mrs. Mabel Walker Willebrandt credit for invaluable help in arranging the new agreement, and continued:

"The contract is to be for three years straight, after which it can be cancelled by either side on one year's notice. All disputes arising from the basic contract are subject to arbitration. However, if arbitration decisions on revisions are unacceptable to either side, the contract can be cancelled on a one-year notice by either party. All new contracts signed by producers are subject to Guild shop, but the Guild members must be in good standing."

### Unit Managers Separate

"The Junior Guild is to be composed only of assistant directors. A separate organization is to be set up for unit managers, who will sign a separate deal which must be satisfactory to them before the directors and assistant sign their deals. The Guild is acting as negotiator for unit managers in their deal."

As for salary increases, Capra said, "Assistant directors will get approximately 50% minimum wage increase. The exact figures have not yet been arrived at, but the negotiators are sufficiently close together that other meeting or two should settle all the assistant and unit manager wage deals. There will be a substantial increase in both, and deservedly so."

Two important problems for directors, Capra stated, are still to be ironed out. They are a reasonable time for directorial preparation on script and a reasonable time for editing. These questions, he said, are tough ones and have created considerable opposition among the producers.

Capra's letter ended with a plea for full cooperation of the Guild members, particularly in the payment of dues. Deductions, he added, will be made for certain members who have not been able to pay.

Three big studio Guilds appointed members to sit on the general awards committee of the Academy of Motion Picture Arts and Sciences.

Gene Lockhart was named chairman of the Screen Actors Guild committee, with Charles Trowbridge and Reginald Denny as the other members. Walter Kingsford is alternate. Screen Directors Guild chose Clarence Brown, George Marshall, Anatole Litvak, Henry Hathaway and John Cromwell. Screen Writers Guild picked Frances Goodrich, Albert Hackett and Sheridan Gibney, with George Oppenheimer, Gilbert Gabriel and Melville Baker as alternates.

Request for reclassification of film librarians and assistant writers will be discussed this week.

## Par's Anti-Divorcement Appeal Argued in D. C.; Other Theatre Bills

Washington, Jan. 17.

North Dakota's divorcement statute is invalid for four strong reasons, counsel for Paramount, Minnesota Amus. Co. and American Amus. Co. told the U. S. Supreme Court last week in their request for review of the lower court judgment that the act does not conflict with the Federal constitution and national laws. Companies are asking a final ruling in two cases against former governor

William A. Langer and Alvin C. Strutz, attorney general, following dismissal last summer of their request for an injunction preventing enforcement.

In a statement of reasons why the highest court should scrutinize the record, counsel for the three exhibitors said the state is depriving them of property without due process of law, besides violating the equal-protection clause of the Constitution, the Federal copyright laws, and the powers of the Federal government to regulate commerce.

### Pennsy Unconcerned

Philadelphia, Jan. 17.

Pennsy's three major exhibit organizations, as well as the legislative reps of the chains and producers, all have weather eyes currently cocked toward Harrisburg, although there is a general feeling that no important film legislation will get by this session unless some measure suddenly picks up dark-horse strength.

Only bills which have so far actually been suggested are for divorcement and against ASCAP. No popular demand for either is apparent, unless something should appear to dramatize the necessity for them it is thought that they will possibly never even reach a vote.

As far as other legislation affecting theatres goes, such as labor, it is felt that there will be a relaxation, if anything, with a new Republican regime coming in.

### Ga. Show Biz Worried

Atlanta, Jan. 17.

With Georgia General Assembly in session here, show biz is shuddering in its collective boots and practically resigned to take a rap, which is almost certain to come.

When the severance coffers depleted, due mainly to homestead exemption law that cut deeply into annual tax take, levy-minded lawmakers have scanned every possible source of revenue and amusement biz was one of first to catch their attention. Just what the tap will consist of it is not known, although there is some talk of a seat tax.

### Neb.'s Divorcement

Lincoln, Jan. 17.

Film biz had a pair of hot coals applied Jan. 11 when two soaking bits of legislation were thrown in the unicameral hopper: theatre divorcement and regulation.

Senator E. M. Neuharth, Orleans, Neb., authored both of them and slugged them with an emergency tag, which means, should they be passed, they will become active immediately with the governor's signature.

The regulation measure seeks to put issuance and revocation of permits for distributors to do biz in the state in the hands of the railway commission. Charge will be \$1,000 annually for each exchange to do business, and there's an additional fee of \$1 per reel for each sent in for distribution. Omaha's film row would have to cough up around \$15,000 for licenses, and no one knows how much on the \$1 per fee. Means the small exhib would be placed snugly behind the 8-ball, because the \$1 reeal fee would be passed on to him. Lot of small towns pay only about \$15 for a complete show, which would mean the ante would be upped if the bill passed.

### Oklahoma OK on Bills

Oklahoma City, Jan. 17.

Indications are the present Oklahoma legislative session will end without the presentation on the floor of any bills aimed specifically at the motion picture industry. No measure of this type have been introduced and at present no organized group is backing a divorcement bill for Oklahoma.

Morris Loewenstein, president of the Motion Picture Theatre Owners of Oklahoma, states that he doubts that any form of legislation affecting the industry vitally will be introduced, if it were introduced, could be passed.

## New Scrib Clash Anticipated Via Boylan Decision

Hollywood, Jan. 17.

A new clash between the Screen Writers Guild and the Screen Playwrights is expected following the action of Playwrights' arbitration committee awarding exclusive screenplay credit on "The Lady's From Kentucky" to Malcolm Stuart Boylan, a member of Playwrights.

Dispute went to arbitration when Boylan protested Paramount's inclusion of Sy Bartlett and Olive Cooper, of the Guild, in credits. Guild attorneys declined to state what action would be taken until credits are actually listed.

All screen writers are under pact to abide by SP arbitration, but Guilders are signing under protest, pending the outcome of their appeal to the Labor Board to dissolve the Playwright-Producers' basic agreement.

## SCHINES SHY AWAY FROM PHILLY ZONE

Philadelphia, Jan. 17.

J. Meyer Schine and Louis W. Schine, indie chain operators, are understood to have about given up the idea of entering the Philly territory. They are reported to have been seeking houses here, but were unable to get anything they wanted on a favorable deal.

They have acquired about 10 houses on the Delmarva peninsula in the last six months, which includes about everything in sight, so are expected to do no more purchasing in the near future.

## Landau's Bankruptcy; Vet St. Loo Exhibitor

St. Louis, Jan. 17.

Louis Landau, theatre owner, who was a member of a committee that settled the wage demands of the Motion Picture Operators' Union in 1936, last week filed a voluntary petition of bankruptcy in U. S. District court here in connection with the operation of the Colonial, Manchester, Mo., near here. Landau, who formerly operated nabs in St. Louis, obtained possession of the Colonial several months ago.

Landau listed liabilities of \$29,089 and assets of \$7,263. The principal liability is \$10,920 to Frank Brizzi and Evelyn T. Parris on lease of the house. Also listed are \$2,175 due the National Theatre Supply Co., \$191 in taxes and various notes for borrowed money and bills for operation of Landau's business. Assets are: real estate, \$6,500; automobile, \$380; household goods, \$68.50; insurance, \$40.50; accounts due, \$43, and cash, \$10. Landau resides in St. Louis.

# THIS IS THE THEATRE IN DAYTON THAT JUST REGISTERED ITS BIGGEST WEEK-END SINCE 'ROBIN HOOD'!

(No other attrac-  
tion on the bill)



And this is the  
Opening-Day Ad!

## SO THEY HELD IT OVER!

Look in our Press Book for this and all the other ads in Bill Keye's sensational campaign. That's where he saw them!

!

## WHILE THE SAME CAMPAIGN

in Worcester, Denver, Springfield, Albany, Bridgeport, Philly, Washington drew openings actually ahead of *Angels*! Other holdovers already in Buffalo and L. A.

# VICTORY

Starting With a Big

Pre-View TONIGHT 11 P.M.

ARE YOU

# AFRAID

To know why they call Devil's Island "The Prison without A Heart"?...Why even the "stir"-hardened criminals dread Devil's Island more than Alcatraz?...Why the "correction treatment" of Devil's Island drove famous Captain Dreyfus to the verge of madness before Zola daringly fought for his release?...

If you want the blistering "inside"

# TRUTH

See Warner Bros' Sensational Expose!

# DEVIL'S ISLAND

with BORIS KARLOFF



of the Trinity Reformed church, at her home in Fairfield.

Mr. and Mrs. Richard Jones and daughter Janet, have left for their

mately causes Australia's colonists to free themselves from their shackles of bondage. Others in the barn on the ranch of Edward

## Film Reviews

### HEART OF PARIS

(Continued from page 12)

American fans. Her prime asset is a youthful beauty well suited to comedy and a simple unaffected acting charm.

'Heart of Paris' is not a lurid melodrama as title might suggest. It's courtroom drama in an interesting French manner, with simple human values. An elderly juror, idealist and a dreamer (Raimu) takes pity on a victim of fate, in the person of Miss Morgan, and brings the friendly beauty, who has just been acquitted of murdering her lover, into his home. Scripters have made this incongruous situation acceptably plausible although her presence in the midst of a contented bourgeois family threatens to disrupt their lives with almost tragic consequences. His fatherly interest in the girl is not exaggerated. Sensing the trouble she is causing, Natalie intends to vanish, but when the son rides his father's cash box for her near-tragedy, Raimu catches him and tells the girl as the betrayer of his trust.

Principal tenets of this story appear simple and undramatic, but it is the treatment of human values and affairs of the heart, so typically French, which redounds to Raimu's performance is a fine example of repression. Several other bits stand out, such as Jacques Greillat's grandiose handling of prosecutor's role; Nicolas Rimsky's bit as a taxi driver; Jeanne Provost as the wife and Gilbert Gil as the son.

Film is expertly edited and cut without any waste footage. Translation and titling is likewise accomplished and makes the story understandable. Should do well in all foreign-language and art houses. Film was previously titled 'Camille le Vaillant' ('The Vaillant'), but 20th-Fox's objection to the use of its prior 'Vaillant' title caused the switch in tag.

### THE GREAT CITIZEN

(RUSSIAN MADE)

Ankino release of Lenfilm production. Directed by Friedrich Ermler. Scenario: F. Ermler, M. Beldman, M. Beldmanov, D. Dmitri Shostakovich. At Cameo, N. Y., week Jan. 14, '39. Running time, 114 min.

Shakhov... N. Bogolubov  
Kartashov... I. Berenson  
Zakharov... A. Zakharenko  
Maxim... Boris Chirkov  
Kolenikov... G. G. Zakharenko  
Dobok... A. Zakharenko  
Katz... E. Altus  
Kudryav... K. Kudryav  
Sizov... B. Postavay  
Gladikh... N. V. Kiselev  
Shakhov's Mother... N. Raiskaya-Dore  
Oiga... N. Rashevskaya  
Fedorov... E. Nemchenko  
Rovnov... C. Ribintin  
Krichkov... C. Ribintin  
Savitsky... A. Polina

(In Russian; with English Titles)  
Purporting to show the events that led up to the sensational Moscow Treason Trials of several years ago, 'The Great Citizen' is one of the most ambitious productions yet turned out by Soviet film makers. But it's scarcely one of their most successful efforts—at least from the standpoint of American entertainment. To put it bluntly, picture is unilluminating and dull.

Viewed solely as entertainment, 'Citizen' is a distinct failure. There is little action, no story that anyone unfamiliar with the subject can follow, only vague characterization, little humor, no suspense, a weak climax and merely occasional interest. Film is much too long—just six minutes shy of two hours—and virtually its entire action is confined to interminable speeches about the glory of the communist doctrine.

Even from its own viewpoint—that of propaganda—'Citizen' is of dubious merit. Of course it increases Soviet prestige, but since they're already adherents to the 'cause,' its value there is questionable. To the average U. S. picture fan, the whole thing will seem ponderous, windy and incomprehensible.

Even the veteran U. S. correspondents on the scene have been unable to explain the Moscow trials, and to the American man on the street, the whole setup of Soviet officials testifying in apparent determination to seal their own executions was remote, fantastic and completely mystifying. Far from dispelling the fog, 'Citizen' is likely only to intensify it.

There's no difficulty in following the film's main story thread. It merely shows the efforts of a small ring of conspirators to gain control of the Moscow Central Committee, and when they're exposed and thwarted, tells how they began scheming to undermine the whole Soviet structure. Picture at least makes the obvious device of ascribing insincere motives to the conspirators, but otherwise it paints them in wholly villainous colors.

Direction and acting in 'Citizen' are halted by the script, but since

Friedrich Ermler co-authored as well as directed, he'll have to take the heaviest rap. N. Bogolubov is almost a caricature of a hero, as is the heroic citizen, while Boris Chirkov registers decisively as the Central Committee member sent to investigate the plot.

Ermler uses all the traditional acting tricks as the villainous chief conspirator and both he and O. Zharkov aren't above turning their portrayals into lampoons for the sake of a laugh. G. Semenov, A. Zakharenko, E. Altus and N. Raiskaya-Dore are striking types and Z. Fedorova is unusually attractive for a Soviet ingenue.

### SABLE CICADA

(CHINA-MADE)

(With Songs)

Modern film release of Hain Hwa (S. K. Chang) production. Stars Violet Koo; featured by Richard Poh. Original Chinese dialog in Mandarin, with Chinese musical interpretation and songs based on an episode in China's historical classic, 'San Kuo.' Running time: 87 mins.

Sable Cicada... Violet Koo  
Governor Wang Yuen... L. W. Ming Tung  
Minister Tung... E. Koo  
Li Jui... King... King  
Tong Court Maid... Mary Hau

(In Chinese, with English Titles)  
Though of obviously limited appeal in this country (almost entirely with oriental populace), 'Sable Cicada' surprises with its up-to-date cinematic touches and ability to tell an anticipated wordy but concise story. Production was made in Shanghai, with S. K. Chang as supervisor for the Hain Hwa Picture Co. It opened here with high scale of prices, money going to the Sino-Japanese cause and is being sponsored now by the American Bureau for Medical Aid to China.

Film is reputed to be China's bid for picture honors outside its borders. It indicates a fair grasp of screen technique and production although obvious that the talking picture angle at times awes the producers.

As compared with stilted sing-song acting associated with the Chinese stage, present producers apparently have taken a definite step forward in attempting to put some action into this film endeavor.

'Sable Cicada' gets its name from the striking feminine personality who figured so actively in the early centuries of China's history. The adopted daughter of Chinese governor, Wang Zuen, employs her charms to establish herself as concubine in the household of a minister plotting to depose the boy emperor. She also follows her father's plan to preserve the dynasty by becoming the wife's bride-to-be of Minister Lu Pu's son.

Plot is artfully planned against the other, the strange the minister and his son. Title role is played by Violet Koo, who at least partly lives up to the classification of being an outstanding star of the Chinese stage. Support is uniformly strong, always considering it is strictly Oriental, with Y. L. Wei, as the father and King Sang, in the role of minister's son, best. Production values and lighting stack up well but sound recording is uncertain at times. Musical background is typically Oriental, which means monotonous to the American ear. Singing of La Koo is different and at times intriguing.

—Wear.

### Yorke on Big Blow

Hollywood, Jan. 17.

Gabe Yorke gets a leave of absence from the Hays office to help publicize the new picture 'The Wind' for Seiznik-International.

With Russell Birdwell leaving S-I at the end of this month, Yorke may return to big time studio publicity.

### In High and Away

Hollywood, Jan. 17.

Metro rolled 'The Hardys Ride High' with the customary cast headed by Mickey Rooney and Lewis Stone.

George Seitz directs from a screen play by William Ludwig. Kay Van Ripper and Agnes C. Johnston.

### STORY BUYS

Hollywood, Jan. 17.

Frederick C. Davis has developed, 'Stop the Presses to Universal. Warners purchased screen rights of Zoe Akins' play, 'The Old Maid,' from Paramount.

Sam Engel and Hal Long sold their yarn, 'Johnnie Apollo,' to 20th-Fox. RKO purchased 'Jo Anthony's yarn, 'Spellbinder'.

Metro bought '6,000 Enemies,' an original by William Menard and Dr. Leonidas Stanley.

Dalton Trumba sold his yarn, 'Heaven With a Barbed Wire Fence' to Sam Engel and Hal Long.

Universal bought 'For Love of Money,' original yarn by three collaborators, Dan Taradash, Julian Blaustein and Bernard Feins.

## New Theatres

More New Ones

Harrisburg, Pa., Jan. 17.

Several new theatres are planned or under construction in this Pennsylvania area. Among them are enlargements of Walnut & Vincent house, Harrisburg, cost \$25,000.

New theatre just completed in Ephrata, cost \$45,000.

Comerford Co., Scranton, new theatre-store structure in Carlisle, cost \$250,000.

Wilmer & Vincent, new theatre in West Reading, suburb of Reading, Pa., cost \$50,000; contract not yet awarded.

Wilson College, Chambersburg, Pa., new combination theatre and recreation building, cost \$250,000; Charles Z. Klauder, Philadelphia, architect, now preparing plans.

Kutztown Theatre Co., Paul Herman, manager, brick addition to present theatre, cost \$30,000.

Stockton's 1,100 Seat Nabe

Sacramento, Jan. 17.

Plans were announced for Stockton's first nabe, 1,100 seats, leading from Stockton to Sacramento. Built by group headed by E. L. Wilhoit, Stockton banker; for Fox-West Coast.

New Techwood (G.A.) House

Atlanta, Jan. 17.

Techwood theatre, Lucas & Jenkins' newest suburban house, a 500-seater, will light up Thursday (19) night. New theatre will serve residents of Techwood, handsome Government housing project, and is just a mashie shot away from Georgia Tech and its 3,500 student body.

Lynchburg, Va., Nabe

Lynchburg, Va., Jan. 17.

This town's first neighborhood theatre will be built by Dominion Theatres, Inc., operator of three downtown houses. Site has been purchased on Rivermont avenue, swank residential street, within walking distance of Randolph-Macon Woman's College. Plans for structure will be announced later, according to Willis Grist, Jr., Dominion c.m. here.

## WB-SAXE WON'T DROP GAMES

Milwaukee, Jan. 17.

Plans of indie theatre owners to eliminate bingo, bongo and other games in theatres in the county by Feb. 1 collapsed after A. D. Kvoel, general manager of the Warner-Saxe theatres in Wisconsin, announced that his 15 houses would not cooperate. The Independent Theatres' Protective Ass'n had lined up all but two of the 30 indie theatres for the plan. Harold J. Fitzgerald, manager of 22 Fox theatres in the county, had agreed to join the move if Warner-Saxe went along.

The theatre men's move was linked with a drive to get law enforcement officials to halt the playing of bingo in churches and other places in the county.

Kvoel said some of the games are good business stimulants and that he has no right to interfere in what churches or other organizations are doing in bingo or other games.

N. Y. Bogs Down

Drive to eliminate giveaways, ostensibly aimed at wiping out the prevalence of such contests in New York, apparently has bogged down. Part of this development is attributed to difference of opinion in independent exhibitor ranks, where the move was initiated. While some indies have come out bluntly for abolishing giveaways, another element would resist.

Major circuit operators are inclined to look askance on the whole proposal, not because they are in favor of giveaways but because they recall previous attempts made by indie exhibitors to stop them, without any tangible results. Some of these have been unhelpful to exhibitors among themselves and present any sort of unified action.

### Academic Pic Study

Hollywood, Jan. 17.

Under grant by the Carnegie Foundation, a Motion Picture Research Project has been launched in Hollywood for the sociological study of the picture industry.

Advisory committee is loaded with college pros.

## 'Jesse James' Broadway Holdup Best Exploitation of the Week

Ten horsemen asked with bandanas, in western costume, and with plenty of dust on their road, down Broadway from 49th street to the Battery, deftly through the Wall Street district, and then returned uptown as far as Grand Central Station the day before the opening of 'Jesse James' at the RKO. New York Friday Story. At the Battery the riders held up an armored truck for the newswires.

Stunt was timed by 20th-Fox to get maximum attention, start being late at 11 a.m. As a result, the riders caused a traffic jam during the lunch hour in the narrow streets of the financial district. They were sent out again opening 'Jesse James' at 10 a.m. with a line five deep from Seventh to Sixth avenue, and at 11 a.m. 4,200 tickets had been sold. 'Alexander' was the only film to top this opening.

### Got Somethin' There

When the 'Jesse James' stunters appeared in Wall street, a broker down there observed: 'They don't look any more Jesse Jameses down here.'

ing at the house. Tyrone Power, who starred in 'Alexander,' also stars in 'Jesse James.' Stunt is to be repeated in Chicago.

20th-Fox has worked out a map of the U. S. showing all sections where the James gang operated. There may be some local tieups in this.

Another stunt pulled off in the picture turned out to be a surprise. Street & Smith printed a facsimile of the original No. 1 copy of the Jesse James, and put it on the newstands at 10c a copy. It has become a big seller among the men who used to hide the weekly behind the attic chimney when the folks weren't looking.

S-S's first reprint was 500,000 copies. Response was so great in N. Y. that another 250,000 were ordered. An enlarged order for 100,000 came in from Chicago and another for 25,000 from New England. Publishers believe the total may reach 1,000,000.

Newsreels' P.A.s

Personal appearances of headliners figuring regularly in the news and newsreels inaugurated last week by the recently opened Newsreel Theatre in Radio City (Associated Press building), with sports celebs piling up the p.m. Thursday (18) night. Brightman, manager, served as m.c., introducing news personalities. Will be held every Thursday at the same hour, 8 p.m.

Stars of newsreels' idea was timely for this week's newsreel bill at this house because the Rose Bowl and other football bowl games as well as Paramount's review of 1938 sports events had just been shown on the screen. Bill Stern, sports narrator for Par newsreel on the Rose Bowl and National Broadcasting Co., headlined parade of sports personalities. Important figures mentioned in Paramount's review of sportspeople who appear at the theatre include: Pete captain of the American Davis cup team; Eddie Rickenbacker, auto and airplane race expert; Dan Frawley, head A. U. S. L. Luckman, racing star of Columbia U., and William C. Park, of Paramount News editorial staff. Sports editors of N. Y. daily newspapers also were guests at show.

Dog Contest Draws Kids

Lester Pollock, of Loew's, Rochester, N. Y., arranged a 'Christmas Carol' tieup with the Rochester Evening News which ran for nine days and received 162 inches of pictorial space with 111 inches of text.

It was simple. He obtained two six-week-old Scotties, named them 'Christmas Carol' and 'Holy Terror,' put them on display in the lobby and let the paper run a letter-writing contest. The pups went to the two winners, and a number of free tickets went out as consolation prizes. About 1,200 kids wrote letters and hundreds of others went to the house to look at the dogs. Business was good and the cost was nominal.

Coach Race Goes Big

Stagecoach race with the original Baltimore & Ohio railroad engine in Cumberland, Md., went on in a big way. Arranged by Billy Ferguson, of the B. & O., the race was a success. Coach was borrowed from the museum of the Railway Express Agency, New York; the railroad furnished the engine.

School was dismissed in Cumberland. About 25,000 persons from Maryland and West Virginia turned out. Mayor Koon, of Cumberland, presented a cup to the winner—the

coach, by 200 yards. AP carried the yarn and pictures were plentiful. WBTO broadcast it for an hour, with credits for the film.

Air Defense Stressed

To cash in on the current national interest in air defense, Warners has issued 10 special ads on 'Wings of the Navy.' The catch lines in the first four tie up directly with air defense. They are:

(1) Can America defend herself in the air? (2) It's great to be an American when America is guarded by Wings of the Navy. (3) U. S. air length revealed. Never photographed before. (4) We must be prepared to meet with success any application of force against us.

Warners in Lane Tieup

Warners and the Electric Auto-Lite Co., Cleveland have worked out a one-year deal for Priscilla Lane, WB player, whereby the auto firm will release 10,000 life-size cut-outs of Miss Lane for shop windows; will employ full-page ads tying in with Miss Lane's releases, in Satevepost, Collier's, Liberty and other magazines; will use her photo in billboard campaigns and will contribute 10,000,000 copies of a film publication containing her biography.

First release affected will be 'Yes, Mr. Darling,' which opens next week. Charlie Einfeld acted for Warners and Ruthrauff & Ryan is the agency.

St Louis 'Blondie' Tieup

For 'Blondie' Loew's made a tieup with the Post-Dispatch which runs the 'Blondie' strip on its comic page. The house bought swell co-op ads, totaling approximately 2,000 lines, for three days, and the ads carried 'Blondie' in the Movies Now—See Her at Loew's.

The daily also used banners on its 42 delivery trucks. The cost of printing and placing the banners by the paper and the theatre. The house also had a lobby panel calling attention to 'Blondie' appearing in the paper every day. It had been the heretofore policy of the house to refuse all proffers of co-operative theatre exploitation.

Start Photo Contest

Paris. With the release of 'Too Hot to Handle' at the Rialto, Metro is offering eight prizes totalling 4,500 francs (about \$125) for the best photos turned in by amateur photographers between Jan. 15 and Jan. 20.

Photos must represent an actuality of public interest and can be of any dimension. First prize is 2,000 francs; second, 1,000; third, 500, and fourth, 250. Winners will be announced at the theatre where film is shown. Pictures taking three top prizes will be published in L'Intrusant.

'Horror' Letter Contest

Louisville. Johnson Musselman, manager of the Rialto, is promoting a horror contest in connection with 'Son of Frankenstein.' The contest is being run in co-operation in a letter writing contest, in which participants are invited to write letters to the Rialto on 'My Most Frightening Experience.'

First prize is \$50; second prize is \$25; the next five, \$5 each. Each of the 50 following gets tickets to the show.

UA's 'Winds' Contest

UA has arranged a 'write your own review' contest with the New York Journal-American on the Radio City Music Hall showing of 'Trade Winds.' First prize is 10-day trip to Bermuda. There are nine other cash awards. Reviews are limited to 200 words, and winning reviews are being published in the daily.

Stage 'Sweetheart' Seattle

A 'Sweethearts' (M-G) contest in co-operation with Seattle Times brought out the newest and the oldest sweethearties in the city, and it is the longest married and the shortest. The latter was the first couple to wed after the New Year arrived. Pictures of the fifth year of marriage. The stunt got nice stories in newspaper. Winners were fêted at the theatre. Winners were 93 years old and had been married 72 years.

'Homeliest Blonde' Bally

Los Angeles. May appears in 'Union Pacific' will be exploited in connection with the picture as 'the homeliest blonde in Hollywood.' Miss May has agreed to be regarded in the picture as a victim, but is permitting such wordage in any publication. Paramount hit upon this gag as a ballyhoon stunt.

# Laughton Can't Lose!



**..and you can't lose playing Laughton in "THE BEACHCOMBER"**

Look at these figures from pre-release engagements in four cities

**New York . . . "The Beachcomber"**, now in its fourth smash week with the fifth coming up, takes its place among the top four grossers to play the Rivoli Theatre in the past five years.

**Miami . . . "The Beachcomber"** opening at the Sheridan Theatre in mid-week, topped the New Year's Day high by a wide margin, setting a mid-week opening day record. Going into the larger Colony Theatre, "The Beachcomber" repeated its triumph at the Sheridan, turning in opening day gross two and half times New Year's Day figures for that theatre this year, also beating New Year's Day a year ago and coming within a few dollars of equalling the record high of Christmas Day a year ago.

**Toronto . . . "The Beachcomber"** did about a normal week's business in three days at the Uptown Theatre. The week's total was a record breaker, running 75% above normal business and a good 10% above top business for the house. Picture is booked for an indefinite run.

**Montreal . . . "The Beachcomber's"** opening day at The Princess Theatre was terrific . . . practically doubling normal opening day figures . . . The week-end continued the triumph with a week's business in the till in three days.

**CHARLES LAUGHTON in "THE BEACHCOMBER" with Elsa Lanchester.**

Based on a story by W. Somerset Maugham. A Mayflower Picture produced and directed by Erich Pommer. A Paramount release.

# Theatres and Exchanges

## Coast's Shifts

**Los Angeles.**  
Bjourn Foss is new sales rep for Fine Arts Pictures, working out of the L. A. Grand National exchange under Sam Berkowitz.  
Harry L. Nace opened the new Kera theatre, a 600-seater, in Warren, Ariz.  
O. Wise, assistant manager of the United Artists theatre, Pasadena, succeeded George Brown as manager of the Valley, North Hollywood.  
Sam Nathanson has resigned as Columbia Pictures salesman to become sales manager of Tri-National Pictures Corp., distributor of French and British made pictures. Nathanson was with Columbia 12 years.  
William and Joseph Steinberg broke ground for new 1,000-seat theatre to cost \$85,000. Opening is set for April 1.  
Louis Berkoff opened his new Midway theatre.  
Local Fox West Coast theatres open their annual infantile paralysis drive next Sunday (22), continuing one week. Funds will be raised by passing a basket.

## Friedel Heads Denver

**Denver.**  
Henry A. Friedel, Metro exchange manager, elected president of Rocky Mountain Screen club for the year. Others picked include A. P. Archer, first v. p.; Sam Feinstein, second v. p.; E. P. Sam, treasurer; Ross Bluck, secretary, and Emmett Thurmon, counsel. The new board will be Archer, William Agren, C. J. Bell, Bluck, Briggs, Frank Culp, Joe H. Dekker, Duke W. Dunbar, Friedel, A. J. Gould, Jr., Jack Langan, Jap Morgan and R. J. Morrison.  
Robt. Selig, lateral manager for Gaumont-British of the western district, made manager of the Fox Hiawatha here. Selig been on coast for G-B for a few months. Another newcomer manager Al Yohe, at the Fox Webber, succeeding Harry Lane, resigned.  
Oliver E. Curtis, filling station owner, has taken over the E-G film delivery from Ross Labart, renamed it the Intermountain Film Service, and will operate in the same territory—south and southwest Colorado.

## Kaplan Joins Field

**Minneapolis.**  
Harold Kaplan, manager of the State (Par), resigned to become associated with Harold Field's St. Louis Park Theatre Co. as part owner and manager of its new \$100,000, 1,000-seat theatre being built at St. Louis Park, Minneapolis suburb.  
The Paramount circuit has transferred Frank Steffens from the Century to the State, and Charles Zinn from the Uptown to the Century. J. C. Stroud moves over from Park, St. Paul, to Uptown, where he has been since the appointment of J. C. Hertz goes from St. Clair, St. Paul, to Park. J. P. Soucy, asst. at St. Paul Uptown, promoted to St. Clair manager.

## WB Folds a Nabe

**Pittsburgh.**  
WB has closed nabe Brookline, which it acquired last September, after operating for three months.  
Exhibitors in West Virginia territory will stage a dinner at Clarksville late this month in honor of Charlie Dottie, GN exchange manager here, and Bobby Dunbar, office manager of WB. They both formerly covered the W.Va. territory for their respective branches.

## Bromberg Renews

**Atlanta.**  
Arthur C. Bromberg, prez of five Republic exchanges in Atlanta, Charlotte, Tampa, New Orleans and Memphis, serving eight southeastern states, has renewed franchise for new five-year period.  
Perry Spencer, of late connected with Metro's public relations dept. in N. Y., has signed on with Bromberg's outfit as exploiter, headquartered in this city.

## Bert Wild Shifts for WB

**Butler, Pa.**  
Bert G. Wild, Warner manager in Erie for 12 years, has been transferred to Butler, where he has assumed the management of the Butler theatre, also WB.

## Deneau's S. I. Houses

**Albany.**  
Sidney Deneau, booker in Albany, division office of Fabian theatres, transferred to New York, assignment there including the eight Staten Island houses recently added to the Fabian circuit.

## No Blue Law Guilt

**Philadelphia, Jan. 17.**  
Managers of six West Philly houses were discharged in magistrates' court last week on charges of violating the Blue Laws by running a midnight show on New Year's eve. Men were originally held in \$300 bail by Magistrate Joseph Rainey pending outcome of hearings of 19 midtown managers.  
When latter group was all discharged with praise from Magistrate McBride for theatres as a place to spend a peaceful New Year's eve, Rainey decided also to dismiss the men appearing before him.

## \$4,250 in Prize Coin

**Minneapolis.**  
Paramount Northwest distributed \$4,250 in cash to 24 manager-winners in a 13-week contest to increase business this year as compared with last. Winners of the first prize, \$800 each, were Harold Kaplan, State, Minneapolis; E. V. Odeneal, Paramount, Mitchell, S. D.; Melvin Scott, Moorhead, Moorhead, Minn., and Harry Salisbury, Time, Rochester, Minn., \$250 each won by Bill Sears, Orpheum, Minneapolis; James Eshelman, Huron, S. D.; Edward Kraus, Fargo, N. D., and Karl Lindstedt, Paramount, Austin, Minn.

## Wilby-Kinney Shifts

**Charlotte, N. C.**  
Richmond Gage, manager of the State, Salisbury, taking over management of Criterion, Anderson, S. C., for Wilby-Kinney. Gage succeeded by Fred Bearden, manager of the W-K theatre at Greenwood, S. C.  
John F. Kirby, for last six years manager of the Charlotte Paramount exchange, has gone to Atlanta, as manager of that branch.  
A. B. Pickett, formerly sales manager in Atlanta, will take Kirby's place locally.

## Blair-Tri-States Pool

**Des Moines.**  
M. R. Blair, former owner and manager of the Regent, Cedar Falls, Ia., named president of the newly formed Cedar Amusements, Inc., as result of a merger with the Tri-States Theatre Corp. interests. Blair will continue as manager of the house, with the policy remaining the same but handled on the same basis Tri-States handles houses in Oskaloosa, Ottumwa, etc.

## Piottel's New Berth

**New York.**  
Joseph Piottel, branch manager for Warner Bros. in Vancouver, being shifted to Toronto to take charge as successor to Harry Paynter, resigned. Roy Haines, eastern-Canadian division manager at the b. o. made the appointment. J. C. Covall, salesman from Winnipeg, moves up under the shift to take charge of the branch in Vancouver.

## Takes Windsor Locks Spot

**Southington, Conn.**  
Rialto, Windsor Locks, leased for a period of five years, with option for an additional five years. Plan to spend about \$20,000 remodeling the house. New corporation headed by Joseph W. Walsh and Raymond T. England of here, and Frank E. Healy of Windsor Locks.

## Polli's N.E. Appraisal

**Hartford, Jan. 17.**  
Polli New England theatre, Inc., have property valued at \$1,111,030 in this city, according to the 1938 grand list released last week.

## TITLE CHANGES

**Hollywood, Jan. 17.**  
"Woman Doctor" is fourth tag for the original "Dr. Judith Randall" at Republic.  
"Kid from Kokomo" replaced "Broadway Cavalier" at Warners.  
"The Dusty Road" is release title for Metro's "Song of the West" at Paramount.  
"The Story of Vernon and Irene Castle" is the latest tag for "The Case" at RKO.  
RKO changed "She Said I Do" to "My Fifth Ave. Girl".  
"Man of Conquest" is release tag on "Wagons Westward" at Republic.  
Paramount changed "Arizona Bracelets" to "Renegade Trail".  
"The Magnificent Fraud" is final title of "The World's Applause" at Paramount.  
"Life of Knute Rockne" is the new title for "Fighting Irish" at Warners.  
"Home on the Prairie" is release title for Gene Autry's "Ridin' the Range" at Republic.  
Grand National changed "A Lady Gone Wrong" to "Everything Happens to Ann".  
"Singin' Cow Girl" is latest tag for Coronado's "A Day of Buckaroos".  
Warners substituted "The Roaring Nineties" for "And It All Came True".  
"I Was a Convict" is final tag for "White Fury" at Republic.

# Finally to 'Heaven'

Hollywood, Jan. 17.

Bing Crosby's Universal starrer, "East Side of Heaven," finally got the gun, 12 weeks behind original starting date. Joan Blondell is the femme lead, this causing her to call off N. Y. vacation with Dick Powell.  
Delay was due to script trouble, with William C. Sullivan and Jimmy Cagney latter alumnus of the Yacht Club Boys) winding up the writing job. Dave Butler directs.  
Charles R. Rogers has signed David Butler to direct "The Star Maker," Bing Crosby starrer at Paramount. Picture rolls in March. Butler is currently piloting Crosby in "Heaven" at Universal.

# ST. LOUIS AFM EASING UP ON BANDSHOWS

St. Louis, Jan. 17.

For the first time in its history of almost 50 years, Local No. 2 AFM, has voted to permit spot booking on a ratio of 2 to 1 and has begun negotiations with Harry C. Arthur, Jr., v.p. and gen. mgr. of Fanchon & Marco's interests here for the return of stage bands at one F&M's deluxes, the Fox or Ambassador. Several huddles have been held between the Local's Theatrical Committee composed of August Schwendener, chairman, V. C. Wolf, Frank Buffano and Fred L. Oatman and Arthur but nothing definite has developed.  
Schwendener said that when the proposal was broached he submitted it to the membership and it was readily adopted. He figures that with the return of stage bands many tooters, now out of work, will be given employment for long stretches of time.  
Name bands were given a trial at both the Ambassador and Fox in recent years and although some coined heavy sugar for the house others didn't, and the policy was abandoned about a year ago as too costly. The most successful engagement was Al Pearce and his Gang who attracted more than \$38,000 to the b.o. during a week stand.

# Self-Reg.

(Continued from page 3)

Most Treasury Department executives are too busy with bigger and knottier problems to give more than passing thought to the relative handful of film personalities.

None of the California members of Congress has any thought of trying to help out his constituents' Senator Sheridan Downey—who was supposed to be championing to introduce a bill as soon as he took the oath—said this week he is in favor of a technical change which will allow larger credit for earned income—compensation for physical or mental effort, as distinguished from the income due to coupon clipping—for all citizens, but did not single out cinema colony residents for special treatment. Despite his sympathy for the man who works, he hasn't framed any legislation yet. Even if he had a bill, he would have to wait until some major measure was sent to the Senate by the House, inasmuch as the lower chamber has the duty of originating all revenue legislation.

The horizon is equally cloudy in the House. Representative Frank Buck, from upstate California, the tax expert of the delegation, said he never had been contacted by the special pleaders, and appeared wholly unacquainted with either the plight of the film figures or the suggested remedies. He has no intention of introducing any bills, and seems to feel individuals whose weekly checks run to four figures have no ground for complaint.

# Ohio ITO Sec, Wood,

Reviews 40c Tax Plan

Columbus, Jan. 12.

Editor, VARIETY:  
Just finished reading page 3 of your issue of Jan. 11 relating to the Federal admissions tax, and I am in full accord with all you say except that I do not believe there is any

# Musicians-Into-Theatres Huddles Chiefly 'Just Talk' at This Stage

chance of 'upping' the exemption figure to 75c.

Two years ago, and again last year, you may recall, Walter Vincent of New York and myself made strenuous efforts to induce the national Congress to raise the exemption figure to 50c, and we submitted figures to both the Ways and Means Committee of the House and the Finance Committee of the Senate showing that the Treasury would undoubtedly benefit by amending the law in this manner.

The 40c exemption figure is not only a severe handicap to the subsequent run houses, but also prevents the first runs in cities like Columbus, Cleveland and Cincinnati from establishing any higher non-taxable night admission rate. All of this was pointed out to the two committees to show how the Treasury would benefit through increased income taxes, but to no avail.

This year, I fear, our chances for success are less than they were last for the reason that the Treasury officials will sanction no change in the law if they feel that there is any chance whatsoever of diminishing tax revenue.

If the industry does feel that another attempt should be made to increase the exemption, my recommendation is that the new figure be set at 50c.

P. J. Wood, Secretary, Independent Theatre Owners of Ohio.

# ALEXANDER CO. OGLES SCREEN TRAILER BIZ

J. Don Alexander Co., screen advertising producer, plans to enter the trailer business on a national scale and has been trying to make deals with major producer-distributors. There is some doubt that such deals may be made in view of contracts which most companies have with National Screen or because they put out their own trailers, later being Metro and Warner Bros. Alexander company operates out of Colorado Springs, Colo.

# SCANDAL IN ROCKS

Hollywood, Jan. 17.

"The Great Diamond Scandal" rolls this week at the Talisman studio as the second of eight mystery films by Equity Pictures.  
Alvin G. Manuel is producing, Shepard Traube directing.

# New York Theatres

THERE'S A BETTER SHOW AT THE

**RKO THEATRE**

2ND WEEK at **Capitol**  
Popular Prices!  
Broadway 41st Street  
NORMA TYBONE  
SHEARER • POWER  
in "MARIE ANTOINETTE"  
John Barrymore—Robert Morley

**Astor**  
Dance Open 9:30 a. m.  
22c to 1 p. m. at all times;  
8 way and 45th St. midnite show every nite  
Continuance Performance, Popular Prices  
**LESLIE HOWARD** in Bernard Shaw's  
**PYGMALION**  
An M-G-M Hit

Friday, 9 A. M. **STRAND**  
ON THE SCREEN  
**JOHN GARFIELD**  
**DEAD END KIDS**  
IN  
'They Made Me a Criminal'  
A Warner Bros. Picture  
IN PERSON  
**LEO REISMAN** and His Orch.  
Plus an All Star Show

**PARAMOUNT SQUARE**  
HELD OVER  
CLAUDETTE COLBERT  
"ZAZA"  
IN PERSON  
**BENNY GOODMAN**  
AND HIS ORCH

**Times Sq. STATE**  
Stars Thursday  
Jeanette MacDONALD  
Nelson EDDY  
"The DUKE of WEST POINT"  
And Big Stage Show

7th Av. & 50th St.  
**ROXY**  
ALL 25c TO SEATS 1 PM.  
HELD OVER  
**"JESSE JAMES"**  
—On the Stage—  
New Stage Show

**RADIO CITY**  
**MUSIC HALL**  
**"THE GREAT MAN VOTES"**  
Spectacular Stage Productions

**Charles LAUGHTON**  
in  
**The BEACHCOMBER**  
UNITED ARTISTS **RIVOLI** Broadway at 49th St.  
Dance Open 9:30 A.M. MIDNITE SHOWS

Install **PAPEX**  
**Onliwon Paper Towels**  
ECONOMY WASHROOM SERVICE



they'll plant a million dollar kiss  
smack right on to your box-office!

# 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 reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTR.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED
11/4/38	IN EARLY ARIZONA GANGSTERS' BOY GUN PACKER	Col	Col	Western	B. Elliott-L. Gulliver	Jos. Levering	55	12/28
	RIDE A CROOKED MILE	Robt. Tansey	Mono	Western	J. Cooper-L. Stanley	Wallace Fox	51	11/9
	ILLEGAL TRAFFIC	Jeff Lazarus	Par	Rom-Dr	A. Tamiroff-F. Farmer	Alfred E. Green	70	12/7
	LAWLESS VALLEY	Harold Hurley	Par	Meller	J. C. Nash-M. Carlisle	Louis King	67	11/23
	RHYTHM OF THE SADDLE	Bert Gilroy	EKO	Western	G. O'Brien-L. Johnston	David Howard	58	11/9
	ALWAYS IN TROUBLE	Harry Grey	Rep	Comedy	G. Antry-S. Burnette	Geo. Sherman	55	11/9
	EXPOSED	John Stone	20th	Comedy	J. Withers-A. Treacher-J. Rogers	Jos. Santley	69	11/9
	HARD TO GET	Bert Kelly	U	Drama	O. Kruger-G. Farrell	Max Golden	63	11/23
		Sam Bischoff	WB	Comedy	D. Powell-O. de Havilland	Ray Enright	78	11/9
11/11/38	ADVENTURE IN SAMARA	Lou Appleton	Col	Drama	P. Kelly-L. Gray	D. R. Lederman	60	12/21
	THE FROG	Herbert Wilcox	GB	Meller	N. Beery-G. Barker	Jack Raymond	65	4/7/37
	SPRING MADNESS	Edw. Chodorov	MGM	Rom-Com	M. O'Sullivan-L. Ayres	C. S. Simon	73	11/18
	IF I WERE KING	Frank Lloyd	Par	Drama	R. Coleman-F. Deebthone	Frank Lloyd	100	9/21
	ANNABEL TAKES A TOUR	Lou Lusty	EKO	Rom-Com	J. Oaklie-L. Ball	Lew Landers	65	10/19
	STORM OVER BENGAL	Armand Schaefer	Rep	Rom-Dr	P. Knowles-R. Hudson	Sid Salkow	65	12/14
	JUST AROUND THE CORNER	Dave Hempstead	20th	Comedy	S. Temple-C. Farrell	Irving Cummings	70	11/3
	HIS EXCITING NIGHT	Ken Goldsmith	U	Comedy	C. Eggert-O. Munn	Gus Meins	61	12/7
	TORCHY GETS HER MAN	Bryan Foy	WB	Comedy	G. Farrell-B. MacLane	Michael Curtiz	62	10/12
11/18/38	THE SHINING HOUR	E. B. Derr	MGM	Meller	J. Crawford-R. Young	Frank Borzage	75	11/18
	GANG BULLETS	J. Manckiewicz	Mono	Rom-Com	Nagel-E. Kane	Lambert Hillier	62	12/28
	THANKS FOR THE MEMORY	Par	Par	Rom-Com	B. Hope-S. Ross-Butterworth	G. Archinbaud	72	11/9
	LAW WEST OF TOMBSTONE	Cliff Reid	EKO	Western	H. Carey-T. Holt-E. Brent	Glenn Tryon	75	11/30
	SANTA FE STAMPEDE	Wm. Berke	20th	Western	J. Wayne-R. Corrigan	Geo. Sherman	56	12/7
	SHARPSHOOTERS	Sol Wurtzel	Rep	Action	Donnelly-B. Eari	Thinning	61	11/3
	COWBOY AND THE LADY	Sam Goldwyn	UA	Rom-Com	G. Cooper-M. Oberon	Wm. Wyler	51	11/9
	ANGELS WITH DIRTY FACES	Sam Bischoff	WB	Drama	J. Cagney-P. O'Brien	Michael Curtiz	97	10/28
11/25/38	BLONDIE	Robert Sparks	Col	Comedy	P. Singleton-A. Lake	Frank Strayer	69	11/2
	OUT WEST WITH HARDYS	Lou Ostrow	MGM	Rom-Com	M. Rooney-L. Stone-C. Parker	G. B. Seitz	84	11/23
	LITTLE TENDERFOOT	Ed Finney	Mono	Western	T. Ritter-J. Falkenberg	Al Herman	70	11/30
	SAY IT IN FRENCH	Andrew Stone	Par	Comedy	R. Milland-O. Bradna	Andrew Stone	78	11/23
	ARREST BUILDUP ON LAMMOND	Stuart Walker	Par	Mystery	J. Howard-H. Angel	Jas. Hogan	56	1/4
	COME ON, RANGERS	Chas. E. Ford	Rep	Western	E. Rogers-M. Harl	Joe Kane	56	1/4
	ORPHANS OF THE STREET	Herman Schlom	EKO	Meller	T. Ryan-R. Livingston	John H. Auer	68	11/23
	PECK'S BAD BOY WITH CIRCUS	Sol Lesser	Rep	Rom-Com	T. Kelly-A. Gillis	Edw. F. Cline	65	11/23
	SUBMARINE PATROL	Gene Markey	20th	Drama	K. Greene-N. Kelly-Bancroft	John Ford	76	11/23
	LITTLE TOWN GUS IN SOCIETY	Max Golden	U	Melodrama	M. Boland-F. Horton	Erie Kenton	67	12/7
	NANCY DREW, DETECTIVE	Bryan Foy	WB	Meller	B. Granville-J. Lital	Wm. Clemens	76	12/7
12/2/38	FLIRTING WITH FATE	David Loew	MGM	Comedy	J. E. Brown-L. Carrillo-S. Duna	F. MacDonald	70	12/14
	LITTLE ORPHAN ANNIE	John Speaks	Par	Comedy	A. Gillis-R. Kent-J. Travis	Ben Holmes	57	11/30
	WESTERN JAMBOREE	Harry Grey	20th	Western	G. Antry-S. Burnette	Ralph Staub	63	12/14
	ROAD DEATH	Sol Wurtzel	Rep	Western	H. Arthur-F. Valente	Otto Brower	70	12/14
	STRANGE FACES	Bert Kelly	U	Rom-Dr	D. Kent-F. Jenks	Earl Taggart	66	12/7
12/9/38	RIO GRANDE ROUNDUP	Irving Briskin	Col	Western	C. Starrett-A. Doran	Sam Nelson	58	1/11
	DRAMATIC SCHOOL	Mervyn LeRoy	M-G	Rom-Dr	L. Kainer-A. Marshall	R. Sinclair	75	12/7
	I AM A CRIMINAL	E. B. Derr	Mono	Meller	J. Carroll-M. Kornman	Wm. Nigh	70	12/7
	RIDE A CROOKED MILE	Jeff Lazarus	Par	Rom-Dr	A. Tamiroff-F. Farmer	Alfred E. Green	61	12/7
	NEXT TIME MARRY	Cliff Reid	EKO	Western	L. Ball-J. Ellison-L. Bowman	Garson Kanin	61	12/7
	UP THE RIVER	Sol Wurtzel	20th	Meller	T. Martin-F. Brooks	Alfred Werker	75	11/9
	SECRETS OF A NURSE	Bert Kelly	U	Drama	E. Lowe-H. Mack	Arthur Lubin	68	11/18
	HEART OF THE NORTH	Bryan Foy	WB	Meller	D. Foran-G. Faye	Lewis Seiler	74	12/14
12/16/38	STRANGE CASE OF DR. MEAD	Col	Col	Drama	J. Holt-R. Roberts-N. Beery	Lewis D. Collins	55	12/14
	CALIFORNIA FRONTIER	Monroe Shaff	WB	Western	E. Jones-C. Bailey	Elmer Clifton	74	12/14
	A CHRISTMAS CAROL	Joe Manckiewicz	M-G	Rom-Fan	R. Owen-T. Kiburna	E. L. Marlin	68	12/14
	THE FRONTIERSMEN	Harry Sherman	Par	Western	W. Boyd-G. Hayes-E. Venable	Les Selander	70	10/28
	DOWN ON THE FARM	Sol Wurtzel	20th	Comedy	J. Prouty-S. Byington	Mal St. Clair	63	12/14
	PIRATES OF THE SKY	B. Searcy	Rep	Action	E. Taylor-F. Hudson	Joe McDonough	69	12/14
	SWING, SISTERS, SWING	Bert Kelly	U	Musical	K. Murray-K. Kane	Joseph Santley	68	12/14
	GHOST TOWN RIDERS	Trem Carr	U	Western	Bob Baker	Geo. Waggoner	65	12/21
	COMET OVER BROADWAY	Bryan Foy	WB	Drama	K. Francis-J. Lital	Busby Berkeley	76	1/11
12/23/38	THERE'S THAT WOMAN AGAIN	B. B. Kahane	Col	Rom-Dr	M. Douglas-V. Bruce	Al Hall	60	1/11
	AWAKENING OF KATANA	Harry Rapt	M-G	Drama	F. Garson-T. Connolly	Norman Taurog	51	1/18
	WILD HORSE LANCER	Robt. Tansey	Mono	Western	Jack Randall	Robert Hill	51	1/18
	TOM SAWYER, DETECTIVE	E. T. Lowe	Mono	Rom-Dr	D. O'Connor-B. Cook	Louis King	84	1/18
	FIGHTING THOROUGHBREDS	Armand Schaefer	Rep	Rom-Dr	R. Byrd-M. Carlisle	Sidney Salkow	55	1/18
	SHINE ON, HARVEST MOON	C. E. Ford	Rep	Western	R. Rogers-M. Harl	Joe Kane	55	1/11
	RED RIVER	Wm. Berke	20th	Western	J. Wayne-R. Corrigan-Terhune	Geo. Sherman	70	12/7
	THANKS FOR EVERYTHING	H. J. Brown	Rep	Musical	A. Menjou-J. Oaklie	Wm. A. Seiter	77	12/7
	TRADE WINDS	Walter Wanger	UA	Rom-Dr	F. March-J. Bennett	Tay Garnett	93	12/21
	NEWSBOYS' HOME	Ken Goldsmith	U	Drama	J. Cooper-W. Barrie	Harold Young	103	12/14
	THE DARK NIGHT	Robert Loew	WB	Drama	E. Flynn-B. Baskin	Edm'd Goulding	103	12/14
12/30/38	SMASHING THE SPY KING	Irving Briskin	Col	Meller	F. Wray-B. Bellamy	Christy Cabanne	62	1/18
	CLIMBING HIGH	GB	GB	Comedy	J. Mathews-M. Redgrave	Carol Reed	120	12/21
	SWEETHEARTS	Hunt Stromberg	M-G	Musical	J. MacDonald-N. Eddy	W. S. Van Dyke	60	1/11
	TOUGH KID	Lindsay Parsons	Mono	Meller	F. Darro-J. Allen	H. Bretherton	59	1/11
	SKY PILATE	Paul Malvern	Par	Action	J. Frank-M. Reynolds	Paul Malvern	60	11/2
	ARTISTS AND MODELS ABROAD	A. Hornblow, Jr.	Par	Musical	J. Benny-J. Bennett	Mitchell Leisen	94	11/2
	BOY TROUBLE	Wm. Wright	Comedy	Comedy	C. Ruggles-M. Boland	Geo. Archinbaud	64	1/11
	FEDERAL MAN-HUNT	Armand Schaefer	Rep	Rom-Dr	R. Livingston-J. Travis	Nick Grinde	95	12/21
	KENTUCKY	Gene Markey	UA	Rom-Com	L. Young-R. Green	Al Green	107	12/21
	DUKE OF WEST POINT	Edw. Small	20th	Musical	L. Hayward-J. Fontaine	Al Green	107	12/21
	GOING PLACES	Barney Glazer	WB	Musical	D. Powell-A. Louise	Ray Enright	85	1/11
1/6/39	NORTH OF SHANGHAI	W. MacDonald	Col	Drama	B. Furness-J. Craig	D. R. Lederman	90	1/11
	STAND UP AND FIGHT	Mervyn LeRoy	M-G	Rom-Dr	R. Taylor-F. Rice-Beery	W. S. Van Dyke	85	1/11
	DISBARRED	Stuart Walker	Par	Meller	G. Patrick-O. Kruger	Robert Florey	78	1/11
	PACIFIC LINER	Robert Sick	EKO	Drama	V. McLerie-G. Morris-W. Barrie	Low Landers	76	12/28
	WHILE NEW YORK SLEEPS	Sol Wurtzel	20th	Melodrama	M. Whalen-J. Rogers	H.B. Humberstone	61	12/21
	LADY VANISHES	GB	20th	Mystery	M. Lockwood-M. Redgrave	Alfred Hitchcock	96	8/51
	LAST WARNING	Irving Starr	20th	Mystery	F. Foster-F. Robinson	Al Rogell	62	12/7
	DEVIL'S ISLAND	Bryan Foy	WB	Melodrama	R. Karloff-N. Herman	Wm. Clemens	62	12/7
1/13/39	THE THUNDERING WEST	Irving Briskin	Col	Western	C. Starrett-L. Meredith	Sam Nelson	67	
	BURN 'EM UP O'CONNOR	Harry Rapt	M-G	Com-Rom	D. O'Keefe-C. Parker	Edw. Sedgwick	83	
	CONVICT'S CODE	E. B. Derr	Mono	Melodrama	R. Kent-A. Nagel-M. Eburne	Lambert Hillier	63	1/4
	ZAZA	Albert Lewin	Par	Rom-Com	C. Colbert-H. Marshall	Geo. Cukor	72	
	MYSTERIOUS MISS X	Herman Schlom	Rep	Comedy	M. Whalen-M. Harl	Gus Meins	69	
	THE GREAT MAN VOYES	Cliff Reid	EKO	Comedy	J. Barrymore-P. Holden	Garson Kanin	70	1/11
	CHARLIE CHAN IN HONOLULU	John Stone	20th	Mystery	S. Toler-F. Brooks	H.B. Humberstone	85	12/28
	TOPPER TAKES A TRIP	Hai Roach	UA	Comedy	C. Bennett-R. Young-B. Burke	Norm. Z. McLeod	80	1/4
	SON OF FRANKENSTEIN	Rowland V. Lee	WB	Melodrama	B. Karloff-B. Lugosi	Rowland V. Lee	94	1/18
	THEY MADE ME A CRIMINAL	Barney Glazer	WB	Drama	J. Garfield-B. Balin	Busby Berkeley	94	1/18
1/20/39	FRONTIERS OF '49	Col	Col	Western	B. Elliott-L. De Alcanis	Sam Levering	61	
	AMBUSH	Wm. Wright	Par	Rom-Dr	G. Swarthout-L. Nolan	Kurt Neumann	61	
	ARIZONA LEGION	Bert Gilroy	EKO	Western	G. O'Brien-L. Johnston	Dave Howard	85	12/14
	SMILING ALONG	Robert T. Kane	20th	Mus-Com	G. Fields-M. Maguire	Monty Banks	55	
	MR. MOTO'S LAST WARNING	Sol Wurtzel	20th	Mystery	F. Lewis-E. Corbin	Norman Taurog	61	
	GAMBLING SHIP	Irving Starr	U	Drama	R. Wilcox-H. Mack	Aubrey H. Scotto	61	
	OFF THE RECORDED	Sam Bischoff	WB	Comedy	F. O'Brien-J. Blondell	James Flood	61	
1/27/39	LONE WOLF'S DAUGHTER	Jos. Sistrum	Col	Meller	W. William-J. Lupino	Peter Godfrey	83	
	FOUR GIRLS IN WHITE	Nat Levine	M-G	Rom-Dr	A. Marshall-F. Rice	S. Sylvan Simon	83	
	IDOT'S DELIGHT	Hunt Stromberg	M-G	Comedy	Shearer-Gable	Clarence Brown	83	
	DRIFTING WESTWARD	Robert Tansey	Mono	Western	Jack Randall	Robert Hill	83	
	PARIS HONEYMOON	Harlan Thompson	Par	Rom-Com	B. Crosby-F. Gaal	Frank Tuttle	83	
	PRIDE OF THE NAVY	Herman Schlom	Rep	Rom-Dr	J. Dunn-E. Hudson	Charles Lamont	83	
	JESSE JAMES	Nunnally Johnson	20th	Drama	T. Power-N. Kelly-Fonda	Henry King	105	1/11
	MADE FOR EACH OTHER	D. O. Selznick	UA	Rom-Com	C. Lombard-J. Stewart	John Cromwell	69	1/11
	KING OF THE UNDERWORLD	Bryan Foy	WB	Drama	M. Bogart-K. Francis	Lev Seiler	69	1/11
2/3/39	TEXAS STAMPEDE	Irving Briskin	Col	Western	C. Starrett-L. Meredith	Sam Nelson	67	
	HONOLULU	Jack Cummings	M-G	Com-Rom	E. Powell-R. Young	Eddie Buzzell	67	
	PYGMALION	Gabriel Pascal	M-G	Comedy	L. Howard-W. Hiller	A. Asquith	97	9/7
	SUNDOWN ON THE PRAIRIE	Ed Finney	U	Western	T. Ritter-D. Fay-C. King	Al Herman	70	
	ST. LOUIS BLUES	Jeff Lazarus	Par	Mus-Rom	L. Nolan-D. Lamour	Raoul Walsh	70	
	FISHERMAN'S WHARF	Sol Lesser	EKO	Com-Dr	B. Breen-L. Carrillo	Vernard Vorhaus	70	
	THE ARIZONA WILDCAT	John Stone	20th	Comedy	J. Withers-L. Carrillo	Herb. I. Leeds	70	
	STAGECOACH	John Stone	20th	Comedy	C. Trevor-J. Wayne	John Ford	70	
	TORCHY IN CHINATOWN	Walter Wanger	UA	Melodrama	G. Farrell-B. MacLane	Wm. Beaudine	58	
2/10/39	HUCKLEBERRY FINN	Bryan Foy	WB	Drama	M. Rooney-W. Connolly	Richard Thorpe	61	
	NAVY SECRETS	J. Manckiewicz	M-G	Com-Rom	Withers-F. Wray-D. Robinson	H. Bretherton	61	
	ONE THIRD OF A NATION	Wm. Lackey	Mono	Drama	S. Sidney-L. Erickson	Dudley Murphy	61	
	BOY'S SLAVES	Harold Orlob	Par	Drama	A. Shirley-A. Daniel	P. J. Wolfson	61	1/18
	HOME ON THE PRAIRIE	Harry Grey	EKO	Western	G. Antry-S. Burnette	Jack Townley	61	
	TAIL SPIN	Harry J. Brown	20th	Western	A. Faye-C. Bennett-C. Farrell	Roy Del Ruth	61	
	WINGS OF THE NAVY	Lou Edelman	WB	Drama	G. Brent-O. de Havilland	Lloyd Bacon	61	1/18

## Actors Call Radio-Legit Unlike; Admen's \$40-a-Week Comparison Irks

According to AFRA executives, the union's proposed wage scales would involve only slight increases over fees already paid by most leading agencies. Only a few agencies are described as paying fees substantially less than those set in the AFRA scale. However, it is stated, all fees for radio performers have steadily decreased during the last year or more years. Parts that formerly paid \$50-\$75-\$100 now draw amounts of \$25-\$50, while in some instances actors are paid only \$12.50 and \$22.50, the union declares.

Regarding the issue of the \$40-a-week minimum raised by the agencies, the union asserts that scale purpose in the legitimate theatre, in which entirely different conditions exist. Actors Equity Assn. was not formed for and doesn't function to obtain wage increases for its members, but merely to better their working conditions, prevent non-payoffs, etc., whereas the prime purpose in the formation of AFRA was to halt the alleged slump of radio fees.

Much greater amounts of money are involved and larger profits are possible in radio than in legit, it is also contended. 'Bit' parts have never heretofore been recognized as such by the agencies. It is claimed, since all parts have been paid more or less alike, except for players with reputations.

### Actors' Viewpoint

Another factor in the matter is that radio rarely builds personalities that can go into other fields of show biz. As evidence of that, almost all the big radio names were originally in other branches of show business, while there have been significantly few purely radio performers who have gone into legit, films or concert. Legit, on the other hand, is an excellent showcase for potential film, radio, vaude or concert talent. It will be noted that in the proposed agency scales above, a bit player would receive \$5 a day or, if he worked five days a week, with the one-third deduction, would receive only \$16.67.

One AFRA argument points out that most of the expense for the important network shows is for network time and not for top talent stars. Any increases under the AFRA scale would, argues AFRA, apply to unimportant performers in the main and involve comparatively small amounts. Agencies answer that small amounts per show or per rehearsal hour become big totals over a year's time.

Union leaders have stated that the prospective rise in expense involved in its proposed wage scale amounts to not more than 2% or 3%. Even if that figure were doubled, they argue, it should hardly occasion the stoppage of a merchandising and goodwill medium that spends millions for talent annually. 'Why all the fuss, asks AFRA (innocent-like) when most of the leading agencies already pay wages higher than those proposed?

AFRA also seems to believe that a number of firms are so constituted that their entire radio distribution policies are geared to radio. If their programs were to stop, even for a few weeks, it might disrupt their whole organization, with consequent turmoil. That would be particularly applicable to many of the large food concerns and other firms of similar operation. Nothing but an actual shutdown itself can tell if AFRA is misguided in its optimism that big sponsors have no stomach for leaving their 'best' merchandising medium.

Very likely the agencies or sponsors will still be able to compromise (if they want to) by counter-proposition approaching the AFRA wage-scale could probably serve as the basis for further negotiation, compromise or settlement. But from all reliable evidence, nothing so crystallized anti-agency sentiment among the rank and file performers as the agencies' counter-proposition last week. Even members who had previously taken little interest in the union's affairs were fearful that this would be the level of future wages. Agencies pooh-poohed this pessimism. But it quickly became a factor.

**Elastoplast, First Aid dressings, has gone on the air for the first time via Radio Normandy. Placed by Spottswoode, Dixon & Hunting, Ltd.**

### B-S-H's \$12,493,833

Chicago, Jan. 17. Blackett - Sample - Hummert agency broke into new high ground for radio billing during 1938, with an increase of better than 20% over the previous year. Grand total of air purchases boomed to \$12,493,833.

This was split to give the networks two-thirds and spot one-third of the total air-time billing. In figures, the amount was \$9,093,125 for time on the webs and \$3,400,708 on spot.

Total billing for 1937 was \$10,361,000.

## AIR FEATURES' EXEC SPEAKS

What is the attitude of Blackett-Sample-Hummert, possibly the most concerned advertising agency, in connection with the actor unionization problem? Speaking for Air Features, Inc., through which the majority of the New York programs are cast and produced, Maurice Scopp declared Monday (16) that Blackett-Sample-Hummert itself was not directly concerned by virtue of the position occupied by Air Features. This point has been consistently stressed in the past. It has always been denied that Air Features was a Hummert or a Blackett-Sample-Hummert subsidiary. Actors have, to the contrary, usually not regarded this as a difference. But Air Features and Frank Hummert emphatically insist it is.

As a producer and not an agency, Air Features is not an adherent of the Four A's and is not directly concerned with advertising matters. Exec explains that they have no objection to performers organizing, but reiterates that, as it stands, the AFRA code will not operate 'to the ultimate advantage of the actors.'

Also stressed that all the above statements applied only to the New York end of the agency and that only the Chicago officials could speak for the firm at that end.

### Howard-Shelton Pinch-Hit So Pick and Pat Can Rest

Tom Howard and George Shelton replace Pick and Pat on the latter's U. S. Tobacco show for airings of January 23 and 30. Regular comics fade for vacation.

Columbia Artists set Howard and Shelton.

### La Roche Returns

Hollywood, Jan. 17. Chester LaRoche, prez of Young & Rubicam, returned east after passing a week here in confabs with the local radio staff.

He sat in on the opening Screen Guild-Gulf show with Col. J. Frank Drake, Gulf presy.

## Hillbillies Get It—Both Ways

### Union Should Have Done a Groucho Marx and Collected Resignation Fee When They Joined

Philadelphia, Jan. 17. Philly's hillbillies can sympathize with Groucho Marx' resignation fee. Schnoz-trangers, who were working cuff supporters on all outlets but WCAU, where they have a commercial, were informed by the Musicians' Union a couple of weeks ago that they would have to have union cards or couldn't work. So the gettar strummers forked over initiation fee and became members of the A. F. of M.

Thinking everything was set then, they returned to their mikes. But the local quickly put its foot down on that. Union members can't work for free, so the 'billies had to demand scale. Now program managers

## TIBBETT PRACTICALLY UNREHEARSED KELLOGG

Lawrence Tibbett, who was scheduled to have an important acting as well as singing part in the debut stanza of the Kellogg program over NBC from the Coast Sunday night (15), almost missed the show entirely. He had been written out of the script when it appeared he would be unable to get there in time, but arrived in Los Angeles a couple of hours before the broadcast, so was put back in for several songs and a few lines of dialog.

Baritone sang Falstaff at the Metropolitan Opera, New York, last Friday night (13), concluding the performance at 11:30 and taking a train to Pittsburgh because the snowstorm had grounded all planes. He managed to get a plane at Pittsburgh, flew the rest of the way, with a few stops. He planned east again within a couple of hours after the program, arriving Monday night (15) in New York. Sings again at the Met tonight (Wednesday) and Saturday afternoon (21), but doesn't appear on the Kellogg show next Sunday (22). He may do so the following Sunday (29) if he can arrange to fly to the Coast immediately after the opera performance that Friday night (27). Singer gets \$5,000 for each appearance on the radio show.

Hollywood, Jan. 17.

Jose Iturbi, concert pianist, and possibly Noel Coward, will sit around the guest table on the Kellogg broadcast next Sunday (22).

Lawrence Tibbett takes off for two weeks and returns in early February for an indefinite stand.

Hollywood, Jan. 17.

J. Walter Thompson is dickerling with Mrs. Franklin D. Roosevelt. For the fourth Kellogg circle broadcast Feb. 5.

## AMATEURS AND QUIZ SHOWS UNTOUCHED

Amateur programs, audience participation and other shows of similar nature are unlikely to be directly involved in a possible AFRA strike against sponsored broadcasting. Same thing applies to advertisers using only local programs.

Union is not seeking to apply its proposed wage scale to 'bona fide' amateur shows. In general, the same conditions apply to sponsored amateur programs as to sustaining ones. That is, as long as they are the McCoy with only genuine amateur participating, the union will not take a hand. However, all regulars will come under the AFRA setup, and no professionals may be used as pretended amateurs.

In case any new amateur programs are planned, the union expects to consider each one on its own merits.

### Stanco May Return

Stanco Products (Mistol and Nujol) may return to the air soon with a daytime script series.

McCann-Erickson is the agency.

## PART OF THE DISPUTE

### ACTORS UNION DEMANDS

\$15  
\$10  
\$25  
\$12.50  
\$35.00  
\$17.50  
\$6 per hour  
50%

15 Mins.  
Re-broadcast  
30 Mins.  
Re-broadcast  
Full Hour  
Re-broadcast  
Rehearsal  
Audition

### ADVERTISING SUGGESTS

\$15  
\$3.25  
\$20  
\$25  
\$7.50

Overtime only  
No proposal

## AFRA Not Contesting KWK Defeat; Unable To Obtain Sworn Papers

Stymied in its attempts to obtain affidavits to support rumors, etc., that circulated here following its defeat at KWK two weeks ago, execs of the St. Louis Chapter of AFRA have temporarily abandoned plans to petition the NLRB to hold another election. Don Phillips, prez of the local chapter, said that the rumors that reached him following the election were investigated thoroughly, but those in a position to substantiate their authenticity refused to make sworn statements. AFRA had until Saturday (14) to file a petition for another election, but Phillips explained that without the supporting affidavits the local AFRA felt that the plan would be useless.

Vote at KWK was seven favorable to AFRA as bargaining agent for gabbers, singers and actors; 12 against and five votes challenged, four by the station and one by AFRA.

Wage negotiations will start shortly at WEW, owned and operated by St. Louis University, where AFRA was chosen the bargaining agent by a four to two vote; at KSD, owned and operated by the St. Louis Post-Dispatch, which conceded that AFRA had a majority of its radio talent; and at KMOX, local CBS outlet, which NLRB stipulated that AFRA had a large majority of the talent staff. The negotiations concerning KMOX are expected to be held in New York, where the question for all of CBS's stations will be ironed out.

### Philadelphia Post Script

Philadelphia, Jan. 17. Bid to join AFRA was extended to Philly radio talent about a year ago, an organizer was sent over from New York and a meeting was called, but attendance and interest were sparse and nothing ever came of the organization here.

Meantime American Communications Association has gone ahead with organization of station employees, although outside talent goes unorganized and continues, in most cases, to work for free. Program directors report quantities of curfio artists of any type available at all times.

### CARBORUNDUM SKIPS

Breaks Habit of 12 Years—Not on CBS This Winter

Carborundum Co., manufacturer of abrasives at Niagara Falls, N. Y., is off the air this season for the first time in 12 years. It couldn't spare the appropriation required for its customary campaign of 13 weeks on a Columbia hookup. Account went network in 1929 and came back every fall thereafter for the seasonal sojourn. Before '29 it did local broadcasting.

Each season Carborundum did the same routine Indian folk narratives by Francis D. Brown, the company's advertising manager, plus the music of a local brass band, with the program originating out of WGR, Buffalo.

### Friday the 13th Raise

Virtually the entire staff of the Compton agency received pay increases. It happened on Friday, Jan. 13.

Were the boys surprised!

### Ethyl's Coast Show

Hollywood, Jan. 17. Half hour musical salute by Claude Sweeten's orchestra on KFI is being bankrolled for Coast airing by Ethyl gas.

Petrol firm first tested radio here on KFWB.

## CONTRACTS VS. PICKET LINE QUESTION

Vital factor in the possible performer strike against network commercial radio is the status of artist contracts with agencies or sponsors. This affects the stars from whom AFRA expects major strength.

Agency attitude is that all contracts will be strictly enforced and that all performers must continue broadcasting regardless of any possible strike call or other action by AFRA.

Union execs steadfastly refuse to be quoted except to venture the observation that the agency heads 'are unduly optimistic.'

Although the question of the value of contracts in case of strike is unprecedented in radio, it has arisen in other fields of show business. Example was in the Equity strike of 1919, when players walked out of every theatre on Broadway despite the fact that they were all working under contract. Estimated at that time that there were hundreds of lawsuits filed by producers against actors, but none of the players went back to work. When the strike was finally won by the actors one of the terms of settlement was that all lawsuits be dropped.

When a strike was threatened in Hollywood by the Screen Actors Guild during the spring of 1937 most of the leading film players, upon whom the issue depended, were under contract. Yet they almost unanimously voted to breach such pacts and walk out. There was talk of lawsuits by the studios, but the matter had not come to a decision when the Guild won a contract from the producers.

Whole question of employee contracts in case of a strike is one of the unusual phases of the AFRA-agency battle. Show business is virtually unique in that most of its talent is under contract instead of being hired on a week-to-week or month-to-month or some other regular term employment, as in most businesses. For that reason there is little precedent to indicate what course the contract matter might take.

### Usual Reason

In normal times when an actor breaks a contract it is usually for the purpose of taking employment with some other producer, in which case the employer may bring injunction proceedings to prevent the contractee from working for anyone else. In that case he ties up the actor as far as other producers are concerned, but still doesn't necessarily get the desired services of the contractee.

It might be possible for the agencies or sponsors to bring damage suits against artists who broke radio contracts, particularly if the breach caused a major network program to go off the air. However, no such suit could go through the courts until long after the outcome of the strike had been settled.

### Picket Line

Ground on which actors have broken their contracts for announced their intention of breaking them) in the past was refusal to go through a picket line. Particularly in the case of the narrowly-averted Screen Actors Guild strike, that argument was sufficient. Pointed out that one of the general rules governing all members of AFL unions is a prohibition against going through any affiliate's picket lines or patronizing any firm or employer designated as 'unfair.'

# AD AGENCIES SYMPATHETIC

## SEE NO REASON FOR ANY STRIKE

**Believe Actors Should Understand Business Problems — Hope 'Melodramatic' Action Will Be Avoided**

### DOOR OPEN

Advertising agencies have not given the union the runaround; they are in substantial agreement with the American Federation of Radio Artists on most points with the exception of the rehearsal and re-broadcast fees; they do not see any occasion for breaking off negotiations; they regard strike talk as a bomb, rather than a gun, and believe that emotional personalities must be kept out of the present tension. This is the substance of the reaction of the New York advertising agencies to events of the past week.

Admen think the actors must give some open-minded consideration to their viewpoint and problems. "We are not kidding anybody. It stands to reason we have no power to bind our clients except with the permission of each and every one of them individually. We don't control our advertisers' labor attitudes, and no two are alike. Actors are not fair to us if they refuse to believe the plain common sense of our position." Important points which advertising agencies think the actors are brushing aside concern such business factors as these:

1. Daytime radio's potential audience is necessarily smaller than night time. It corresponds to the wage potentials of family vaudeville against the higher possibilities of big time.
2. Increases of compensation that aggregate, say, \$10,000 or better a

### Not Maximum

In one vital phase of their differences the advertising executives believe the rank and file of radio performers completely misunderstand the agency attitude. That is in regard to the scale of minimum fees 'suggested' by the Four A's committee and summarily rejected by the AFRA negotiators. Admen point out that all the amounts included in that scale are strictly minimums and that under no circumstances do they expect to make them the maximum. All radio artists would continue to be paid at least the existing fees, and, it is added, all of the leading 15 agencies have promised not to cut actor pay below present standards.

year, are not as unimportant as actors assume. A difference of even \$10,000 in a budget may discourage a sponsor where the total appropriation is small or its justification is based on 'anticipation' of increased business rather than on the reality.

3. Why should networks, which make much larger profits than all but a very few sponsors, have the right to hire talent for less than another business must pay. Whole assumption that talent automatically changes value because of the employer's business is dubbed fallacious.

Advertising agencies feel that the actors ought to look at radio employment as governed by ordinary restrictions and limits. Radio must pay its way the same as any other business. Admen say actors think sponsors are so many chumps who will never squawk. If certain big stars get large fees it's because they are values. It is as values, and not as wages, that agencies believe the princely stipends of stars should be judged. It doesn't follow, they argue, that the stars' salaries mean, automatically, that any and all salary

## STRIKE TALK OVERSHADOWS N. Y.

Strike talk pervaded radio circles in New York all last week and as a result there may be further clarification of the issues this week. After the Four A's committee put forward its counter-proposals and was promptly told those wouldn't do further talks were called off from Tuesday (10) on. This tossed the whole matter into the realm of speculation.

Question of an actor strike against advertising agencies is of incredible complexity. It ties in with the relationship of client and agent, actor and musician, existing contracts and interruptions thereof, networks and accounts, big business and unions, old customs and new bosses, loyalty of men to their superiors versus loyalty to their colleagues, the power to hire and fire and other elements which upon examination start to bob up like offspring in a rabbit family.

One question immediately asked was whether there was or would be a united front on the part of the actors. A rebuttal question was: 'Is there a united front on the part of the agencies?' This latter quip took note of the well-known fact that most of the larger agencies would probably not dislike seeing anything, even a union, take away the competitive mass production advantage enjoyed almost alone in commercial radio by Blackett-Sample-Hummert.

As the buzz-buzz went last week, and this on both sides, agencies and performers, it became increasingly clear that, fairly or unfairly, right or wrong, the villain's role had been assigned to Blackett-Sample-Hummert, the first agency in radio billings and the most adroit and successful cheap-priced outfit in the biz. This agency rotates a group of players among many shows, points to their over-all earnings, and the longevity of B-S-H accounts.

In any extended performer strike against

commercial broadcasting, one fact stands out among the numerous fantastic angles. That is that AFRA, which may call the strike, will probably be the one group involved that would not have to bear the cost of hostilities. Whatever such a fight might cost—and it could conceivably run to plenty—the amount would presumably be largely shared by the agencies, sponsors and networks.

AFRA's unique advantage results from the fact that it has a contract with the networks covering sustaining programs. In this case they will indeed be 'sustaining' to the union, because through them the performers will presumably be able to sustain themselves for the duration of the strike. In contrast, the agencies would stand to lose all commissions on lapsed radio accounts, the sponsors would lose the use of a valuable advertising and merchandising medium (to say nothing of their previous stake in listener rating, good-will, etc.) and the networks would lose revenue from time cancelled. Chains would also face the outlay of coin for talent for sustaining shows to replace the cancelled commercials.

Networks are in a corner in the matter. In case the sponsors decide to fight and take their shows off the air, the broadcasting companies will simply have to fill in the vacant time. Their franchises from the FCC necessitate that. On the other hand, since all variety of programs will have to be used in place of the commercials, AFRA members expect to be employed on the fill-ins.

In the surrounding columns VARIETY has broken down the subject of actor-agency relations and the existing threat of a performer strike call against agencies into various sub-headings for convenience in presenting the many-sided question in digestible form.

## AFRA ASKS ITS LOCALS' OPINION

**Actors in Continuous Session Since Last Week Debating Wisdom of Walkout on Commercials**

### ANGLES

A performer strike against network commercial broadcasting seemed for the first time an actual possibility last week when the American Federation of Radio Artists' national board passed a resolution favoring such a walkout. However, the action was inconclusive since the resolution was submitted back to the union's own locals for approval.

Any one of a number of developments may forestall a strike. Disapproval of the move by one of the locals would probably halt it. There is no certainty either that the AFRA national board would call a strike even after its locals have approved such tactics.

Although relations between the agencies and the union have been growing strained for the last three months, they did not reach an outright break until last week. At that time AFRA's representatives abruptly walked out of a meeting with the agencies' committee after spurning a wage-scale suggestion. Union bagpayers described the proposed scale as 'too ridiculous to warrant further discussion' and accused the admen of acting in bad faith throughout the entire year's negotiations.

Matter was presented to the AFRA national board meeting Thursday (12). Latter body quickly passed a six-point resolution: (1) Favoring a strike, (2) calling local membership meetings before Jan. 22, to pass on the question, (3) directing the national executive-secretary to obtain resolutions of support from affiliated unions in the Associated Actors and Artists of America, the parent union, (4) arranging to give the board authority to call the strike when, how, and as against whom it decides, (5) directing the strategy committee to make necessary strike plans and (6) instructing members, not to sign any more network commercial contracts without approval of the national executive-secretary and unless such pacts call for terms at least as favorable as the proposed AFRA wage scale and contain a voiding clause in case of strike.

Membership meeting of the New York local will be held at 9:30 tomorrow night (Thursday) at the Edison hotel, N. Y., for vote on the question of a strike. Chicago meeting will take place Friday night (20), with George Heller, national associate executive-secretary, flying from New York to attend. Mrs. Emily Holt, national executive-secretary, will plan to Los Angeles to attend that local's meeting Saturday night (21). San Francisco local will meet Sunday night (22). If the local memberships support the strike move as expected, the actual calling of a walkout will then be up to the AFRA national board, which holds its regular weekly meeting a week from tomorrow (26). However, it is possible that a special meeting will be called before that date.

Meanwhile, the union's strategy committee and various groups of officials are huddling almost continuously on various plans for the anticipated strike.

It had been frequently rumored that in case of an outright break with the agencies, AFRA would not call a general strike, but would direct its offensive at individual agencies. However, it is now believed that the union does not favor this strategy.

### Met Insurance Pends

Columbia is trying to clear an hour of evening time for the Metropolitan Insurance Co. Hook-up will be anywhere from 80 to 95 cents. Campaign will be strictly institutional. Young & Rubicam is the agency.

## SCREEN GUILD RESOLVES TO BACK AFRA

### BEN GIMBEL'S ATTITUDE

**Recognizes C.I.O. Union Without Need of Further Proof**

Philadelphia, Jan. 17.

Unprecedented announcement was made by Ben Gimbel, Jr., WIP prez, last week to all his employees that inasmuch as a clear majority of them were members of the American Communications Association, CIO, he recognized the Union as their official bargaining agent and would apply to all of them, members or not, the terms of any agreement reached with the ACA. Union, to which the engineers have belonged for duration of several yearly contracts, just took in all the gabbers and porters. Stenos and phone operators refuse to come in, but the Union will probably bargain for them anyhow in present negotiations for a vertical contract.

Only minor points in the industrial-type WIP term have been agreed to so far. Similar vertical pact, only one with a radio station in the east, was recently inked with WPEN.

Hollywood, Jan. 17.

A resolution prohibiting its members from accepting radio spots vacated by the American Federation of Radio Artists members, in the event of a general strike, was adopted Monday night (16) by the Screen Actors Guild. Resolution read, "SAG will lend unqualified support to AFRA at the time when a strike call is issued in the field of commercial network broadcasting. Members who scab in radio jurisdiction shall be subject to severe disciplinary action."

Guild leaders declared the Screen Guild-Good Gulf show would be muted if an AFRA walkout was ordered.

## Top British Air Comic Gets \$157.50

**Cary Grant on BBC Recently for \$16—Little Difference in Pay for Names or Nonentities**

London, Jan. 10.

As part of economy campaign pending probable increase in income from the government, BBC has put into force new scale of fees for radio appearances. Fees are worked out in guineas, an old-fashioned standard equivalent to 21 shillings, or about \$25, and basic rate for single broadcast is set at three guineas (just below \$16), whether the artist is famous or not. Individual musicians in bands get the same, with an extra cut for the leaders.

Established radio stars and contract players get more; one of the most popular comics on the air now draws

a top of 30 guineas (\$157.50) a performance. Highest fee paid any band broadcasting from the studio is equivalent to \$500, and scales cannot be slashed, owing to agreement between BBC and Dance Band Directors' Ass'n.

Serio-comedy angle of current economy drive occurred during recent broadcast by Cary Grant, who guested on 'Band Wagon' program. Showing up at the cashier's desk afterwards, Grant discovered he had been credited with just three guineas, the same as was being paid to an unknown performer, who had broadcast the same evening for the first time!

### Ruppert's Assistant

Jack Holmes has joined the CBS press department as assistant to Lou Ruppert, the new chief p. a.

Holmes comes from the N. Y. Daily News. Before that he was with the Brooklyn Daily Eagle.

## Agencies' Statement

(COPY)

### AMERICAN ASSOCIATION OF ADVERTISING AGENCIES

420 LEXINGTON AVENUE

New York, Jan. 10.

Mrs. Emily Holt, National Executive Secretary, American Federation of Radio Artists, 2 West 45th street, New York, N. Y.

Dear Mrs. Holt:

The Conference Committee, composed both of members of the A. A. A. and of non-members, has given careful consideration to the revised proposals presented by you concerning radio talent, their wages and conditions of employment.

Our opinions which follow are offered in the spirit of the last paragraph of a letter addressed to the Chairman of this Committee by your President, Eddie Cantor, which read: "We believe the advertising agencies have a sense of responsibility concerning the ethics of their profession, and that even those who may consider themselves exempt from the foregoing abuses, will join with us in our effort to STABILIZE THE INDUSTRY AND TO PROTECT THE PERFORMERS FROM EXPLOITATION" (Caps ours).

We acknowledge our concern with the ethics in our business. It is not only with those with whom we work, and their recognition and rewards, but also with the future of this business.

This Conference Committee heartily concurs with the AFRA in desiring elimination of any abuses in working conditions in the radio business. We are happy to tell you that the Committee definitely favors a minimum wage, uniform time for rehearsals and pay for overtime thereafter, together with a definite rate of pay for rebroadcasts.

The investigation by this Committee supports the view that radio entertainers on the whole compose an industry of high pay and satisfactory working conditions. Any individual abuses that may exist, or which might later be introduced, we believe can be corrected by the suggestions which follow.

While our concern is to secure for talent conditions under which it can deliver its best performances, we are no less concerned with the maintenance of radio's competitive position with other media. We are definitely opposed to any measures that would raise the present cost of broadcasting to advertisers. We believe our suggestions can cure conditions which you report as existing, without raising the average cost of radio broadcasting.

In considering the wage rates hereinafter mentioned, it must be remembered that they are minimums and include the least important regular performer. The purpose of a minimum wage is to protect performers against isolated cases of unreasonable low pay. The minimum is high compared with other industries and other phases of entertainment, even those with the same risks of irregular employment.

It does not purport to equal the highest wages paid to non-star performers, wages which the industry as a whole cannot afford to pay as a minimum, especially the rank and file of smaller advertisers whose resources are limited.

We do not believe minimum wages will become the maximum, any more than they have in the past; in our opinion, agencies will go on paying the maximum rates they have hitherto, regardless of any minimum.

The multiple discounts are practically confined to multiple day-time shows, giving steady weekly employment to the artist and enabling a fair weekly compensation with ample time to appear on other programs.

As we have informed you from the start, our body is not an employer of radio talent, nor are we in a position to make any commitment for sponsors or agencies; furthermore we have no authority to deal with the question of the artist's closed shop, as indicated by our letter to you of September 13, 1938. Not being an employer, our position has been that of a volunteer fact-finding body, to bring to your attention actual operating conditions as they exist between radio talent and their employers and give you our opinion relative thereto.

It should be definitely understood that acting in this capacity as a fact-finding body, we do not take the position that all employers of radio talent can meet the conditions men-

tioned herein. This is a problem which each employer must consider and solve for himself. Each individual employer of radio talent must determine for himself whether our conclusions of what are fair working conditions are in accordance with his experience and requirements.

In expressing our views we cannot put ourselves in the position of combining with AFRA to embarrass any employer in regard to working conditions or a minimum wage which might injure his business, nor can we be put in the position of preventing budding talent from securing employment or handicapping it in any way.

The information that we have gathered indicates to us that if radio, as an advertising medium, is to be encouraged, to continue to hold its competitive position and be permitted to grow, and if at the same time there is to be maximum employment and future opportunity for the great body of performers, then these needs can best be met, in our opinion, by the following working conditions and minimum rates:

**Suggested Minimum Pay for Actors and Singers on General National Network Broadcasting** (Does not apply to regional or local broadcasts)

\$15 for ¼-hour show—including 2 hours rehearsal.

\$20 for ½-hour show—including 3 hours rehearsal.

\$25 for 1-hour show—including 4 hours rehearsal.

(25% of base rate additional for rebroadcast.)

Rehearsal overtime—\$4 per hour, payable \$1 for each quarter hour or fraction thereof.

Discount for multiple shows per week: 33 ⅓% for 5 or more shows; 25% for 4 shows, 20% for 3 shows, 10% for 2 shows.

Thus the minimum for 5 shows per week would be \$50 (\$25.00 with rebroadcast).

Dramatized commercials, when actor is not otherwise in the cast, \$10 each, regardless of length of show, including 1 hour rehearsal, and with 25% of base rate additional for rebroadcast.

Rehearsal overtime—\$4 per hour, payable \$1 for each quarter hour or fraction thereof.

Bit parts \$5 minimum per show including 2 hour rehearsal (crowd effects excepted).

For making transcriptions: For single shows, the program is for transcription only and is not less than fifteen minutes in length, 75% of above minima for live broadcast.

For multiple shows recorded at the same session, a proper discount to be negotiated between agency and talent and based on time consumed.

For taking show down the line for recording, no charge in view of no additional effort being required of the talent (but use of records should be restricted to same sponsor as broadcast, unless otherwise agreed).

Where a program is broadcast live on a network and there is a separate session for recording the same program for transcription broadcast, the additional fee shall be the same as for a rebroadcast.

For auditions: 50% of broadcasting minimum rate of pay for program auditions; voice and talent tests should be free of charge.

Doubling parts in the same show; no charge.

Rates for singers, other than soloists, to be proportionately discounted for number taking part, and with due regard to their total cost to the sponsor.

Above scale and conditions for actors and singers to apply also to announcers except staff announcers for whom minimum commercial scales have already been established. Cancellation terms: Should be fair to both talent and employer; avoid involving the latter in unmerited embarrassment and the former in unmerited loss of employment. No employer should be bound to continue with an artist who, in the producer's opinion, proves incompetent or detrimental to a show through no fault of the employer, but employer should guarantee artist 50% of minimum scale for the broadcast in question.

Each employer should have the right to discharge any employee for justifiable cause without payment of any guarantee.

These various suggested provisions

## JIMMY WALKER SOUTH

Did 12 Weeks on WMCA Experimental Program

James J. Walker, former mayor of New York, departs Jan. 22 from the Sunday matinee series he's doing on WMCA, N. Y., so that he can get a few weeks of sunshine down south. He will have done 12 weeks. Modern Industrial Bank paid for time, but not Walker or the show.

Station hopes to have the same account continue with the idea that Walker has been emceeing by the time he returns to New York in three or four weeks. WMCA is also talking to a national advertiser about underwriting the event on a regional hookup.

## Union Suggests Signal Checkup As Work Project

Washington, Jan. 17.

Surveys of broadcast interference and broadcasting coverage, suggested as an unemployment relief undertaking, were turned down by the FCC last week on the ground the effort required cannot be justified. Plan sprung by the Joint Unemployment Council of the American Communications Association in the hope of creating temporary jobs for out-of-work card-holders.

While sympathetic to any relief plan and believing some of the ideas are meritorious, the FCC saw practical difficulties, chiefly financial, but promised to continue pondering some of the suggested projects to see if there is any way to carry them out. These do not relate specifically to broadcasting. Consideration will be given on the theory the projects, if undertaken, would provide work for non-union persons.

Detailed analysis, the Commish told the C. I. O. group, does not show reasons for sponsoring the research in the broadcast field. Conferences with Works Progress Administration executives developed that the relief agency does not favor house-to-house canvasses, while the FCC is unable to furnish individuals to do the planning and supervise the work. Lack of money for the technical equipment needed was another objection.

## That Handy Man Now Conducts the Orchestra

Buffalo, Jan. 17.

Bob Armstrong is conducting the WBBN-WEHR orchestra here, succeeding Erwin Gluckman. Armstrong has been a member of the staff for several years, holding down the second trombone chair in the orchestra, playing 'cello in a string group, squeezing an accordion in novelty units, pounding a keyboard in the two-piano team of Wullen and Armstrong, and singing with the Men of Note quartet.

Robert Denton continues as music production man for the two stations.

## MacQuarrie Must Audit

Hollywood, Jan. 17.

Haven MacQuarrie has been ordered by court to submit accounting of proceeds from radio program "Do You Want to Be An Actor" to George Lyon, who charges he was misled by partnership interest.

Lyon, former Civil Service Commissioner, testified MacQuarrie was paid \$5,000 weekly for program when sponsored by Chase & Sanborn.

## Philly CIO Elects

Philadelphia, Jan. 17.

Richard Ship, panelman at WPEN, was elected prez of the Broadcast Division of the American Communications Association, CIO, last Thursday. Other officers named were Louis Littlejohn, WPIL, v.p. of the engineers' group, and Lou London, WPEN, gabber and producer, v.p. of all other radio employees. William Harris, WDAS engineer, was elected treasurer, and Ed Carroll, WCAU knob-twirler, was returned to the secretaryship.

are related to one another in constituting a total cost to the sponsor.

Sincerely yours,  
Agency Conference Committee,  
Chester J. La Roche, Chairman.

## AFRA Report to Membership

Under date of Jan. 14 AFRA reported to its membership its version of the step-by-step history of its campaign for recognition and Guild Shop. It reads as follows:

### SUMMARY OF PROCEEDINGS TO DATE

On November 11th, 1937, the National Board appointed a permanent Negotiating Committee, consisting of Henry Jaffe, George Heller, and Emily Holt and adopted a procedure to be followed in negotiations which included bargaining with the advertising agencies at the time the agencies had no voice in the matter.

On December 10th, 1937, the Board adopted a resolution authorizing the Committee to enter upon formal negotiations with the advertising agencies. Pursuant to this action of the National Board, the Negotiating Committee had a number of meetings with the Executive Board of Radio and E. B. D. Co., and a view to making collective bargaining agreements with the several agencies who produced national network sponsored programs.

On January 6th, 1938, the Negotiating Committee reported to the National Board that such meetings had been held and that the agencies had proposed to set up a Committee through their trade association, known as the AA's to represent the entire industry, the purpose of which was to arrive at a contract which would be recommended to the individual member agencies for action.

On January 13th, 1938, the Committee reported to the National Board that a meeting had been held with the officers of the AA's and an appointment had been made for Mr. Jaffe, as attorney for AFRA, and Mr. Link, as attorney for the AA's, to draw up the fundamental form of a contract schedule to be included when agreed upon. It was also reported that further discussions had been had with B. B. D. Co. and Young & Rubicam.

On January 20th, Mr. Holt reported that at the request of Mr. Benson of the AA's, copies of AFRA's proposed wages and working conditions and a resumé of the history of AFRA, pertaining to its charter, founding and various locals, had been sent to be submitted to all agencies. Committee members had been asked to draft and submit a contract to Mr. Link but no reply had been received. Mr. Link had stated to Mr. Jaffe that he proposed to send the contract to all members of the AA's during the Jaffe work period. Mr. Jaffe's work period was not to be in line with Mr. Link in connection with this contract was unannounced and unacknowledged.

On February 20th, 1938, the Committee reported to the National Board that the advertising AA's had sent out copies of AFRA's proposed wages and working conditions to all members and that it would take at least "one more week" for them to get to a point where their Radio Committee could sit down with our Committee. During this period, the AFRA Committee was in contact with the Negotiating Committee and the staff agencies on the New York stations of the National Broadcasting Company. Repeated efforts were made to all agencies Committee members and the Negotiating Committee met with the reply that the answers from the many agencies had not all been received and that the survey being made by the AA's had not been concluded and no purpose could be served by holding a meeting.

On March 10th, 1938, Mr. Benson's report was concluded. Thereafter, the Annual Convention of the National AA's was held at White Sulphur Springs, N. J., and at the request of the agencies, meetings with them were again deferred until the conclusion of the Convention. Again AFRA furnished the agencies with a complete resumé of the activities of AFRA and the various agencies which were invited to the Convention at White Sulphur. During the summer our meetings with the Agencies Committee were again deferred because of the absence on vacation of numerous executives, which, if necessary, could be established by the Agencies Committee. During this period, the sustaining contract with the network companies was brought to a conclusion by the Committee and by members and became effective. Every effort was made by the Negotiating Committee to reconvene with the Agencies Committee but no such meeting could be arranged until the end of the summer.

On September 15th, 1938, AFRA proposals without, however, submitting any counterproposal at any time. Your Negotiating Committee recommended that AFRA re-examine its proposals with a view to arriving at minimums which, if necessary, could be established by the Agencies Committee. The Agencies Committee could not be concluded with the agencies. Informal discussion meetings of members active in the commercial field were called at the National Headquarters for this purpose, and the various agencies were invited to attend. The Agencies Committee was in New York, Chicago, Los Angeles and San Francisco. A number of apparently irreconcilable differences developed which were not resolved until the AFRA Convention in New York on November 15th, when the various delegates were able to eliminate all major differences and reach a general accord on the revised scales.

### PRESENT STATUS

On November 21st, 1938, the Negotiating Committee requested the National Board to appoint a Steering Committee to confer with them and report to the National Board on the basis of the AFRA proposals. This was recommended because of the considered judgment of the Negotiating Committee that the agencies had not been able to reach an agreement and that we doubted the sincerity of their efforts to conclude an agreement and that it would be necessary to prepare resolutions for drastic action, support of our affiliated guilds and the National Board of Supply.

The Steering Committee has had a number of meetings and has formulated a policy which was approved by the National Board. Following the report of the Steering Committee on the 15th, the National Board of Supply of the Board that it drafted and was taken as outlined by the Steering Committee AFRA should prepare for united action on a uniform basis against all agencies which did not conform to AFRA's proposed Code of Fair Practice.

On December 15th, 1938, the Committee reported that a meeting had been held with the Agencies Committee at which Eddie Cantor, Lawrence Tibbett, Ken Thomson, Freddie March, Bert Lister, and other members of the Negotiating Committee, and Mark Smith and Alex McKee, had been present and presented its revised scales and Code of Fair Practice. At the conclusion of this meeting, Mr. Cantor arranged that on December 22nd, a meeting would be held at the National Board of Supply. This meeting was postponed until December 27th, in order that Mr. Cantor might attend.

In the interim and prior to giving AFRA an official answer, the Agencies Committee, through Mr. Chester Littlejohn, gave a formal statement of the "Fair Practice" which appeared in its issue dated December 21st, occupying some four columns of print.

At the meeting on December 27th, no answer was made by the Agencies Committee. The Agencies Committee made a statement as follows: "The only scale that would be offered by Mr. LaRoche who stated that the only minimum his agency would agree to was \$40.00 per week—the Equity minimum. This, we felt, did not merit consideration. The Agencies Committee, however, did not have a record of good faith, and with the consent of our President, Eddie Cantor, another meeting was set for January 6th, 1939.

At that meeting, as stated earlier in this letter, AFRA was represented by Messrs. Heller, Jaffe, McKee, Case, Mark Smith, Hereshoff, Major Holmes and Mrs. Holt. The meeting opened with the reading of a statement dated January 10th, and signed by Mr. LaRoche, and a copy of the scales submitted by the Agencies Committee was appended for your information. Following the reading of this statement the AFRA representatives requested leave to withdraw and confer. There was complete unanimity of opinion on the part of the Agencies Committee that the Agencies Committee be informed then and there of AFRA's position. The AFRA representatives agreed on what was to be said and requested Mrs. Holt to act as spokesman.

"When we withdrew there was no doubt in my mind that all my associates on this delegation would be in accord in considering these proposals entirely unacceptable to the National Board of Supply. We and the members of the Agencies Committee, whether or not any valuable purpose could be served in continuing our conferences with your Committee. We had hoped that we might arrive at some satisfactory contract which you could recommend to your members. We find that this is not the case and that no valuable purpose can be served by continuing our conferences."

## AFRA, RWG Parley On Status of L. A. Writers

Los Angeles, Jan. 17.

Committees representing the American Federation of Radio Artists and the Radio Writers Guild met Thursday (12) to consider the status of Los Angeles scripts. Number of authors involved are already members of the performer union, but RWG (an affiliate of the Authors League of America) claims jurisdiction over them.

Understood the session amounted to little more than a preliminary get-together, with mutual expressions of confidence, but that no definite method of procedure was worked out. Both groups will now report back to their respective directors. AFRA rep. included Mrs. Emily Holt, Henry Jaffe, George Heller and Ted De Corsia. RWG was represented by Marc Connelly, Kenneth Webb, Luise Silcox, Knowles Enright, Henry Fiske Carlton and Ruth Knight.

Five of Radio Normandy's former announcing staff are now with BBC. They were corralled singly.

## MILLER TAPE

Albany, Jan. 17.

Miller Broadcasting System makers of the tape method for program transcribing, has installed its first contracted servicing device in the studios of WOKO, Albany. David R. Christman, and Maurice Wolksy, commercial manager and chief engineer, respectively, for Miller, supervised the installation. Miller method of recording uses 7 millimeter film and has been tried out by various European broadcasting system since 1935.

Miller reproducers are being installed with the understanding that if the station gets any other commercial business which uses the Miller tape method Christman's outfit will collect 15% of the card rate from the station. WSYR, Syracuse, also has deal.

## Ruppert Learned to Like Radio

What is reported to have caused Col. Jacob Ruppert, owner of the N. Y. Yankees, who died last Friday (13) to change his attitude toward the airing of his team's games was a realization that came to him during his prolonged invalidism. As reported by an intimate, Ruppert had never before paid much attention to radio. To help him while away the days a set was installed in his sickroom. He listened attentively for long stretches and in the course of time became attached to certain programs.

Out of this attachment there developed the realization what radio meant to shut-ins. It was then that he passed on word to his associates in the Yankee setup that he would have no objection to their letting down the barriers to broadcasting.

## WIRED RADIO FACES MUSIC BOOST

Wired radio services, such as Muzak, Inc., will have to obtain special recording licenses from music copyright owners after June 30, 1939. This means the payment of an additional fee by transcription manufacturers if they want to go on furnishing wired radio outfits with the same assortment of library discs that they now rent to broadcasters.

For the past two years the music publishers, through Harry Fox, their agent and trustee, have permitted these services to use these transcriptions on the basis of an experimental license and without added charges. After the end of June it will be an entirely separate license form, with the object of use to be distinguished on the record labels.

## Walter C. Clarke Into Wired Radio; Deal Pends For World Transcriptions

Walter C. Clarke, who left Electrical Research Products, Inc., a couple years ago, has raised a bankroll for his entry into the wired radio business. He has obtained several restaurant and barroom accounts, and until pending the closing of a deal for the use of the World program library he is servicing these accounts with records owned by Tele Programs, Inc., a similar wired radio outfit.

Clarke stated Monday (16) that he proposed to install his own turntable soon and that all his equipment will be manufactured by either Western Electric or firms which hold WE licenses. Also that after he gets the enterprise running smoothly in New York he will establish wired radio services in Washington and Baltimore.

## MORTON DOWNEY ADDED TO DUCHIN PROGRAM

Fall-Mall's Monday night show with Eddy Duchin's orchestra has added Morton Downey. Tenor was signed later part of last week for 13 weeks starting Jan. 23. Younger Rubicam is the show's agency, while Music Corp. of America handles Downey and Duchin.

Downey has piped with Duchin's crew at the Plaza hotel, N. Y., since Nov. 22.

## NBC Elbows Back To Old Studio in H'wood

Hollywood, Jan. 17. In its new Radio City studios less than two months, NBC is already reaching out for elbow room. Two sustainers have been shunted back to the old Melrose avenue plant.

Network has plenty of acreage to spread out on new site, but space is being reserved for television.

## Farnsworth Stock Swap Goes Through on Sked

Sacramento, Jan. 17. J. B. McCargar, president of Farnsworth Television, Inc., announced Jan. 7 that the assets of Farnsworth Television, Inc., of California, have been transferred effective immediately to the new Farnsworth Television & Radio Corporation, pursuant to the plan of reorganization submitted to stockholders and approved by them. Letters have been mailed advising stockholders of the method of share exchange based on 46 shares of stock in the Delaware Corporation for each now held.

Transfer books of the California corporation closed as of Jan. 13, and it is believed that the new stock of the Delaware corporation will be distributed by Jan. 25.

## SIGN-PAINTER BUSY FIXING WSYR DOORS

Syracuse, Jan. 17. Wholesale promotions and shifts in the WSYR set-up made by Harry C. Wilder, Fred R. Ripley, v. p. of WSYR and local sales manager, also becomes manager and treasurer of WTRY, new 1,000-watt at Troy, of which Wilder is president. Al Parlow, goes to WTRY as program director while Bill Rothrum moves up to head announcer of WSYR, Lansing Lindquist, continuity, now program director.

Florence Cumming retains present post as traffic manager but becomes assistant to Ripley. Nick Stemmler, merchandising manager, becomes sports director, and Jan Costley, announcer, was named to head station's new agricultural program department.

## Armco Adds 18

Cincinnati, Jan. 17. Harry Kopf, NBC central sales manager, Chicago, and M. S. Readinger, of the N. W. Ayer & Son, Inc., agency, were here the largest number of the start of Armco's Ironmaster series on WLW and NBC. Stanzas, with Frank Simon's concert band, is aired on Sundays from 3 to 3:30 p.m., EST. This year the programs are outlitted by 42 stations, an increase of 18 over the first series. New series is definite for 13 weeks and may be extended for 13 more.

Sunday's stint was followed by a press party in the Netherlands Plaza, attended by Armco execs, Simon and Crosley staff members taking part in the program. Current series is produced by Larry Sizer, of the Ayer force. Louis Barnett, WLW, is chief pick-up engineer for the fifth consecutive year.

## 'Elm Street' to Main Street

Chicago, Jan. 17. Wander Co. will expand its daytime strip script show for Ovaltine to a seven-station cross-country run over the NBC red web starting Feb. 13. Show, 'Carters of Elm Street', is now on a single spot test scheduled on Jan. 18.

Set through Blackett-Sample-Hummert agency here, the show will gallop across the board at 11 a. m. central time.

## DEAN FITZER SEEKS SUN

Kansas City, Jan. 17. Dean Fitzer, manager of WDAF here, is readying for a short journey in Arizona or Florida to recover from recent illness.

Fitzer had a throat streptococci infection and its aftermath has given him a touch of neuritis.

## SAM BALTER CLAIMS NBC 'BORROWS' IDEA

Philadelphia, Jan. 17.

A program steal is charged against NBC by Mutual. Say sports show by Bill Stern is patterned almost exactly after the program Sam Balter has been doing on Mutual coast-to-coaster for Bayuk Phillies for the past year. Principal point of similarity is the format of the two shows. Balter sets his up like a newspaper with four columns in each broadcast. Stern's will also be like a newspaper with four columns.

Balter's main column is 'Once in a Lifetime', in which he recounts odd tales from the sports world. Stern's No. 1 column will be 'I May Never Happen Again', in which he'll tell the same type stories.

Another Balter column is tabbed 'Things That Puzzle Me.' Stern will call his 'Things I Never Knew and Can't Explain.' Both also have 'Last Minute Flash.' Both also have 'Last Minute Flash.'

Although Balter makes no claim that the newspaper of the air idea is new or original with him, he maintains it is the only such sports show now on the air and the only one with exactly four columns. Balter states that NBC's putting the Stern show seemed like a retaliatory move after he failed to get Bayuk to shift off Mutual.

## 2 RADIO SHOWS FOR CHARITY

Infantile paralysis campaign enters its intensive phase this week. Radio division in New York has two major network programs lined up. One from the Coast, with Eddie Cantor as m.c., will be a gala 11-12 p.m. hour Jan. 22. It is hoped that Shirley Temple will appear. On Jan. 25 the 'Gang Busters' program will be devoted to the campaign. Congressman Bruce Barton may also appear.

All four networks, Red, Blue, CBS and Mutual, will carry the hour revue which Vic Knight will stage. Cut-ins from New York will probably not be used. Instead it will be an all-Hollywood gesture for the 'March of Dimes.' A novelty will be 47 actors reciting a union. Burns and Allen, Meredith Willson, Rudy Vallee, possibly Bing Crosby and Deanna Durbin are to be heard on the big show.

## Heckling Studios to Build Up B'klyn Arts Institute

Brooklyn Institute of Arts and Sciences has a new paid prez, James G. McDonald, former N. Y. Times exec. Part of his revitalizing campaign is a radio series which starts soon over the NBC blue web and will include well-known adult speakers with a pack of opinionated high-school stars as hosts.

Nancy Davis is McDonald's radio assistant.

## Compton Puts Finger on 15 Best And Wants to Become Neighborly

Compton agency stirred up no small measure of murmuring among station reps last week after it had handed down an intimated ultimatum that certain chainbreak spots be produced for Procter & Gamble products or else. The reps interpreted the 'or else' as implying the automatic forfeit of any other spot business that the same account might clear through that agency.

Ukase was delivered at a meeting of station reps called by Compton. Reps were given a list of 15 nighttime network commercials with top CAB ratings and told that Compton was interested in buying the chainbreaks following these shows. The message was so phrased as to let the reps know that the requisition was a must and produce the 'stouled spots they'd have to, regardless of whatever accounts now occupied them, if they wanted to get P & G orders in the future. P & G is strictly a daytime customer on the networks.

'We Like These'

Programs named at the Compton

## Blackett May Hold Programs For Own Part of General Mills; Knox-Reeves' Chicago Office

### F. D. R. Gets 'Em

Special C.A.B. canvasses of President Roosevelt's two recent nationwide talks showed little difference between the daytime and the nighttime broadcasts. It was 16.3 for the Jan. 4, 1 p.m., broadcast to Congress and 16.7 for the Jan. 7 Jackson Day Dinner at 9:30 p.m.

## N.A.B. LIBRARY ON MARKET AGAIN

Washington, Jan. 17. Brinkerhoff & Co., Inc., has withdrawn the offer that it made for the transcription library owned by the National Association of Broadcasters. This action puts the library back on the open market.

Brinkerhoff was slated to put up \$25,000 in cash and pay out another \$25,000 in royalties to the NAB over a period of years. NAB has sunk over \$51,000 in this library and the supplementary copyright checking bureau.

## LENNEH & MITCHELL APPROACHES TRUE DICK

Lenneh & Mitchell is shooting at the True Detective Stories (MacLadden) account with a spot announcement idea. This agency would have the mag buy chainbreaks following the 'Gang Busters', 'Big Town' and 'Warden Lawes' programs.

Account now has a quarter-hour dramatic show on Mutual Tuesday nights.

## Fuhrman in New Corp.

Albany, Jan. 17. Tested Radio Features has filed an application for a charter with the Secretary of State. It set its capital at \$15,000, and named as directors Philip Fuhrman, George Pellingner and John Campbell.

Fuhrman, president of this outfit, used to sell time for radio station and at one time was in Wall Street and has recently sold the waxed version of 'Calling All Cars' to Axton-Fisher for use in Detroit and St. Louis.

Chicago, Jan. 17.

With General Mills' quick billing of its Wheaties and Bisquick accounts to the Knox-Reeves agency, Blackett-Sample-Hummert is considering withholding from Wheaties and Bisquick those shows which the agency here built for these accounts. Two top shows which B-S-H built for Wheaties and Bisquick are 'Jack Armstrong' and 'Betty and Bob.'

General Mills in taking away the important accounts of Wheaties and Bisquick, is leaving B-S-H with 'Softasilk', 'Korn-Kix' and 'Gold Medal flour.'

Since agency feels that 'Armstrong' and 'Betty and Bob' are successful shows B-S-H is figuring to keep those shows in their house and utilize them for the three Mills accounts remaining with them. There is a possibility they will put 'Armstrong' to work selling Korn-Kix to children, now that the agency has lost Wheaties, and use 'Betty and Bob' for either Softasilk or Gold Medal flour.

Underneath the shifting of these two prime Mills accounts the trade sees a possible trend in the relations between the entire General Mills account and B-S-H; a trend that had its beginning three years ago when the Mills took all baseball handling and billing away from B-S-H and gave it to Knox-Reeves.

Knox-Reeves Big. With the acquisition of all billing on Wheaties and Bisquick, attains a new importance in the agency field, and especially in radio advertising, particularly since General Mills has seen fit to give K-R the responsibility of handling the advertising appropriations of such key items as Wheaties and Bisquick.

It is understood that Knox-Reeves agency is now readying to open a Chicago office so as to facilitate the supervision of its newly-acquired billing. Located as it is in Minneapolis, the agency is figured to have the main stem to handle properly the production of programs and the buying of advertising time. When it was handling only the baseball placements, it was necessary to negotiate only once annually for baseball air time, which made the Minneapolis headquarters completely feasible. But the added duties of finding regular programs; hiring talent, producers, etc., and other factors necessary to the production of programs are deemed too varied and intricate to be properly handled from Minneapolis and would necessitate the opening of an office in such a city as Chicago where all these elements are immediately available.

## Bridgeport Daily May Use Federal Wax Attack To Force Slum Action

Bridgeport (Conn.) Star may use Federal Theatre Radio Division's disc series on 'Slums Cost You Money,' which it made in conjunction with Federal Housing Administration. Newspaper would like to spot on WCCB as educational stuff. Paper has been conducting an editorial campaign against politics, and already appropriated for slums. Figure discs will help inform public of slums problem. Leo Fontaine scripted the series.

## Fatima Show Shopping

Hollywood, Jan. 17. Fatima cigarettes is reported shopping around for a radio show. Understood Charles Winninger (Captain Henry) has had a nibble.

## RAY TOMPKINS SPONSORED

Baltimore, Jan. 17. Raymond Tompkins, local news commentator, signed for three broadcasts a week over WFBR for Twenty Grand Cigarettes. Starts Jan. 16. Placed by McCann-Erickson Agency. Tompkins has considerable rep as newspaperman and war correspondent at Gen. Pershing's side during World War. Has had several radio assignments.

# FCC HEARINGS PERK UP WITH CBS ON STAND; PROBE PALEY, GOOD WILL ITEMS

Considerable Ancient History—Couple of Unexplained Corporations—Curious on Zukor Deal—Other Points

Washington, Jan. 17. Deep and lively interest in financial operations and management of Columbia Broadcasting System was reflected at the second phase of the FCC chain-monopoly hearings. Proceedings pepped up noticeably, with CBS displaying readiness to live full picture of the monetary aspects and the control of the web corporate structure.

Chief attention was focused on the gyrations of stock since the Paley family first became prominent in Columbia affairs and on the accounting methods. In marked contrast to the trend of the NBC inquiry, the proceeding took a new turn with Assistant-General Counsel George B. Porter handling the cross-examination and showing evidence of careful preparation for penetrating inquiry into the junior web history.

With Frank R. White, chain treasurer, on the stand for a prolonged spell, the Commish dug deeply into relatively ancient history. That still mystifying deal between William S. Paley and Adolph Zukor, which involved swap and eventual return of stock in CBS and Paramount-Public, came in for deeper discussion and, after the financial herder was unable to supply information on some key points, further digging into this subject was scheduled.

Exactly who controls CBS and in what manner was the topic which seemed most intriguing, not only to Porter but to members of the four-man committee hearing the testimony. Although White insisted a complete explanation has been made public in the web's registration application on file with the Securities & Exchange Commission, the probe seemed anxious for a clearer picture of the various shifts in stock holdings over a span of several years, had trouble comprehending the reasons for the cumulative voting privilege attached to the A stock, was unable to follow the mechanics of the CBS-Par transaction, and reflected disapproval of a fat "good-will" item in the balance sheets.

## Parcol and Park Corp.

Are Not Explained

Real mystery developed when Porter disclosed the existence of a concern tagged Parcol Corp., which has a slice of CBS securities and when White was unable to throw light on Park Corp., President Paley's personal investment holding company. The identity of individuals whose stock is in the hands of Brown Bros., Harriman, Wall street brokerage house, also was puzzling, although the number of shares voted by this concern is trifling. Additional data on Parcol—apparently a holding company, jointly controlled by Paley and Paramount interests, and related to the unscrubbed CBS-Par omelet—is due to go in the record this week, along with other info concerning stock operations.

Besides hearing about the financial and corporate affairs, the Commish panel received testimony about operating policies and Columbia's place in the industry. Through Melford R. Runyon, vice president in charge of station relations; Dr. Frank Stanton, research director; and Edward R. Murrow, European director, the chain presented explanations, opinions, and statistics which undermine any suspicion CBS is a corporate octopus, which showed extent of efforts to live up to the public interest duty and which pictured high degree of independence of well-owned stations as well as for the affiliates.

Detailed fiscal summary was given by White, whose testimony was highlighted by disclosure the net profit since operations started is \$18,860,728. Growth since formation in early 1927 reflected aggressive management, steady increase in the amount divvied with affiliated outlets, and continued prosperity since the infant days. One fact which aroused considerable interest on the part of the Commish was White's revelation of a fat cash balance—\$3,636,397 on Jan. 1, 1938.

Ogling the balance sheets, the inquisitors reared back at the item of \$2,258,361 for good-will on the books

at the start of last year but the company treasurer demonstrated there were no write-ups or other inflationary practices. Besides insisting it is anchored firmly to the actual purchase prices, White dropped home that it did not reflect any jump in valuation on account of the web's recent telescoping of the corporate set-up—occasioned by punitive tax laws—which resulted in liquidation of miscellaneous operating and license-holding subsidiaries.

Critical attitude reflected by Chairman Frank R. McNinch—exponent of the bare-bones theory of measuring station sales—who commented that the good-will was twice the actual worth of the eight chain-owned plants. Discussion brought out that the spread averages slightly less than \$300,000—for WABC it was \$237,000, out of the total price of \$300,000; for WKRC, \$238,345 out of \$282,000; and for WBT, \$53,109 out of \$150,000. In questioning the propriety of this accounting practice, McNinch cracked that all CBS stockholders got for an outlay of over \$2,000,000 was 100% physical control of corporations which formerly owned the transmitters. Total outlay for stations was \$3,308,701, with the net worth of the acquired corporations \$1,050,339, making the good-will \$2,258,361. Books show no good-will item for WEEB, Boston, which is operated under lease, and the value of the agreement is not reflected in the balance sheet or regarded as an asset, White declared.

Fiscal picture indicated industrious operation. Assets zoomed from \$657,235 in 1928 to \$13,572,654 in 1938 with fixed assets climbing from \$137,326 to \$4,338,549 and reserves from \$38,996 to \$2,216,553. Current liabilities rose from \$56,057 to \$3,221,765, with the earnest surplus hitting \$4,884,539 at the beginning of 1938.

Expansion of the web was shown impressively by White's recitation. Gross income went from \$1,448,338 in 1928 to \$34,239,896 in 1937. The net receipts rose from \$1,270,846 to \$3,829,544. In each year, beginning in 1929, the chain has pocketed a profit, with \$4,297,566 in 1937, the peak.

Drop in the profit during 1938 was forecast, although White said, "detailed station" will not be available for several weeks. Estimate is \$3,500,000, which is under both 1936 and 1937. While decline in time sales during the recession had an effect, higher operating costs are the principal explanation. Notably expense for talent, due in big measure to union rates.

The cash and negotiable security item—\$3,636,397 at the opening of 1938—is not unusually high, according to White. Management would like to keep between \$4,000,000 and \$5,000,000 in the till, because of the necessity of being prepared to counteract rapid obsolescence. Television is particularly risky, the treasurer commented, because the possible revolutions in the art may destroy the value of experimental equipment.

## Owned Stations Jump

As Big Profit-Makers

Especially successful operation of the web's owned stations was mirrored. Gross from the eight plants which CBS possesses and the one it leases jumped five times, but the gross from affiliates was only a little over 100% higher over a period of seven years.

Affiliates get a much larger slice of the revenues from sales of their facilities, White revealed. Ratio between payments to affiliates and receipts virtually doubled despite the depression. In 1931, indies, comprising the network got 15.82% of gross, 21.53% of net sales, but in 1937 the figures were 27.99% and 42.36%. As a result of the first decade of operations, CBS stockholders received \$11,000,000 in dividends, exhibits showed. Stock dividends and transfers amount to another \$3,500,000 while the earned surplus fund includes \$2,000,000 for good-will item, stock close to \$5,000,000 at the opening of 1939.

In talking about the good-will, White not only made it plain: that

this sum does not represent any appraisal of intangibles by the CBS management, but explained why the figure has not been written down. "As long as no impairment has taken place," he said, there is no occasion to alter the figure representing the spread between outlay and net worth of what was acquired. Commissioner Thad H. Brown wanted to know if there is any material difference between "going concern value" and good-will, with White noting there is room for controversy and expressing personal opinion that "going concern" is a better angle from which to approach this spread between expenses and valuation.

## The Growth of Security Values Since '27 Start

The corporate chronicle began with the explanation that in March, 1927, the books carried 600 shares of stock (issued) worth \$3,000, and that on Jan. 1, 1939, the capitalization is 952,073 A shares and 948,674 B shares (all issued) with par value of \$2.50 each. Making total at present of \$4,751,867. Of the total, 2,850 A and 189,750 B certificates are in the Treasury, carried at a figure of \$1,055,670. The outstanding stock—with authorized capitalization of 1,500,000 shares of \$2.50 each—total is 1,338,223 A and 758,924 B. The paper in the treasury—acquired in undoing the Par-CBS deal at a price of \$82.21 each—is valued at \$5.48 per share, the proportionate worth following stock dividends and split-ups.

Sale of 1,900,747 shares issued since operation began—including the value placed on agreements paid for with securities and obligations cancelled—brought the web \$3,897,930, White testified. That includes \$1,551,155 in cash.

While control is tightly held, stock is distributed fairly widely. Records of May 27, 1938, show 4,683 A holders and 1,794 B owners. Offering lists of the principal investors, White he has no idea who owns 26,310 A and 1,000 B shares listed to Brown Bros., Harriman and represented on the board by Prescott Bush. Brokerage house refused to lift the veil after stating none of the individuals whom it represents have over 1% of the total outstanding CBS paper.

## Columbia's Scope No Social Problem—Stanton

Details of the physical proportions of the enterprise were supplied by Dr. Stanton, indicating that despite the prosperous operation, CBS does not hog business, and its scope is not large enough to constitute a serious social problem. Estimating the replacement value of the entire industry at approximately \$50,000,000, he said the web-owned plants are worth \$9,322,838 and the valuation of the 298 stations affiliated with all national webs is \$39,116,953.

With approximately 34% of the stations affiliated with national webs, CBS took 41% of last year's business. But only one-fifth of the total volume of all networks. Comparative figures showed gross network billings in 1937 were \$141,436,224 of which CBS accounted for \$28,722,118. The nation-wide chains sold \$69,612,495 worth of time. The aggregate industry net billings was \$114,227,906 with net income of \$18,835,935; CBS had net revenue of \$25,829,544, with net income of \$4,297,566. The investment side the web's own transmitters are valued at \$9,322,838 out of the \$39,116,953 figure on 298 outlets taking network programs.

Lengthy description of CBS's public service was furnished by Runyon, who related program and operations policies and methods. High proportion of non-commercial features, especially those of the cultural and educational sort.

Idea that networks might be restricted from owning their own outlets received a dousing from Runyon, who pointed to the urgent need of originating programs in order to be sure of a sufficient supply of microphone fodder in order to keep the stations going.

While independent agency transmitters occasionally feed programs to the web, implication behind his resume was that the chain must be in a position to provide service around

the clock and cannot count on the assorted outlets to keep the system going. At the same time, programs occasionally originating from network-owned studios do not go on the air over its own stations. Key stations are vital, he contended in discussion with Commissioner Paul A. Walker, although not saying this in so many words.

Monetary angle is not the motivating influence in web operations, although CBS naturally wants to sell enough time to make a profit and have resources to cover the public service. His list of non-commercial operations by the CBS-operated plants in 1937 was as follows: WEEB, 812 hours; WBT, 1,326 hours; WBBM, 948 hours; WKRC, 944 hours; KMOX, 1,272 hours; WCCO, 1,488 hours; WABC, 443 hours; KMOX, 646 hours, and WJSV, 760 hours. Of all the sustainers aided by CBS stations, the web produced 59% on an hour basis, in comparison with 57% of the commercial air time. Broken down, the web transmitters presented sustaining programs 48% of the time, and commercials the remaining 52%.

Runyon answered the allegation that networks deprive communities of valuable local service by relating the degree of autonomy enjoyed by the resident managers of the web-operated transmitters and the freedom given affiliates. Resident executives are responsible for living up to the program standards, although the chain management naturally must assume the responsibility in the case of material fed the network.

## Local Managers Have

Considerable Autonomy

Local managers may reject web commercials and on the other hand, are compelled to take some sustainers of high quality, Runyon testified. Latter group covers such features as the Philharmonic and the School of the Air, with the various programs amounting now to over six hours weekly.

In arranging local programs, resident bosses must live up to the moral code, although some provisions may not apply. They are expected to respect the don'ts, particularly those on kid entertainment and unacceptable products. Blur limitations are not so strict, although the adherence in operating methods, especially the use of spot announcements by local merchants. On controversial subjects the network attempts to give both sides an even break and requires its local managers to follow this policy in providing time for participants in local news.

While local managers can reject web commercials for strong reasons, they are not entirely their own bosses, Runyon conceded. There never have been any tugs-of-war, as far as he can recall, but New York would not allow a company-owned station to turn down an important web commercial for a projected period. Only in incidental cases where there is some pressing reason for giving preference to another, usually a local, feature. They still aren't coerced and are expected to use their own judgment, however.

## Aggressive Spot Sales

Policy Told by Runyon

Suspicion that the sales division is more interested in getting web accounts and in selling spot time on the chain-owned stations than in representing the affiliates which retain Radio Sales was poohpoohed. Runyon insisted the legmen make aggressive effort to go to the locals, and cited figures showing amount of national spot business garnered for independent affiliates. Not asleep on the job. When pressed to explain why WKRC, Cincinnati, has such a low volume of spot business, he attributed it to WLVW competition.

Outline of foreign activities given by Murrow, who said Columbia uses RCA facilities, although latter is parent of the rival NBC. Ordinarily American Tel and Tel carries broadcasts from Paris and London, but otherwise RCA normally is used.

No editorial agency involved in foreign broadcasting. While there is lot of difficulty sifting fact and rumor in Europe, CBS seeks to give an unbiased, factual picture of what goes on. Strenuous efforts were made to avoid opinion in relating the Austrian and Czechoslovakian fuss.

## Hulick's Shoe Show

Budd Hulick, formerly of Stoopnagle and Budd, will emcee the half-hour show which Enna Jettick shoe starts on W. B. T. V., Feb. 18. D'Artega will master the orchestra on this stanza and Jimmy Shields will fill the vocal interludes.

# 'FU MANCHU' ON PLAY OR PAY BASIS

Radio stations purchasing the transcription series based on 'Fu Manchu' stories are required to put up cash and commit themselves to buy the series regardless of whether they have a sponsor. This system is to guarantee the selling company against the station taking a 'well, we'll sell something else' attitude. This appears to have been the common experience of many transcription houses in the past that have turned over auditions or recordings to stations, but didn't demand deposits.

As a substitute system, 'Fu Manchu' is being sold on a co-op basis between the local station that buys the rights and the national org selling them. KDKA, Pittsburgh, for example, is planning a gala 'preview' of the series to local agencies, advertisers, etc. WDRC, Hartford, may do the same.

## PROVIDENCE UNFURLS FLAG OF DRAMATIC ART

Providence, Jan. 17. Providence, which was rated a sleepy showmanship town by Variety's recent survey will soon originate a dramatic series for feeding to the New England leg of CBS. May start either Jan. 21 or Jan. 28.

Steve Willis has been anxious to create dramatic talent resources in Providence and after nearly a year of getting ready WPOR will lead with the chin. It'll be enterprise and maybe, Willis hopes, dramatic art. Weekly dramatic productions, written, directed and acted by locals will be broadcast Saturdays from 9:30 to 10 P. M. between Columbia network shows. First time in two years that Providence talent managed to get on night time.

'The Man Without a Country' is the first in the series. Walter Hackett, who wrote the script, has had experience not only in this type of work but also in writing of film continuity. Jerry Bronstein, a young lawyer, director of the group, has had years of training in acting, directing and radio work.

## Roger Doulens Payrolled By Conn. Republicans

Bridgeport, Jan. 17. Roger B. Doulens, former radio ed of South Norwalk Sentinel and more recently with Earle Ferris and Tom Fizzle radio publicity offices, hired by Connecticut Republican party to handle all writing of campaign to sell state's newly-inducted G. O. P. administration.

First stunt in drive was Mutual coast-to-coaster (14) from campus of Wesleyan university, Middletown, of tercentenary of signing of Connecticut's first constitution, with Gov. Raymond B. Baldwin, Wesleyan grad, as principal speaker.

Doulens works under John Bradford Main, formerly on Boston Traveler and on 1936 Landon campaign staff, who heads year-around publicity bureau.

## Art Kemp's New Job

San Francisco, Jan. 17. New sales manager for the Pacific Coast Division of the Columbia Broadcasting System is Arthur J. Kemp, who has made his headquarters here while serving as special Coast representative for Radio Sales, CBS sales organization.

Kemp previously was sales promotion manager at KNX, Hollywood, prior to its acquisition by CBS.

## Reisers' Full Orchestra

Al and Lee Reiser's Swing Strings crew on Schaefer Beer program graduated this week to full-fledged orchestra with addition of brass, etc. With renewal of show Dec. 22 through B. B. D. & O., orchestra added couple of extra pieces to get away from the stringy fave. New bass 18-piece crew numbering brass, three oboes, guitar, drums, two pianos (Reiser's forte), harp, three trumpets and trombone.

# CBC Refuses Wires to Publisher, Latter Uses Wax on 18 Stations; Issue Stirs Up Canadian Storm

By ROBERT MCTAY  
Toronto, Jan. 17.

Recent series of time bans and suspensions ordered by the Canadian Broadcasting Corp. over independent stations as well as the CBC national network was climaxed here by an unprecedented edict whereby the CBC dictatorially denied George McCullagh, publisher of the Toronto 'Globe and Mail', the right to broadcast a series of addresses on public affairs over any network of Canadian stations.

Culmination of consistent freedom-of-speech denials, which has brought bitter condemnation of the CBC stand from spokesmen of both political parties, legal authorities, publishers, and leaders in public thought, will be followed by an immediate Parliamentary investigation into strait-jacketing invocations whereby the CBC has climaxed a series of arbitrary rulings.

That the muzzling practices of Canada's nationally-owned radio set-up may result in the overthrow of the Liberal Party at the coming polls is even being mooted. Definite is the outcome that a bitter controversy will be immediately waged on the floor of the House, with members of both parties vigorously condemning the edicts which are denying the airing of public affairs over any network, Dominion-controlled or independently-owned.

Show-down was precipitated by CBC decision to refuse McCullagh permission to launch his series 'Marching On to What?' which was scheduled for Sunday (15). As far as preliminary censorship is concerned, 'McCullagh had told the CBC Board of Governors that his scripts were ready at any time for their going-over.'

**Used Transcriptions**  
Because of the week-end holiday which precluded any spot action from a legal standpoint, the Canadian publisher's initial broadcast slipped through on a shrewdly-anticipated technicality which undoubtedly will raise a neat point during the subsequent inquiry. He was successively denied speaking rights over CBC's trans-Canada chain and, secondly, a network of privately-owned Ontario stations and one Montreal outlet, but both rulings were circumvented by the utilization of electrical transcriptions which were rushed Saturday (14) to the 18 stations on which time had been engaged. Allowed on station over which he might speak directly via microphone, McCullagh chose CFRE, Toronto, an independently-owned outlet.

Prescribed rights of the CBC to read and censor any radio manuscripts, a practice which they have not stringently adhered to in the past and which had hitherto brought commendation as a British bulwark of free speech, were not invoked in the case of the McCullagh series. The publisher was prepared to submit his address texts.

No sensational declarations were incorporated in McCullagh's first broadcast, this merely limiting his views on the serious conditions confronting the Dominion and its citizens. Not since October, 1937, has the publisher been on the air with his 'Politicians Unmasked' stirred up plenty.

**Howe Explains**  
C. D. Howe, Minister of Communications, stated that the buying up of time on a chain broadcast was something adopted by every country which had the chain broadcast problem, this going for BBC, NBC and CBS. 'The regulation is a matter of common sense,' he said. 'It is impossible to permit everybody to broadcast and we cannot confine such a privilege to the wealthy.'

Howe insisted that this was not the first time that such a regulation had been enforced by CBC and mentioned that Sir Edward Beatty, president of the Canadian Pacific Railway, had sought to buy chain time and been refused. But, on being queried, Sir Edward stated he could not recall any occasion on which he had been barred from the air, either over a private station or over the CBC network.

**To Meet McCullagh**  
Meanwhile, a meeting between L. W. Brockington, chairman of the CBC Board of Governors; Major

## Coughlin's Invitation

Toronto, Jan. 17.  
As sequel to McCullagh-Gladstone Murray feud, Father Coughlin has offered the Canadian publisher the facilities of his shrine of the Little Flower network (46 privately owned stations arranged by Air Casters, Inc.)

With Coughlin enjoying a heavy listener interest in Canada, McCullagh is welcome to use the American chain at any time if unable to reach a broad enough audience through Canadian stations, said the Detroit priest in a telephoned message.

Gladstone Murray, CBC g. m.; and George McCullagh, publisher of the 'Globe & Mail', is skedded here for Thursday (18).

Attorney-General Conant, member of the Liberal Party under which CBC functions, termed the McCullagh ban 'most astonishing and disturbing' and declared that 'freedom of the press and freedom of speech are the bulwarks and very foundation of our democracy.'

Continued Conant: 'There should be no limitation other than what ready applies in our civil and criminal laws. Mr. McCullagh might express views unfavorable to or at variance with opinions held by the government. That is not important. It is, however, of the utmost importance that he be privileged to say what he has in mind. Nothing can be gained by the bureaucratic measures of CBC. This whole affair smacks too much of communistic Russia or totalitarian Germany and Italy. No government or government agency in Canada shall be allowed to deny the right of free speech.'

## SALES TAX UP AGAIN

Should CBC Pay 2% on Piano Bought in Montreal?

Montreal, Jan. 17.  
Test case involving the status of the Canadian Broadcasting Corp. is corporation in order to give the for the 27th time this week. Action was taken by the city of Montreal over a year ago, demanding payment of the municipal 2% sales tax on a \$2,000 piano bought by the CBC at a local store.

Corporation claims immunity from civic taxation on grounds that it is a branch of the Federal Government and not liable. City claims the CBC is a private corporation and therefore taxable.

Case has been repeatedly postponed in lower courts pending a decision from the Superior Court, which is expected to clarify the status of the corporation.

Erwin Wasey & Co. has renewed Normandy contract for Fenamend. Stars George Formby.

## Etienne Fredericks In Fashion-Radio Hookup

Montreal, Jan. 17.  
Etienne Fredericks, fashion designer who conducted a series of broadcasts entitled 'Fashion Speaks,' over station WLV, Cincinnati, is scheduled to appear with the same program over CFCF this week, sponsored by Louis Roessel, manufacturers of Mallinson's Fussyswillow Silks. Series of six broadcasts slated to go over CFCF, with three of the programs to be broadcast from the floor of a local department store.

Similar promotions scheduled for Ottawa, Toronto, Winnipeg, Regina, Edmonton, Calgary and Vancouver. Radio and department store campaign for several cities in the United States also.

## 'Arizona Red' Airs in France For British

Arizona Red (Edward McBride), sagebrush singer and storyteller on WNEW, N. Y., sails this Saturday (21) to air his stuff (in English) from France's Radio Normandy for a full year. McBride takes along his partner, Don Sullivan, who will work with him.

Fair will start work Feb. 1 as sustainer. However, that picture might change by then, as Normandie's English agency ordered a rush waxing of their stuff to audition for a prospective sponsor. Contract calls for a set weekly stipend, no matter how many sponsors the two air for.

## BBC BUYS POTPOURI

Pays \$2.50 Per Item—Walver On Plagiarism

London, Jan. 10.  
Although past practice has been to lay off manuscripts and items submitted by casual listeners, BBC is now reversing its policy and inviting the public to submit songs, yarns, etc. for them to include in new series styled 'Listeners' Corner.' Contributors must certify the contribution is their own work and that there are no copyright snags.

Corp. will pay for all material it uses—at rate of \$2.50 per broadcast.

## McGillvra Gets CJBR

CJBR, Rimouski, Quebec, has named Joseph Hershey McGillvra its exclusive rep in the United States.

Deal is part of McGillvra's ambition to make available a group of French Canadian stations to spot advertisers.

## Murrow Returning

Edward R. Murrow sails Saturday (21) to resume as European director of CBS. He has been absent from his London office since October. Prolonged stay in U.S. was in order to testify before FCC monopoly hearings. This took place last week.

## Gladstone Murray's Statement

Toronto, Jan. 17.  
Weekend statement of Gladstone Murray, CBC general manager, on the refusal to sell publisher of Toronto Globe and Mail time or permit him to assemble a private hookup is as follows:—

'Mr. George McCullagh applied to the Canadian Broadcasting Corp. to buy time for a series of broadcasting talks on the national network of the corporation in order to give his views on public questions. The application was refused, in accordance with the policy of the corporation in dealing with controversial broadcasts.

'This policy is based on the principles of encouraging the free discussion of all subjects of public interest in roundtable discussions, debates, talk and forums, for which the corporation provides time without charge. No individual may purchase

any network to broadcast his own opinions, and no profit-making corporation may purchase any network to broadcast opinions.

'Far from being a restraint on free speech, the corporation's policy is an assurance that liberty of discussion is preserved, that all main points of view are fairly presented, and that the possession of wealth does not confer the right to use network broadcasting to influence opinion.

'Having failed to secure time on the national network, Mr. McCullagh attempted to buy time over a network of privately owned stations. As all network broadcasting in Canada is under control of the corporation, under the specific authority of the Canadian Broadcasting Act of 1936, the permission of the corporation would have been required to give effect to the new plan. As the same general principle in controversial broadcasts applies to all networks in

# CKAC, Montreal, French Hookups Threatened by Can. Government; Murrayites Decline to Clarify

## London Calling

London, Jan. 9.  
Lord Selsdon, who died at Christmas, was chairman of 1934 Television Commission and subsequently of Television Industry Committee. Gov't body which controls BBC visio activities; was 61, and had been 26 years in U. K. Parliament, for five of which he was postmaster-general.

Ernest Longstaffe, BBC variety producer, has set series of afternoon programs for first part of 1939 intended to make room for talent which has been okayed at auditions but has never yet gone on the air; waiting total of would-be radio stars runs into many hundreds.

J. Walter Thompson producing two new programs. Comprise a new Hudson's Extract offering, replacing Eddie Pola's Twisted Tunes. The other will be Van Phillips and his band for Pond's Serenade to Beauty, replacing Jack Jackson's band.

William Robson, Columbia workshop director, to visit London end of the month to produce several plays for BBC. Corp. has already set on several workshop presentations.

Proprietary Agencies, Ltd., which started serialized presentation in week-day programs of Radio Normandy for Phillips Dental Magnesia, has increased its contract to three script show broadcasts every week-day afternoon, the two new ones being Milk of Magnesia and California Syrup of Figs.

George Curzon gets title role in BBC chapter play based on exploits of famous fiction gumshoe king, Sexton Blake, having played the character in pictures. Crooner Brian Lawrence daintily cast as his assistant, Tinker.

## NEWFOUNDLAND LINKED BY RADIOTELEPHONE

Montreal, Jan. 17.  
Radiotelephone circuit, linking Newfoundland with Canada and the rest of the world, was inaugurated last Tuesday (10) by Lord Tweedsmuir, Governor General of Canada, and Sir Humphreys Walwyn, Governor of Newfoundland. Reginald Elned, general manager of Canadian Marconi, took part in the opening from Newfoundland. Program was carried of the Canadian Marconi station CFCF and the CBC network. Bell Telephone, Canadian Marconi and Avalon Telephone Co. of Newfoundland pooled forces to make the venture possible.

Bill Williamson, former arranger for Jack Hylton, signed for own series of pop music broadcasts with 12-piece band from BBC.

Montreal, Jan. 17.  
Privately owned stations will no longer be permitted to operate as a network and have been advised not to accept new contracts involving use of telephone lines for hookups. Gladstone Murray of the Canadian Broadcasting Corp. has decided to enforce that provision of the Broadcasting Act of 1936 whereby the CBC has the power to control and regulate network operations. Regulation is apparently to mean 'eliminate.'

Last week station CKAC was refused lines for the Lydia Pinkham program 'La Femme a la Page,' which was scheduled to go over a network of privately owned stations in this province starting Jan. 8. Following representations to the authorities, CKAC has been granted use of lines for the Pinkham program starting Jan. 16, but only until March 31.

Station here has been advised not to accept new contracts calling for hookups with other stations on the private regional network as lines will most likely be unavailable.

Understanding of the CBC is to be no interference with existing contracts, but whether lines will be available for renewals of these programs is questionable.

It is understood that agencies which had considered plans for using special hook-ups of private stations are now obliged to buy member loops of the CBC network.

Tenderleaf Tea (J. Walter Thompson) will go on the local government station as well as on CKAC because of the difficulties encountered in getting lines for a private regional network.

**Carson Case Unknown**  
Whether the decision to enforce the network regulation by the CBC will affect the Carson stations in Western Canada has not yet been established. Telephone lines are not available to Canadian stations for hookups unless application is first approved by the Canadian Broadcasting Corp.

Locally CKAC has over 25 hours of network shows (in French) originating in Montreal which would be affected through enforcement of the Broadcasting Act.

CBC executives here have refused to confirm or deny reports of the change.

## Royal Couple Broadcasts CBC Monopoly, but All Stations Get Service Free

Toronto, Jan. 17.  
Operators of privately-owned stations in Canada aren't worrying any more about being shut out of the broadcasts revolving around the forthcoming visit of the King and Queen of England. They have been assured that radio coverage of the event won't be limited to outlets within the Canadian Broadcasting Corp. and that all the broadcasts of their Majesties' jaunt in May will not only be available to every station in Canada but the CBC itself will pay all line charges.

Plan permitting CBC to cover the visit exclusively was put through, it was explained, to prevent costly duplication as well as last minute mixups. Owing to the inter-empire importance of the Trans-Canada junket, it was also thought more feasible and efficient to centralize on-the-spot control, particularly in view of the fact that the Canadian government has placed this responsibility on the CBC, and that the bill which is being met by CBC entails not only cross-country line charges, but also expenditures on mobile units and augmented engineering staffs. These broadcasts will also be made available to the British Broadcasting Co. and the three major webs in the United States.

**American Men On Spot**  
American networks will be permitted to use their own commentators in Toronto and Montreal on such times as their Majesties are in those cities. As far as the rest of Canada is concerned, there will have to depend on the CBC reports.

## Background Buzz

### WEST

John Bemis, veteran reporter on Spokane Chronicle, has been named to succeed Bob Phillips, resigned, as editor of the news staff of KHQ-KGA.

Piero Mills, chief blue-pencil at KPO and KGO, San Francisco, is recuperating at the East Oakland hospital following an emergency appendectomy. Maintenance supervisor Oscar Berg is also away for the same reason.

Producer Jack Lyman of KGO-KPO, San Francisco, given a year's leave of absence, during which he will handle radio production at the Golden Gate International Exposition.

Lewis Allen Weiss, Don Lee topper on the coast, heads radio department of Pacific Ad Club's meet in Oakland June 15-29.

Jon Slott, Hollywood scripter, east for work on the Orson Welles program.

KEHE (Los Angeles) airing Coast Conference basketball games for Associated Oil.

Tommy Riggs coast bound with his Quaker Oats program.

Charles Brown, coast NBC sales promotion manager, moved his headquarters to Hollywood from Frisco. Jack Runyon snaking up a new Coast show for Union Oil.

Tom McAvity out of hosp and back at production helm of Bob Hope show. Carl Stanton, who did the pinch hitting job, stays on as McAvity's first aide.

Edward R. Murrow, London director of CBS, has presented to Washington State College here his alma mater, one of the complete micrographed sets of the news reports covering the Czech crisis, Sept. 11 to 28, which CBS has struck off. The record is contained in 10 volumes of about 100 pages each.

Collegiate spelling bee is aired weekly on Monday over KWSC, station on the Washington State college campus here. Fraternities and organizations vie.

All basketball games, wrestling bouts and boxing matches at Washington State college are being aired this season over the campus station KWSC, Pullman; spied by student

announcers. It's part of a course for the gabbers.

Frank Sheehan added to sales staff of KOMO-KJR, Seattle.

Tor Torland now full time staff announcer KVI, Seattle-Tacoma.

"Time-buyer" calendars, which enable time-buyers to calculate quickly the expiration dates of contracts, have been mailed by KSFO, San Francisco, to 500 advertising agencies.

### EAST

Bill Schroeder, salesman at WCAE, Pittsburgh, and Gloria Saylor being married in St. Louis Saturday (14).

Havey Boyle, sports editor Pittsburgh Post-Gazette, dropping out of Isaly's weekly "Big Swing" program on WCAE, Pittsburgh, after 13-week stretch. Show continues, however, but strictly with a musical setup.

WWSW, Pittsburgh, has installed a line at Harlem Casino, Pitts's hot spot, for nightly airings of Sherdena Walker's music.

Katherine Connors has been added to continuity staff at WCAE, Pittsburgh, succeeding Hulda Daniels, who resigned recently.

Charlie Urquhart, production chief at KDKA, Pittsburgh, back on the job again after taking a health cure for several weeks.

KYW is keeping the speech portion of Philly, in which it is located, awake. It has had a set of NBC chimes installed over its front door. They pop off every 15 minutes.

Norman Warenburg is making street scene recordings in Yiddish for broadcasting the next day over WLTH, Brooklyn.

Jack DeRussy, for the past four years on the ad soliciting staff of the Philly Record, was added last week to the KYW sales crew under John S. K. Hamman, sales manager.

FCC having approved construction of new transmitter in Hamden, Conn., WTL's going ahead on last lap to full time. Recent affiliation of Waterbury-New Haven's WBBY with Columbia notwithstanding, WTL management seems confident that it will get CBS franchise in N. H. with start of day-and-night operation.

New faces at WNBC, New Britain-Hartford: John Parsons, ex-WBNK, Waterbury, Yt.; Edward Burns and Leo Keegan, formerly of Providence, and Frances Charles. All sales except Miss Charles, who's receptionist at Hartford studio.

Irene Cowan, formerly on dramatic staff at WCAE, Pittsburgh, has returned to the station as music librarian, a newly-created post.

Roy Starkey, half of the "Silhouettes of the West" team on KDKA, Pittsburgh, has announced his engagement to Ruby Goo, of Detroit.

Clarence Pettit, director of public relations at KDKA, Pittsburgh, has daily speaking engagements lined up solid for next next two months.

WOW's G. W. Johnstone clicked off a New Year's Month when the New York Times and Herald-Tribune loosened up with nice blurbs about the new American Forum program and the Dave Driscoll special event on the

Ruppert memorial exercises also scored.

Jean Paul King lectured before Chicago Rotary Club.

Philly's first production office is now in the process of being set-up. Back of it are Harry Biben, agent who will provide the talent, and Charles Borelli, independent time salesman, who is expected to market the productions. Producer and writers are now being sought.

Independent survey by the Sandlot Sports Association, Inc., which runs amateur football and baseball conferences in Philly, revealed Stoney McLean, WIP commentator, as fave sports star. More than 10,000 members took part in the balloting.

With establishment of 24-hour-a-day airing, WIP, Philly this week was forced to add two men to its panel staff. They are C. D. Denegale and Gerald M. Mahoney, both formerly of RCA.

### SOUTH

Martha Dulin, woman commentator at WB, Charlotte, N. C., in New York City.

Jim Beloungy, chief engineer for WBT, Charlotte, N. C., vacationing in Florida.

Mr. and Mrs. Williams A. Schudt, of Cincinnati, visited Mr. and Mrs. Charles Crutchfield in Charlotte during New Years.

William Winter, WBT, Charlotte, N. C., Charlotte chairman of President-elect Roosevelt's committee.

Wilbur Edwards to WBT sales force. Formerly a station announcer, Charles Arlington now splicing at WBT is from WBS, New York City.

Yelvington Yelvington has joined the announcing staff of KRIS, Corpus Christi, replacing Hoyt Andres, who switched over to splicing for WOAI, San Antonio, Saturday (17).

Dave Olds, former program director of KRIS, quit here to start making for KABC, San Antonio, Jan. 1.

### MIDWEST

Allen Franklin, program director for KKOK, St. Louis, back at stint as removal of tonsils.

Carleen Davis, staff songbird, KKOK, St. Louis, is announcing her own shows and may do own organ accompaniment.

Grudie Lawrence, star in "Susan and God", interviewed by KKOK, St. Louis, after being guest of honor at dinner thrown by Playboys, Inc., of St. Louis.

Harry "Pappy" Cheshire, maestro of hillbilly troupe at KMOX, St. Louis, attending inauguration of Gov. Gett W. Lee O'Daniel at Austin, Texas.

Excerpts from "The Land We Live In", historical series over KMOX, St. Louis, were re-enacted before 325 members of local Rotary Club. Arthur Casey, production director of series, noted funtable to meet for provide authentic sound effects for the Rotarians.

There is a taxi war going on in Omaha, but it's between radio station WOW and KOIL. WOW grabbed off the backs of the Yellow Cabs while KOIL is presently using the tire-covers of the Checker cabs.

WOW is understood readying to offer tire-covers to trucks and even private cars in a spread of the campaign.

Scripts used in WEW's series of programs "Our Public Library" will be published in booklet form by the St. Louis Public Library. The series created by the station's Public Affairs Dept. featured members of the staff who discussed their various duties, including oddities announced on the daily life of a library employee. Librarian Charles H. Compton concluded the series with a discussion on "How the Public Library Gets Its Income and Uses It."

Claude Smith, former secretary for the Cleveland Community Fund radio bureau, joined WHK last week as a continuity writer. He's the second staff member to matriculate from the same bureau, the other being Neil Collins, station's publicity director.

J. F. Dobosy and Albert J. Pekola also added to WHK's engineering staff. Later replaces J. D. Woodward, who was made chief engineer of WBOE, opened by board of education for school broadcasts.

Mildred Bruder, senior receptionist at WGAR, resigned last week and simultaneously announced that she will become Mrs. Carl George, wife of production manager, about Feb. 1.

Four more shifts and developments giving WGAR boys something to talk about. After being gossip-commentator for Erin Brew Co. for nearly four years, Sidney Andorn was appointed director of special events. Ex-newspaper reporter, who held up train eight minutes to interview Sinclair Lewis via a portable unit, is being given carte blanche in using engineers or mobile trucks for similar stunts.

Laura Luckey, who conducts Jean Abbey femme fashion program, was forced to drop out temporarily when a broken knee put her in a hospital. Baby-girl born to Shirley Selden,

### Keep Old Copies!

Chicago, Jan. 17. NBC excitedly phoned the Vander office, here and informed that in attempting to find the proper sound of the riffling of paper, they inadvertently rifled a bound file of VARIETY.

And lo! it was just the sound they were seeking.

who collabs with husband, David Baylor in a patter show over WCAE, arrived just 12 hours too early to be Cleveland's first 1939 offering. Child was born early on December 31, causing Baylor to lose two New Year's Eve bets.

Blowing-up a radio review from VARIETY, which tossed bouquets at Tom Manning for his mike work during New York's "Carnival of Champions," WTAM, Cleveland, is taping it on a promotional brochure for prospective clients.

WHK, Cleveland, is now claiming that it has the oldest radio veteran in the business on its staff. He is J. W. DeBell, station's music-copyright clerk, who is 74 years old.

Don Finlayson, KFAB-KFOR promotionist, now at WLS, Chicago, Dick Tripp, who went from KFAB as its newscaster to similar post at KGKY, Scottsbluff, Neb., left after a month and is now at WOWO, Ft. Wayne, Ind.

Ray Morgan, former news blabber at KMA, Shenandoah, Ia., replaced Tripp at KGKY's mike.

Allen Franklin, program director, KKOK, St. Louis, in Columbus, O., for a ton of Blat Cornwell, production director, pinch hitting for Franklin, whose sports programs, bankrolled by Griesedieck Bros. Brewing Co., are being handled by Alex Bucher.

Betty Arnold, actress and commentator at KKOK, St. Louis, has been signed by WLW for the femme lead in the Mutual script show, "The Mad Hatterfield."

Mike Chuckray is new man in control room in KKOK, St. Louis. Came from sister station, KFRU, Columbus, Ga.

Garry Morit, m.c. of "Mid-afternoon Madness" at KWK, St. Louis, spent the holidays with his parents in Baltimore. Planned both ways.

Mrs. Clarence Cooby, wife of gen. mgr. of KWK, St. Louis, convalescing from illness.

Maurice Kipen, leader man on WTMM's "Musical Spelling," smashed a finger in a door jamb while helping direct studio visitors in the absence of Warren Mead, program's m.c. Kipen, however, kept aloft the time-honored tradition, "the show must go on," and played the half-hour in throbbing pain.

Clifton Webb, Broadway comedian, guested with Henrie and His Grenadiers over WTMM while at Pabst, Milwaukee, in Oscar Wilde's "The Importance of Being Earnest."

Ross Wallace, formerly with the regional sales department of Station WHO, Des Moines, has joined the executive staff of the R. J. Potts & Co., advertising agency, as Des Moines special representative. He will join W. B. Hill, who has been a special representative of the Potts agency in Des Moines for two years.

Bill Sanford, formerly with the advertising department of the Cedar Rapids Gazette, has joined the sales staff of WMT, Cedar Rapids-Waterloo, Ia.

Commercial manager, Wm. B. Querton, of WMT, now vacationing in Mexico. Doug Grant, program director, motored to California for a three weeks' vacation.

WKYZ, Detroit, staff members have formed a bowling league of six teams and engage in weekly tour-

neys each Wednesday evening after 8 p.m. "Lone Ranger" program is shipped west at 11 p.m. Topflight pimmies appear to be provided by orchestra and dramatic staff, with "Chink" Dougherty, first trumpet, and best scores so far.

A recurrence of an old leg injury has shelved Norman Paule, featured staff vocalist, KKOK, St. Louis.

John Hodick, secretary to Ed. Linehan, program director for KSO-KRNT, Des Moines, back at her desk after a tussle with the mumps.

Marie Robinson, hostess for KSO-KRNT, Des Moines, on a month's vacation in New York and Florida.

Bee Baxter, KSTP's Household Forum conductress, off on a Cuba vespah.

Bob Hutton, fresh in from Gotham to take over WCCO's p.a. job, replacing Art Lund, resigned.

Tom Rishworth, KSTP's educational director, back on his gains following a stiff siege of flu.

WISN, Milwaukee, has new "I Want Work" series, sponsored by John Graf Beverage Co., via Scott-Telander Agency.

Alan Hale, WISN, Milwaukee, sports announcer, back from visit to Seattle, San Francisco and Los Angeles.

Earl Tetting, formerly on the merchandising staff of the Milwaukee Journal, came back to Milwaukee for Lord & Thomas to handle merchandising and exploitation of Helda Hopper's "Hollywood Discoveries," which opened a two-a-week series on waxes over WTMM. Client is California Prune Association.

Prayer-books for its daily schedules was inaugurated last week by WKRC. Cincy held to 25 words or less, the prayers are offered by a different pastor each day, tying in with the Federal Council of Churches of Christ in America.

Ed Williams, United Press exec, and Stmms Guckenheimer, newly-appointed Transradio Press sales manager, were in from N.Y.C. one day last week for a conference with Bill Schudt, WKRC general manager.

Fifty Chrysler dealers sat in on the Dawn Patrol 7:30 to 8:30 a.m. show on WKRC Wednesday (11) before eating breakfast in the Hotel Alms, Cincy. Stanza is sponsored by the L. T. Patterson Co., distributor of the firm, and is conducted by the Bland Brothers.

Harry J. Mook, v. p. of the Plymouth Motor Corp., in charge of sales, and E. B. Wilson, sales director of the Chrysler Corp., were down from Detroit for the affair, arranged by John Latham of the WKRC sales staff.

### KCMO Primes for 1 Kw.

Kansas City, Jan. 17. Work has started on the new tower and transmitter for KCMO, local indie station, which will go to 1,000 watts some time in March.

Station has been operating on 100 watts. Larry Sherwood, station manager, is preparing a national promotion campaign to get the outfit off with some drum-banging for its advent into the big-time field.



**IN BALTIMORE  
IT'S  
WHN**

NATIONAL REPRESENTATIVES  
**EDWARD PETRY & CO.**

**ON THE NBC RED NETWORK**

**5,000** Watts  
per  
hour  
per  
second

**ALL YOU  
NEED IN  
CENTRAL  
OHIO**

**CBS**

**WOW's**

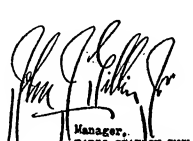
**Columbus, Ohio  
John Blair, Rep.**

## Dear Radio Directors:

News casts are tremendously important to middle westerners. Distances are so much greater than between eastern towns that radio news often "beats" newspapers four to eighteen hours.


This listener interest affords maximum audience at low impact cost for sponsors of WOW's "Radio News Toppers."

Write to us or our "rep." John Blair & Company.



Manager,  
RADIO STATION WOW  
Omaha, Nebraska

John J. Gillin, Jr.  
bb



## NEW YORK'S OWN!

the radio show that all New York is talking about is  
**"GOTHAM NIGHTS" on WHN every Monday at 8 P. M.**


And no wonder! These guest stars have contributed to make it the most sparkling, sophisticated show on the air

★ FRANCHOT TONE  
★ SYLVIA SIDNEY  
★ GLADYS COOPER  
★ A. E. MATTHEWS  
★ EVERETT MARSHALL

★ GRETA KELLER  
★ WALTER SLEZAK  
★ HY GARDNER  
★ WILMA BAARD  
★ DON ALBERT'S ORCH.

★ ED EAST  
Regular Commentator

Write, wire or phone for sponsorship details



**WHN**  
DIAL 1010  
NATIONAL BROADCASTING COMPANY  
EDWARD PETRY & CO., INC.

# "HONOLULU BOUND"

A NEW RADIO SHOW

*starring*

# PHIL BAKER



WABC-CBS New York-to-Honolulu Saturdays, 9.00-9.30 P. M., EST



featuring: HARRY VON ZELL, ANNOUNCER • HARRY "BOTTLE" McNAUGHTON • THE ANDREWS SISTERS • THE MAN IN THE BOX • JOHNNY PINEAPPLE • AND EDDIE DE LANGE AND HIS ORCHESTRA

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# ON THE STUMP FOR CODE

## PIOUS PLATITUDES SOLVE NOTHING

**Neville Miller, Ed Kirby  
Touring West to Arouse  
Broadcasters to Serious-  
ness of Need for Putting  
Best Foot Forward**

### WEBS' CODES

Washington, Jan. 17.

Crystallization of industry opinion on proposed code of good program standards starts this week when National Association of Broadcasters officials open swing through west and southwest trying to convert regional subsidiaries to the idea that steps must be taken to insure high moral principles in program building.

Following analysis of initial reaction, Neville Miller, president, and Ed Kirby, public relations chief, visit regional meetings in Denver, Portland (Ore.), San Francisco, Los Angeles, and Mineral Springs (Tex.), in the coming three weeks. Besides building up the NAB and improving relations by explaining what headquarters is up to, the barnstormers will concentrate on selling the program code idea and of getting comment on various phases of the problem of insuring good quality and observance of public interest obligation.

### How to Word It

Special committee to draft proposed code for submission to the annual convention in San Francisco next July has not begun group deliberations, but staff members already are scrutinizing the policies now in use by networks and individual stations to see what can be embodied in a nation-wide declaration of do's and don'ts. After determining the scope, the outstanding job is to find phraseology which will be sufficiently clear and definite without placing too tight handcuffs on the industry.

Comments sent to headquarters since the directorate decided to embark on this venture show that considerable missionary work is inevitable. While many managers favor the general idea, they object to including many of the provisions which will be imperative to give a code any force. If all the objections were observed, statement would be little more than a pious wish and probably no more effective than the present ethical doctrine. Among the points to be hammered home are the need for some rigid provision on free time, defining how far stations should go on allowing gratis use of their facilities.

Way to deal with controversial topics—political, social, economic, and religious—looks likely to be a major headache. Probably will be somewhat easier to get the membership together on matters such as proper sort of kid programs, what kinds of advertising should be banned and how to limit objectionable continuities. Another difficult subject is the treatment of gossip columnists and news commentators.

Little trouble anticipated in adopting a provision concerning raffles and contests, since most stations now are careful in view of the grief that has been experienced from disappointed competitors as well as the regulatory authorities. Some concrete definition of what is covered by term "lotteries" in the Communications Act must be agreed to.

Considerable attention being given the stand taken by NBC and the forthcoming declaration by CBS. Numerous independent station codes being considered as a possible model. Composite formula is likely, with clauses being lifted from here and there.

Francis Laidler, Tom Arnold and Emile Littler, three leading pantomime impresarios, appeared in BBC program dealing with this type show.

## WOW's Film Short

Omaha, Jan. 17.

Multi-sponsored film short has been released by station WOW here under the title of "WOW Goes to the Fair." Film is being booked independently throughout this territory as a combo plug for station and various sponsors.

In on the reel are plugs for Butter-nut coffee, Crete Mills and Uncle Sam breakfast food, with the commercial in by flashes of the product rather than gab spiel.

Camera followed WOW activities at the Nebraska fair and its various showings throughout the state.

Vio Rowe has joined CFQC, Saskatoon, as new announcer. Cy Cairns promoted program director.

## Winner Loses

Philadelphia, Jan. 17.

With everybody picking glamor girls, WDAS is readying a contest to choose a radio glamor boy. Looks don't count and he can be a gabber, singer, play an instrument or do anything else, as long as he sounds like a glamor boy when heard via the air. Prize is 15-minutes for nothing.

## WSPA to Kelly Smith

Kelly Smith has become the national sales rep for WSPA, Spartanburg, S. C. Station used to be on the list of Cox and Tanz.

## Grapenuts, NBC Client, Would Use Columbia Hookup in West

Young & Rubicam is discussing with Columbia the proposition of re-broadcasting the Al Pearce show for far western listeners. The Grape-nuts stanza, which has an NBC hookup out of Hollywood Monday nights, would retain the same lineup of stations with the exception of those in the Mountain and Pacific areas. If the deal goes through, it will establish a precedent for network broadcasting.

As the Pearce rebroadcast on NBC

now stands the opposition from Eddie Cantor is considered too tough. General Foods would like to get away from this situation but the solid booking which prevails on NBC's red Pacific link Monday nights between 10:30 and 12:30 EST makes any solution impossible.

Only way out is to have CBS air the program over its Mountain and Pacific groups and that network is willing to take on the assignment if the required time can be cleared.

## IN SEPTEMBER, 1938, WE SAID ....

"WLW now originating many network hits! Some agencies now obtaining maximum audience for network appropriations by economical production without sacrificing big time showmanship, such as: H. W. Kastor & Sons Advertising Co., Inc., Russell M. Seeds Co., Inc., Henri, Hurst & McDonald, Inc., Lambert & Feasley, Inc."

## TODAY WLW ORIGINATES 200% MORE NETWORK PROGRAMS THAN IN SEPTEMBER ....

We think this is significant because it proves that more and more national advertisers are turning to the Nation's Station for network originations at decidedly lower costs. Great network shows such as "Peter Grant's Sunday Evening News Review" for Boscul Coffee, "Plantation Party" for Bugler Smoking Tobacco, "Avalon Time" for Avalon Cigarettes, "True Detective Mysteries" for Listerine, and "Vocal Varieties" for Tums are the result of careful planning, judicious selection of talent and PRODUCTION as found only at The Nation's Station.

If you are planning a radio campaign, whether national or regional . . . learn just how much WLW can offer at decidedly lower production costs.

CLIENTS FOR WHOM WLW ORIGINATES  
NETWORK PROGRAMS INCLUDE:

Tums, Ballard & Ballard, Acme White  
Lead and Color Works, Bugler Smoking  
Tobacco, Big Ben Smoking Tobacco,  
Boscul Coffee, Listerine, Avalon Cigarettes.

# WLW

Only Winner of

## TWO VARIETY

Showmanship Awards for Program Originations  
1936 1938



## Inside Stuff—Radio

NBC will not apply its anti policy on beer and light wines to the 15 stations it manages and operates. B. B. D. & O., which has the Schaefer Brewing Co. program on WEAH Thursday nights, has been assured that it doesn't have to worry about being permitted to remain on this station. There is no beer or wine account on the network.

WEAF, which is the key for the red link, also carries a series for Ruppert beer. It's a 25-minute musical program Tuesdays and Fridays. Lennen & Mitchell is the agency.

While testifying recently before the Federal Communications Commission Lenox R. Lohr declared that NBC was shutting down on beer and wine accounts. Lohr further clarified this policy last Monday (15). He said that the network had acted on the theory that the advertising of beer should be a local question and that it should be kept out of those communities where sentiment is strongly against plugging the beverage. Lohr pointed out that the NBC managed and operated stations are free to turn down beer or wine business if the local management feels that local sentiment on the subject is unfavorable.

Gay Seabrook, now one of the regulars on the Joe Penner program, couldn't get even a look-in on radio when she was in New York two years ago. Although she had years of experience in radio, legit and films, she was given the brush-off by virtually every talent and advertising agency in New York. Couldn't even get a sustaining shot.

In debt and discouraged, she finally went to the Coast, where she landed a couple of single radio spots, then was picked up by a daily dramatic serial and finally was heard and signed by Benton & Bowles for the Penner program.

## DUART STARTS MIX-UP CLINIC

San Francisco, Jan. 17.

'Problem Clinic,' in which listeners' personal problems are discussed by a group including two 'monitors,' an attorney, a reporter, a business man and a housewife, is the Duart Manufacturing Co.'s new radio program, which debuted Sunday (15) over the Columbia Pacific Network from KSFO. The discussions are extemporaneous and are conducted by Vance Graham and Marcia Miller, the 'monitors.' Listeners are invited to submit their problems involving marriage, engagements, child training, and other such matters. Identities of the writers are not revealed.

Show is scheduled for 26 weeks on Sunday from 2:30 to 3 p. m. PST over CBS stations KSFO, here; KNX, Los Angeles; KARM, Fresno; KVI, Tacoma; KIRO, Seattle; KFPY, Spokane, and KOIN, Portland. Erwin, Wasey & Co., San Francisco, handles the account. Duart, makers of 'Creme de Milk' cosmetics and beauty shop equipment, previously sponsored John Nesbitt in 'The Passing Parade' over NBC more than a year ago.

## WRAL ROAD CLEARED FOR START IN SPRING

Charlotte, N. C., Jan. 17.

Purchase from Wake County of a 20-acre plot of ground near the Federal Cemetery for use as an antenna site has removed the last major obstacle in beginning operations of Station WRAL. E. Johnston, Neal, president of the new Raleigh broadcasting concern, had site surveyed by representatives of the Civil Aeronautics Authority and a favorable report from Washington is expected within a few days.

Actual broadcasting is expected to begin early in March, with power limited to 250 watts during the day and 100 watts at night, and unrestricted time. George T. Case, formerly of WDNC, Durham, has employed as program director.

## Vallee to N. Y. Feb. 2

Rudy Vallee-Standard Brands show will resume originating out of New York Feb. 2.

Gordon Thompson will go on producing it and Lynn McManus will do the scripting.

### Helen Kennedy's Tour

Helen Kennedy, radio director of the Kroger chain, to N.Y. from Cincy last week.

Went back via Peoria, Ill., where she made a spiel before local ad club.

### Jan Williams to Peoria

Portland, Ore., Jan. 17.

Jan Williams, vocal arranger for KOIN, has left for Peoria, to be program director at WMBD.

Williams made his connection by mail with Edgar-Bill.

## Graded Fame

In handling the Jack Benny smuggling charges story, the New York dailies described him as 'America's No. 2 radio comedian,' but without indicating how this rating was arrived at or who was first.

Newsmen evidently trying to show an acquaintance with the CAB reports. Raised curiosity in the reader's mind. [Chase & Sanborn show rates No. 1 on CAB].

## 'Information' Ticket

### Requests 2d to Toscy

Requests for ducats to NBC's 'Information, Please,' emanating from New York, rank second only to Arturo Toscanini's concert programs. Studio officials have only about 275 tickets per 'Information' show, since the smaller studio only is available Tuesday nights, when it's held.

Increasing demands may force NBC to seek outside studio, possibly New Amsterdam roof, where Kay Kyser has been broadcasting Wednesday.

## Carleton Morse Mysteries

Hollywood, Jan. 17.

Fleischmann Yeast is sponsoring a mystery serial on NBC coast network, which took off yesterday (Mon.). Carleton Morse, writer and producer of 'One Man's Family,' performs a similar task on the kilocycle whodunit.

Stripper rides five times a week.

## Politicians Give WFIL Brushoff

### Philly Station Defends Its Honor—WCAU Knows from Nothing

Philadelphia, Jan. 17.

Week-long, hard-hitting battle royal, to no avail, was engaged in by WFIL with the Republican State Committee in an endeavor to get permission to air the inaugural of Governor Arthur H. James today. Okay was finally obtained when Joe Connelly, special events director, got to the Governor-elect himself yesterday and explained the brush-off which WFIL was getting.

Connelly had been told for the past week that there was no room on the Capitol steps for WFIL. Ultimatum, it is understood, was handed down by Leon Greenhouse, of the McLain Agency, which handled the Republican campaign broadcasts. Greenhouse was also in charge of broadcasts of the inaugural. He is reported to have said that WCAU could sufficiently well take care of Philly, coverage of the ceremonies, and WFIL, in effect, would just be cluttering up the place.

WFIL was prepared to go into Federal Court for an injunction, claiming no one has the right to refuse to allow it to air a public event. U. S. marshal was to be asked for to guard the equipment against feared attempts of State police to dislodge it. This became unnecessary, however, when, through the intervention of Col. Carl Estes, Texas publisher and close friend of James, Connelly ob-

tained an audience with the man himself. Jant-w kne-r nothing of the controversy, it was said, and immediately demanded that WFIL be given full rights.

Once it had gained its point, WFIL decided to forego putting in its own equipment, and aired only the Governor's inaugural address, pumped to it through WHP, Harrisburg.

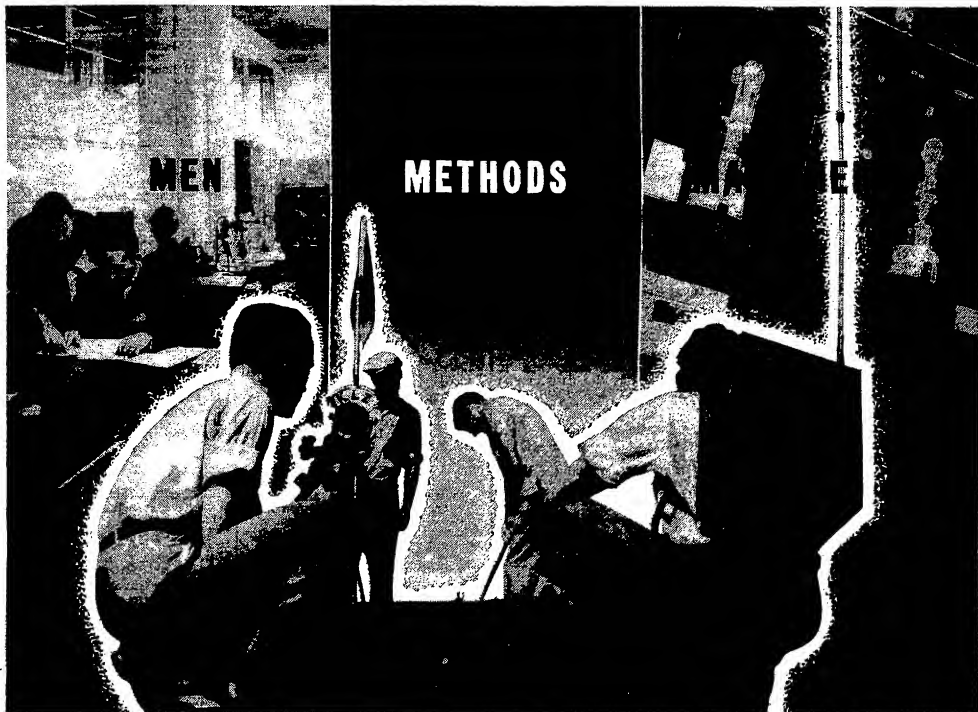
Attempts to freeze WFIL seemed a sock at it because of its partial ownership by influential Democrats. Greenhouse is close to the Levy brothers, owner of WCAU, but the outlet claims to have known nothing of WFIL's difficulties, taken no part in the attempt to keep it out, nor even to have asked for an exclusive on the inaugural broadcast.

## Gulf-Guild Toppers

Hollywood, Jan. 17.

Talent toppers on the third Screen Guild-Gulf show Jan. 22 will be Bette Davis, Robert Montgomery and Basil Rathbone. Ernst Lubitsch directs.

To avoid billing disputes, Young & Rubicam agency, producing the program, has an agreement with Screen Actors Guild to list players change each week in alphabetical order.



## ... AND THE THING BEYOND

• Colorado formed a definite radio listening habit back in the final days of the World War. Most stations had a policy of putting on a broadcast whenever something of particular interest to the station owner came up. But Colorado's 9WH was different. Even then it was dedicated to the pleasure of its listening audience. It was on the air with regular daily broadcasts as early as 1918.

Another red letter day was chalked up for 9WH in 1922. It then became the first station in the Rocky Mountain region to receive a commercial broadcast license. It became KLZ. Then came 1926 and affiliation with the Columbia Broadcasting System.

But the real radio renaissance for the Denver, Rocky Mountain area came in 1935. On August 1 of that year the management of KLZ passed to another progressive and pioneering group . . . E. K. Gaylord and other associates who had already achieved a prize-worthy record of building up the Southwest's greatest newspapers and farm paper and Oklahoma's

most listened-to and responded to radio station.

Since that time KLZ's star has continued to rise higher and higher on Denver's sky. Men, methods and machinery have been coordinated in such a manner as to bring this comment from former governor Teller Ammons on the occasion of the dedication of KLZ's 5,000 watt high fidelity transmitter in August, 1936: "In one short year under its new management KLZ has given the people of Colorado a new con-

ception of radio service. KLZ has ever been a trail blazer and a pioneer . . . the trail it is blazing today may well become a broad highway to carry its destinies onward and forward into a glorious future."

KLZ has gone far since its swaddling days of 1918. It has become one of the truly great names in modern radio . . . a name that is constantly being linked with the biggest selling jobs in the Denver-Rocky Mountain area.

**KLZ** *Denver*

CBS AFFILIATE—50 KILOCYCLES

### Follow-Up Comment

Formula yarn was co-authored by Elliott Lewis, a 25-year-old Los Angeles talent, can diffuse no small measure of s.a. through the loudspeaker.

Elliott Lewis proved a good example of casting for the occasion. Formula yarn was co-authored by Elliott Lewis, a 25-year-old Los Angeles talent, can diffuse no small measure of s.a. through the loudspeaker.

A debutante wearies of the tinsel and fake of it all and sets out to make her own living. Girl meets boy, a floorwalker who yearns for his chemical lab and a chance to get out of the city. He is a carbon monoxide loser from gasoline fumes. The pair lose their department store jobs. Financial complications mount for the lad, but just as things become hopelessly dark the heiress rescues him. The ending is a good one, reveals her real identity. Dec.

Ronald Colman.....	\$5,000
Carole Lombard.....	5,000
Cary Grant.....	4,000
Groucho and Chico Marx.....	4,000
Lawrence Tibbett.....	5,000
The Foursome.....	500
Bobby Dolan.....	500
Orchestra.....	1,500
Writers.....	2,000
Producer.....	250

## 15 Best Sheet Music Sellers

(Week ending Jan. 14, 1939)

Umbrella Man .....	Harms
Deep in a Dream .....	Harms
Two Sleepy People .....	Famous
You Must Have Been a Beautiful Baby .....	Remick
My Revertie .....	Robbins
All Ashore .....	Shapiro
Jeepers Creepers .....	Witmark
† D. R. Jones .....	Chappell
† Ferdinand the Bull .....	ABC
They Say .....	Witmark
† This Can't Be Love .....	Chappell
† Sweethearts .....	Chappell
I Must See Annie Tonight .....	Bregman
You're the Only Star .....	Shapiro
Hurry Home .....	Spier

\* Indicates film musical song. † Indicates stage production song. The others are pops.

## Warners Tires of Inaction in Disc License Matter; May File Suits

Warner Bros. publishing combine indicated last week that it will break the quiet tension existing between the music publishers and the phonograph record manufacturers over the former's new licensing requirements by starting a couple of court actions against the Decca Record Co. The numbers which WB has advised Decca it will name in its proposed suits are 'Umbrella Man' (Harms); and 'Jeepers Creepers' and 'Mutiny in the Nursery,' both Witmark.

Intention to sue was mentioned in two letters. Each of these charged that Decca had failed to give notice to use as required under section 25B of the copyright law and that it had also refused to take out a license restricting the numbers to home use.

Counsel for the various phonograph companies were slated to meet yesterday afternoon (Tuesday) to discuss a further line of strategy on the licensing issue. Meanwhile a spokesman for the American Record Co., which was recently acquired by CBS, has suggested that the publishers call a moratorium on their new licensing demands until the newcomers have had an opportunity to study the whole situation, particularly as it affects the coin machine field. The present strictures between publisher and disc manufacturer stems from the former's proposal that an entirely different license and royalty fee prevail for records used in coin-operated machines.

It is understood that the determination of one of the recording companies to hold out against such classification is largely influenced by a fear that general concession may be followed by price cutting on the part of a competitor. The law bans the fixing of prices by a group, with the result that price stabilization can't be made any part of an agreement to treat with publishers.

## Union Seeks Injunction; Operator Calls It Unfair

Troy, N. Y., Jan. 17. Supreme Court Justice Harry E. Schrick of Kingston reserved decision on the application of the Troy Musicians' Union for an order restraining Frank E. McCarthy, owner of a Watervliet amusement spot, from employing non-union bandsmen.

McCarthy claims that the orchestra formerly employed by him under a union contract quit sometime ago without giving the agreed two-weeks' notice and that the suit is an effort to compel him to take back the group.

## Teddy Wilson on Own

With first trumpeter Harry James' new outfit currently in rehearsal and tentatively scheduled to open in Boston, Feb. 10, the next to leave Benny Goodman's crew for a band of his own will be pianist Teddy Wilson. Latter will drop out of Goodman's outfit the first week in March to start to gather and rehearse his new crew for a middle of April debut.

Lionel Hampton, vibraphonist-drummer, the third, is finally scheduled to follow James and Wilson, will stick with Goodman for a while yet.

## Trumpets Sacred

Sacramento, Jan. 17.

Trumpet players who are in the habit of failing to pay their bills will suffer no further embarrassment if Assemblyman Jack B. Tenney, of Los Angeles, persuades the legislature to enact a bill he has introduced.

Tenney would make musicians' instruments exempt from attachment proceedings. Whatever the neighbors might do while the musician is practicing is beside the point—the sheriff could not seize the instrument for debt while the musician was swinging it and being paid.

## Whiteman Tour Opens At Mayflower Ball

Paul Whiteman will play the number one President's Birthday Ball at the Mayflower hotel, Washington, D. C., Jan. 30, as part of a three-week tour which takes him out of New York. Will include a concert with the Pittsburgh Symphony Orchestra and the Mardi Gras in New Orleans, La.

Trains out of New York following Chesterfield program of Jan. 25. Opens in Pittsburgh, Jan. 27, and squeezes in private parties, dance dates and concerts through Florida starting Feb. 7. Lineup concludes at Paramount theatre, Ft. Wayne, Ind., Feb. 18.

## Music Notes

Johnny Lange and Lew Porter clefled 'Serenade to a Lovely Senorita' for 'Rhythm Rides the Range' at Grand National.

James V. Monaco and Johnny Burke wrote title song and 'That Sly Old Gentleman' for Bing Crosby's picture, 'East Side of Heaven' at Universal.

Sam Wineland scoring Paramount's 'Cafe Society.'

Dave Snell doing musical scores for 'The Hardys Ride High' and 'Sergeant Madden' at Metro.

Harry Warren and Gus Kahn are having two songs published by Bregman, Vocco and Conn. Ditties, written for Metro's 'Honolulu,' are the title song and 'Tonight Will Be My Souvenir.'

Ray Noble's song, 'By the Candlelight,' used in Earl Carroll's show, is being published by Harms.

Steve Pasiernecki doing the score for 'Arizona Bracelets' at Paramount.

Chet Forrest and Bob Wright wrote two songs for Metro's musical short, 'Somewhat Secret.' Ditties are 'You and I' and 'Fair Damsel.'

Frank Waxman scoring Metro's 'Ice Follies of 1939.'

Troy Saunders musical adviser on Paramount's 'Beau Geste.'

## Gilbert of London Here

Joseph George Gilbert, London publisher, is on this side for a visit of several weeks. He arrived last week.

Gilbert, who originally came from the States, will devote the interim to picking up tunes and placing some of his own.

## Robbins' Gen'l Mgrs. for All 3 Music Pub Firms

Jack Robbins may elevate Willie Horowitz to general manager of Miller Music, with an eye to specializing that firm in production music. Thus, with Harry Link at Feist, and Abe Olman as g.m. of Robbins Music, the directing head of the Metro-Robbins music interests would be relieved of operation details and be able to select material and generally contact all three companies.

Link, new professional head of Feist, insisted on keeping Bernie Prager at that firm as business manager, although Olman wanted Prager to shift back to the Robbins Co.

Robbins has already consolidated all three booking departments under one roof, at the Robbins headquarters, with Fred Smith in charge. Elmore White has joined Feist as professional contact.

## Spiked Lindy Hoppers Loosen Up Expo Ground For Savoy Spade-Dig

Ground breaking for Savoy ballroom at New York World's Fair will be pressed tonight with crew of Lindy Hoppers digging up turf while dancing with spiked shoes.

Erskine Hawkins' band will play for the occasion, while court criers the sod Feb. 1, preceding the spades.

## MELODY INFRINGEMENT ALLEGED BY ROBBINS

Robbins Music, through its attorney, Julian T. Abeles, has served notice on Mills Music over the latter's song, 'Blame It on My Last Affair,' by Harry Nemo and Irving Mills, which Robbins alleges is an infringement on 'Deep Purple,' Peter de Rose's instrumental tune. 'Purple' was first published in 1934 as a piano solo but this season has a set of lyrics by Mitchell Parrish and constitutes one of Robbins' plug songs.

Melody infringement only is alleged.

## ASCAP Calls Canadian Board Guilty Of a 'Violent Abuse of Power'

Spokesmen for the American Society of Composers, Authors and Publishers last week scored the Canadian Copyright Appeal Board for the action it took on the radio revenue schedule which the Canadian Performing Rights Society had submitted for 1939. The appeal board's procedure in the case was described as a 'violent abuse of power,' which in purpose 'practically amounted to confiscation.' The CPRS had asked for \$154,535 and the award was \$88,336, plus \$5,000 for Dominion's receiving set increase during 1938. The former amount was same the CPRS collected from Canadian radio in 1938.

Canadian Society had submitted a mass of data in support of the requested increase, but the appeal board ruled that scrutiny and evaluation of this matter would have to be put off until the coming summer. Meanwhile the CPRS's revenue from radio would have to remain practically as is. ASCAP officials termed this handling of the case merely a case of passing the buck, indicating not only an abuse of power but a 'lack of harmony with the general intent of the Canadian copyright law.' Also a complete disregard for

## Nebraska Politician Threatens New Nuisance Rules on ASCAP; Seattle Reports New Sniping

### On the Sidelines

Among the spectators at last week's hearing before the U. S. Supreme Court in Washington of the appeals of the American Society of Composers, Authors and Publishers on the Florida and Washington State cases were many from the trade.

A. L. Ashby, NBC general counsel, James W. Baldwin, former managing director of the National Association of Broadcasters, and Andrew Bennett, who served as prosecutor in the trial of the Government's anti-trust action against ASCAP three and a half years ago, were interested onlookers.

## CONSOLIDATED GETS ELBOW SPACE IN N. Y.

With the opening of Chick Webb at the Park Central hotel, Jan. 25, Consolidated Radio Artists' booker, will hang up its first sizable representation in New York. Four other CRA crews will be cleaving in other Gotham spots.

Office, long light locally, has Gray Gordon at the Edison hotel; Charlie Barnett at Famous Door, Lee Shelley at the Mirage and Jan Savitt replacing Artie Shaw at the Lincoln hotel Jan. 27.

Park Central will go for Leblang's the drinks with Negro band's bow. Drinks will peddle at three for a dollar plus cover of 75c and \$1.50.

## 'Command' Performance For Dorsey's Miss Wright

After having left the band as scheduled when it finished at the Hotel New Yorker, N. Y., last week, Edythe Wright rejoined Tommy Dorsey's crew at Hartford Saturday (14) when customers would have nothing to do with substitute vocalist, calling repeatedly for Miss Wright.

Miss Wright will probably stay with the crew for the duration of its theatre and one night tour. Dipah Shaw of WNEW, N. Y., has been auditioning for the spot.

## Kendall Turns Publisher

Tommy Kendall, singer, has gone into the publishing business. His first tune is 'Kissing Is Not a Sin,' for which he wrote the lyrics. Melody was composed by Edmund Eysler, of Vienna.

Lincoln, Jan. 17. Senator Brady, in the Nebraska unicameral, said this week that ASCAP was in for another legislative attack in case the supreme court soured on the anti-ASCAP bill he authored in the 1937 session. 'We can insist on registration of all song titles, ownership, and a few other things which will make it unattractive to ASCAP or any music combination or trust, to operate in Nebraska,' he said.

ASCAP recently took heart when militant Richard Hunter, former attorney general, went out of office (1) in favor of Walter Johnson. Johnson was in the legislature when the anti-ASCAP measure was passed, and said he believed it unconstitutional at the start and refused to vote on it.

Most brow wrinkling threat on the legislative horizon for the amusement biz is centered on the chain theatres, however, a bill for theatre divorcement already having been drawn up and ready for presentation. This has the A. H. Blank-Park and Foxwaco partnerships worried. Censorship is also a live topic in the legislative corridor, and the town was filled with showmen early in the week (11) getting ready for a legislative drive, spearheaded by vet lobbyist Bob Livingston, of the Capitol.

### Seattle Battle Renewed

Seattle, Jan. 17. Drive to repeal Washington State's anti-ASCAP law was opened last week with the filing of a bill in the State senate, which is currently in session at Olympia. Senator H. T. Kyle (D), Kings' county, introduced the repeal measure, with the latter striking particularly at the section of the State copyright statute which bans two or more persons from combining to license their works or collect fees for such in Washington.

E. C. Mills, of the American Society of Composers, Authors and Publishers, is on the scene watching developments. Repeal measure will soon be put to a test vote in the Senate. If the latter passes the bill it will come up before the House toward the end of the present session. Anti-ASCAPers are expected to concentrate their fire on members of the House.

Washington lawmakers on week-end homecoming from the Capitol declared that should the senate repeal the statute at this session there was a good possibility of the House passing a much tougher measure as far as ASCAP would be concerned. If there was any house sentiment on the issue, it was for adding more stringent sections to the law.

### Drops Anti-ASCAP Drive

Philadelphia, Jan. 17. Plan of Steve Carroll, organizer of the Night Club Owners Association and operator of three spots here, to introduce an anti-ASCAP bill at the present session of the legislature, has been dropped.

Carroll said yesterday (Monday) he has given up the idea because other nitery owners weren't interested. A principal reason for formation of NCOA was passage of such a bill, but the organization never created much interest among nitery men and has led an anemic existence.

## VICTOR YOUNG FREED IN DUAL AGENCY MIXUP

Contract controversy between Rockwell O'Keefe, Inc., and Victor Young was settled last week through the intervention of the Music Corp. of America. Young's new management, Rockwell O'Keefe received several thousand dollars for a complete release.

R-O-K claim was that the contract it held with Young had two years to go. Difference between the two was brought to a head last spring when the maestro refused to take a cut on the Al Johnson-Lifeway show and gave Rockwell O'Keefe notice that he was changing booking offices.

As part of the deal MCA released R-O-K of any commission liability to the former on some bookings that Rockwell O'Keefe had made for Jimmy Grier, who is regularly affiliated with MCA.

## Transfer Tune Suit

Los Angeles, Jan. 17.

Suit for \$80,000 brought by Louis Herscher and Robert Wolf Gilbert against Warners, Harms, Inc., Music Publishers Holding Corp., Al Dublin, Johnny Mercer, Harry Warren and Jean Herbert, was transferred from Superior to Federal court.

Herscher and Gilbert charge the defendants with suppressing their song, 'Garden of the Moon,' in favor of another tune with the same title.

the property rights of the copyright owner.

It was further stated that unless ASCAP, which, because of its affiliation, was deeply interested in the welfare of the CPRS, was soon assured of a less hostile attitude toward copyright owners on the part of the Canadian appeal board it would take whatever steps that may be proper to protect the property of its members in the Dominion. Such action, it was intimated, would proceed first through American diplomatic sources.

# Music Budgets, Plans Prominent For Expositions on Both Coasts

Music festival idea for the New York World's Fair, which was rejected because supposed to cost an estimated \$2,500,000, now has been definitely set as a New York City year-round music festival, with the exposition's directorate planning for \$750,000. Intention is to make Manhattan a successor to Europe's Salzburg, with both the Metropolitan Opera House and Carnegie Hall air conditioned for summer performances.

Citywide music festival is set to open early in May. It will include initial appearances of many celebrated stars and organizations away from their native lands. Wagner cycle of operas at the Met is supposed to start the festival, this to be followed by the Soviet ballet, being the first showing of the latter outside of Russia.

Others scheduled to participate include Vic-Walls ballet, of London, (first time in U. S.); Paris Opera Co., with cast of 170 (first outside of France); Cincinnati May Festival with Symphony of 1,000; Glyndebourne Opera Co., with Fritz Busch directing (initial time outside of England); New York Philharmonic, Polish National Opera, Leopold Stokowski, Grace Moore, Ballet Russe and possibly Arturo Toscanini directing an opera.

## \$600,000 for 'Frisco Musio

San Francisco, Jan. 17. Ralph Murray, local bandmaster, will direct an all-purpose band for the 1939 Golden Gate International Exposition. Will function at special events and ceremonies, etc. Music budget is placed at \$600,000.

Henry Ford is reported toying with the idea of sponsoring the San Francisco Symphony Orchestra throughout the Fair, as he did at the San Diego Fair.

Natives are still burning over rumored bid by New York Expo officials to the San Francisco Symphony for an appearance at the eastern Fair. Members would have to pay their own transportation but engagement in the east would be sufficiently remunerative to make the trip profitable.

Connick of the Expo and Pierre Montoux of the Symph were together last week. Montoux's contract as director of the San Francisco Symphony Orchestra expires with the close of the season, May 7.

Golden Gate Expo officials have voted \$800,000 for music for the Fair which is more than twice that spent for music at the 1915 World's Fair here.

## Keeping 'Em Straight

Professional staffs have been reshuffled so frequently of late that a gag among the band leaders, when contacted for a plug, is to inquire:

"Who are you with this week?"

## Every Time Jenö Donath

### Radios It's Different

Philadelphia, Jan. 17. Something new in remote band airings is being pioneered by WIP from Jack Lynch's Walton Roof. Station this week started 15-minute nightly broadcasts of Jenö Donath's music. But, instead of the usual dance stuff, Donath will put on a different set of orchestral types each night.

Scheduled Mondays, overtures; Tuesdays, overtures; Wednesdays, waltzes; Thursdays, dance classics; Fridays, overtures; Saturdays, straight dance.

## UNLESS THEY FIGHT

Jimmy Lunceford Due to Open May 19 in Oslo, Norway

Unless threatening hostilities start in the meantime, Jimmy Lunceford's band returns to Europe this summer. Outfit is tentatively scheduled to shove off May 19 and open in Oslo, Norway, June 1. Tour will be mostly in the form of concerts with the crew remaining abroad most of the hot spell.

Fats Waller, who's at the Yacht Club, N. Y., where he closes tomorrow (19), is also contemplating another try at European time.

## Add: Gadgetry

Philadelphia, Jan. 17. Wireless record-player for use in conjunction with radios was introduced by Philco last week. Gadget plugs into an electric socket and needs no connection with the radio.

Receiving set is merely tuned to 1,550 kc. and it automatically picks up the disc being played if it is within 60 feet of it.

Ida May James new vocalist with Eskin Hawkins current at Savoy, N. Y. Girl formerly with John Kirby's crew. Band's getting three NBC wires weekly for dancery.

## RASH OF NUPTIALS

Three Members of Will Osborne Orchestra Married at Same Time

Baltimore, Jan. 17. Ted Routson, p. a. of Hipp, local combo house, played Cupid last week in triple style to widespread space returns from dallies. Three members of Will Osborne's band were splashed by the Mayor's office to the accompaniment of horns and sirens from a battery of six new pieces of fire apparatus lined up (by coincidence) at the same time for the Mayor's o.o.

Benedicts were Harry Ross, trombone; Charles Zimmerman, trumpet; Dick Labbe, saxophone, saying, "I do," to Janice Todd, May Swanson and Eve Evans, in order and strictly on the upbeat. Current date was first extended stay in season of one nighters and no time for wedding bells. Brides now with troupe embarking on further points south and west.

# ATLANTA'S 100G OPERA DRIVE

Atlanta, Jan. 17.

Civic leaders Thursday (12) launched a drive to raise a \$100,000 guarantee for return of grand opera to Atlanta in the spring. Preston S. Arkwright, prez of Georgia Power Co., heads committee composed of Victor Lamar Smith and Jesse Draper, backing campaign to raise dough to coin the Metropolitan Opera Co. here in April.

Minimum of \$57,000 is needed to provide for curtailed four-performance "season." Former sum would give city full week of big-time opera. Atlanta was regular stop on pre-depression tours of the Met.

## The New Philadelphia

Philadelphia, Jan. 17.

Venerable old Academy of Music, which has never even been derailed by a Benny Goodman or Paul Whiteman, is going to change (Wednesday) night, 2,000 voices warbling "I've Been Working on the Railroad," to the accompaniment of the full Philadelphia orchestra.

Community sing stunt is part of the Concert for Youth, which the orch is sponsoring. Soloist will be a 21-year-old Philly lad, Joseph Battista, who won piano audition last spring to play at this concert.

# Inside Stuff—Music

Max Dreyfus, who controls Chappell & Co. and the Crawford Music Corp., is bidding against Jack Robbins, of the Metro-Robbins publishing combine, for the services of Harry Warren and Al Dubin as a team. Warren teamed up with Johnny Mercer several months ago after Dubin had retired from his Warner Bros. studio contract because of poor health.

Before considering either of the offers, Harry Warren has inquired of Edwin H. Morris, head of the WB publishing group, what he wants to do about renewing the contract, that the studio now holds with him (Warren). It is understood that no decision will be made on this score until Morris gets to Hollywood, around Feb. 1.

"Umbrella Man," current waltz hit which jumped from obscurity to the lead spot on the best seller lists in the space of several weeks, was written some seven months ago by Jimmy Cavanaugh, who did the lyrics, and Vincent Rose and Larry Stock. Kay Kyser introduced the tune for Harms, which first published it some time in September, and also recorded it. However, it was not until Kenny Baker did it on the Jack Benny program that it started to make any dent in the biz.

Witmark admittedly had been sleeping on it until Kenny's vocal awakened interest. Following that event they got behind the tune and shoved it up to its current rating.

Bob Crosby on-stage and brother Bing on-screen at the Broadway Paramount Jan. 26 will give the bandman an opportunity to catch up on his Decca recordings, while in New York. The last batch they waxed was in Chicago, while Bing was passing through en route back to the Coast and where Bob Crosby and his orchestra have been stationed at the Blackhawk cafe.

After two (and probably three) weeks at the N. Y. Par-Bing's film is "Paris Honeymoon" for the joint booking—Bob Crosby returns to the Blackhawk where he's set until 1940.

Idea being experimented with in New York, to merchandise sheet music through newsstands, has been tried in Philly for almost six months by indie dealers in midtown.

Results have been nothing to speak of, although the only thing being exhibited on the stands are songs from minor publishers, with no top-ranking hit tunes visible.

Stunt of "localizing" his once weekly program is being tried by Paul Whiteman who's using Postal Tely's Son-O-Gram telephones and wire service to inform select list of listeners in separate locales each week. Girl calls up listed persons, hums couple bars of "Rhapsody in Blue," then goes into commercial spiel on Chesterfield program airing through local station of the NBC net.

Maurice Hart, chief announcer of WAAT, Jersey City, will shortly launch the station's third post card popularity poll on the validity of the votes and their tabulation. He asked VARIETY to act as judge, but this publication does not participate in such undertakings.

Cab Calloway, Inc., the bandleader's operating concern, with offices at 799 Seventh avenue, New York, on Saturday (14) filed a satisfied judgment for \$1,386 with the N. Y. county clerk. This amount includes \$210 in penalties for the corporation's New York State income tax for 1936.

## Chi Pluggers Elect

Chicago, Jan. 17.

Chi chapter of the Professional Music Men last week elected Harold Lee as chairman for the new term.

Marvin Lee was reelected vice-pres; Walter Donovan comes in as chairman of the board of governors, which includes Ben Goldberger, George Pincus, Fred Kramer and Billy Stoneham.

Ferde Grofe signed by CRA this week.

# N. O. LOCAL RE-ELECTS GIACOMO AS PREZ

New Orleans, Jan. 17.

Giacomo Pepitone was re-elected president and business representative of Local No. 174, Musicians Protective Union, at the annual meeting Saturday (14). He was also named permanent delegate to conventions of the American Federation of Musicians.

David Winstein was named vice-president; Robert Aguilera, recording secretary; R. L. Chaboa, treasurer; W. B. Miller, sergeant-at-arms; Charles Hartman, Leo Brockhoven, Russ Papalla, J. J. Vidacovich, Jean Paquey, Charles Dupont and A. J. Papalla, directors; Charles Ritter and Mr. Hartmann were named delegates to the next convention.

## Sam Fox to Europe

Sam Fox, music publisher, shoves off late this month on a trip to Europe to look in on agents in London, Paris and other capitals.

Fox returned last week from a vacation in Florida.

## Al O. Hahn Divorced

St. Louis, Jan. 17.

Mrs. Minnette Hahn who charged her husband, Al O. Hahn, baton waver of "Hahn's Syncopators," currently at the Jug in Hotel Coronado, with refusing to take her to places of amusement, among other things, won a divorce, \$2,650 gross alimony and the restoration of her maiden name (Heimberger) last week. Appearing before Circuit Judge John A. Withaus at Clayton, St. Louis County, Mrs. Hahn said her husband intimidated her did not desire to continue to live with her and subjected her to general indignities.

Couple were married June 15, 1927, and separated last Dec. 30.

## Symph Managers' Meeting

Detroit, Jan. 10.

Detroit will be host to Orchestra Managers of United States at their annual powwow next December. 13 Org composed of managers of 16 major orchestras, with budgets of \$100,000 or more annually. 11 According to Murray G. Patterson, manager of Detroit Symp, org represented expenditure of \$4,857,000. 10 1938-39 season with 5,407. 9

# Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Jan. 9-15). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In "Source" column, \* denotes film song, t legit tunes, and p pop speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
This Can't Be Love	Chappell	*Boys from Syracuse	51
Thanks for Everythin'	Chappell	*Boys from Syracuse	49
Jeepers Creepers	Witmark	*Going Places	48
Hurry Home	Spier	Pop	37
You Got That	Famous	*St. Louis	35
You Must Have Been a Beautiful Girl	Chappell	Pop	33
I Must See Annie Tonight	Bregman	Pop	32
E.D.R. Jones	Chappell	*Sing Out the News	31
Deep in a Dream	Harms	Pop	29
Umbrella Man	Harms	Pop	29
They Say	Witmark	Pop	29
My Reverie	Robbins	Pop	28
Simple and Sweet	Miller	Pop	28
Ya Got Me	Lincoln	*U. of Penn. Mask and Wig	25
It's a Lonely Trail	Berlin	Pop	25
I Have Eyes	Famous	*Paris Honeymoon	25
Get Out of Town	Chappell	*Leave It to Me	24
You Look Good to Me	Bregman	Pop	24
Have You Got That Gets Me?	Famous	*Artists and Models	23
Room with a View	Bregman	Pop	23
Between a Kiss and a Sigh	Santly	Pop	21
Two Sleepy People	Famous	*Thanks for the Memory	20
Could Be	Santly	Pop	20
Old Country Shop	Chappell	Pop	20
I Long to Belong to You	Red Star	Pop	20
Have You Forgotten So Soon	Berlin	Pop	20
What Do You Know About Love?	Marks	Pop	20
Never Felt Better	Miller	Pop	20
You're Gonna See a Lot of Me	Ager	Pop	20
Just a Kid Named Joe	Shapiro	Pop	20
All Ashore	Shapiro	Pop	20
I Won't Tell a Soul	Crawford	Pop	20
Love, Love, My Little Love	Shapiro	*Hollywood Revels	15
Your Eyes Are Bigger Than Your Heart	Shapiro	Pop	15
You're a Sweet Little Headache	Famous	*Paris Honeymoon	15
Heart and Soul	Famous	*A Song Is Born	15
Lovely Debutante	Fox	Pop	15
Sing for Your Supper	Chappell	*Boys from Syracuse	15
Please Come Out of Your Dreams	Words-Musi	Pop	14
Girl Friend of the Whirling Dervish	Harms	*Garden of the Moon	14
Ferdinand the Bull	ABC	*Garden of the Moon	14
Angels with Dirty Faces	Remick	*Angels with Dirty Faces	13
Let's Sing the Clock	Chappell	Pop	13
From Now On	Chappell	*Leave It to Me	13
It Serves You Right	Tenneny	Pop	13
Who Blew Out the Flame?	Feist	Pop	13
It's About Time	ABC	Pop	13
I Promise You	ABC	Pop	13
Annabelle	Feist	Pop	13

## Band Bookings

Sonny Kendis orch opens at the Book-Cadillac, Detroit, Jan. 26.  
Al Davies band opens Jan. 21 at the Clarendon hotel, Daytona Beach, set by Meyer Davis.  
Michael Trini orch opens Jan. 21 at the Don Ce-Sar Beach hotel, Pass-a-Grille, Fla.  
Russ Morgan, Rice hotel, Houston, Tex., March 8, three weeks for CRA.  
Carl Moore, moves to Olmous Club, San Antonio, now to Jung hotel, New Orleans, Feb. 9 for four weeks.  
Rita Rio, Moonlite Gardens, Saginaw, Mich., Feb. 13-19. Barney Rapp also hits spot from April 17 to 23.  
Henry Busse, Downtown Casino, Detroit, Jan. 25 to Feb. 7 for CRA.  
Hughie Barrett into Sagamore hotel, Rochester, N. Y., for eight weeks.  
Artie Shaw, Strand, N. Y., weeks Feb. 3-10. Paramount, Newark, N. J., Feb. 24.  
Joe Rines extended at the Road to Mandalay, N. Y., indefinitely.  
George Olsen played Archer ballroom circuit through west enroute

Rice hotel, Houston, Tex., Jan. 21.  
Russ Morgan succeeds.  
George Hall, Tommy Dorsey and Wingy Mannone set for dates at Savoy ballroom, N. Y.  
Charlie Barnet, Famous Door, N. Y., Jan. 18, 12 weeks.  
Larry Clinton to Meadowbrook Club, Cedar Grove, N. J., Jan. 20.  
Joseph Sudy renewed for four weeks at Sir Francis Drake hotel, San Francisco, as of Feb. 1.  
Leon Mojica, El Patio ballroom, San Francisco, Jan. 19, after exiting Ratliff's, San Diego.  
Henry Busse playing week at Lyric, Indianapolis, Ind., Jan. 27, before embarking on one-niter jaunt for CRA.  
Jimmie Richards quits Commodore Perry hotel, Toledo, Jan. 29.  
Chauncey Cromwell stays at Club Delevan, Buffalo, through Feb. 29.  
Jimmy Dorsey, Strand theatre, N. Y., March 31, two weeks for ROK.  
Benny Meroff, Hipp, Baltimore, Feb. 3, two weeks.  
Red Nichols one-niting far west for ROK.  
Paul Sabin, Colony Club, Palm Beach, Fla., Jan. 24, eight weeks.  
Al Kavelin, Nixon Restaurant, Pittsburgh, Jan. 30, indef.  
Bill Scotti, Belvedere hotel, Baltimore, Jan. 26, 10 weeks.  
Strollers, Flynn Duo, Spencer hotel, Marion, Ind.; Swing Busters, Tampa Terrace hotel, Tampa, Fla.; We Two, Statler hotel, Buffalo; Dell and Harmony, Statler hotel, Boston; Four Top Hatters, Lincoln hotel, Springfield, O. All start around Jan. 18 for CRA.

### Coin Machines Barometer

**Dick Robertson's Rise**  
Dick Robertson, vocalist, will soon bow as a maestro under aegis of Rockwell-O'Keefe. He's singer who brought out the 'Oh, Ma Ma' disc for Decca which has sold over 110,000 copies to date.  
Band office was prompted by number of requests from promoters who sought band after garnering popularity from coin machines. Musicians who backgrounded him for platters will be organized into regular crew of 13 for coming one-niter season.

Milt Herth swing trio has been signed for the Chez Firehouse of the American Music Hall, N. Y., opening an indefinite stay tomorrow (19).

### Get That Boy

After hearing the Andrews Sisters' recording of 'Hold Tight,' a name band leader currently on location in New York started inquiring about the clarinetist who is featured in the background music. Inquiries were for the purpose of determining who he was, leader saying he'd like to hire him.  
Tooter is Jimmy Dorsey.

### SOCIAL LEADER FINED FOR UNDERSCALING

Philadelphia, Jan. 17.  
Clem Williams, 21-year-old socialite stick-swisher at the Arcadia International, was fined with a \$300 fine by the Musicians' union last week for allegedly offering to employ a musician under union scale. Williams denied the charge, declaring the complaint was brought by a member of the band who was discharged because he refused to leave town with the crew. Trial board of the union levied the stiff penalty nevertheless, with Williams contending it is prejudiced because of his youth and society hook-ups. Union is also reported collecting Williams' money at the Arcadia and doing it out to the man in the band itself because of suspected kickbacks, which are also denied by Williams.

### Arrest DiCarlo With Buddy Rogers Orchest

New Orleans, Jan. 17.  
Thomas DiCarlo, 25, trumpet player in Buddy Rogers orchestra, playing here in the Hawaiian Blue Room, was arrested by local police Thursday (12) at the request of Quincy, Mass., authorities. Charged with being fugitive from justice. Wanted for non-support of wife and larceny.  
He refused to waive extradition.

### On the Upbeat

Clyde McCoy and band staying six more weeks at the Palomar in L.A.  
Irvin Talbot conducting 50-piece orchestra recording score of Paramount's 'Never Say Die.'

Buddy Rich, formerly with Bunny Berigan, has taken over the drums in Artie Shaw's band at the Lincoln hotel, N. Y. Rich was originally scheduled for the skin position in Harry James' new crew.

Paul Whiteman and his concert orchestra have recorded an album of George Gershwiniana for Decca, including the complete 'Rhapsody in Blue,' the 'Second Rhapsody,' 'Cuban Overture' and 'An American in Paris.' Roy Bargy is soloist.

Jimmy Greer playing the dances at Topsy's in Southgate, just outside Los Angeles.

Andy Kirk orch. opens a 10-week stay at the State Ballroom, Boston, Friday (20).

Ben Franklin Hotel, Philly, currently has Red Norvo, Johnny Hamp comes to the Adelphi on Jan. 25; Little Jackie Heller opens at Benny the Bum's early next week, and Art Padula, op of the Arcadia-International, is dickering for an outfit.

### Sacramento WPA Folded

Sacramento, Jan. 17.  
Orders were received by the Federal Music Project in Sacramento to close the local project this week. Orders were from William Lawson, director of the WPA for Northern California, after a conference with Nicolai Skloff, national director. Sacramento unit has been in operation just three years. At present it is providing livelihood for nearly 50 musicians.

## MCA's Name Band Showcase Set For N. Y. Fair; Music Hall Setting

Music Corp. of America will have a name band show window of its own at the New York World's Fair. Deal is virtually set although papers are not actually signed whereby MCA will present name bands and other entertainment at the huge Music Hall on the exposition grounds. Intention is to operate as a restaurant with a complete cafe show.  
Music Hall, which originally was to have housed a music festival during the fair, seats nearly 1,500 when arranged for a restaurant, floor show and band. Construction of the large auditorium and building was financed by the fair, reportedly from funds that might normally have gone into midway zone improvements.

When the music festival idea fell through because found to cost something like \$2,500,000, a series of legitimate play revivals was being considered under John Krinsky's

wing. The plan to present these revivals for a week to 10 days was sidestepped when exposition officials were reported to have become convinced that there was not sufficient coin to finance the proposition.

The Music Hall operation by MCA will conform to former agreement whereby Billy Rose was given exclusive for girl shows in any auditorium having 1,500 capacity or more. This is being done, it is understood, by placing up to 1,499 seats in the N. Y. Fair's Music Hall.

### WOODY HERMAN'S PEEVE

Would Cancel — But R-O-K Pact Validated by 802

Woody Herman has notified Rockwell-O'Keefe that it no longer represents the crew. Outfit is currently at the Roseland Ballroom, Brooklyn, N. Y., until this Sunday (22). Herman's contract with R-O-K has several years to run. After receiving a copy of Herman's notification, Local 802 of the American Federation of Musicians, advised both parties that the contract between them is still recognized.

Herman's complaints are many, among them being that his band has been an icebreaker in new R-O-K booked spots, which wasn't gaining him any prestige. Crew is made up of Isham Jones' old band.

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Your Next No. 1 Hit!  
**DEEP PURPLE**

By Peter De Rose and Mitchell Parish

Still The "Tops"!  
**MY REVERIE**  
By Larry Clinton

Gordon and Revel's Latest Song Sensation!  
**THANKS FOR EV'RYTHING**  
20th Century-Fox Picture, "Thanks for Everything"

The Newest Ballad Song Smash!  
**AFTER LOOKING AT YOU**  
By Al Hoffman, Al Goodhart and Manny Kurtz

Two Distinct Novelty Hits!  
**WHERE HAS MY LITTLE DOG GONE?**  
By Al Feldman

**I FOUND MY YELLOW BASKET**  
By Ella Fitzgerald and Chick Webb

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## THE HOUSE OF 1,000 HITS

Nearing the Top!  
**WHAT DO YOU KNOW  
ABOUT LOVE**

Watch Out For  
**AMONG THOSE SAILING**

Xavier Cugat's  
**NIGHT MUST FALL**

Emery Deutsch's  
**BEAUTIFUL DANUBE**  
No Wonder You're Blue

Joe Cherniavsky's  
**STRANGE**

EDWARD B. MARKS

**OLD SONG SUGGESTIONS  
FOR YOUR PROGRAMS**  
**JIMMY McHUGH'S**  
**"LOVELY LADY"**  
ROBBINS MUSIC CORP.

## BERLIN BULLETIN

Irving Berlin's New Song

## WE'LL NEVER KNOW

Arranged for Waltz—Also Fox Trot

## IT'S A LONELY TRAIL

Nick, Chas. Kenny and Vaughn de Leath

## HAVE A HEART

By Mickey Rooney

Just Released TWO DYNAMITE SONGS  
By Walter Donaldson and Johnny Mercer

## Gotta Get Some SHUT-EYE CUCKOO In the CLOCK

In Preparation

## IT'S NEVER TOO LATE

By Carmen Lombardo and Johnny Loeb

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# ANNABELLE

By Wayne King, Burke Bivens and Mitchell Parish

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## WHN's 'Refugees from Germany' Show Opens as Unit in Prov.

Providence, Jan. 13. 'Refugees from Germany,' Joseph Bonner, m.c.; Myriam Zunker, Dr. Gottfried Buschak, Mme. Toni Neuhaus, Margo Voss, Katherine Matern, Ella Roder, Jimmy Berg, Max Hamlich, 'Strange Faces' (U).

For excellence of musical rendition, WHN's 'Refugees from Germany' revue need make no apologies, but much can and should be done to improve its presentation and vein. The talent is there but it's more chaotic, a jumble or concert than good vaudeville.

One can't help but feel the undercurrent of sorrow behind the individual presentation, and this is heightened by the racial bias show which has the principals sitting like so many nervous youngsters waiting for their cues to recite. Their ill-at-ease attitudes vanish, however, as they face the mike, but their past experiences are forcibly brought back by their stirring renditions of songs close to their hearts and the land of their birth.

Their very efforts to give the best they can, and that's plenty good, adds to the timeliness of the act. It leans toward the heavy side, however, with only a smattering of the lighter vein, and could use considerable pepping to reach standards expected in vaude. Striking of a happier medium would help tremendously in putting the company on its own legs. They do nobly with what they have.

Introduction of the act presents the group as one whose stories had best remain untold. Joseph Bonner, m.c., then takes over stage and, in introducing the various soloists, tells of their origin and leaves them on their own.

Miriam Zunker, concert violinist, recently arrived from Germany, ably presents 'Hungarian Dance No. 3' by Brahms. It is followed by Dr. Gottfried Buschak, concert baritone, in an aria from 'Rigoletto'. Mme. Toni Neuhaus shows a wide range in delivering 'Two Hearts in Three-Quarter Time' by Richard Strauss, Margo Voss ably acquires herself in a piano rendition of 'Rhapsody in Blue'. Katherine Matern and Ella Roder, personable youngsters, lend a lighter vein and sing in the modern manner two original songs, 'Two Rumanian Girls' and 'Story Book', written by Jimmy Berg, who accompanies them. Fritz Yekel shows a wide range in singing 'Villa' from 'The Merry Widow'. Max Hamlich, piano accordionist, reveals a remarkable depth of feeling in rendering 'Blue Danube', and to show his versatility switches to a peppy rendition of 'Some of These Days'.

The 25-minute act is brought to a close with ensemble singing 'America, We Love You.' It's too obviously patriotic corn. Malo.

### RUDY VALLEE

(PARAMOUNT, L. A.)

Los Angeles, Jan. 12. Rudy Vallee and Orch. Vic Hyde, Bob Neller, Mirth and Mack, Seab Waring, Caryl Gould, 'Ride a Crooked Mile' (Par).

Surprizing that a shrewd showman (Continued on page 53)

## Saranac Lake

By Happy Benway

Vincent Asfor visited here with Dr. Francis Trudeau.

Kate Smith taking up skiing at Lake Placid.

After 15 years here, A. B. 'Tony' Anderson got his final okay.

Frisco Devere, who played this actors' colony for years, later leaving for Scarsdale, N. Y., reports a slight setback.

Leo Massimo, of Alexandria, Va., who was here years ago, got a recent checkup and was told that he could join the army.

Chris Hagedorn, who ficked two set-backs in as many months, is up and around.

Thomas Butler, Bradford theatre, Newark, N. J., and Raymond Williams, U. S. theatre, Hoboken, are newcomers here.

Herb Elder, on his second trip here, making the grade along with Al De Lorraine. Both old-time troupers.

J. C. Fuller, Jr., assistant manager of Loew's Valencia, Jamaica, L. I., visited the Rogers and his frau, who will be ready to return home soon.

Write to those who are ill.

## SAVO PACT SUIT VS. ROSE DISMISSED; CAN SUE CO.

Jimmy Savo's suit against Billy Rose for \$1,732 was dismissed in New York last Wednesday (11). Comic's action was based on his cancellation from 'Show of Shows', which Rose produced in San Francisco two years ago. Sum represented balance of Savo's contract with the show.

Court held that while Rose was not responsible, the dismissal didn't prejudice any future action which the comic might bring against the Territorial Producing Co., of which Rose was president and controlling stockholder.

## Sonny Kendis Leaves

### New York for a Spell

Sonny Kendis with an augmented band, number 12, opens for the Hitz hotels at the Book Cadillac, Detroit, Jan. 26, for three or four months. Kendis, who is under long-term contract to Sherman Billingsley's Stork Club, New York, drops out every so often just for change of pace. He may essay the Netherlands-Plaza, Cincinnati, another Hitz spot, after the Detroit booking.

Meantime the Stork is staging a contest Jan. 22 for the winner of a debutante vocalist to sing with the new band, as yet undecided upon.

## 15 YEARS AGO.

(From VARIETY)

Fern Andra's arrival in New York the day of Count Salm von Hoogenstraeten's marriage to Millicent Rogers stirred speculation.

Van and Schenck canceled vaude bookings for 10 weeks because of strain in playing theatres and clubs.

John Golden received check for \$15 from fellow bricklayer, who had borrowed \$3 from him while they were both working on construction job years before. Golden turned check over to Actors' Fund.

Max Reinhardt staged 'The Miracle' for Morris Gest on 10% basis at the Century, N. Y. Cost before opening was \$400,000.

'Abie's Irish Rose' booked to open 18-week run at Criterion, Buffalo.

'Flaming Youth' (FN) confiscated in Quebec. Charlie Chaplin's 'A Woman in Paris' barred in Ohio, but those who had already booked it were allowed to run film a week.

Henry King signed to direct Rudolph Valentino in 'The Sheik'.

B. P. Schulberg took over Hollywood Studios to produce for Preferred Pictures.

'The Covered Wagon' broke Broadway film record by starting 45th week at Criterion.

Max Hart's \$5,250,000 damage suit against B. F. Keith and the Orpheum Circuit in third day. Booker charged Keith-Orpheum violated Sherman anti-trust law in barring him from Keith floor.

Alan Dale led legit critics at year-end with Craig (Mail), Rathbun (Sun), Mantle (News), Brown (World), Corbin (Times), Woolcott (Herald) and Hammond (Tribune) trailing. Ibee (Jack Pulaski) topped the VARIETY critics.

## Henie's 110G, Detroit

Detroit, Jan. 17.

Sonja Henie's ice revue got a rather chilly reception at the Olympia here last week, but pulled out with a bigger gross than last year when her revue set an all-time attendance record at the arena. Scale for last week's show was higher than last year's.

The seven-day attendance was 80,000. Last year it was 110,000. Revue grossed between \$110,000 and \$115,000 in this last time out.

## Firenze's New Policy

Under a policy to employ more talent than in the past, and use bands, the Firenze, New York, brings in Don Mario's orchestra (9) Feb. 1.

In addition to featuring Mario as a vocal soloist, the restaurant will feature Henry Pierre at the piano.

## P. A., Newsmen Club Organized in Chicago

Chicago, Jan. 17.

New club, exclusively for press agents and newspaper men affiliated with show biz, has been organized locally under the tag of the Ballyhoo Mob. Acting chairman of the organizational committee is Ted Wolke, and acting secretary, Madeline Woods. Held initial meeting in the Sherman hotel Friday (13).

Many members of Ballyhoo had been in the Chicago Amusement Publicists Association, but pulled out when CAPA veered off its original news and p.a. setup and became almost completely a film group.

## AKRON GIVING NAME UNITS STEADY PLAY

Akron, Jan. 17.

Akron is getting more vaudeville units this year than for a number of seasons.

Following record business with Phil Spitalny unit, Palace opened four days Friday (13) with Henry Busse orchestra, Benny Baker and Wini Shaw. Beginning today (Tuesday) the Casa Manana unit headed by Lou Holtz and Helen Morgan will play for three days.

## Injunction in Detroit Closes Gambling Spot

Detroit, Jan. 17.

Macomb county citizens last week obtained an injunction closing Danny Sullivan's Chesterfield Inn, described as biggest gambling spot in midwest, only two weeks after it had reopened. Sullivan paid off his 160 employees and left paraphernalia intact, as ordered by court.

Detroit police are set to prevent several other joints from reopening in Wayne county.

## Straeter Band to Preem At Ferry's New N. Y. Cafe

Ted Straeter, radio pianist, will preem his new band at Felix Ferry's new niteroy on the site of the old House of Morgan, New York. Ferry may call it the Monte Carlo or the Chez Fefe. Lee Wiley will be a floorshow feature.

Ferry, who has socialite connections, is tying in with the smarter cutuaries for fashion shows, etc. Gene, of the Colony restaurant, and several Park avenuers are said to be backing him financially.

## 3 Hectic Weeks

St. John, N. B., Jan. 17.

The Earlescourt, new suburban night club, equipped with illuminated tennis, squash and badminton courts, was raided twice, fined \$100 for illegal possession of liquor and caught fire four times; all within three weeks.

The fires were all within three days and of unexplained origin. One caused considerable damage, but the others were minor.

## Int'l's Show On P.A. Tour After Nite Club Folds

Clifford C. Fischer's revue from the International Casino, New York, which folded last week, opens a vaudeville tour Jan. 25 at the State, Hartford, and winds up around March 15 for a run at the San Francisco Fair. William Morris agency handling both the tour and the expo bookings.

Salary contract claims by the Maxellos (5), 16 Gertrude Hoffman girls, Beau Brummels (3) and Jay C. Flippen, m.c., are outside of Fischer's province, these acts having been added by the Bob Christenberry management after Fischer's show first folded Dec. 10. When the show reopened a fortnight later, the American turns were added to supplement the basic Frenchy revue which Fischer first brought to America.

Prior to the second folding of the International last Wednesday (11), Eddie Lewis, company manager for Fischer, was grabbing the last few nights' receipts, otherwise refusing to permit the show to go on, in order to protect his troupe. These acts have been paid, being imported in the main, and bonded by Fischer. Emma and Henry, one of the acts, have already gone back.

The 55-people revue, which will be known as the 'Folies Bergere of 1939', is getting \$7,500 and a split in the vaudeville. Company includes 35 girls and acts, such as Grace and Nikko, Franklyn D'Amore Co., Bruay and Margo, Shyretos, Harald and Lila.

When the International closed last week—it went into 77b last year—the City Farmers Bank & Trust was willing to put up further funds, equal to the amount which the operators would invest. Jake Amron, of Jack Dempsey's, was called in but no deal eventuated. Spot is now dark and sundry new policies are reported for it.

## N. O. Cafe to Reopen; Plans Name Talent

New Orleans, Jan. 17.

The Jung Roof, which has been dark for some time except for private parties, will be reopened middle of next month.

Ray Cantrell, manager, plans to book name bands and name talent.

## MCA's 4th Philly Spot

Philadelphia, Jan. 17.

Little Jackie Heller has been booked to open Jan. 27 at Benny the Bum's. Music Corp. of America set the deal, the first time the agency has gotten its foot into the door at Benny's. Understood MCA's agreement is to book the niteroy regularly.

Move gives MCA four spots in Philly. Others are the Arcadia International, and the Benjamin Franklin and Adelphi hotels. Franklin has only a band, while the others also offer shows.

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# NAME DEARTH ON B'WAY

## Henry Chesterfield, 62, Dies in N. Y.; Vaude Figure Headed NVA 23 Years

Henry Chesterfield, for 23 years a dominant figure in vaudeville as the executive secretary of the National Variety Artists, died last Wednesday (11) in New York funeral parlors after being stricken with a cerebral hemorrhage while delivering a eulogy for an actor-friend, C. Edwin Brandt. He was 62.

Chesterfield emerged from an obscure performer to a power in show business in 1916, when the NVA was formed by the vaudeville circuit heads as a counter-irritant to the White Rats union, then engaged in the national strike which led to its oblivion. With the late E. F. Albee pulling the strings, the NVA fielded the works of the late White Rats' ornate and luxurious hotel-clubhouse at 229 West 46th street, N. Y., and Chesterfield's executive secretaryship was made permanent at \$250 per week salary. The clubhouse, its personnel, membership, charitable and social ends were under his absolute rule. He had a voice in the arbitration of actor and trade disputes and was also importantly concerned in the management of the NVA's Saranac Lake Sanatorium until 1934.

The NVA nominally was a professional club with facilities to care for sick and indigent vaudevillians. It held elections for officers and usually a prominent performer was chosen as president, but there was never one who was anything more than a figurehead, while Chesterfield ran the works. The executive secretary's little office off one corner of the mezzanine was the "power house" among vaude performers for years.

Chesterfield's name became synonymous with the NVA—and the NVA was Chesterfield.

The frequently reiterated report that Albee was solely concerned in organizing the NVA was erroneous; he was concerned, naturally, and also powerful in its management from the beginning. Chesterfield was Albee's man, but later, after Albee had sold out his control of Keith-Albee, Chesterfield apparently was not adverse to also removing Albee's influence from the NVA. This enraged the vaude tycoon so that he did not even mention his "pet" the NVA, in his will.

Chesterfield, whose real name was Henry Selner, was a graduate of the College of Physicians and Surgeons, Columbia University, and served an internship at Bellevue Hospital, N. Y., but never actually practiced medicine. He went into show business after serving in the Spanish-American War. His mother, Mrs. Hettie Selner, now 86, was an elocution teacher, and gave him his (Continued on page 42)

## CONVENTIONS SEEN BIG BOOST TO DET. CAFES

Detroit, Jan. 17.

Nocturnal biz here is expected to perk again shortly with conventionites again begin flocking to Detroit. Influx of about 2,500 Society of Automotive Engineers to annual midwinter powwow here last week helped nifty biz, but town's convention slate will really get down to brass tacks in the next few weeks and should mean plenty to the cafes.

Despite the big letdown after a fair New Year's Eve, spots here are, nevertheless, far ahead of last year's grosses in the corresponding period when general business was down.

## SLEEPING POTION VICTIM

Oakland, Jan. 17.

Apparently the victim of an overdose of sleeping tablets, Thelma Emery, 26, West Oakland night club entertainer, was found unconscious Jan. 11 near one of the approaches of the Bay Bridge.

Police found an empty pill box a few feet from where she was lying, but no evidence of violence.

## Burke Exits Allen Office To Open Own N.Y. Agency

Bernard (Bernie) Burke, general manager the Charles Allen Agency, exits to go on his own in New York this month. Burke was g.m. for 10 years with Curtis & Allen and later with Allen when Curtis went to the Coast to form Crawford, Winslow & Curtis. Likely that Burke will continue working with Allen on certain deals.

Allen's office recently extended its activities, adding Fred Norman and Max Roth to the staff. Allen formerly strictly vaude and film, is getting into radio now as well.

## Fabians Mull B'klyn Strand Policy Switch

Fabian interests, operators of the Strand, Brooklyn, in a pooling deal with Warners, are mulling a change in that theatre's stage policy. House has been playing vaudeville, using Teddy King as permanent maestro, since early fall.

Change, if it comes, will not mean the elimination of stage shows, but will refer to the band situation. House has been booking occasional name orchestras, with the result that it has either had two bands to play (the other being King's), or else laying off King's crew entirely. In one instance, when it played Duke Ellington recently, King's band was shifted to the Fabian Fox for the week. This house has a straight picture policy.

Vaudeville policy at the Strand has been successful thus far; house reportedly shows a profit if the gross hits \$10,000 or over.

## HOLLYWOOD 'DOUBLES' SET FOR WB SHORT

Hollywood Star Doubles, a mixed unit whose members impersonate various screen personalities, at present touring midwest vaude houses, is set for a two-reel short at Warners' Brooklyn studios late in February.

Company includes Tom Herbert, who imitates his brother Hugh, Virginia Rendel as Mae West, Lorraine Grant as Deanna Durbin, and also Charles Clark, Earle Haddon and Ezelle Poule, who respectively mimic Joe E. Brown, Bing Crosby and ZaSu Pitts. Wally Sharples m.c.s.

Troupe in 1937 made a feature, "So This Is Hollywood" for Columbia.

## Bill to Be Intro'd in Pa. To Extend Rum Curfew

Philadelphia, Jan. 17.

Present midnight liquor curfew on Saturdays will be extended two hours in niteries, same as it is the rest of the week, in a bill scheduled to be introduced in the State legislature around Feb. 1.

Numerous other changes regarding sale of booze in niteries are being written into the new legislation.

## Night Curfew Violators

San Francisco, Jan. 17.

A drive against San Francisco niteries which disregard the 2 a. m. to 6 a. m. closing law was planned this week by Tom Gosland, acting chief liquor control officer for the San Francisco-San Mateo County district.

Gosland pointed out that lack of funds has made it impossible for the state to properly enforce the law.

## 6 VAUDE SPOTS CAUSE SHORTAGE

Curtailing of Talent Development in Past Decade Due to Flesh Decline Causes Houses to Burn Up B.O. Acts Faster Than They Can Find Them

## CASA'S ACUTE SITUASH

Broadway, with six vaudeville spots now current, is running out of stage headliners. The shortage, already being felt by the bookers, grows more acute week by week.

Vaude spots include Billy Rose's Casa Manana, Kurt Robitschek's straight variety at the Majestic, and the Paramount, Strand, State and Roxy. With the development of talent naturally greatly curtailed in the great decline of vaude during the past 10 years, these six houses are burning up b.o. talent faster than they can find it.

Situation, for instance, is very acute at the Casa Manana. A new show is scheduled to bow into that theatre's cabaret next week, but up until yesterday (Tuesday) only one act, Everett Marshall, had been set besides the 'Refugee' afterpiece Rose has been working on. Charles J. Freeman, booker for Rose, admits the shortage of names, adding, also, that most of those personalities available have jacked up their salaries prohibitively due to the competition.

Incoming Frank Fay straight vaudeville show at the Hudson, N. Y., will naturally add further to the already existing competition between the vaudeville spots. Robitschek's Majestic has thus far not played an outstanding name, but has been a great drain on secondary talent through using 10 acts.

Competition among the Paramount, State and Strand on name bands has now evolved into a scramble for name acts as well to augment the musical crews, with the Roxy entering into the bidding only mildly. As, for instance, the current shows at the State and Strand. Latter spot has Bill Robinson as a hypo for Louis Armstrong's orchestra; State has augmented Benny Meroff's band with the Stroud Twins, from radio, and Joy Hodges, featured film player.

## MCA Hasn't Given Up On Miles Ingalls Deal

Sonny Werblin, Music Corp. of America v.p., is still negotiating with Miles Ingalls to come over in charge of the niterie department. This would concentrate Manie Sacks more on the hotels, to which he's been leaning. Phil Bloom, of course, heads the vaude booking department. MCA may add further booking manpower.

Ingalls, who partnered with Jack Davies, both having been formerly with International Theatrical Corp., Clifford C. Fischer's agency, which the latter now operates solo.

## Dancery Gets Temporary Permit; Asks OK as Cafe

San Francisco, Jan. 17.

Failure to secure proper permits for the Shalimar Bowl until the afternoon of the reopening of the dancehall Jan. 12 resulted in no liquor being served over the widely touted 85-foot bar during the first four days of Gene Krupa's engagement.

Police, arguing that dancehalls are not allowed to sell spirits, issued a temporary license until yesterday (Monday). At that time the management said that the dispensing of food entitled the spot to be classified as a night club or restaurant. Board of Equalization likewise issued a temporary license until situation was cleared up.

## N. Y. Club Bookers Unhappily Study New Responsibilities as Employers

## Syracuse Fair's Vaude Out for Amateur Acts

Syracuse, Jan. 17. Vaudeville, which has heretofore been featured at the annual New York State fair, will be dropped this year.

The fair, scheduled for the fall, intends replacing vaude with amateurs recruited from various organizations participating in the expo.

## Fay Takes Over N. Y. Theatre For One-a-Day Vaude

Frank Fay has leased the Hudson, New York, from Sam Grisman and will open in two or three weeks with 'straight vaudeville,' but only eight shows a week, once nightly, matinee on Saturday. Harry Delmar will be associated with Fay. Sealed at \$3.30 top.

First reported that the Shuberts would be interested and that Fay would probably take their Cort theatre, but that's out. Some acts, names not disclosed, are set. Others will be added before week is out.

Band will be in the pit. Will consist of about 10 acts and will not be changed regularly, staying as long as possible.

## NUDIST TERPER SUES IN CONTRACT VIOLATION

Detroit, Jan. 17.

Zorine, nudist hooper, seeks \$500 damages from her former manager and publicist, Frederick Merrill, who, she claims, jumped a contract with her to pilot Dorothy Henry, milk-bather currently at local niterie.

Dance asserts that Merrill compelled her to go through engagement last October although she was ill at the time. Result was an operation, she claims, that kept her off stage for some time. Meanwhile, Merrill is charged with skipping on her and taking over management of Miss Henry, who, Zorine declares, stole her act.

Merrill, in his filed answer, declared that Dorothy Henry is not considered a nudist or a semi-nudist, and therefore the contract with the plaintiff has not been violated.

## Stanley, Utica, Starts 3-Day Vaude Feb. 7

Stanley theatre, Utica, starts three days of vaudeville weekly Feb. 7. House is operated by Warners and will vaudeville Tuesday to Thursday with name acts, staged house band and occasional name bands.

Al Rogers, booker, will have three houses by that time, with Rivera, Brooklyn, and Fabian's St. George, Staten Island, due to start in two weeks.

## New Yacht Club Show

New show at Yacht Club, New York, opens Friday (20) with Lester Allen, Three Playboys, 'Rosie,' Nellie Brown, George Davis and Enis Beyers heading a new show, which is also something of a new policy. Show is geared strictly for knockabout hoke comedy. Boots McKenna staging. Special material by Ken Nichols. Title is 'Laugh, Town, Laugh.' An orchestra (white) wasn't set up to Monday night.

Heretofore a colored swing spot.

Club-date bookers are unhappily studying some of the ramifications of being named employers, rather than agents, by the unemployment insurance and social security boards of New York. They see headaches for themselves with increased advantages for acts they handle.

Firstly, as employers, bookers are fully responsible for acts' wages. Time-worn excuse for stalling pay-off, where bookers say they haven't yet collected themselves, can no longer be used as employers, since, they pay salaries to the acts whether or not they collect.

Another worry is the status of the bookers' responsibility towards employee insurance. Some bookers have inquired into compensation insurance with an eye to protecting themselves in the event of an accident to a performer while working for them. All employers must carry compensation under the law.

Bonding of office salesmen, known as representatives, and additional insurance to protect themselves on collection of fees is still another problem. Many office reps have scrambled with coin collected at a show and acts have had to accept that as an excuse.

## AFA Preps to Picket Sherman Hotel, Chi, After Accord Snags

Chicago, Jan. 17.

American Federation of Actors here is preparing to picket the Hotel Sherman and its sister hostilities, the Ambassadors East and West. Decision hinges on the latest efforts here of the AFA rep, Guy Magay, to reach an agreement with the Sherman hotel group on a closed-shop contract.

Putting pressure on the AFA for some pact with the Sherman hotel are vaude and nite club performers, who claim the Sherman is using an inequitable contract.

Artists claim that superficially they are signatory to appear in the College Inn, which is the hotel's main spot, but that they are forced to do shows in the private dining rooms. Claim the hotel caters to banquets and extends the same to it offers to them floor shows gratis. Another yelp is that the hotel has been cancelling acts and contracts without proper notice and remuneration.

Music Corp. of America, which is booking the hotel's rep, Guy Magay, because it's said to be linked with the tactics of the hotel.

## MIAMI SEASON OFF AFTER FAST START

Miami season, which started bullishly, isn't panning out so well. It's repeating the usual sock teoff and slow finale.

Gambling always a hurdle, is working out pessimistically, with the lid clamped, which is a big factor in the sluggishness.

## \$12,000 Cafe Blaze

El Cerrito, Cal., Jan. 17.

Fire which destroyed the Acme Club, El Cerrito niterie, caused damage estimated by Manager Ed Stewart at \$12,000.

The nite club, which had been raided several times recently by gambling squads, was outside the city limits and firemen ran hose lines for five blocks before they could get water.

Youngstown, Jan. 17.

Venice Gardens, night club here, was destroyed by fire of unknown origin last week with loss estimated in excess of \$10,000.

Loss partly covered by insurance

## Night Club Reviews

### RAINBOW ROOM, N. Y.

Ben Cutler and Eddie LeBaron orchestras, later featuring Joan Cartier, Mary Martin, June Sidell and David Hacker; Dean Murphy, Martinet.

Double preem of Yalemman-maestro Ben Cutler, who used to be a variety tackle before he threw a songplunger for a loss, and Mary Martin, a new Broadway face, out of 'Leave It to Me,' gave the Rainbow Room an extra fillip in its general chi-chi atmosphere. Heavy socialite and professional turnout was as much to the credit of both, with Miss Martin (New Acts) particularly pulling the show bunch.

Stymied from doing her saucy 'My Heart Belongs to Daddy' out of 'Leave It to Me,' the songstress is a charming personality in a class environment with her song repertoire.

Save for the bands and Martinet and his Trained Crow, the rest of the debut show is under New Acts. Of these, June Sidell and David Hacker dropped out after the opening night, being too broad for the room, although their Hartmanesque jokum would be okay in a lesser league.

Dean Murphy (also New Acts) is a mimic who has possibilities, but needs editing and scissoring. Martinet is a whitefaced vet who works with clocks and kindred legend-mahn, but whose forte is working with the Trained Crow. Latter serves as a foil and straight man in the juggling, doing some rather amazing bits. On a cafe floor the Continental clown, who is otherwise in nondescript formal getup, is rather a novelty.

Eddie LeBaron, tango-rumba maestro, who goes with the Rainbow Room, lease-and-should-now has a new featured vocalist in Joan Cartier, a flashy looking blonde who sings her lyrics in standard style. Maestro Ben Cutler succeeding Al Donahue, is another returning, having been here before. Cutler does a corking job on both the dancipation and for the show portion. Abel.

### TOWN CASINO

(MIAMI BEACH)

Duke Dingley has a big piece of this smart spot and he's done a swell job of putting what heretofore was a white elephant back on its feet. A personable young guy, he fronts his own band and turns out some killer-diller rhythms that have captured the enthusiasm of local society deb. He dispenses smooth and hot tunes in an admirable manner and his style of directing has the cats gaping toward the bandstand most of the time. A crew of expert swingologists surrounds him.

Current show features Paula Stone, daughter of trouper Fred. Opening night, papa Stone attended Paula's first nitero venture with his other two daughters, Dorothy and Carol, and Charles Collins, Dorothy's husband. He proved more or less of a

heckler, reminding Paula she had missed several taps while doing an interpolation of one of his routines. He worked himself and stopped the show cold. Miss Stone warbles a number of popular ballads in commendable style, but her Stone style of hoofing proves the high spot in her repertoire. Her taps are sharp and clear and her technique is proof of expert coaching.

The Evesley, m.c., looks like a curly-haired juvenile lead, and he sells the show for all it's worth. He possesses a swell pair of pipes keyed to an Irish tenor pitch. His renditions of popular as well as classical numbers are big league stuff. His 'Danny Boy' and 'Irish Eyes Are Smiling' are particularly outstanding. The Evesley dance team, are a holdover who have improved greatly since the spot opened. Victims of a heckling audience opening night, they've settled down and appear to have found their stride. They're not the tops here by any means, but their stuff is okay as filler material. Routines are too stereotyped, but deriving more on acrobatics than ballroomology.

Hank the Mule, another holdover, continues successfully as a novelty offering. A girl in a mule skin walks on tables, stands on glasses, spins customers around the floor and does some clever pantomime work to provide a novelty act comprising many laughs.

Freddie Daw trio provides music in the cocktail lounge. Thom.

### IRIDIUM ROOM, N. Y.

(HOTEL ST. REGIS)

Ice revue, featuring Sam Jarvis, Simpson Sisters, Guy Owen and Ben Baum and Don Marton orchestras.

The ice show at the St. Regis Iridium Room is the talk of the town among the fashionable set. It's put this chi-chi restaurant very much on the map to the degree that the conservative hostelry, knowing its regulars and content to cater to them modestly, has a bit of a problem on its hands because of the abnormally bullish biz some nights. It calls for much more maître d'hotel. John's take on the dancipation, with the situation on certain evenings, especially after some theatre premiere and the like.

What was usually accepted at the International Casino, or even in the Hotel New Yorker, is regarded as sock stuff by the Park avenue bunch patronizing the St. Regis, to wit: an ice revue on a cafe floor. Somehow that's rather novel and, in fact, when the hotel first heralded its plan, it was deemed quite as daring an innovation as was Benny Goodman's jittersburging at the Waldorf-Astoria.

In conventional manner, as has been going on at the College Inn, Chicago, or the Terrace Room of the Hotel New Yorker in New York, the ice mat rolls out from underneath an elevation and covers the regular dance floor. When the show's over, it's rolled back into its niche and the hoofology continues.

Present ice show is headed by Sam Jarvis, the Simpson Sisters, Guy Owen through an accident, is due back this week. Another new starter will be Eric Reiter, when Owen drops out. Meantime, the latter, with his highly effective gaucho getup and tango routine on skates, is a highlight. Ditto the attractive Simpson Sisters, one of whom works in deftly hand with Sam Jarvis' Equine routine. Latter is a realistic mask of the Eskey character.

The show is fast and kaleidoscopic, which is good idea for the sophisticated patronage which is partial to the dancipation on their own. The

hoof-music is well serviced by Charles Baum, piano-maestro, who was last with his combo at the Essex House and who has unimpaired considerably both as a personality and as a dance purveyor. An expert radio pianist, cafe work is still new to him, but he does a good job at the helm of his band here, both for the show and the straightforward dance. Don Marton is the alternate tango-rumba combo, and a standard in this type of work, having been last summer with Joe Rines at the St. Regis Roof.

In the standard \$3.50 table d'hôte and \$1.50-\$2.50 covert (after 10 p.m.) scale, the Iridium Room is one of the town's mopups, seating 350-400. It's said to be the most recent cause why the Persian Room of the Hotel Plaza, for example, has been so light on its biz this season. Abel.

### SHOW BOAT

(PITTSBURGH)

Pittsburgh, Jan. 11. At Marsico's Orch (9), Jackie Jenkins, Betty Benson, Kay Marie Baird, Mitchell & Rayburn, Evelyn Lee Girls (5).

Although Show Boat, anchored permanently at lower downtown wharf, has never managed to recapture old push of its upstairs gambling and name-act days, it's gradually being whipped into a moderately profitable enterprise again under smart handling of John Maganotti, a vet in the nitery field locally. Maganotti was formerly teamed with Etzi Covato in management of Plaza cafe couple of years ago, with Covato also teaming with his own since at Italian Gardens.

Entertainment's modest but good. In Al Marsico, Show Boat has one of the better home-town maestros. He was at one time a dancer, and Dick Powell's stage orch at Enright theatre and experience there makes it a push-over for Marsico to handle a show. Al knows plenty about dancipation, tone and style has been fashioned to suit spot's clientele. Kid trade is almost entirely absent here, so swing's out and sweet predominates.

Show's topped by Jackie Jenkins (New Acts), local hoover who doubles as m.c. Handles the announcing, which is plenty and gets plenty into his own specialties as well. Evelyn Lee Girls (5) are trim lookers, routines and costumes are lovely on the eye and kids can step out on their own. One of 'em, almost a dead-ringer for Joan Bennett, comes through with neat toe-tap.

Kay Marie Baird, torch singer, has a nice voice, but special arrangements are over-arranged and too lengthy, cutting in on her effective. High spot for ringsiders is appearance of Ben Baum (New Acts) in session of exotic dancing, hula and Oriental. Mitchell and Rayburn, mixed team, wind up with some novelty comedy dancing. She's little, he's tall and lanky and cute overalls costumes help. Should cut the opening chatter with Jenkins, who's rather slow 'em down and isn't particularly slow 'em down and isn't particularly slow 'em down.

Show Boat's a big spot, with circular balcony and downstairs seating around 350. Also has a merry-go-round but at one end that can look after another 20 or so. No covert, with \$1 minimum week-days and \$1.50 Saturdays. Cohen.

### Arcadia-International

(PHILADELPHIA)

Philadelphia, Jan. 12. McDonald & Ross, Catherine Smith, Betsy Ross, Vanderbilt Boys, Vera Niva, Elmer Hoffman, Mario Villani, Clem Williams Orch (11).

Show here is pretty mediocre for a class spot of this type. Except for Mario Villani, m.c., it's made up entirely of youngsters in the lower-fee category and lacks a strong standout or novelty. Topheavy, too, on warbling and terping. Two of the acts, however, show promise and save the show from absolute oblivion. They're Catherine Smith (New Acts) who does ballet and tap work, and the Vanderbilt Boys, hand-balancers.

Villani, cafe operator in Philly for years, m.c.'s well. With an Italo-French accent, he's sometimes almost unintelligible, he's nevertheless appealing and has a strong personality. Also gives the acts a nice buildup. He once warbled, too, but of late has kept away from it, although a try at his 'Valencia' might make a neat novelty.

Opener is McDonald and Ross, back roomers at very low fee. They have little in the way of routines, which aren't aided by the femme's poor wardrobe. In the duette is Catherine Smith, a distinct lift with her charm and technique, although it's unfortunate the two dance acts follow each other.

Betsy Ross, chirper with the band, who's third, is just a mite, and cute, but it's pretty tough to judge her pipes because she's drowned out by the orchestra. Same is true of the

(Continued on page 53)

## Henry Chesterfield Dead

(Continued from Page 41)

first lessons in diction. Chesterfield failed his own test for dramatics to the studied enunciation and every speech he made was a sharp etching in histrionics.

Until 1931, Chesterfield had a sinecure as executive secretary of the NVA. Then the combined factors of skidding vaudeville and the general depression made itself felt on the club's resources. Chesterfield was told by the Variety Managers Association to economize. The rent for the clubhouse was cut from \$30,000 to \$25,000 yearly, and the all-around operating expense of the club was curtailed to \$150,000 yearly. Of the latter amount, \$60,000 went for the operation of the club itself, salaries, etc., while the balance took care of the charity end, exclusive of the Saranac Sanatorium. This was administered by the NVA Fund (managers) until two years ago, when the NVA Sanatorium became the Will Rogers Memorial Hospital under the supervision of the Will Rogers Memorial Fund.

In 1934 the NVA's financial crises hit their peak. Gross receipts, annual hat-passing in theatres had been dwindling since 1930; the clubhouse had become such a drain on the NVA Fund that proper and full administration of the Saranac Sanatorium was endangered. Managers told Chesterfield that the NVA would have to move from the elaborate clubhouse which vaudeville could no longer support. Chesterfield refused for the membership. He tearfully told a protest meeting, 'What will happen to those poor souls (actors), who will have no place to come and read, to sit down and rest.' He refused to accept smaller, more modest quarters, even threatening to go to Washington and demand a probe into 'what happened to all that money.'

By Chesterfield's reckoning there should have been a \$550,000 balance on the NVA Fund from the \$355,757 collected in six drives from 1928 to 1933. This the Fund denied, and on June 18, 1934, virtually evicted the NVA from 229 West 46th street. Chesterfield brought suit against the Fund, meanwhile asking a receiver-ship. Harold Rodner, of Warner Bros., one of the defendants named among the managers, had this to say of Chesterfield in his answer:

'It is Chesterfield, primarily, who has instituted this suit, because he is loath to lose the \$250 weekly salary and the power which he holds over the members of the profession. In short, Chesterfield feels himself slipping.'

### Receivership Denied

The receivership was denied in N. Y. supreme court and trial of the civil suit never evanuated. To appease Chesterfield, the Fund settled around \$12,000 on him. His personal fortune of around \$75,000 was lost in the stock market crash; in 1935 he lost even the Fund's bequest when he turned manager himself and instituted an ambitious but short-lived vaudeville-pictures-ballroom policy at the Mosque theatre, Newark. Chesterfield left his widow virtually penniless. Having borrowed up to the hilt on his life insurance to meet obligations incurred in the Newark venture, he eventually was forced to allow the policies to lapse. He stated once that the Newark experiment cost him \$25,000.

With the removal of the NVA into one-floor quarters at 247 West 46th street in 1934, Chesterfield's job became non-salaried. The membership, however, later voted him \$10 weekly for expenses. This, incidentally, will be paid his widow for one year. Now strictly a social organization, the membership in 1937 revolted against Chesterfield's one-man rule. It asked for a full election of officers, including a vote on the executive

secretaryship. Chesterfield resigned and at first refused a renomination for the post, but was drafted by the pro-Chesterfield faction and then unanimously re-elected. Lou Handin, former actor and Chesterfield's attorney, was elected to the presidency. As a token of respect and memorial to Chesterfield, Handin said last week that the position of executive secretary of the NVA hereafter will remain vacant.

Chesterfield was buried from the same funeral parlor in which he died. During his eulogy on Brandt, Chesterfield remarked twice that he was merely doing what his old friend would have done for him if fate had called him first. Also coincidental was that the first person to rush to Chesterfield when he was stricken was Ralph Whitehead, executive secretary of the American Federation of Actors.

A few months after the NVA had been evicted from its clubhouse, Whitehead's AFA was given the old White Rats charter as an AFL member of the Associated Actors and Artists of America.

Saturday (14), the body of Chesterfield was taken to the clubhouse, now the Hotel Sharon, he fought so hard to retain. His body lay in state in the lobby for three hours.

Services for Chesterfield were originally planned for Sunday afternoon (15) at Walter B. Cooke's funeral parlors, but then set back to the morning because of the previous scheduling of James J. Walker's WMCA broadcast from the NVA clubhouse that afternoon. Walker, who makes a tour of the city's institutions, hospitals and clubs as part of his weekly program, mentioned Chesterfield in the broadcast and said that the deceased would have wanted 'the show to go on.'

Rabbi Benjamin A. Tinnin officiated at the services, which crowded the 300-seat parlor to overflowing. Brief tributes were paid by Louis Handin, president of the NVA; Myron M. Behrman, representing the Masons; Alan Correll, of the Theatre Authority; R. B. Burnside, of the Catholic Actors Guild; Noble Sissie, of the Negro Actors Guild, and William Degen Weinberger, for the Jewish Theatrical Guild.

A Hawaiian string ensemble played during the services. Joseph K. Howard, as per a promise made to Chesterfield some time ago, sang 'Nearer, My God, to Thee.' Following the service, the cortege was escorted past the 46th street clubhouse by 50 actor-American Legion members en route to Mt. Carmel Cemetery, Glendale, L. I.

Besides his widow and mother, Chesterfield is survived by two brothers, Louis and Charles Selner, who operate the Chesterfield hotel, Miami Beach.

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## MINOR and ROOT

EL RIO CLUB, NEW YORK

## NEW ACTS

## BILLY HOUSE

Comedy  
20 Mins., Full (Special)  
Palace, Chicago

After years of his 'Resolutions' sketch, House comes in with an act built along the lines of his recent radio program, 'Laugh Limer,' and his main source of comedy here is the sequence of 'Amazing Dr. Billyhouse,' which is a good basis for laughs.

There are several rood spots in the act at present, but there is no question that most of them will be ironed out before many days have elapsed. First correction, unquestionably, will be the elimination of the youngster Barbara from the act. Kid adds nothing to the turn.

Hank Ladd and Francis turn in good work with House, Ladd on-and-off throughout the act. Francis is the nurse in the 'Billyhouse' sequence and neat. House is also carrying a walk-through stage for a couple of laughs.

Act opens 'in one,' with House doing some monolog and then crosses with Ladd, broken by occasional interruptions by the stooge. Goes into 'full' for the 'Billyhouse' number, which will undoubtedly be trimmed and tightened; and finally back to 'one' again for some music and dancing finale.

House is to be commended for going to the time, trouble and expense to build an act instead of merely slapping a couple of joellimers together and spreading a thin monolog for a turn. Vaudeville needs more performers who will go to the effort of producing an act instead of putting it together with paste-pot and shears.

## BETTY BENSON

Dancing  
6 Mins.  
Show Boat, Pittsburgh

Gal's one of the more expert torso-tossers, with the most educated pair of hips on display in these parts for some time. A natural for the hot spots, she puts plenty of meaning into her exotic numbers without ever making them look anything but class.

Flesh display is artful and her flimsy costumes are attractive. Her best bet is the hula. Danced in the conventional grass skirt and lei, it's a sizzling exhibition done with good taste. Strictly for the niteries as is, but with a little toning down could fit into the stage picture as well.

Cohen.

## JOY HODGES

Singing  
14 Mins.; One  
State, N. Y.

Joy Hodges' first Broadway stage appearance, opposite George M. Cohan in 'I'd Rather Be Right,' got her a ticket back to her native Hollywood. After her showing here, it doesn't look like pictures did her sense of stage presence any good. When she's not singing she appears lost. The corny 'I hope you like it' follows her announcement of every song; also, she's not entirely at ease in her brief talk with Clarence Stroud, m.c. of the current show.

Vocally, however, Miss Hodges easily goes over. Sings 'Walking Stick,' 'Have You Met Miss Jones' and 'I'd Rather Be Right,' from the Cohan show; a medley and finally 'Charley Is My Darling.' Later, announced as a Scotch folk song, is an unhappy selection as an encore. It gives her a quiet getaway.

In dress looks and chassis, Miss Hodges looks like Hollywood. Scho.

## GILBERT BROS. (2)

Bar, Acrobatic  
6 Mins.; Two and One  
Radio City Music Hall, N. Y.

Gilbert Bros. must have been around, but are new to the VARIETY files, so, for the records, they're detailed anew. Team is a graceful pair of horizontal bar workers, doing their lifts, holds and fulcrums with poise, distinction and eclat. They don't overstrain nor overwork their efforts, yet the essential skill and dexterity of their gymnastics is readily apparent—especially to the well-fed bunch that usually patronizes the Music Hall and must sigh with relief that they don't have to keep in top-of-the-hand stuff in order to achieve some of that difficult gym work.

The Gilberts are nicely attired in tenniser-type sport clothes. For the topoff they do some quite sensational floor and lift work that's focused primarily in the strength of their hands. It's also a mixture of fulcrum and balancing in combination with the hand-to-hand stuff.

Acts of this nature are always okay in mass capacity houses like the Music Hall, where the sight element is an important factor. However, this cluiplet team would be just as effective in closeup range of a class niterie, a hotel floor and similar cafe dates.

Abel.

## JOEY FAYE

Comedy  
3 Mins.  
One and two  
Majestic, New York

Joey Faye, from burlesque and the late 'Sing Out the News' musical, has taken the basic principles of Deszo Retter's old razzling act, given it some talk and moulded it into a smash comedy turn. He panicked the first-night audience at this straight vaude spot.

Faye acts out all the principals; two wrestlers, announcer, referee and candy butcher. Biz of the referee is especially funny in its panto imitation. As the wrestlers, Faye strips down to fringed bloomers and a toupee on his chest. He's a laugh on sight alone.

This type of act hasn't been seen on vaude stages or in niteries for some time. It's almost surefire for any type of spot.

Scho.

## JACKIE JENKINS

Comedy  
5 Mins.  
Show Boat, Pittsburgh

Personable youngster is a good prospect for development in the eccentric hoofing field. Has a lot on the ball right now, but still needs a bit of polish. At Show Boat, Jenkins is also serving as m.c., but it's his dancing that registers best.

High spot is something he calls 'A Tap Dancer's Nightmare.' Youngster comes out in loose-fitting, over-sized suit (class garb would be even more effective) and simulates sleep, at various times 'running into' Will Mahoney, Ben Blue and Pat Rooney in his dream. Takes a flock of neat falls in the Mahoney manner, does the Mahoney kicking naturally. It's all right, too, on Blue's comically bizarre stuff. Routine has flock of other possibilities and Jenkins seems to possess enough natural hoofing ability to work it up.

Cohen.

## JUNE SIDELL &amp; DAVID HACKER

Comedy Dancing  
7 Mins.  
Rainbow Room, New York

Sidell and Hacker are another in the galaxy of Hartmans, Moore and Revels and kindred style hokum ballroomologists. They're just a shade broader, and because of that the snooty Rainbow Room had to let them go after the first show.

Team is commercial for the intermediary spots, although even in the minor leagues they could underplay the hoke to better results. He's particularly broad in his grimacing and the girl overdoes the derrier business in the awkward posturing.

Abel.

## BEVERLY BEMIS

Dancing  
5 Mins.  
Tower, Kansas City

Beverly Bemis makes her debut as a vaude single here currently, being attached to Ted Weems and his orch for about three months of theatre dates. Her work is limited to two short routines, both taps in which she's in good style. She has an attractive stage presence.

Formerly the girl teamed with her brother as Billy and Beverly Bemis in vaude and in a series of shorts for Warners, but Billy's retirement via a recent marriage has put the girl on her own. Although this marks her first theatre appearance solo, gal spent some time in nite spots, notably the Bal Tabarin in San Francisco.

Quin.

## THE DEL RIOS

Acrobatic  
8 Mins.  
Roxey, N. Y.

Though looking seasoned and probably an act that has been working in night clubs or out of town, the Del Rios are not in the New Act file.

An acrobatic turn of the better type and different, the Del Rios feature combinations of a unique order as well as hand-to-hand work. Trio consists of two men and a woman, all in evening clothes. One of the clever combinations effected has the girl in an acrobatic pose on the back of one of the men while supporting the other male herself. Several sock combos figure in hand-to-hand work. Whole routine is clever and neat.

Char.

## DEAN MURPHY

Mime  
8 Mins.  
Rainbow Room, N. Y.

Dean Murphy is a personable young man of much promise whose material is smart, but whose routine is overboard. Skillful editing job will solve it. He runs the gamut of mimicry with takeoffs on Hugh Herbert, Hepburn, Boyer, Muni in 'Zola,' Richman, F.D.R., Mrs. Roosevelt, Ned Sparks, etc. Some good, some n.s.g. Mrs. F.D.R. was rather in bad taste; and the Dems in this usually Tony point gave out with a mild hiss at the lampooning. Boyer was a complete missout, ditto Garbo, Muni OK. His Joe E. Brown didn't. Murphy's physiognomy lending himself well to that.

Neat worker, dapper in tails, his material is bright and crisp, but not too boffo. He could stand some more spectacular punctuations in the way of sock laff material. Abel.

## MARY MARTIN

Comedienne  
12 Mins.  
Rainbow Room, New York

Every musical comedy season sees a new face who, without attaining stardom that year, augurs much for the future, or it's just a flash-in-the-pan. For instance, last season it was Joy Hodges, a Coast girl out of Jimmy Grier's band, who, through being coupled with George M. Cohan as the ingenue interest, got attention. This year it's Mary Martin in 'Leave It to Me,' the Victor Moore-William Gaxton-Sophie Tucker stage musical, who, through the medium of a savvy Cole Porter lyric, 'My Heart Belongs to Daddy,' and a fresh stage personality, came to the fore.

Thus she's doubling into the Rainbow Room as a mild sort of a name, doing only the post-theatre show, since the regular 9:15 dinner session conflicts with the Wiman musical. Through stage copyright restrictions, and a wise move by Wiman of course, she can't do the 'Daddy' number, which Miss Martin explains charmingly, but very effectively vocalizes 'Hometown,' a swing version of 'I Baccio' (The Kiss) and 'The Humming Bird.' She works with a mike, and while not necessary in the R. R., it's a wise defensive mechanism to preserve her voice.

Miss Martin has been getting quite a bit of trade publicity through her Brunswick waxing of two Cole Porter tunes from the show (with Betty Duchin), plus the fact she's a Laurence Schwab and (he has her under personal contract) and she should ride the crest on the heels of the stage musical comedy l.i.t. There's a dearth of names for cafes, especially in the smart spots, and Miss Martin has every chance to click as a niterie name. Especially following her very good impression here. She's a bet for pictures, too.

Abel.

## NELSON and MARSH

Dancing  
5 Mins.; One  
Beacon, N. Y.

Mixed team in evening dress essays the shag type of buck 'n' winging. They're fast and young, but need a little more polish and another type of routine that would nullify the impression they only know one brand of dancing.

From first appearances they look like ballroomers. It might not be a bad idea if they adopted the Astaire-Rogers type of dancing as a break in the shagging. Both are sufficiently personable and good-looking to register in the niteries.

Got across here sily when caught.

Scho.

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New York Daily Mirror

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INDIANAPOLIS TIMES  
November 29, 1938

' . . . it's humor of the smart sophisticated sort—and well worth seeing . . . and winning most applause is Jack Durant.'

VARIETY

December 2, 1938

'Jack Durant . . . goes better than anyone else in the show . . . in the show's finale he gets a bigger hand than . . . or any of the others.'

SAMUEL T. WILSON  
Columbus Dispatch  
November 25, 1938

'Jack Durant vows the house.'

W. WARD MARSH  
Cleveland Plain Dealer  
November 19, 1938

'Jack Durant, doing a solo turn, reaped the reward of stopping the show.'

ED SULLIVAN  
New York Daily News

'Jack Durant stops the show . . . '

E. B. RADCLIFFE  
Cincinnati Enquirer  
December 10, 1938

'His characterizations are sensational . . . which find its outlet in hilarious comedy and winds up the Shubert stage bill with a TNT climax.'

BETTY CRAIG  
Denver Post  
October 25, 1938

'He was great in his patter, mighty clever in his impersonations and made a real hit with the customers.'

While appearing as the comedy lead in 'ROBERTA' . . . CALVIN McPHERSON in the St. Louis Dispatch on June 28, 1938 said—'Jack Durant won the audience with his first appearance as Huckleberry Haines and late in the show stopped the show.'

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## BEACON, N. Y.

(NEW)

Dave Schooler's Swinghearts girl orch (16), Harrison Sisters (3), Joe Arena, Nelson, Ray, & Harrison; Angels With Dirty Faces (WB).

Vaude is getting another chance in what was once its strongest area in New York, mink-coated Broadway between 70th and 100th streets. The Palace used to draw the best of its trade from this area; the 81st Street and Riverside (98th street) were important two-a-days on the stage show in these parts in years. And the Beacon's teatime on a five-day-a-week vaudeville policy doesn't augur a brilliant revival.

This house has been a white elephant ever since it was first operated by Warner Bros. It's now being operated by the Skouras. Good-looking inside, it doesn't look more like a dime shop than a prosperous nabe operation. The billing and the photos outside are distinctly cheap and old-fashioned, with naturally faded appeal. The passersby points up again the fact that few managers know how, or care, to sell a show properly. Another instance of poor vaudeville management: putting it on the chin; it's vaude and not the selling of it that takes the blame when the boxoffice doesn't favorably reflect the extra expense of stage shows.

Vaude is scheduled to run five days, from Thursday to Monday, inclusive, with a single feature. Duals and the remainder of the program. First layout is headed by Dave Schooler and his Swinghearts, 16-piece girl orchestra, but the management is rather uncertain about whether Schooler, once a highly popular stage m.c., will be a permanent fixture. Schooler is pictured hampered by the outmoded, glum house type presentation, the tremendous stage and the poor musical quality of the female aggregation. Water is being splashed on the usual baby spots and they point up very little youth and beauty.

Five acts comprise the remainder of the show. Schooler's m.c.'s, Opener, the Harrison Sisters (3) give out with harmony singing that's basically the same as numerous trios of their type. They're billed on the radio, but there's nothing distinctive about their arrangements of 'Honey Suckle Rose' and 'Rain, Rain Go Away.' They're rather a cossier dress, too. Quietly received.

Joe Arena's act work with a bull-terrier is a nice interlude in the decent spot. It's a four-minute turn, nicely padded and under the lights as Arena continues pulling glasses of colored liquid from his pockets and drinking 'em. Nelson and Marsh (New Acts), mixed shaggy 'n' wing team, also generate some life in the next slot.

Show's comedy burden is on Evelyn Wilson, who does a drunk, and Ray and Harrison, in a mixed team, still doing their 'A Pain in the Ballet' act. Fact that Miss Wilson will do a drunk is cued in Schooler's introduction, but the surprise element, but the femme's comedy and hoke singing goes over nevertheless. Ray and Harrison's knockabout act, when the laughter between the dapper male and 'fat and forty-ish' woman also scores.

Schooler's band gets several work-outs during the show, including a dark than when the lights are up. Generally, though, it's hardly appetizing ear-stuff, and when the band essays the tunes all at one time, it's doubly 'n'.

Schooler is as personable as ever. A grade-A pianist, he almost saves the day for the entire band when he solos Liszt's 'Hungarian Rhapsody.' He has the appearance and stage presence to front a band, and certainly rates a better one than he now has.

Layout dragged through 58 minutes at this viewing, Friday night (13) and biz was fair, the b.o. being badly clipped by the winter's worst snowstorm. Manager of the house is Montague Salmon, long on the Skouras staff. Scho.

## STATE, HARTFORD

Hartford, Jan. 15.

Tommy Dorsey's Orch., with Jack Leonard, Skeets Hurlfur, Edythe Wright, Milton Douglas, Priscilla, Jack & June Boyle, Sam Kaplan's house orch; 'I Am a Criminal' (Mono).

House this sesh is striking pay dirt with Tommy Dorsey's orch, plus two additional acts. Dorsey and his 15-piece unit, mostly brass, is providing a sparkling sesh. Running about 65 minutes, it's solid, diversified entertainment.

Dorsey's music rates high in its field. The music is a mass of swing into the period; on several occasions, he joins the band for some torrid tromboning. Band is on stage all the time.

As a starter, orch offers a swing arrangement of 'Old Black Joe' followed by three other numbers, 'Two Sleepy People' and 'With a View' and 'My Reverie.' Show places emphasis on instrumental and vocal numbers, but Jack and June Boyle, youthful tap duo, provide variety

with some nicely timed tapping. They're especially cliked with a chair dance.

Skeets Hurlfur, of the band, uncorks some comedy singing of 'Kernell's Thing, Thing, Don't Daddy.' Then indulges in some peckin' with another musician for some more laughter. Edythe Wright, vocalist, comes through with 'Eadie' and 'Mulberry Bush' for nice results.

Milton Douglas gets by with some cross-to-the-stage in the audience. Follows with patter with a gal, Priscilla, that is partly off color. Although much of the talk is stage crossed, they manage to push it over.

Band then dishes out a swing version of 'Hawaiian War Dance.' Nice arrangement. Jack Leonard, other vocalist with the band, warbles effectively four pop numbers, 'Get Out of Town,' 'Old Folks,' 'Deep in a Dream' and 'I'm a Criminal.'

At show closed Saturday (14) biz was exceptionally strong. Eck.

## LYRIC, INDPLS.

Indianapolis, Jan. 13.

Frankie Masters' orch, Marion Francis, Slim Timblin, Novak & Fay, and 'Devil's Island' (WB).

Frankie Masters' orch provides fifty five minutes on stage, but name is not strong enough to bring the customers in at the wicket. Band consists of 11 pieces with harp, with accent on 'bell-note' rhythm. Masters' music is rather unexciting, but vocally is not a standout. Band opens with a rhythm tune, then swings 'Take Me Out to the Ball Game.' Followed by Stone and Barton, 'The Old Timey,' and then alternate in impressions of Pat Rooney, Bill Robinson, Ruby Keeler and George White, the mimicry being a mental exercise. Next is the standard tap 'Orpheus Overture.'

Band then does 'Bojangles of Harlem,' featuring the drummer, with Masters' stepping in for a vocal helped out by the glee club. Entire vocal comes down to vocalists. 'It's Love.' Marion Francis follows and scores well with her swing-singing of 'Don't Let That Moon Get Away.' 'Ave Blue,' and 'The Street People' in which she is joined by Masters. Novak and Fay follow with some dead pan acrobatics, consisting of shoulder stands and other work in which partner misses the holds. Masters then warms up the larynx with 'O' Man Mose.' Slim Timblin does his black-face act, down to New York, with a blackface comedy marriage ceremony as finale. Act has always gone well here, but is out of place in band show, even to the point of making the crowd frown. While other acts do stuff in front of orch.

Show closes with medley including 'Pagan Love Song,' 'Make Believe,' 'In This Corner of the World,' and 'Good Night, Sweetheart.' 'Biz thin at third show Friday. Kiley.

## FOX, DETROIT

Detroit, Jan. 13.

Kidoodles (4) Steve Evans, Buddy Clark, 'Gang Busters' radio drama, Danonettes house orch, Sam Jack Kaufman house orch, Aggie Moll, 'There's That Woman Again' (Col).

Hooked up as a 'television show' of the future, current bill at the box is okay, though nothing starts in line to prompt patrons to rush out and purchase a visio set. Nevertheless, it's a good production job on what's at hand.

Except for theatre's line, the Danonettes, most of the current menu is obtained from radio. To bring in the 16 girls, there's a small stage erected on stage proper and show switches back to Fox theatre occasionally to glimpse a routine (one, a puppet number, is a stand-out). Sam Jack Kaufman, head of his chortles bawling the pit band, knits the acts into production with nice bit of m.c'ing.

Phillips H. Lord's 'Gang Busters' doubtless is as good a cue for a heavy drama as any other act, what with puppet dialog, plenty of pistol shots and expert performing and sound effects but something wrong with it when 15-minute skits over. Or maybe payees were just chilly after braving a snow blizzard outside.

The Kidoodles, four males with go of instruments and things offer some nifty novelty numbers in the opening cop. Especially their 'down on the farm' bit. Buddy Clark, net work baritone, has a nice set of pipes.

Mimics of w.k. personages are Steve Evans' work, and he tops 'em off with takeoff on the 'Hunchback of Notre Dame.' Besides the puppet number, Danonettes contrib two other routines that look nice. Kaufman licks his boys through a medley of 'I'm a Criminal' and 'With a View.' Blizzard thinned out crowd plenty at early evening show Friday (13). Pete.

## STATE, N. Y.

Benny Meroff's Orch (13) with Doc Lang, Martha Perry, Roy Richards, Popkoff, Joy Hodges, Stroud Tullis, and George M. Caplan; 'The House of Cards'; 'Duke of West Point' (UA).

State isn't giving much of a stage show, and the audience is a weakie boxoffice celluloid in 'The Duke of West Point' (UA). Hence, the goss will probably be as anemic as the entertainment.

Marquee hits on Benny Meroff's bany Joy Hodges (New Acts) and the Stroud Twins (Claude and Clarence). Former is the Coast singer whose first Broadway, stage fact, opposite George M. Caplan, 'I'd Rather Be Right,' got her drafted to Hollywood. She hasn't yet attained the rep in films to make her a surefire coin-getter on personal.

The Strouds started to burn up the airwaves last year on the Chase & Sanborn show. Originally starting in vaude as comedy hoofers, they switched to drop comedy and were clicked on 'the air with that for a while. They're using the same style and tempo here. Clarence, also m.c'ing the entire show, but it's not entirely effective. Once they start dancing, however, and do a difficult hand-to-hand balancing trick, they're over.

Clarence, per usual, is a walking dictionary, while Claude plays dumb and lazy. It's too slow a routine to be caught as long as they're on, and that makes the comedy well the standard tap 'Orpheus Overture.'

Benny Meroff's orchestra (13), plus two femme specialties, closes the four-act, while Alf T. Loyall's dog act opens it nicely. Meroff's crew is not a novelty, but his music and is for novelty and comedy, especially in the antics of Roy Richards and Popkoff, both musicians with the latter named. Vet team sells smartly and scores strongly, making hard spot to follow, but band's comedy impression of name bands does the trick and highlights the dancing for appearance of Ann Sothern.

Miss Sothern, on to audible recognition by stub holders, looks well and gives out with legitimately sold brace. 'I'm a Dream' and 'With a Song in My Heart,' both entirely up to scratch and a solid handgetter. Leads into cleverly worked out vocal with Pryor for re-sounding series of curtain pullers. Burn.

## EMBASSY, N. Y.

(NEWS REELS)

Without the March of Time's reel on the refugee problem it would be a dull week for the Embassy's screen. The showing of this clip is brought to a rousing pitch by following it immediately with a Technicolor trailer of the Stars and Stripes blowing in the breeze and a record scratch grooving giving way to the 'Star-Spangled Banner' at the runoff reviewed, the audience quickly got to its feet and joined the soundtrack choristers in the anthem's several verses.

The time reel tells its story without rancor or resort to exhibits of physical torture. While a major part of the footage is devoted to the Jewish question, the picture gives considerable treatment to the plight of Chinese and Spanish refugees. The scenes captured in Nazi Germany grip the heart and the mind, and the job as a whole rates as a brilliant piece of documentation.

Little excitement is otherwise reflected from the international scene. Metro contribs a picture of the Premier Daladier's reception in Corsica. From Pathe comes an interview with Jan Masaryk, once Czechoslovakian prime minister, and son of the republic's founder. Masaryk's expressed hope for the future of his homeland has a heavy overtone of gloom.

On the domestic side, Pathe stands out with its glimpses of the army of homeless sharecroppers whose plight again became a front-page item last week. Paramount presents bits from the senate committee quizzing of Harry L. Hopkins, appointed Secretary of Commerce, and President Roosevelt's Jackson Day speech. Same company, flips in a few shots from the latest chapter in the Coster-Musica scandal, these showing the surviving Musica brothers being nabbed by state authorities in the latest roundup upon their release on bail by the federal court.

There are the usual scenes of horse racing, boxing, wrecks and whatnot. In the field of sports, Fox dominates with skiing and hockey clips, but Paramount draws the gold ring on chuckles with a kid taking a lesson in high diving, and the tendency of one of the youngster's trunks to keep sliding down. Ode.

## HIPPO, BALTO

Baltimore, Jan. 15.

Roger Pryor and orch (13), Helen Pammer, Red Hodgson, Ray Wilbert, Barr & Estes, Lane Truesdale, Ann Sothern; 'Little Tough Guys in Society' (U).

Recent run of strong flesh layouts here continues in good style this week with Roger Pryor's orch backing up a strong string of interpolated standards and p.a. Ann Sothern. Pryor has a workmanlike

## Par and Shubert, Newark, Shows Evidence Vaudeville's B.O. Strength

By JOHN HURLEY

In both its vaudeville houses (Shubert and Paramount), Newark is currently being served some well-seasoned and palatable shows at reasonable prices. Attendance and reception accorded both shows Friday (13) night during the blizzard was impressive. Paramount, showing playing to standing room with 'Beachcomber' (Bennyton) and Ozzie Nelson-Harriet Hilliard combo. Nelson Richman at the Shubert was eclipsed by the stronger Par bill.

The Shubert is a converted legit house located at end of a side street off the main drag. Seats are not too comfortable and theatre could do well with more plush seating. Eddie Sherman-Sam Siefel, booking-operating, took house over Xmas day and have since piled up some important grosses, with the exception of the current stanza. Imposing names have led off the parade so far, Ben Bernie bringing in \$12,600 in six days, Lou Holtz, \$21,000 (holly week), and Roger Pryor-Ann Sothern, \$15,600. No films; just shorts, so it's almost straight vaude unlike the Par's vaudeville.

Shubert has a nut of about \$6,000 weekly. Union scale for musicians and deckhands is reported very high here which condition ups the ante considerably. Like the Paramount, Shubert has a strong following of regulars on both sides being prepared for \$10,000 layouts, depending on circumstances. Both stands stick to straight gunnery and no percentages except in case of a big show. The funny attraction and house would split after certain figure is reached. Lou Holtz was bonused with \$500 on his week's work. The house is open on the regular house scale of 40-45c, and 75-95c weekends. Shows are four to five daily but can go to six if biz warrants. Par, under Leo's the Goodman, Kay Kyser, Richard Himber, Connie Boswell, Willie and Eugene Howard-Borrah Minevitch's Gang and Benny Field are booked for future Shubert lineups. Vincent Lopez, Abbott and Costello and Estelle Taylor are also coming in as one show.

Par's Setup

In this town full of dualers, the Paramount was forced to better its shows with re-birth of the Shubert. Formerly a very light nut, vaude and film, the new Paramount, N. Y., in physical aspect and considerably better looking than the Shubert, was obliged to up the shows to stand up to the Shubert. Par has for both in this 500,000 pop. city, it would seem, with grosses good at both. Par has the edge with first-run films, but against the first-run briefs at the Shubert, the latter is reaching out for super-draws and doing okay so far.

Paramount is operated on partnership deal with A. A. Adams and Paramount. Seats \$2.00 as compared to Shubert's 2.100 and sports same admish scales, except for drop to 25-35c for early bird shows. Al and Belle Dow, the Shubert's, it bucks the Proctor's, Loew's, Terminal and Branford, other first-runners. Seasonal reopening occurred Oct. 19, 1938, and net averages between \$700-\$8,000.

Here also some hefty shows are being set, with Duke Ellington in next week, followed by Will Osborne-Andrews Sisters, Jimmy Dorsey and his orchestra, and the International Casino company, last for week of Feb. 3. Louis Armstrong is also set for a whirl at the Par for the Doves who, at the time, operated the opposite Shubert. Par is able to buck Adams, now his customer.

Both houses report visits by out-of-town theatre ops who want to fender it, and the situation and policies with possibility of going flesh themselves.

There's no sitting on hands in either place, and a single wave called for it. At the Par, the crowd whipped up a steady stream of applause for Roseanne Stephens, Don Hammond, Betty Lou, besides the stellar Ozzie Nelson-Harriet Hilliard combo. Unit is excellently paced by Maestro Nelson and offers some promising new talent in Miss Stephens, a blonde and a very swinging singer; and the kid, Betty Lou, an astro-taster. Entire show was at the Strand, Brooklyn, last week. Cummings gave a little blue as does Richman at the Shubert but this town's customers go for it.

Shubert Show

Shubert works overtime with Bennyton and his orchestra, Jan. 13, including leader, Plenty listenable, sounding like a sizeable aggregation when working overtime. They take to the stage immediately following the Bennyton orchestra, and not too good-looking stands. Drapes and curtains are fair but stands have a very gaudy and five-and-dime affect. Handle show chores well.

Harry Richman handles the m.c. assignment in showmanly manner but says a lot personally on doing his own act, better than he opens. (Continued on page 47)

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Harry Richman handles the m.c. assignment in showmanly manner but says a lot personally on doing his own act, better than he opens. (Continued on page 47)

## ROXY, ATLANTA

Atlanta, Jan. 14.

Rozzyettes (16), Vernon Rathburn & Co., Al Allan & Lillian Croel, Howard Brown, and Roy Donnelly; 'Shadows of Shanghai' (GN).

Roxy (formerly the Georgia under Lucas & Jenkins, Inc., banner) has a pleaser in this show, the third, since opening under new name. It's a fast layout, with four acts carrying punch interspersed between three outstanding dance routines by 16 Gae Foster Rozzyettes.

Femmes open show with 'Boogie Woogie' number after Mike Segal, maestro, batons his 11-piece pit band through medley of hit tunes of past years. Girls are well drilled, young and lookers, and their precision is worth mentioning. Opening act is Vernon Rathburn, good sax tooter, his company, including Irene Blynn, singer; Pete King, tap dancer, and Lovey and Lovejoy girls do a creditable clog challenge number.

They're followed by Al Allan and Lillian Croel, who tried up show caught in the middle of the medley piano that's equipped with practically everything imaginable, including a spigot from which he draws beer. Their business is funny, girl sings and hoofs well and Allan's piano hokum scores. They had to beg off.

Gae Foster girls are back at this time for a superbly lighted and executed medley of songs, followed by Howard Brooks, whose eight-of-hand is only fair, but highlighted by smooth presentation and okay gags. Gene Devie and Don Donnelly, in next-to-closing spot, present chatter and songs that are good for the laughs. They're assisted in a pantomime number by Ann and Gene. Five by Rozzyettes, a skating routine that's a thriller. Girls speed around Roxy's ample stage in platoons of four and wind up in a pop-the-whirl final that all tosses femmes on end of line into pit. Evelyn Weiss, from the line, announces Show runs an hour.

Roxy is filling a long-felt need in flesh-and-blood entertainment. M. J. Baranco, former manager of State, Denver, Colo., is managing director of Roxy and is personally attending to stage production. Beth Mitchell, former assistant to Gae Foster, assisting.

Roxy's scale is 25c. to 55c., latter price being on 300 available seats. Biz expected to open pretty Sunday) was capacity. Luce.



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## FTP May Balk Piracy of Swing 'Mikado'; B&K Wants It for Pic Spots

Washington, Jan. 17. Government chieftains of the Federal Theatre Project here are understood watching closely the development of general commercial interest in the colored swing version of 'The Mikado,' which has proven such an outstanding smash in Chicago. With producers understood planning to raid the show and copy the idea, the FTP organization here is up in arms and may take action to forestall outsiders from appropriating an idea conceived and developed by the FTP.

Whether piracy or plagiarism action will be taken is as yet undetermined, but legal advice indicates that the FTP has basis for action on the basic idea of swinging the show, even though it does not hold the copyright on 'The Mikado' itself.

B. & K. Deal

Chicago, Jan. 17. Balaban & Katz has entered negotiations with the Federal Theatre Project here to buy 'The Mikado' in its colored swing version current at the Great Northern here. Balaban & Katz, it is understood, has offered \$5,000 a week for the show, and wants to signaturate the show for a 10-week minimum, planning to play it as a unit in picture theatres.

B. & K. is the latest company to attempt a deal for 'The Mikado,' but B. & K. is negotiating for the show direct with the government rather than attempt to exclude the FTP and do the show on its own.

## BERMUDA STOCK PLANS POSTPONED TILL SPRING

Because the new theatre will not be completed in time, the plans of Al Wagstaff and Alfred B. Leaman to take a company of Broadway actors to Bermuda for a season of stock have been set back. Figure the troupe will now go down in June and play through July, August and September, then return and make changes and additions in preparation for another season in the spring of 1940.

Wagstaff and Leaman had previously planned to take their troupe to the island in March for the preliminary season, but the amateur dramatic group, which is erecting the theatre to house the venture, sent word Monday (9) that the construction was not proceeding as rapidly as anticipated. Also an English repertory company is now scheduled to play a 10-day season in mid-February, using the Opera House which normally shows films. Wagstaff and Leaman aren't anxious to buck competition at the start of their stock venture, so they're just as well satisfied to wait until summer.

Former hopes to visit Bermuda soon to look over the situation. Leaman, who recently returned to New York from Palm Beach, has changed his plans and doesn't intend going to the island for some time.

## 380 FTP Coast Letouts Form Own Co-op Group

Hollywood, Jan. 17.

Cooperative vaude and legit outfit is the plan of 380 former Federal Theatre Project workers, mostly professionals, who were cut off the government payroll last Friday (13) by an upheaval in the Works Progress Administration.

Discharged actors held a mass meeting on a parking lot adjoining the Hollywood Playhouse, from which they had been barred. Jimmy Phillips, onetime director and actor, presided over the meeting, which decided to organize a new theatre group. Plans are still vague as to a bankroll.

### O'CROTTY SCRAMS FTP

Los Angeles, Jan. 17.

Peter O'Crotty resigned as publicity director of the Los Angeles Federal Theatre Project, a job he had held over the last year.

Previous to his Federal work, he had been with Walt Disney's publicity department. O'Crotty's resignation was followed by that of Don Victor, his assistant.

## Balto Legit Gloomy

Baltimore, Jan. 17.

Nothing on local legit calendar until Jan. 30, when George Abbott's 'Mrs. O'Brien Entertains,' by Harry Madden, will have its pre-Broadway workout at the indie booked Maryland. Ford's, town's UBO house, has Herman Shumlin's 'The Foxes,' with Tallulah Bankhead, listed for a three-day trial, Feb. 2. Nothing else is on deck.

Hilltop Players, town's strawhat aggregation with a successful summer season under its belt, essayed a three-day playing of 'The Vinegar Tree' at the Auditorium last week to fairish returns. May attempt another play later in season. Summer-time activities are slated for remodeled mansion on outskirts of town. Don Swann is directing the outfit.

## Actor's Poor Memory Puts Equity Into Law Suit on Stock Co. Bond

Because an actor in the stock company at Woodcliff, N. J., 'forgot' he had drawn \$10 a week for a week, Equity has been placed in the position of going to court to sue on a surety bond covering salaries. The schedule of money due the players did not agree with the manager's figures and the latter, Max Suderoff, a film exhibitor, ordered payment be stopped by the bonding company.

After he had denied getting any coin in advance when the cast assembled at Equity's offices, the actor telephoned that he had made an error. Players blamed part of the trouble on Jack Linder, manager of the house. They claimed that they had missed two pay days, but that the stagehands got theirs, telling Linder to get it up, which he did.

The Woodcliff stock has been under general managements, J. J. Levant, an indigent party, but it developed that he withdrew after guaranteeing the first three weeks' salary. There was contest over the right to play Sundays, which Equity first denied and then granted. Understood business has been under expectations, despite Sunday showings. House is now being operated by Robert Abramowich, also a film man.

## WALNUT, PHILLY, GETS LAST-MINUTE STAY

Philadelphia, Jan. 17.

WPA's Walnut Street Theatre here was saved by the last-minute intervention of national director, Hallie Flanagan, from being forced to shutter next Saturday (21). New York Gilbert & Sullivan company, now in its second week at the house, was slated to close at that time, leaving the Walnut without a fill-in.

Frenzied confabs by local execs with Mrs. Flanagan, however, resulted in the G. and S. crew being allotted five extra days here. They'll remain until Friday, Jan. 27, and a Roslyn, L. I., group, presenting 'Playboy of the Western World,' will make its road premiere the following night at the house. It's in for two weeks with three Saturdays.

By that time the local unit, which closed 'One Third of a Nation' four weeks ago, is expected to be spirochete, drama of venereal diseases.

## Playwriting Awards Group Meets Today

Committee awarding the Rockefeller playwriting fellowships will meet today (Wednesday) to make its selections. Understood eight young authors are under consideration, with five or six likely to be chosen. One award, to Betty Smith, was made last summer.

Fellowship committee includes Kenyon Nicholson, chairman; Katherine Dayton, John Golden, Paul Green and Allderdyce Nicholl.

## Boys Meet Girls

The 'Tobacco Road' theme of 'Primrose Path' has inspired sundry quips. Because of George Abbott's connection with 'Path,' one wheeze has it that 'The Boys from Syracuse' now has a counterpart in 'The Girls from Buffalo,' which is the locale of 'Primrose Path.'

Another nooks up two titles of Abbott shows, concurrent on West 47th street opposite each other: 'Primrose Path'—What a Life!

## TMAT ELECTS NEW OFFICERS

Election of officers and board of the Theatrical Managers, Agents & Treasurers Union was held Tuesday (13) after considerable delay due to the time consumed in adopting a new constitution during the fall. Saul Abraham was re-named president; Daniel Melnick, of the Cort boxoffice, v.p., and James Murphy, a treasurer who has been devoting most of his time at the TMAT offices, was placed in the post of secretary-treasurer.

Officers and the new board will act during a short term, since the annual election has been set for June. Therefore, in about 12 weeks, nominations for posts during the season of 1939-40 will be in order. Meeting was held at the Capital hotel and, with 18 tellers on the job, a start was made in counting the ballots. Because of careful checking, the count was slow and completion was postponed until Sunday (15), but the result concerning the officers end of the ticket was 'confidentially' known.

Lodewick Vroom, who withdrew as president last season, presided as chairman, as is the custom when the incumbent is candidate. Abraham, who is general manager for Eddie Dowling, originally accepted the post with the stipulation that he would not receive emolument.

There remain but three paid positions, that of sec-treasurer and two business managers. Murphy supplants John McCarron, who held the job from the time TMAT started and who has been in unionism for many years. Whether McCarron will have some other assignment, the subject has not been decided, but it is understood that he has a claim against the union.

Hal Oliver, a press agent, was re-elected as business agent, with Maurice Seamon his new running mate, having defeated Jack McNevin, former ticket seller who was set-up of a stormy petrel during the period when TMAT was struggling to obtain recognition from the managers.

There were keen contests for places on the board, make up of which is now more than 50% changed over from last year. The board is composed of 18. They are: Howard Schuebe, Mack Hilliard, Louis O. Werba and Tom Bodkin, for the house and company managers; Hugh McAuley, Arthur Wright, Richard Moon and Joseph Silverman, for the boxoffice treasurers; Elise Chisholm, Bernard Simion, New York press agents; Charles Emerson Cook, Howard Herrick, road agents; William Scott and William Carroll, picture division; Joseph Grossman and Milton Weintraub, Yiddish division. Bodkin was a candidate for president, but was added to board candidates.

## U. OF P.'S MASK & WIG SHOWS \$10,000 PROFIT

Philadelphia, Jan. 17.

Tally of U. of Pennsylvania's Mask and Wig club grosses, filled up during a one-week stay in Philly and a 15-city road tour, reveals the best total since 1926. Net profit was just about \$10,000. 'Top was \$3 in most cities, \$2.50 in others.

Tour, which started in Trenton before Thanksgiving and included two Saturday performances in New York, carried the club over 4,000 miles. It went as far west as Chicago. Showtagel, 'All Around the Town,' won most notice through its music. Two numbers, by Clay Boland and Bick Reichner, have been near the top of the 'Most Played on the Air' list.

## 5,000 WPA's Stage Orderly Protest Parade in N. Y.; Tooters Let 'Em Down

A parade of 5,000 WPA'ers, protesting the Government's cut in the Arts Relief Act, marched Friday (13) afternoon from Fourth and MacDougal streets to the executive offices at 28th and Madison avenue to present a petition to Paul Edwards, administrator in New York. The committee representing the Federation of Arts Unions was courteously received, but Edwards said that, while the petition would be forwarded to Washington, he is powerless to rescind the dismissals.

Following the demonstration, the Broadway district was covered by individuals who secured many signatures in support of the protest. Snow was falling, but the relievers kept soliciting until dark. When the parade reached the WPA offices, marchers bearing banners walked to and fro along the inceptor complemented the hour. The line of march was originally scheduled to wind up at City Hall, but was changed when there was no permit forthcoming.

There were supposed to be five bands, but musicians failed to follow instructions of their union leaders. Latter had ordered 150 men to report with their instruments, but, while that number did appear, there were only enough instruments for one band. Those in charge were disappointed, for it had been expected the musicians would pep up the procession. William Feinberg, of local 802 (musicians), expressed regret that his people had not responded as expected.

### Orderly Parade

It was an orderly procession, and a police inspector complimented the leaders for the well-handled arrangements, adding that the department was wholly in sympathy with such demonstrations. Equity led the march, and, although a comparatively small number of its members received let-out slips, there were 500 in that division. Participating groups were American Federation of Actors, American Federation of Radio Artists, American Guild of Musical Artists, Newspaper Guild, Federation of Musicians, Brother (Burlesque) Artists, Chorus Equity, Screen Actors Guild, Theatrical Managers, Agents & Treasurers, Scenic Artists & Woodcarvers & Modellers Association.

Comment of Col. F. C. Harrington, new national WPA administrator, to the effect that those let out would 'not starve peacefully' was not made a keynote of the protests in New York. At a mass meeting two nights before the parade, a fairly large attendance at the Hudson theatre also went on record against the letouts. Point of the gathering's speakers was that the dismissals 'must' be reinstated and that the deficiency appropriation must be secured to prevent future depletion of the arts projects.

The parade was supposed to be confined to unionists in American Federation of Labor affiliates, but the Newspaper Guild, which is CIO, wanted to participate and was accepted. Since the WPA committee is part of the arts groups in WPA. The Workers' Alliance, an independent union, is protesting along different lines.

One activity scheduled the appearance of 100 dismissed dancers in Times Square prior to a Washington trip, where it was proposed they display their talents on the steps of the Capitol.

### Expect More Dismissals

That further dismissals will be made was indicated by Edwards early this week, when he said that 70% of those to be ousted from the theatre project were off the payroll. Total to date was 861, by far the largest number of let-outs in one division. Within the arts projects. Explained that the theatre project personnel has always been as populous as all the other arts projects combined. Administrator added that the giving of two weeks' notice accounted for the balance of the dismissals. However, the Dies congressional investigation committee particularly bore down on the theatre project, charged with having many radicals in it.

Monday (16) a committee of seven planned to Washington bearing petitions signed by 200,000, protesting the cut in the relief bills, but also statements from show people to similar effect. Statements are said to have been signed by Fredric March, Herman Shumlin, Orson Welles, Zorina, Robert Benchley,

Franchot Tone, Eddie Dowling, Burgess Meredith, Sam Jaffe, Sylvia Sidney, Herbert Biberman, Dorothy Parker, Margaret Webster, J. Edward Bromberg and several others.

The flying delegation consisted of Gertrude Niessen, Phoebe Brand, Frances Farmer, Artie Shaw, Tamiris, Michael O'Shea and Robert Reed. They hoped to see the president and expected to visit Senator Robert F. Wagner.

A delegation entered the WPA offices at 1697 Broadway, declaring they would 'sit-in' without food until the order to drop 1,500 from the arts project was rescinded. Group left the building early Tuesday morning after an 'agreement' with Edwards.

## 'PINS' MAY RETURN TO FRISCO FOR FAIR

Hartford, Jan. 17.

Possibility that the road company of 'Pins and Needles' will play in San Francisco during the coming fair either at the fair grounds or at the Geary theatre, was indicated by Sam Schwartz, company manager. Company completed a three-day stand here Saturday night, grossing close to \$7,800 in four performances.

Understood that management of the Geary theatre, when planning for five weeks last August, has asked to have the production back during the interim of the fair. Representatives of the fair are also understood to have discussed with Labor Stage the possibilities of staging the production there.

Unit in 10 months tour has netted a profit of more than \$80,000, according to Schwartz. Sands remaining to be played are Ottawa, (20-21), and Montreal, week of Jan. 23.

## No Fair Legit

(Continued from page 1)

the stage end of the exhibitions activities.

It had been proposed and virtually decided to stage revivals of former hits in the Fair's 2,400-seater. However, some of the latter was pointed out that there will be too many divergent attractions for managers to logically expect audiences for full stage performances. Idea of condensing plays to a one-hour limit, as in radio, was also figured to be impractical, though that plan was favored for a time.

Another angle that showmen believe out of gear with the Fair is that of admission prices. Broadway's usual scale for straight shows is \$3.30, with most musicals higher. Places of admission at the Fair will be from 25 to 75c and, unless legit could operate at that latter level, stage attractions would stand little chance to draw sufficient patronage.

### Revivals Wouldn't Jibe

Understood that one reason that Fair executives did not particularly agree on the revival plan was the fact that it did not jibe with the slogans 'The World of Tomorrow' and 'Dawn of a New Day.' The ballyhoo along Broadway for the Fair has not developed to the proportions expected, but high pressure will come as the opening date nears. Most theatres are exhibiting Fair banners in the lobbies.

Matter of legit and the Fair was delegated to the American Theatre Council, which at a session last week decided that dramatic business should remain on the main stem, contention being that whatever proportion of theatre-goers are attracted will naturally visit Broadway. This portion of out-of-towners is figured to have budgets which will afford attendance at theatres. Plan of the FTC for a dramatic festival has not been formulated, but, if and when it eventuates, such activities will be in regular legit houses.

Shakespeare, in modified form, however, will be present on the Fair grounds, as during the Chicago and San Diego exhibitions. Such showings may be a reconnoitering time, but if so, the players must be paid additional salaries pro rata. Performances are limited to 42 minutes. Attraction, as 'previously,' will be known as 'Merrie England.'

# Best Performances of 1938 As Rated by the N. Y. Critics

In requesting the nine leading New York reviewers to name what they deem the best performances of the calendar year, no special limit was set by VARIETY. Some critics made more selections than others, but all opinions are printed. Listings are in the alphabetical order of the reviewers' names.

## JOHN ANDERSON

(Journal-American)

in Cedric Hardwicke, Julie Haydon ('Shadow and Substance').  
Dudley Digges, Peter Illoren ('On Borrowed Time').  
Frank Craven ('Our Town').  
Alfred Lunt, Lynn Fontanne, Richard Whorf, Sidney Greenstreet ('Sea Gull').

Laurette Taylor ('Outward Bound').  
Eddie Dowling ('Here Come the Clowns').  
Morris Carnovsky ('Rocket to the Moon').  
Raymond Massey ('Abel Lincoln in Illinois').  
Dean Jagger, Dorothy Gish, Mildred Natwick ('Missouri Legend').  
Helen Claire ('Kiss the Boys Goodbye').  
Maurice Evans ('Hamlet').  
Robert Morley ('Oscar Wilde').  
(Anderson specifically excluded musicals.)

## BROOKS ATKINSON

(Times)

Sir Cedric Hardwicke, Julie Haydon ('Shadow and Substance').  
Frank Craven ('Our Town').  
Margaret Webster ('Sea Gull').  
Mildred Natwick ('Missouri Legend').  
Werner Bateman ('Victoria Regina').  
Robert Morley ('Oscar Wilde').  
Maurice Evans ('Hamlet').  
Raymond Massey ('Abel Lincoln in Illinois').  
Morris Carnovsky ('Rocket to the Moon').  
Jimmy Savo ('The Boys from Syracuse').  
Vera Zorina ('I Married an Angel').  
Laurette Taylor ('Outward Bound').  
Jane Cowl, June Walker ('The Merchant of Yonkers').

## JOHN MASON BROWN

(Post)

Maurice Evans ('Hamlet').  
Robert Morley ('Oscar Wilde').  
Eddie Dowling ('Here Come the Clowns').  
Victor Moore ('Leave It to Me').  
Frank Craven ('Our Town').  
in Cedric Hardwicke ('Shadow and Substance').  
Laurette Taylor ('Outward Bound').  
Luther Adler ('Rocket to the Moon').

## RICHARD LOCKRIDGE

(Sun)

Dudley Digges ('On Borrowed Time').  
Ethel Barrymore ('Whiteoaks').  
Raymond Massey ('Abel Lincoln in Illinois').  
Robert Morley ('Oscar Wilde').  
Victor Moore ('Leave It to Me').  
Helen Claire ('Kiss the Boys Goodbye').  
Laurette Taylor ('Outward Bound').  
in Cedric Hardwicke ('Shadow and Substance').

## BURNS MANTLE

(Daily News)

Arthur Byron ('Stopover').  
Raymond Massey ('Abel Lincoln in Illinois').  
Maurice Evans ('Hamlet').  
Robert Morley ('Oscar Wilde').  
Nigel Bruce ('Knights of Song').  
Walter Huston ('Knickerbocker Holiday').  
Sir Cedric Hardwicke ('Shadow and Substance').  
Frank Craven ('Our Town').  
Stephen Courtleigh ('Prologue to Glory').  
Orson Welles ('Heartbreak House').  
Robert Speaight ('Murder in the Cathedral').  
Dudley Digges ('On Borrowed Time').  
Laurette Taylor ('Outward Bound').  
Victor Mootin ('Leave It to Me').  
(Mantle also selected a 'supplementary' list)

## GEORGE JEAN NATHAN

(News-Week, Esquire, Judge)

Maurice Evans ('Hamlet').

## RICHARD WATTS, JR.

(Herald Tribune)

Maurice Evans ('Hamlet').  
Robert Morley ('Oscar Wilde').  
Raymond Massey ('Abel Lincoln in Illinois').  
Eddie Dowling ('Here Come the Clowns').  
Laurette Taylor ('Outward Bound').

## SIDNEY B. WHIPPLE

(World-Telegram)

Raymond Massey ('Abel Lincoln in Illinois').  
Sir Cedric Hardwicke ('Shadow and Substance').  
Robert Morley ('Oscar Wilde').  
Ethel Barrymore ('Whiteoaks').  
Dudley Digges ('On Borrowed Time').  
Jimmy Savo ('The Boys from Syracuse').  
Victor Moore ('Leave It to Me').  
Maurice Evans ('Hamlet').  
Morris Carnovsky ('Rocket to the Moon').  
Eddie Dowling ('Here Come the Clowns').  
Hiram Sherman ('Sing Out the News').  
Laurette Taylor ('Outward Bound').

## WALTER WINCHELL

(Mirror)

Raymond Massey ('Abel Lincoln in Illinois').  
Helen Claire ('Kiss the Boys Goodbye').  
Nigel Bruce ('Knights of Song').  
Mary Martin ('Leave It to Me').  
Robert Morley ('Oscar Wilde').  
Jesse Royce Landis ('Dame Nature').  
Mildred Natwick ('Missouri Legend').  
Martin Gabel ('Danton's Death').  
Eleanor Lynn ('Rocket to the Moon').  
Hiram Sherman ('Sing Out the News').  
Ernest Lawford ('The Fabulous Invalid').  
Dippy Diers ('Hellzapoppin').

## RECAPITULATION

No player received the unanimous vote of all the critics. Robert Morley

## 100G Advance Sale

D'Oyly Carte Opera Co., English exponents of Gilbert and Sullivan appearing at the Martin Beck, N. Y., is reported having picked up an advance sale of over \$100,000. The company with the advance coin for 'Hellszapoppin', which established a record with around \$20,000 over the century mark.

Understood that all the lesser-priced tickets for the G. & S. revivals have been sold for the balance of the engagement, which ends March 11.

## BROKERS FIGHT CUE'S TICKET AGCY. IDEA

It is proposed to start an independent ticket agency in connection with the publication of Cue, a Broadway amusement guide, but it is not indicated that the move will secure the approval of the League of New York Theatres, which is operating a ticket code for the purpose of regulating premium agencies. That the mag's plan will be opposed by established brokers is already evident with the latter protesting to the League.

According to the publication, the idea is to offer a ticket service to subscribers and on that premise it is presumed to be a circulation and promotional scheme. Mag expects to offer tickets for 25c. over the box office price, which would place it in competition with agencies who, under the code, are limited to a premium of 75c. more than the b.o. scale (50c. for the balcony). Agencies are required to pay 3 1/2% per ticket to the League, and if the mag's plan is okay, a similar levy would follow. Claimed that the weekly has applied for a state license, as must all ticket selling offices.

Claimed, also, that the projected agency has the approval of and has been assured of ticket allotments by 10 or more managers. Plan was formulated by Oliver Claxton, in charge of the publication's theatre department, and Lorella Val-Mery, former press agent, who is on the staff. She is to have charge of the ticket activities.

## Critics' Box Score

(Continued from page 1)

the Broadway shows for the Herald Tribune, is a close fourth with 819, on 34 wrongs and 8 rights. John Mason Brown is an even closer fifth with 816. Brown whittled the correct tune 34 times, wrong on seven occasions and also forgot himself and just didn't give any opinion at all on one show. Only other no-opinion reviewer at this point in the season is Brooks Atkinson, of the Times.

Atkinson, who is fighting it out for last place with Burns Mantle (News) and Richard Lockridge (Sun), had one no-opinion, was rightly opinionated 33 times and wrong on an octet. His percentage is .784, same going for Lockridge and Mantle.

As to be expected (we're keeping the score, remember!) Nathan comes up in the lead with a percentage of .886 on 44 shows—39 rights and five wrongs. That includes all the mugs as a whole.

Outside of the boxscore, the season has held nothing unusual so far. In number of shows it's running ahead of last year, there being 44 up to Dec. 28.

was selected by all but one, while Laurette Taylor, Maurice Evans and Raymond Massey were the runners-up at one less.	
Robert Morley	8
Maurice Evans	7
Raymond Massey	7
Laurette Taylor	7
Sir Cedric Hardwicke	6
Frank Craven	4
Dudley Digges	4
Eddie Dowling	4
Mildred Natwick	3
Helen Claire	3
Victor Moore	3
Morris Carnovsky	3
Julie Haydon	2
Jimmy Savo	2
Ethel Barrymore	2
Nigel Bruce	2
Hiram Sherman	2

It may be noted that Werner Bateman received one vote for his performance in 'Victoria Regina'. He did not appear in the play during its original Broadway run. Of course Helen Hayes was in the original presentation, so her performance is not rated as of 1938. Incidentally, the men far surpassed the women in total votes, the count being 67 to 26. There were 41 players mentioned, of which 27 were actors and 14 were actresses.

## League Claims Its Gumshoers Saw Acme Agcy. Diggers Work; Grills Bookers, B.O. Men on Violations

### SHUBERT TO SPOT '2-A-DAY' IN FRISCO

Hollywood, Jan. 17.

J. J. Shubert is reported signing several featured players of the local Federal Theatre 'Two Days for a similar production to be staged in Frisco during fair. He is said to offer five-year contracts with 20-week guarantees.

Understood Shubert offered contracts to Barrie O'Daniels, Ethel Davis, Marie Cherry Hills, Pearl Austin, Paul Roberts, Jimmy Sill, Helen Hundley, Clarke and Dexter, Moran and Van, Tyler and Renout, and Slim Edwards.

Deals mostly are for short coin, but lopping FTP pay. Shuberts' Frisco opening is set for around May 1. Ed Albany, 'Human Echo', was given a two-year contract by Shubert for a New York show.

Two sessions concerning alleged irregularities in adhering to the restrictions of the ticket code were held last week in the offices of the League of New York Theatres, but the result has not yet been placed before the board. A number of brokers were separately interrogated, while boxoffice men appeared on the following afternoon, after it had been intimated that they would be released.

Most of the queries had to do with the Acme agency, League seeking to find out how the latter, which refuses to sign the code, has been securing tickets. Acme, which seems to be plentifully supplied, is not supposed to receive any allotments from legit theatres. By means of digging and other ways, the agency has been operating and is known to charge premiums in excess of the code limitations.

Acme is the same agency which applied for a writ enjoining the League's code on the grounds of restraint of trade. A temporary order was vacated then re-argued. Tuesday Justice Valente denied the stay, handing down a four-page opinion. Appeal is anticipated.

### League's Gumshoers

At the agency gathering, the League's side of the Acme matter was based on investigators who are said to have followed runners from the agency. Stated that the investigators saw the Acme messengers enter other agencies, including the largest, and hand over envelopes, receiving others in return. Understood there is no actual evidence of ticket interchanges, nor was it shown whether the Acme people were dealing in tickets for attractions other than legit.

James F. Reilly, secretary of the League, and Milton Weinberger, its legal counsel, questioned them. They, together with L. Lawrence Weber and Sam H. Grisman, acted as the grievance committee, which sat when the boxoffice men were questioned at the second session Friday (13). Latter were represented by Gustav Gerber, attorney for the Theatrical Managers, Actors & Treasures union. Substantially the same evidence was introduced.

League contended that unaccredited agency runners were seen to have left tickets in various box-offices. That brought up the question of interpreting certain clauses (Continued on page 52)

### Hardwicke to Coast After 'Shadow' Shuts

'Shadow and Substance' will close its tour in Cincinnati Feb. 11. At that time Sir Cedric Hardwicke will be released for Hollywood, he being under contract to co-star with Spencer Tracy in the filming of the Stanley and Livingstone African exploration story to be made by 20th-Fox.

'Shadow' drew spotty business on the road, it being reported on the verge of shutting down several times. Closing week in Chicago, however, was claimed to have been excellent.

### Ronald Graham Divorced

San Francisco, Jan. 17.

Edna May Graham had a 'future date' divorce last week from Maurice J. Graham, professionally Ronald Graham, one of the leads in the New York company of 'The Boys from Syracuse'. Superior Judge Franklin A. Griffin has ordered that an interlocutory decree be entered effective as of today (17), when the specified time on a summons by publication will have elapsed.

The Grahams were married in Reno in 1931, separated in 1937. She told the court her husband was more interested in his career than in the marital relationship. Mrs. Graham was granted \$100 a month alimony.

### McCoy & Wee Bowing Out of Top B.O. Stock Venture Till Spring

Regarded as the most successful venture of its kind in years, the stock season at Maplewood, N. J., will end Saturday (21) under the directorship of Frank McCoy and O. E. Wee (called Harry, although his name is Oscar). Duo has been operating the spot for 30 weeks, starting it as a summer venture. House is of the Fabian stamp, and that outfit will continue the same policy.

McCoy & Wee decided to protect their bankroll rather than take chances with weather for the balance of the winter. They plan to resume at Easter time, having scheduled a rotary stock wheel of three or four stands in Eastern keys. Wee and J. J. Leventhal were teamed in similar activities with varying success, the number of spots varying. McCoy is due to go to the Coast with the idea of securing talent.

Understood that the pertinent reason for giving up Maplewood was the dearth of material. Stated that all the available plays had been used up and the managers decided not to repeat. Recently they turned to operettas, which fared surprisingly well despite the increase in operating costs. Five such musicals were staged.

Top takings were registered between Christmas and New Year's with 'Babes in Toyland,' four matinees being played to draw kid audiences. Net profit on the week was said to have been \$1,500. Regular chorus of 24 girls was used. House seats around 1,400.

# Play Out of Town

## Lunts-'Sea Gull' Bring Nifty \$17,000 In Chi; 'Shadow' \$13,000, 'Kiss Boys' In

Chicago, Jan. 17.

Business was good last week, two shows splitting considerable coin. 'Shadow and Substance' perked to excellent grosses on its scam-notice. Lunt and Fontanne continued their boxoffice tradition locally by wallowing through with their 'Sea Gull' revival for the American Theatre Society. Only a fortnight for this show. Newest entry is 'Kiss the Boys Goodbye', which delighted the Harris (21st). Buildup was fine for a hurry-up job and the advance sales indicate a profit-making sojourn for the comedy click.

Federal Theatre Project is folding its 'Copperhead' revival in the Blackstone this week (21) to relieve Jan Keith of too much pressure due to preparations for a production of Shakespeare, starting with 'Hamlet'. Continuing with 'The Mikado', which is selling out regularly in the Great Northern.

**Estimates for Last Week**  
'Sea Gull', Erlanger (20-21st week) (\$10,000; \$2,750). 'Kiss the Boys Goodbye' (21st week) with the Lunts scrambling for remainder of midwest tour, during which they'll revert in several spots to 'Idiot's Delight'. Clicked to nifty \$17,000, gross held down by A.T.S. cut-rates.

'Kiss the Boys Goodbye', Harris (1st week), (1,000; \$2,750). Opened sparse, starting with 'Hamlet'. On advance interest.

'Shadow and Substance', Selwyn (1,000; \$2,750). Finished here Saturday (14), cleaving a full week from its original four-week schedule. On wind-up notice built to neat \$13,000. Continuing tour.

**WFA**  
'The Copperhead', Blackstone. Closing Saturday (21) after good stay.

'The Mikado', Great Northern. Selling out in 17th week.

## 'LETTY' FAIR \$5,000 IN 3D L. A. WEEK

Hollywood, Jan. 17.  
Charlotte Greenwood's 'Letty' up three weeks' revival of 'Leaning on Letty' at El Capitan (14) and started Pacific Coast tour under direction of Martin Broome, her husband. House again goes dark.

Biltmore lighted (16) with 'Sejanus' after being dark past several months. Premiere was scaled at \$5.50, with \$2.20 top thereafter.

**Estimate for Last Week**  
'Leaning on Letty', El Capitan (C-1,250; \$2,200) (14th week). Eased off on final six days, coming under the wire with fair \$5,000, still profitable.

**WFA**  
'Two-a-Day', Hollywood Playhouse. 'Run, Little Chillum', Mayan. 'Volpone', Belasco.

## 'Road' One-Nighters Top \$13,000 in Pitt Sector

Pittsburgh, Jan. 17.  
Playing succession of one-nighters in this territory last week, 'Tobacco Road' continued its spectacular grosses, getting well over \$13,000 in seven performances, including one matinee. In every case, with one exception, show was a return engagement. In Springfield, O., Jan. 9, where it did \$1,900, it was a third visit.

Drew \$1,768 and 137 standees in Marion, O., Tuesday; \$1,940 following night in Morgantown, W. Va.; \$2,123 in Oil City, Pa., Thursday; \$2,100 in New Castle, Pa., Friday and nearly \$2,800 in afternoon and evening performances Saturday in Erie, Pa. 'Road' comes to Dixon here for seventh engagement Jan. 30, after which it heads south again.

## Road 'Kiss Boys' Opens In Buffalo to Big \$6,000

Buffalo, Jan. 17.  
Chicago company of 'Kiss the Boys Goodbye' premiered here for four performances at \$2.50 top. Grossed big \$6,000.

## 'Boy' \$8,000, Cincy

Cincinnati, Jan. 17.  
Dark this week, the Cox reopens Jan. 23 for eight performances of 'Whiteoaks' with Ethel Barrymore. 'Bachelor Bore' comes in for the week of Jan. 30.

**Estimate for Last Week**  
'Golden Boy', Cox (1,350; \$2,750). Daily reviews and lotsa press publicity were helpful in fetching a fair \$8,000. Biz for last two days exceptionally strong, despite four-inch snowfall and icy streets.

## 'ANGELA' SKIDS IN TWO MIDWEST CITIES, \$6,800

Indianapolis, Jan. 17.

With Sinclair Lewis, co-author with Fay Wray, film player and star of 'Angela Is 22' at the English for three evenings and one matinee, house turned in very bad gross.

Local critics were spiced by Lewis' admission as to his lack of histrionic ability, so typewriters were trained on play and not his performance.

**Estimate for Last Week**  
'Angela Is 22', English (1,500; \$2,650). Three-day gross was poor \$3,800.

## 'Angela' \$3,000, M'w'kee

Milwaukee, Jan. 17.

Legit situation still faulty here and jinx has affected every show here except Ethel Barrymore's 'Whiteoaks', which did a sock \$6,500 in three days. 'Angela Is 22', current at the Davidson, got off to a bad start. Local critic panned show.

**Estimate for Last Week**  
'Angela Is 22', Davidson (1,500; \$2,750). Four performances drew poor \$3,000 due to unfavorable press.

## COHAN \$43,000 IN THREE SPOTS

Minneapolis, Jan. 17.

'D' Rather Be Right', Lyceum (2,200; \$3,450). Smashed the house record by a considerable margin for a four-night engagement, but still went slightly under expectations, failing to sell out lower floor at any of the five performances—four evening and one matinee. Upper shelf, however, capacity throughout. Critics and public raved over the show.

**Estimate for Last Week**  
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**MERMAN-DURANTE BIG \$9,600, 2 DAYS, IN N. H.**

New Haven, Jan. 17.

Three turnaway performances last weekend landed preem of 'Stars in Your Eyes' in big money. Originally set for four shows, Thursday (12) performance was cancelled when heavy construction work caused delay. Show got swell notices.

House has Ruth Draper due Jan. 28, for one night; present of Francine Lawrence in 'What Every Woman Wants', Jan. 27; 'One-Third of a Nation', under auspices of labor group, Jan. 28.

**Estimate for Last Week**  
'Stars in Your Eyes' Shubert (1,800; \$3,300). Big \$9,600 in two-day stand for Merman-Durante star.

**Hayes-'Regina' Grabs Smash \$27,000 in Hub**

Boston, Jan. 17.

'Victoria Regina', starring Helen Hayes, finished a smash week Saturday (14), moving to Washington and Pittsburgh for the final two weeks of its eastern tour.

'Stars in Your Eyes', new Dwight Deere Sweeney musical, Ethel Merman and Jimmy Durante, opens tonight (Monday) without opposition. Remains until Jan. 28. 'Of Mice and Men' is slated for entry Jan. 23.

**Estimate for Last Week**  
'Victoria Regina', Shubert (1,500; \$3,300). Tallied big \$27,000. Standees were a common sight during the one-week run.

## 'Whiteoaks' 7G, K. C.

Kansas City, Jan. 17.

Ethel Barrymore, in a three-day engagement of 'Whiteoaks' in the Music Hall, moved to the muny auditorium, Jan. 13-14, did \$7,000.

Rain Friday and Saturday made little difference, as large share of biz was on advance sale.

## Shows in Rehearsal

'I Must Love Someone'—Jack Kirkland.

'Five Kings'—Guild-Mercury.

'OR to Buffalo' ('The Flying Gimburs')—Vinton Freedley.

'Henry IV'—Maurice Evans.

'The Birds Stop Singing'—John Golden.

'The Little Foxes'—Herman Shumlin.

'Mrs. O'Brien Entertainers'—George Abbott.

'Jeremiah'—Theatre Guild.

'One for the Money'—Stanley Gilkey, Gertrude Macy.

'What Every Woman Wants'—Shubert.

'Canada' (revival)—Cornelia Otis Skinner.

## Philadelphia Up; 'Women' \$12,600; 'Mice' Fair \$9,500

Philadelphia, Jan. 17.

There is more activity along the legit front this week than had been previously indicated. Both 'The Women' and 'What a Life', figured (and announced) as closing Saturday (14) night are continuing. 'Mice and Men' gives Philly its third show and only the Erlanger remains dark, with nothing definitely set for it, although 'Of Borrowed Time', and a possible film have been mentioned as bookings. State late on juvenile players, however, militate against 'Time' getting a local run.

There's good reason for the last-minute holdover of 'Life'. Lawrence Shubert Lawrence, who runs the Locust, Forrest and Chestnut for the Shuberts, decided on a \$1 top, which went into effect last night (Monday). This is the first time in years such a scale has been used here in connection with a top lighter. There is no mention now of the play's 'last days'.

'Holdover of 'The Women' for a third week at the Forrest came, as the result of business climbing steadily. It's due Saturday (21).

'Mice', managed by American Theatre Society, subscriptions and generally rare notices, drew fairly well in its first week at the Chestnut, although too grim and morbid for lighter fare.

The Chestnut, which started the season very late, is getting the fullest booking schedule of the local houses right now.

**Estimates for Last Week**  
'What a Life', Locust (3d week) (1,400; \$2). May build enough biz for a run; \$7,000; house has nothing in prospect.

'Mice and Men', Chestnut (1st week) (1,700; \$2.50). Fourth week of production; A.T.S. season. Latter's support plus good notices did not result in as much business as was expected, takings approximating \$9,500.

'The Women', Forrest (2d week) (2,000; \$2). Has been climbing; second week under estimated, gross being around \$9,500, while last week's takings were \$12,600.

**'SUSAN' DOES SEASON'S 2D BEST IN ST. L., 206**

St. Louis, Jan. 17.

'Susan and God' was big at the American theatre last week, aided by raves from critics.

Ethel Barrymore, in 'Whiteoaks', is current at the American and heavy advance sale points to profitable run. Lunt and Fontanne, in 'Amphitryon', follow Jan. 23.

**Estimate for Last Week**  
'Susan and God' (American) (1,707; \$2.80 top). Eight performances, the last three of which were sellouts, rolled up sock \$20,000 for the second best week of the season. 'D' Rather Be Right' still holds No. 1 spot at \$35,000.

## 'Cargo' \$2,000, B'klyn

Brooklyn, Jan. 17.

'White Cargo' gave Shubert here a nice take. At the St. Felix Street theatre Brecht/Loew Players are getting mid-rehearsal notices.

'Merchant, 1939', modern version of 'Merchant of Venice'. Current at the Shubert is 'Night of Jan. 16'.

**Estimates for Last Week**  
'White Cargo', Shubert (1,750; 25-85). Revival made money. Grabbed \$2,000.

'Shakespeare's Merchant, 1939', St. Felix. (287; \$50-\$150). Considerable local publicity, but no great shakes at b.o.

## Newcomers Up B'way, Uncertainties Gam; 'People' OK \$15,000, 'Mamba,' 'Steed' \$9,500, 'Big Three' Still Top

Four of the newer arrivals on Broadway should pep up the straight play portion of the list. Several, while not immediately regarded as clicks, have developed encouraging, if not substantial, business.

Balance of the winter should be good. Last week saw an upturn after the dip following New Year's, and this week's outlook is brighter. Arrival of 1,100 buyers in town Monday (10) further indicated business betterment. There are more shows listed than in years, much in excess of the 1929 total and that of 1937.

'Gentle People' is the best grosser of the new crop, being quoted around \$15,000 for its first full week at the Belasco. 'Mamba's Daughters', at the Empire, and 'The White Steed', at the Cort, were rated around \$9,500, the latter getting that in the first seven times, while 'The Primrose Path', Biltmore, was not much heard of.

The musical big three, 'Hellzapoppin', 'Leave It to Me' and 'The Boys from Syracuse', are holding to form, while a running mate is promised in 'Set to Music', which opens tonight (Wednesday) at the Music Box. This week ushers in the biggest cast show of the season, 'The American Way' (drama), opening at the Music Center, Radio City, Saturday (21). Important among the musicals is the D'Oyly Carte troupe, at the Beek, which did \$20,000 last week with Gilbert and Sullivan revivals.

'Steed' looked easily the best of last week's arrivals. The touted 'Dear Octopus' drew a questionable dress, while 'The Importance of Being Earnest' was not rated as favorably as other recent revivals.

The full-length 'Hamlet' winds up at the St. James this week. 'Here Come the Clowns' is advertised to close at the Booth, but claims to be moving to another spot. No new productions are carded for the coming week, but starting next 30 Broadway is set to get 'Stars in Your Eyes', 'The Birds Stop Singing', 'Jeremiah', 'One for the Money' and 'Henry IV'.

**Estimates for Last Week**  
'Abe Lincoln in Illinois', Plymouth (14th week) (1,500; \$3,300). Earlier indicated, will probably not be topped this season by any straight play; selling out right along; takings around \$21,000 in eight performances.

'Boys from Syracuse', Alvin (9th week) (M-1,255; \$4.40). One of musical list's big three; virtual capacity, with takings approximating \$30,000.

'Dear Octopus', Broadhurst (2d week) (C-1,107; \$3.30). New fair press; after midweek debut, business moderate; better line on chances this week.

'Gentle People', Belasco (3d week) (D-1,100; \$3.30). Goes to standing room at midweek; extra matinee; good and indicates new click; quoted around \$15,000 first full week.

'Hellzapoppin', Winter Garden (18th week) (R-1,071; \$3.30). Playing nice performance; weekly; remains most in demand and cleaning up, with gross over \$34,000.

'Here Come the Clowns', Booth (7th week) (D-1,094; \$3.30). Although last time making good; to move; business somewhat better, with takings estimated around \$6,000.

'I Married An Angel' Shubert (37th week) (M-1,367; \$4.40). Newer arrivals getting good notices, but this one still making goodly profit with \$24,000. Pencilled in out-of-town next month.

'Kiss the Boys Goodbye', Miller (7th week) (D-1,100; \$3.30). On performance basis; extra matinee slated for balance of winter; slightly off early in week but capacity thereafter; \$16,000.

'The Bookmaker Holiday', Barrymore (14th week) (M-1,098; \$4.40). Holding to satisfactory business, with takings again around \$17,000; engagement could extend to spring.

'Leave It to Me', Imperial (11th week) (M-1,468; \$4.40). Musical gross leader rated at \$35,000; stardes in best performance.

'Mamba's Daughters', Empire (3d week) (D-1,098; \$3.30). Business climbing and indications are for goodly stay; first full week around \$9,500.

'Oscar Wilde', Fulton (15th week) (D-913; \$3.30). Should span season; business picked up smartly last week, topping previous season's record; considering extra matinee; \$14,000.

'Rocket to the Moon', Windsor (8th week) (D-1,249; \$3.30). Holds to moderate money, with gross still helped by late week's rated around \$7,500, which is profitable.

'Set to Music', Music Box (1st week) (R-1,000; \$4.40). Presented by John C. Wilson; written by Noel Coward; highly rated out of town; opens tonight (Wednesday).

'Spring Meeting', Morosco (6th week) (CD-861; \$3.30). May make

grade although business moderate, with takings under \$7,000.

'The American Way', Sam (D-3,438; \$3.30). Presented by C. H. Harris and Max Gordon; written by George S. Kaufman and Moss Hart; opens Saturday (21).

'The Merchants of Venetia', Guild (4th week) (C-914; \$3.30). Around \$9,500 with aid of subscriptions; operates to profit but run not yet indicated.

'The White Steed', Cort (2d week) (D-1,058; \$3.30). One of several new plays regarded as having staying chances; drew \$9,500 in first seven shows.

'The Primrose Path', Biltmore (3d week) (CD-991; \$3.30). Bawdy comedy another new play that looks like fairly good draw; got \$9,000 first full week.

'Tobacco Road', Forrest (28th week) (D-1,107; \$1.65). Plans call for sticking to \$9,000 weekly. Fair period; gross around \$4,500, which is okay for low-cost show.

'What a Life', Mansfield (40th week) (C-1,050; \$3.30). Operates under sharp plan; business modest, but some profit earned with takings around \$4,500.

'Where There's a Will', Golden (1st week) (CD-764; \$3.30). Presented by Edward G. Robinson, who adapted play from French of Sacha Guitry; opened last night (Tuesday).

**Revs**  
'D'Oyly Carte Opera Co., Beek (3d week) (M-1,189; \$3.30). Excellently supported with agencies reporting good ticket call; \$20,000 for first full week.

'Connelley', St. James (14th week) (D-1,520; \$3.30). Final week; business excellent with takings around \$18,000 for wind-up, according to advance sales.

'Outward Bound', Playhouse (5th week) (D-873; \$3.30). Another successful revival; business well over \$12,000 with length of stay indefinite.

'The Importance of Being Earnest', Vanderbilt (2d week) (C-900; \$3.30). Opened late last week; drew critical praise and ordinary stay indicated.

**Added**  
'One Act Repertory', Hudson (1,000; \$2.75). Presented by Sam H. Grisman; three one-act plays on bill which opens Friday (20).

'Pins and Needles', Labor Stage (60th week) (R-500; \$2.75). Is now getting around \$5,500 weekly; labor unionists' revue profitable; right along.

'The Girl from Wyoming', American (10th week) (D-1,100; \$3.30). Cast; ret's old-style melody; nia getting by aid of booze and dancehall.

'Elnie Janis, Music Box; Sunday nights; supported by several additional artists.

**WFA**  
'The Big Blow', Elliott. 'Androcles and the Lion', Lafayette, Harlem.

'Awake and Sing', Daly's (Yiddish).

**COWARD-LILLIE**

**\$29,000, WASH.**

Washington, Jan. 17.

Magis of Noel Coward as an author and Bea Lillie as a star had the Cap's only legit house almost sold out before opening of pre-Broadway week.

Current is return of Helen Hayes' 'Victoria Regina', which opened here in 1935. Next is 'Bachelor Bore'.

**Estimates for Last Week**  
'Set to Music', National (1,698; \$3.30 top). Coward-Lillie rep plus sock reviews offset bad word-of-mouth to clinch \$29,000.

**'Our Town' Knocks Off Good \$14,500, Det.**

Detroit, Jan. 17.

Backed by good notices and bally, 'Our Town' did nice last week at the Cass. Lower-priced chairs at premium throughout the week.

Current is 'Shadow and Substance', which stays for a week, followed by George M. Cohan's 'The Rat Patrol', which moves in for two weeks at stiff top of \$3.85, highest of season here. Cass booked solidly now under the next month.

**'Own Town', Cps (1,590; \$2.75). Pulitzer Prize play knocked off nice \$14,500 on eight performances.**





## Broadway

Dave Finestone laid up again. Stanton L. Griffiths back from Florida.

Herbert Bayard Swope again first nighting.

George D. Lottman planned to Havana.

David E. Green, the publicist, laid up with pneumonia.

Al Baker, vet magico, testimonial by cronies last week.

Bill Halligan on diet designed to shed 40 pounds by Easter.

Boxing writers' beefsteak at Dinty Moore's tonight (Wednesday).

Casa Manana celebrates its first anniversary today (Wednesday).

Howard Schenck suffering from sinus, but sticking as manager of 'Set the Music'.

A. M. Blumberg, treasurer of Brooks' costumery, lost his father this week.

Joe Hummel, foreign sales manager for Warner Bros., vacationing in Florida.

Bob Kerr in and out of town in week to take up advancing for Gene Aton again.

Harry Goodman, brother of Benny, has opened a barbecue in 52d street, which he calls Pick-A-Rib.

Noel Coward to the Coast and a Honolulu vacation; the end of this week once his 'Set to Music' gets going.

Chris Dunphy leaves the end of the week on southern hunting trip. He'll also spend some time in Palm Beach.

Jake (WB) Wilk has a son who's a soph at Yale, one of Prof. Walter Pritchard Eaton's pet pupils in dramaturgy.

Edith Hazen, radio ingenue, sailed for Coast last week where she will meet Alfred P. Hitchcock and childhood flame, on Feb. 10.

The Edgar Leslies back from a Caribbean cruise and the Jones Hoffmans (Brumby and the Colander) are off to Rio on a 24-day jaunt.

As with other legit shows, Radio City Music Hall screen and program in trailering the advent of 'The American Way' into the theatre.

Arnold Van Leer, out of Cowan & Van Leer ad agency, handling merchandising and public relations for the same accounts the agency formerly serviced.

Hotel Ambassador's Trianon Room, like the Rainbow Room, features waltz contests for the customers.

Robert Heller and his stunt for Mondays; the Amb on Tuesday.

Sylvia Diamond replaced Claire Ugan as secretary to Mike Gale, band leader. Lattie wife of Robert Hertzberg, N. Y. Daily Mirror reporter and expecting an heir.

Sammy Weisbord of William Morris office not going to Coast office as Al Lastogoff, head of the latter, stays in New York, while Lou Wolfson becomes general goodwill agent on road.

Joe Swanson, contactor for the Lux account at J. Walter Thompson, has been demoted to No. 2 table in the noonday round of scopa, the Italian version of pinochle, because of overboard habit.

Chorines at Diamond Horseshoe niteroy proving a bonanza for Paramount hotel bar where they meet up with friends. It's immediately upstairs and part of same building housing Billy Rose's new niteroy.

Joe Laurie, Jr., writes he bought a sport coat last week and a pair of colored trousers; sort of sneaking up on Hollywood. 'I won't be a bit surprised if I pass myself up in the mirror one of these days, he adds.

Games and giveaways which require ticket stubs are n. g. in niteries. ABC board (licker watchdogs) have ruled it makes for drinking inducement to show his. Only prizes, scrambles for toss-ups, etc. permitted.

## Pittsburgh

By Hal Cohen

Ben Jaffe has taken turn for worse in hospital here.

Cancer Beat Benson has filed suit for divorce from Al Slack.

Brian MacDonald to legalize that name soon. Right tag's John Gaughan.

Joe Mazdea and Al Kennedy have joined Joey Simms' reorganized band.

Pittsburgh added to Toscanini's itinerary. He comes here with NBC symphony Feb. 6.

Edith Werman Skinner back from a visit with her sister in Bermuda over the holidays.

The Kellys has quit chorus of 'Leave It to Me' for featured spot in 'One for the Money'.

Jimmy Balmer will be honored at testimonial dinner Feb. 9 on his 30th anniversary in show biz.

The Dave Silvermans—he's RKO office manager—celebrated their 10th wedding anniversary.

It's to be Valentine's wedding for booker Harry Vaughn and Gloria Smiley, 'Miss Jacksonville'.

Boston associates presented Al Weiner with wrist watch during UA manager's recent visit. He'll be in Pitt Junior Prom Friday (13) was a sellout month in advance.

It was just 10 years ago that Va-

riety Club adopted its first baby, Catherine Variety Sheridan.

John Lazaro, who used to operate the Show Boat, has returned to Pittsburgh as a brewery representative.

Bebe Sherman in from Chi for couple of weeks' visit with her brother, Harry Sherman, at Nut House.

C. C. Kellenberg and Al Weiss pull out Friday (20) for a few weeks in Miami. Harold Lund's back from the resort.

## Paris

By Hugo Speck

Antoine in from New York.

Agnes Capri now operating own boite.

Shura Cherkassy off on winter concert tour.

Vladimir Horowitz concerted at Monte Carlo.

Elvire Popesco named Chevalier of Legion of Honor.

Free Edison orchestra into Restaurant des Ambassadeurs.

Clifford C. Fischer, just in from America, sailing back there shortly.

Armand Bernas film player, taking on cinema management as sideline.

'Her Secret,' last picture made in Africa before Anschluss, opened at Studio d'Etoile.

Question whether or not Danielle Darrieux will return to Hollywood now going rounds.

Revue 'Les Folies Paris,' closed at Bouffes-Parisiens to make way for 'Les Parents Terribles.'

Max Ophuls commenced 'Sans Lendemain' with Edwige Fenech.

Roger Vitrac, dialog writer of prizewinner, 'Alerte en Mediterranee,' finished scenario on 'Jeanne d'Arc.'

Pierre Chalm, megger for 'Post-Modern' in Paris, returned to Paris, who'll star, and company to Nice for outdoor shots.

British sovereigns turned down Mapleson's invitation on part of film industry to visit Hollywood, reported here.

## Chicago

Quin Ryan back on air after a brief layoff.

Herb Elsborg tussling with a case of the flu.

Aaron Jones, Sr., off to Florida for the season.

Al Borde readying a radio stars vaudeville.

Joe Flynn in ahead of 'Kiss the Boys Goodbye.'

Jack Davies back to New York after two weeks touring the midwest territory.

Gardner Wilson batting out some short stories and features while in winter quarters here.

Auto that C.A.P. gave away for charity fund was won by a bus-driver from Paducah.

Eric Charell and Charles Freedman in town over the weekend to confer on colored 'Hot Mikado' production.

## Palm Beach

Charles Pier, cellist, here.

Howard Hughes arrived on yacht.

Paul Sparr's orch at Palm Beach Biltmore.

Mrs. Arthur Somers Roche off on world cruise.

Edward Hoffman, manager of WJLA, here.

Col. Edward R. Bradley's Beach Club had a glittering opening.

Harry Olsen's orchestra in for season at 52nd St., replacing Lew Carleton.

Ballet Caravan, under Lincoln Kirstein's direction, skedded Jan. 26, 27.

Gene T. Dyer, manager of WGES, WSCB, WCBD, Chicago, shopping for a house.

Murray Dancers, with Albert Vento, Julia Stone, and Taylor Waldo, baritone, featured with Val Ernie band at Whitehall.

## Miami Beach

By Arthur Thomson

The Nicholas Schencks in.

WPA theatre's next will be 'Room Service.'

Patsy Moresque opened Wednesday (11).

Bob Christenberry and frau at the Miami Biltmore.

Enrico Holman opens at the Versailles Friday (20).

Enrica and Novello and Lillian Carmen in at the Continental.

Eva Peyton and Martha Muller opened at the Hangar Saturday (14).

Frances Faye and Pete Clifford replaced Oshins and Lessey at the Paducah.

Sunny Isles club opened Friday (13) under direction of Col. Joe Stehlin.

Olympia theatre resumed stage shows. Opening bill comprised local niteries.

Nick Kenny's 'Cavalcade of Stars,' YMHA benefit, to be presented Jan. 28 at Cameo theatre.

## London

Lady Playfair to Portugal.

Loval Dickinson joining Macmillan.

Wright and Marion adopting girl.

Gilbert Lennox holidaying in Switzerland.

Harry Kaufman operated on for appendicitis.

Gilbert Wakefield finishing play titled 'Brothers.'

Clive Brock playing tennis daily with Jack Vajda as ine publisher.

Eric Wollheim troubled with a recurrence of eczema.

Claude Luxemburg taking over Grand theatre, Croydon.

It's now Henry Sherer, Ltd., with the missus one of the directors.

Andrew Dakers leaving Methuen and will set up as ine publisher.

Cecil Landeau off to Paris to hook up with Sandrine, of the Bal Tabarin.

Louis Levy provided the music for 40% of the pictures made in British studios during the past year.

Leon Underwood, provincial show producer, now operating the Hippodrome, Balham, for vaudeville.

George Black intends running a midnight show at the Palladium, and will proceed going to Refugees fund.

Bob Dupont working with injured eye caused by hitting himself with a club while juggling in his act at the Palladium.

Three plays closed Jan. 14: 'Lot's Wife at Sodom,' 'Banana Ridge,' at Strand, and 'Elephant in Arcady,' at Kingsway.

Berthold Viertel's production of 'They Walk Alone,' by Max Catto, closed at Shaftesbury tomorrow (Thursday).

Herbert Wilcox wants to commission Sir Robert Vansittart to write a stage play, subsequently to be produced as a picture.

Worries daughter of Sid Hyams, founded amateur dramatic club to produce shows in aid of the European refugees.

Sybil Thorndike, co-starring with Ennys Williams in 'The Corn Is Green,' rushed to hospital for appendicitis operation.

Michael Balcon guaranteeing work for an average of 400 studio employees, in addition to artists, till 1944 at Balg's terms.

'French Without Tears' closes at the Criterion Saturday (21) after 900 performances. Its successor is 'Tony Draws a Horse' now playing by Lesley Drown.

The King's, Hammersmith, has been taken over by three actors, Noel Howlett, Esmond Knight, and William Barrett, who intend running it as a repertory.

William Morris & Fosters have signed Effy and Halima, comedy conjurers, currently in the Prince of Wales revue, for an American tour. Open in May.

Walt Disney bought picture rights of 'Peter Pan' from Great Ormond Street Hospital for Children, which had been bequeathed royalties from the play by Sir James Barrie.

Eric Brann, who's in 'The Corn Is Ma-deira,' shortly returning to London to revive 'The Merry Widow,' in which he played the leading role at which he was James White revived it about 10 years ago.

George Robey suffered spinal injury and broken ribs following fall into orchestra while making his exit during pantomime at Birmingham.

Comedian is 69 and recently wed his manager, Blanche Littler. Diamond Brothers called in to replace.

Anthony Holman, who's in the Victor Sheridan outfit, whose theatres were leased by Moss Empires and operated by George Black as vaudeville houses during percentage years, will revert to the owners. Experiment wasn't satisfactory.

## Minneapolis

By Les Rees

Oliver LaMere, M-G-M assistant booker, under the weather.

Rene Wilk, M-G-M distributor, back from California vacation.

Hal McIntyre and his orchestra into Hotel Radisson Chateau Terrace.

'Red' Carter, local night club m. c. and comedian, held up and robbed of \$25.

J. J. Friedl and L. J. Ludwig, Paramount Northwest circuit heads, in New York on business.

Anton Janssen, Lyric manager, celebrated a birthday and his wedding anniversary on Friday (13).

Don Buckley, Redwood Falls, Minn., exhibitor, and Harry Simons, Walker, Minn., theatre owner, in Florida.

Harold B. Kaplan, Stage manager, winner of \$500 in Paramount house manager showing biggest gain during 13-week period.

Joe Jacobs, Columbia salesman, back from Hollywood displaying state of mind.

Residents of Sauk Centre, Minn., former home of Sinclair Lewis, to toss party for him here when he

appears at Lyceum in 'Angela Is 22' Jan. 19-21.

Gov. H. B. Stassen will make radio address on statewide hookup of Minnesota radio stations to launch Twin City Variety Club campaign to raise \$25,000 for German refugees through sale of 50,000 theatre tickets.

## Budapest

Paul Fejos making a picture in Sweden.

Laso Vajda, Hungarian director, to London.

Margit Dayka and Eugene 'Torzs' touring 'Co-respondent Unknown.'

Paul Barabas 'Coffee with Cream,' current at the Royal, to become Ufa picture.

Martin Keleti, picture director, to do two French pictures at Joinville, Erno Gal producing.

Szinhazi Magazin, new fan mag, engaged Sir Fedak, one-time musical comedy star and Ferenc Molnar's erstwhile wife as chief critic.

Paula Wessely to make a picture here next month, possibly from Jack London's 'Little Woman of the Big House,' or a play by Lajos Zilahy.

After three months, jazz has returned to Magyar radio. Reason given for curb was that it was deemed unwise to play such music, due to the general European unrest.

'Hello Peter!' by Segesdy, directed by Szatmary, starring Antal Páger, will be shown at the cinema, being shot at Filmmiro. Next on schedule is 'A Model Man,' Andre Rodriguez directing, Zoltan Maklary featured.

## Tax Relief Nil

(Continued from page 4)

Assn. of New York, Intermountain Theatres Assn. of Salt Lake City, Theatre Owners & Managers of the Rocky Mountain Region and the Independent Theatre Owners of Southern California & Arizona.

Distrib committee announced that 'details must necessarily be withheld at the time as there are several matters unsettled but we are hopeful that these can be overcome,' but the MPTOA's statement was issued by Ed Kuykendall, president, who left for Washington, en route to Columbus, Miss., Saturday (14).

## Kuykendall's Statement

'Our committee presented to the Distributors' committee a coordinated analysis of the reaction of the various units in MPTOA's national organization we feel that many of the objections found in the distributors' proposals as issued under date of Dec. 1, 1938, were based on misunderstandings of just what the language meant and many of these were ironed out. We, of course, still feel that there are certain trade adjustments that could be further relieved and we tried to present this to the distributors' committee in the most comprehensive way. It is our understanding that the distributor proposals will be completely rewritten and one or two objectionable clauses eliminated entirely. The cancellation clause will be better understood. There is yet much to be done in the setting up of conciliation boards. It is naturally a rather intricate procedure because of the various interests involved and it is possible that there be no mistake in their method of procedure when they do start functioning.

MPTOA's committee insists that whatever adjustments are made they should be immediately effective, and I feel that they will be consummated and made effective at the earliest possible date consistent with the importance of the things involved, and I am convinced that, while there are still some important matters on which we are not in accord, we made great progress in this meeting. We do not anticipate another meeting until after the distributors' committee with their lawyers rewrite the proposals that we may study them further.

'I urge everyone in the motion picture industry, both exhibition and distribution, to give these trade practice adjustments their complete and wholehearted support, that they may be made effective and fair at the earliest possible date, in order that the exhibitors of this country may be benefited by them as soon as possible. Let's not allow petty and purely local issues to becloud the negotiations, because whatever benefits are equally effective and fair to all seeking credits or playing politics. What we want are results, and I invite helpful information and constructive criticism from any source whatsoever if it will tend to bring about an early agreement between all of those concerned.

## Hollywood

June Lanz laid up with flu.

James Gleason home with same.

Frank Vincent out of hospital.

Peggy Singleton injured in bathtub fall.

Benny Rubin postponed his N. Y. trip.

Irene Castle laid up with nervous attack.

Ona Munson planned in from Manhattan.

Edward Mannix recuperating in Florida.

Nunnally Johnson vacationing in Florida.

Louis Stevens back from trip to Palestine.

Lon Chaney, Jr., off 20th-Fox contract list.

Adela Rogers St. John interviewing biggies.

Lou Diamond in from N. Y. for two weeks.

Shirley Berle visiting brother Milton in Chicago.

Bill Sael in from Manhattan for three weeks.

Bob LaSach recovered from appendectomy.

Armand Schaefer returned from Panama vacation.

George Weeks in from New York for studio huddles.

Grand Duchess Marie of Russia gendering studies.

Nelson readying for concert tour starting Feb. 6.

Edmund Elton celebrated his 25th anniversary as an actor.

Lonel Barymore discarded his wheel chair for a cane.

Edwin Knopf back from story scouting trip to Broadway.

Frankie Thomas on Harry Carey's ranch recuperating from flu.

Irving Asher here from London for confab with Harry Cohn.

Ralph McAllister Ingersoll looking for new recuperating from flu.

Albert Hackett and Frances Goodrich back from coast-to-coast auto tour.

Henry Gordon recovering in hospital after emergency appendectomy.

Capt. W. Winterbottom O'Reilly ogling studies for London Daily Express.

William Keighley and Jerome O'Neil touring prisons for 'Each Dawn I Die.'

Joseph B. Platt here from New York for interior designing on 'Gone with the Wind.'

Shirley Loran's new name is Janice Loran, back from brief vacation in Salt Lake.

Mrs. Gilbert Grosvenor here to see filming of the life of her father, Alexander Graham Bell.

## St. Louis

By Sam X. Hurst

Yeggs took \$400 when they cracked safe in the Fulton, Fulton, Mo.

Improvements costing \$200,000 at Municipal theatre in Forest Park under way.

Guy Goltzman, Jr., son of grand opera impresario, suffered fractured ankle in fall.

Saraty, Universal salesman, recovering at home from auto accident injuries that kept him in Decatur, Ill., hospital for three weeks.

St. Louis Symph, with Vladimir Gorchakov back from brief vacation, is on first of three tours this season. Jascha Heifetz will be guest soloist Jan. 27-28.

Performances of Ballet Russe in opera house of Municipal Auditorium grossed approximately \$20,000. It was best biz troupe has done in years.

David Wactor, of Northwestern U. music faculty, on hand to hear his own composition, 'Overture to a Comedy,' played by the St. Louis Symph.

Ban of Washington U. faculty on activities of Thyrsus, dramatic organization, and Quadrangle Club, which presents under its name, also comedy, lifted on promises of future behavior. Ban clamped on recently due to student rowdism.

## Sydney

By Eric Gorrick

Hoys running Shanghai Troupe over chain.

Ship at U. S. distrib eased when the government recessed.

Wirth's Circus quit Melbourne for the road after excellent run.

Local magicians continues to do well in New Zealand for the Ullers. Greater Union Theatres opened the Victory, Sydney, successfully with 'Pygmalion' (G.B.).

Expected for the National studio will go into production again this year with government assistance.

Hal Carleton, advertising director of Metro's theatre chain here, also edits a paper covering exploitation for exhibitors.

Ron Trimble appointed manager of Metro's ex Brisbane house. Trimble 22, rose from odd jobs and is said to be the youngest manager here.

A vaude-revue troupe, headed by Will Mahoney, set for New Zealand tour through Auckland, Christchurch, Dunedin, and Melbourne.

# OBITUARIES

## JACK BYRNE

Jack Byrne, 48, legit player, who celebrated his 25th anniversary on the stage last summer, died Jan. 12 in New York. He was in the cast of "What a Life," currently on Broadway, when he was forced to withdraw some time ago because of illness. At the time of his death he had been signed by George Abbott for "Mrs. O'Brien Entertainers."

Byrne, born in Brooklyn, attended St. John's University, Brooklyn, and was graduated from Pharmacy School of McGill University, Montreal. At 23 he started his stage career at Young's Pier, Atlantic City.

Widow, Helen Vincent, an actress; three stepdaughters and a sister survive.

**ROBERT H. McLAUGHLIN**, 61, playwright and producer, died in Cleveland Jan. 16 where he had gone two

16 Years Passed Away  
With the Memory of Our Beloved Father

**DAVID POWELL GOODMAN**  
Died Jan. 19, 1928

A loving one from us has gone,  
A voice we loved is stilled;  
A place is vacant in our hearts  
Which never will be filled.  
We miss you dear, daddy.

**JACK POWELL AND FAMILY**

years ago after leaving Hollywood where he had been writer-scenarist. He had been connected with the Shubert office in various capacities as well as managing several theatres. He had been ill since last November with a heart and kidney ailment.

Among his plays are "Boccaccio Nights," "Pearl of Great Price," and "Eternal Magdelene."

**JOSEPH P. HURST**, 28, actor, who lived in Milwaukee until he came to New York to study drama three years ago, died in New York Thursday (12) after a brief illness.

He was stricken with a streptococcal infection Jan. 6, one day before he was to go into rehearsal with Fredric March in "The American Way." He was a 1938 graduate of the American Academy of Dramatic Arts in New York and had appeared in Little Theatre productions.

Surviving are his mother, father and three brothers, all of Milwaukee.

**ABRAHAM SINCOFF**, 54, president of the Yiddish Theatrical Alliance, died of a heart attack at his home in New York Jan. 14. When he died he was in the midst of arranging the annual benefit performance of the Alliance. Latter went on as scheduled yesterday afternoon (18).

Prior to his work as an official of the Theatrical Alliance he had been a comedian, playing in both Yiddish and English productions. Widow and a son survive.

**ARTHUR CECIL MESTER**, manager of the 46th Street theatre, died Sunday (15) in New York. He had suffered a stroke Saturday (14) night.

Mester once had been chief auditor and company manager for Winthrop Ames. Following the retirement of Ames he became general manager.

Mester had also been general manager for Elmer Rice at the Belasco at one time.

**NEIL KENNEDY**, Cornelius (Neil) Kennedy, about 62, died in New York by a stroke Friday (13) night in New York by an auto after he had alighted from the wrong side of a taxi. He had been a song and dance man, but had gone into the lumber business.

Kennedy was a member of No. 1 Elks Lodge and was known for his unobtrusive charities.

**ED MAHLKE**, 45, of Chicago, manager and part owner of the Ice Follies, died Jan. 16 in a Boston hospital, following an appendectomy. He was well when he left Philadelphia a week ago, but was taken to the hospital when he arrived in Boston.

Mahlke was a former secretary of the Olympic Committee, and of Albert

ca. He is survived by his widow, Lillian.

## JOHN COWLEY

John Cowley, also known as Jack Dale, musician, was found dead in Melbourne, Australia, Jan. 16.

On eve of opening with Jay Whidner's orchestra for Tivoli theatre he ended his life because of reported love disappointment. Also under contract to Australian Broadcasting Commission.

## MATTHEW TEPLITZ

Matthew Teplitz, veteran Pittsburgh film distributor, died in a hospital there Jan. 7 after a brief illness. Teplitz was with Warners during their start in that city, remaining with them until 1930.

For the last few years he had been out of the film business, operating a furniture store in nearby Finleyville, Pa.

## HENRY CHESTERFIELD

Henry Chesterfield, 62, died Jan. 11 in New York one hour after being stricken with a cerebral hemorrhage. The executive secretary of the National Variety Artists for 23 years was taken ill while delivering a eulogy for an actor-friend, C. Edwin Brandt, in a N. Y. financial parlor. Details in the vaudeville section.

## OLLIE ALICE CAMERON

Ollie Alice Cameron, 63, one-time musical comedy player and head of her own stock company in Quebec, fell to her death Jan. 14 from the fourth story of a hotel where she lived in Los Angeles.

Friends called it suicide. She had been forced off a Federal Theatre Project a year ago by illness.

## LIEUT. EARL V. BIDDLE, JR.

Lieut. Earl V. Biddle, horseman and member of the 61st Cavalry, was killed in an automobile crash in Long Island City, N. Y., Jan. 13. At one time he was a dancer with Harriet Caperton.

Widow, daughter and parents survive.

## COL. JOHN BERGER

Col. John S. Berger, 60, promoter of civic pageants, died Jan. 12 in Los Angeles after two years illness. Among his promotions were the Los Angeles "Pageant of Progress Exposition" in 1922 and the "New England States Century of Progress Exposition" in 1931. Surviving are three sisters and a brother.

## ELMER E. HASKINS

Elmer E. Dad Haskins, 75, pioneer Akron broadcaster, died at Mantua, near Akron, Jan. 12. In 1925 Haskins, who was self-educated in music, organized his "Hicktown Band" and

IN MEMORIAM  
**HENRY CHESTERFIELD**  
(Executive Secretary)  
Of the National Variety Artists, Inc. (NVA), who passed away Jan. 11, 1939.

"His long years of devoted service and sincere spirit endeared him to all."

staged many programs for WADG, Akron. He was a former railroad engineer.

## BILLY POWELL

Billy Powell, 49, stand artist and vaude actor, died Jan. 11 at Bowling Green, O., after a brief illness. He and his wife were known professionally as Powell and Nedra and toured vaude circuits for 23 years.

They were in Europe for eight months in 1936.

**MRS. ANNABELLE C. NOVIKOFF**, Mrs. Annabelle Clay Novikoff, 25, circus aerialist, died Jan. 15 in Los Angeles. Appeared in Novikoff-Loretta turn until forced out by injuries. Leaves husband, George Novikoff, also an aerialist, and a daughter.

Cremated and ashes scattered over the Pacific in accordance with her wishes.

## KAY ARNOLD

Kay Arnold, 30, of the team of Kay and Buddy Arnold, died Jan. 2 in Lakewood, N. J. An overdose of a sedative was said to be the cause. Couple had been singing over WMCA, New York, and had been with a number of orchestras.

## ALBERT RUSSELL

Albert H. Russell, 66, lyricist of "Hiawatha" and other popular songs in the early 1900's, died Jan. 11 in

Anaheim, Cal. Surviving is his widow.

## EDWARD W. ROBINSON

Edward Wanton Robinson, 61, in the film business during its pioneering days, died Jan. 10 in Lakewood, N. J.

Widow and son survive.

## RUPERT FRANKLIN

Rupert Franklin, 77, veteran character actor in pictures, died Jan. 14 in Los Angeles. Widow, two daughters and two sons survive.

## PERCY CLINTON CRANDALL

Percy Clinton Crandall, 38, actor-writer, died Jan. 15 in Los Angeles. He had written for radio and acted in legit for past 20 years.

John Riley, 74, stationary engineer at the Eltinge theatre, New York, for 20 years, and later at the Vanderbilt, N. Y., for two years, died Jan. 10 in Corona, L. I. Survived by widow and two sons.

Wife of Mark Warnow, 32, musical director at CBS, died in Florida Jan. 12. With her husband she had been south for a fortnight's rest. Survived by Warnow and three children.

Mrs. George Lynch, wife of the chief film buyer for the Schine Circuit, died Jan. 6 at Gloversville, N. Y. She had been ill for some time.

Grace Osborn Wharten, 48, composer and pianist, died Jan. 12 in Hollywood.

## Eccentricity

Moorehead, Minn., Jan. 17.

As the result of an experience he had at hockey game recently, Manny Margat, KVOX sportscaster, will stick to the practice of having a regular mike in front of him, even if it's dead. Margat was using a lapel mike for the event when a fan, who was seated in front of him, turned around and shouted:

"What the hell. Do you have to practice talking through the whole game?"

## Vera Cruz' Pro Return

Cleveland, Jan. 17.

Vera Cruz, who quit Charles Barnett's orchestra about a year ago to marry Ozzie Amundson, hockey player for Cleveland Barons, has come out of retirement to become Stubby Gordon's vocalist in his WTAM staff band.

Husband recently broke his leg during a hockey game and is still laid

## Exhib Headaches

(Continued from page 1)

not made up their minds but Cleveland, both St. Louis organizations, possibly one Chicago, team, Detroit, both Philadelphia nines, the two in Boston, and possibly Pittsburgh or Washington will take a fling at night baseball in the coming season. This would take in some of the largest key cities.

The sweep of night baseball has extended from smaller minor leagues into the American Association (about six years ago) and then into the International League. Thus, only the smaller cities were included in this category, but last summer virtually every club in both of these leagues had six or more after-dark games scheduled.

## If Swing Wanes

(Continued from page 1)

enabling the cost of the Boles and Ellis acts to be fitted into the budget.

## Auer and Boles Personals

Mischea Auer, film, will play a two-week date at New York Paramount, starting March 8. He'll come directly from the Coast. Some other time is being laid out by booker Charlie Allen, who is handling tour for Schulberg-Jaffe, Coast agency.

Hollywood, Jan. 17.

John Boles opens a personals tour in Frisco tomorrow (18). Then hops to New York for a Paramount date Feb. 8.

## No Like Leblancing

Season admission books for the New York World's Fair are due to be placed on sale shortly. As usual with expectations, a number of the outstanding shows on the Fair's midway-amusement zone will be listed in the season book, entitling purchasers to admittance into the shows. This has been scaled so that midway shows charging 25c will receive 4c and those charging more than 25c get 6c on each season booklet sold.

This scale is reported as not meeting with wholehearted approval from midway show operators, especially those getting 40c or more.

## TOMMY FARR CHEERED, BUT DROPS DUKE AGAIN

### By JACK PULASKI

Again the short-enders collected at Madison Square Garden, and again Tommy Farr lost in a New York ring, this time to a fellow called Red Burman. Odds were 13 to 5, and some of the wise guys laid a chunk down to pick up an "easy grand." It was in the cards that the limey would cop, but he was out of condition, apparently.

One report was that Tommy trained too much in Jack White's night nut house, the sports writers mildly commenting on the overweight around the midsection. He has had five fights, starting with Joe Louis, and has lost the duke in all. Yet, when it was over, the fans cheered the blond Britain and razzed Red.

On paper the card was loaded with fireworks, and it sufficed. Fistic supporters turned out to see a Jersey mugg called Edward Patrick Comiskey in action. Usually he is spotted at the start, being only 18, but his event with Marty Lieberman, also from those parts, was put on before the star bout.

Pat from Patterson has been knocking 'em dead in the first or second round, and Marty is like that, too. Comiskey was a bit cocky in the opening frame, and sustained a scarlet schnozzle. That made him mad, and he planted Lieberman on the canvas twice during the second, the bell saving the Newarker, who didn't know what it was all about in the third—so eclipse. Comiskey is a dynamite sucker, and, if brought along properly, should be a real contender for the title when he reaches his majority.

Burman, from Baltimore, is a protégé of Jack Dempsey. He has been around for about a year, with a so-so record. Had it not been for the other bouts the fight would have been tabbed one of those things to enable Farr to get somewhere. As a contest it was blah. The decision could have been either way, and the officials were not in unison as to the result.

Colored, from Toledo, who hails from Detroit, as does Louis, won technical kayo over pugy Gus Dorazio, of Philadelphia. Not long ago Gus messed up a third-rater named Bob Pastor, and the promoters thought he had something on the ball. Gus stayed around for awhile, but the junky eating had finally had six or more after-dark games scheduled.

Fights in midtown switch to the Hippodrome Friday (20), Sonja Henie and her skating troupe occupying the Garden this week. Next major event in the Garden is Joe Louis versus John Henry Lewis. It is carded for Jan. 25, with the heavyweight title at stake.

## Spokane to Demand Fee

Spokane, Jan. 17.

City Council has voted against waiving the \$200 a week fee for carnivals and circuses no matter who sponsors the show.

In the past it was the city's policy to waive the fee if some local fraternal or patriotic organization was backing it.

## Rodeo at S. F. Fair

San Francisco, Jan. 17.

Indoor rodeo has been lined up by the Golden Gate Exposition. About \$30,000 has been earmarked for prizes and acts.

Event will be staged May 12-22 in the livestock coliseum, expanded to seat 9,000.

# S. F.'S 3,134,034 ADVANCE SALE

San Francisco, Jan. 17.

Faith of the west in its World's Fair on Treasure Island, opening Feb. 18, was revealed with the announcement that 3,134,034 admission tickets have been sold in advance.

That figure, it is said, represents more than 15% of the total attendance expected during the entire 286-day run of the fair.

Beefs from the natives over high cost of getting to Treasure Island, site of the 1939 Golden Gate Exposition, plus the general admission charge of 50c, parking charges and other tariffs, have been quieted somewhat by announcement of Leonard Cutler, president of the fair, of the shows at the Fair will be free. In addition, cost of ferry trip was cut last week from 25 to 20c round trip, with a promise of further reductions later if traffic is heavier than anticipated.

Souvenir tickets admitting bearers to the fair twice during the two-day premiere, Feb. 18 and 19, will go on sale Feb. 15.

## OHIO FAIR MANAGERS NAME C. J. GRAY HEAD

Columbus, Jan. 17.

Charles J. Gray, 42, of Painesville, secretary of the Lake County Fair, was elected president of the Ohio Fair Managers' Assn. at the annual convention here (11-12).

He succeeds Judge L. L. Holderman, of Dayton, who had served for 10 years and was named honorary president.

## Long Skate, Short Coin

Los Angeles, Jan. 17.

Gordon and Morris Edgett, roller skaters, are suing Sid Grauman, Al Painter and the Hollywood Roller-bowl for \$100,000, charging breach of contract and fraud.

Plaintiffs claim they signed last July to skate to New York and back to advertise the Hollywood rink, for which the defendants were to star them in a picture, "Heaven on Wheels." Skaters assert they received only \$35.

## MARRIAGES

Wilda Arnold to Jack White, in St. Catherine's, Ont., Jan. 7. Bride works at CKWB; he's sportscaster at CKLW, Detroit.

Martha Stephenson to Hal Kemp in Pittsburgh, Jan. 13. He is the orchestra leader; she's a 1938 society deb.

Karen Peterson to Joseph Harker, in London, Jan. 5. He's a scenic painter and brother of actor Gordon Harker.

Vera Zorina to George Balanchine, in Staten Island, N. Y., Dec. 24. Bride is film and legit ball dancer; he's a ballet master.

Peg La Centra to Paul Sternberg, in Abingdon, Va., Jan. 14. Bride's a radio singer; he's Paul Stewart professionally, connected with the Mercury Theatre.

Elizabeth Cooke to Mack Gordon, in Yuma, Jan. 14. Bride's a film actress; he's the songwriter.

Mary Catherine Grant to Nobel Don Monetiro, in Buenos Aires, Jan. 4. He's with Eduardo Armani's band.

## BIRTHS

Mr. and Mrs. A. R. Dalzell, son, in Los Angeles, Jan. 9. Father is cameraman at Warners.

Mr. and Mrs. Bud Crozier, son, in Pittsburgh, Jan. 8. Mother is Sally Hughes, singer with Herman Middleman's band.

Mr. and Mrs. William Johnson, daughter, in Hollywood, Jan. 13. Father is freelance film writer.

Mr. and Mrs. Fred Bock, daughter, in Akron, Jan. 7. Father is commercial manager of WADC there.

Mr. and Mrs. Peter Fleming, son, in London, Jan. 4. Mother is Celia Johnston, actress; father a writer.

Mr. and Mrs. Pedro de Cordoba, son, in Hollywood, Jan. 14. Father is stage and screen player.

Mr. and Mrs. Leonard Reinsch, daughter, in Dayton, Jan. 6. Father is manager of WHIO, Dayton.

Mr. and Mrs. Jimmy Hurlbut, daughter, in Washington, Jan. 11. Father is manager of WJWS's news staff, Washington.

# "A SOLID MAN FOR COMEDY"

TIMES!

# LOUIS ARMSTRONG

SECOND SMASH WEEK N. Y. STRAND  
IN PERSON AND ON THE SCREEN IN

## GOING PLACES

By FRANK S. NUGENT

Considering that this is either its fourth or fifth trip to the cinema post, the Warners' latest version of "The Hotentot" is a surprisingly fresh and likable show. "Going Places" finds the old Victor Mapes-William Couller Sr. play set to music, its lines cleverly refurbished and its company increased by a trumpet-toting groom known to the jitterbugs as Louis (Satchel-Mouth) Armstrong. Satchel-Mo' caught the Strand's audience going and coming yesterday: if there wasn't enough of him in the picture, they could ask for more when he, his band and Bill Robinson took over the stage. They asked for more and we couldn't blame them; Satchel-Mo' blows a mean horn; better still, he's a solid man for comedy.

TRIBUNE!

By Howard Barnes

IT IS about time, I think, that "The Hotentot" should be put out to pasture. The venerable stage farce has been ridden to death so many times by the screen that it is both spavined and sway-backed. The latest film version of the show, "Going Places," has some parenthetical merit, to be sure, but it is purely parenthetical. The new Strand offering drags in the great trumpet tooter, Louis Armstrong, and the superb swing singer, Maxine Sullivan, to make a hackneyed entertainment seem reasonably fresh. It would have been a much better idea, to my way of thinking, to have built a show from scratch around these excellent performers.

If there is any entertainment in the photoplay, it comes from the assisting performers. Mr. Armstrong is splendid.

"He's a solid man for comedy," says Frank S. Nugent in the New York Times. "Mr. Armstrong is splendid," says Howard Barnes in the Herald Tribune. "Louis Armstrong actually has a straight role in the picture, and does a lot better with it than the principals," says Eileen Creelman in The Sun. "It sends me. Louis 'Satchmo' Armstrong is the trumpet king," says Maxine Cook in the World-Telegram. "The jitterbugs that buzzed around the Paramount on Wednesday are now converging on the Strand," says Kate Cameron in the News. "All lavishly embellished with hot songs and America's ranking swing trumpeter, Louis Armstrong, your old friend, 'The Hotentot', reappears at the Strand with a new title. As 'Going Places' it is a superior farce, indeed, and its musical embellishments add to its strength," says Bland Johaneson in The Mirror.

Louis Armstrong is the only band-leader ever to star in FOUR pictures — "Pennies From Heaven" with Bing Crosby for Columbia, "Artists and Models" with Jack Benny and "Every Day's A Holiday" with Mae West for Paramount, and now "Going Places" with Dick Powell for Warner Bros. Available for immediate booking after February 10th.

EXCLUSIVE MANAGEMENT

*Joe Glaser*  
inc.

R. K. O. BLDG., RADIO CITY  
CIRCLE 7-0862 • NEW YORK

Thanks and thanks again,  
to Harry Mayer and to  
the entire Warner Bros.  
organization, and to Harry  
Gourfain for his swell pro-  
duction.

Hear Louis Armstrong's Decca Records of "Shadrach" and "Jeepers Creepers"!

MAR 24 1939

RADIO

SCREEN

STAGE

# VARIETY

PRICE  
25¢

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## RADIO SPONSORS BURNING

### Where Rah-Rah Enthusiasm Hurts

Comments of American film players returning from abroad regarding British film-making shortcomings, as against Hollywood standards, and claps taken at English film methods, has been keeping foreign department officials jittery in recent weeks. Reaction to these outbursts by returning travelers is that the average U. S. screen actor knows few of the facts, less about production and that these caustic comments react in the British press. This means that the comments counteract, in a single statement, months of careful planning to maintain the most cordial relations with the British film industry.

The only partially plausible explanation for such outbursts is that the foreign picture officials in New York can advance is that returning screen people are so glad to get back to America that they start with the ship-news reporter by comparing conditions here with London.

### Vaude 'Revival' Backfires; Most 'Time' Boils Down to One-Niters, Ams

Use of cheap, one-night stage shows by circuit theatres, particularly around New York, has caused a misleading impression of large scale vaude 'revival.' There's been too much hype all around, with result that acts flocking eastward have become disillusioned when much of the playing time boils down to 'amateur nights.'

Reports around the country have it that over 200 theatres are playing vaudeville. Actually, a lot of it is five-and-dime payoff stuff, ranging from \$2 to \$10 per act for acts. Some of it is only occasional, opening up for special band attractions, etc., and by no means can be construed as regular playing time. Many theatres have folded entirely after such seasonal flashes in the pan.

Acts playing the sticks, in coming to New York for work, are amazed at the Gotham salaries and poor working conditions. For example, an act recently came in from Chicago on learning the circuits were 'going' (Continued on page 48)

### GIRL CHIRPERS' BULL MARKET

With new bands currently being built for a start before opening of the N. Y. World Fair, and other outlets contemplating changes or additions, girl vocalists are in for a boom. Latest bandleader to consider adding a femme piper is Sammy Kaye, currently at the Hotel Commodore. N. Y. Kaye has never had a girl handling tunes, adhering strictly to (Continued on page 48)

### Sousa, 3d, To Maestro

William Morris office is building a band around John Philip Sousa, 3d, grandson of famous Marine Band leader and composer. Progeny of first name band leader doesn't play any instrument. Morris plans to put a sweet crew around him.

### BEHIND-SCENES IN AFRA CRISIS

**Radio Strike Palaver Has the Most-Affected-Least-Consulted Group Suddenly Confronted with Problem—Sponsor's Beau-coup Peeves**

#### RISEING COSTS

About 35 representatives of national radio sponsors met in New York City all day Monday and part of Tuesday (yesterday) on the AFRA radio actors strike situation. Their discussions were strictly private and no official comment was forthcoming. A further meeting was in prospect for later this week.

Sponsors were boning up in a hurry on actor unionism, who's who and what's what. It was all very perplexing to them. What they most disliked was the time element. Sponsors are not pleased by a lot of things. First of all the suddenness with which, so far as they are concerned, the actors' union is roaring down on 'them.' While the union feels they have been stalled by the agencies there is little question that the average sponsor had been faced with the issue in its proper focus only in the last week or two.

No indication was given as to the advertisers accepting or not accepting AFRA conditions. Their reaction to the 24-hour deadline ultimatum with which they will only be familiar today (Wednesday) will, of course, be the clue to what comes next in the whole complicated affair.

**Strained Feelings**  
Strained feelings behind-the-scenes is meanwhile a definite reality already with possible future reference to various relationships. There was some tart comment among the advertisers as to the net- (Continued on page 28)

### The Kid's Last Fight

'Look, Douglas,' said Algonquin Frank Case to Fairbanks, Sr., 'we've known each other a good many years, and for a good many years we've spent most of the time talking about you. Let's talk about me for a change.'

'Um-m,' mumbled Fairbanks gazing absently out the window. After all, Douglas,' continued Case, burning just a little. 'I have not been without some publicity myself of late. On the air a few times, and don't forget my book.'

'Um-m,' answered Fairbanks still far away. Then with a start, 'Oh, your book, Frank. Of course. Yes, I read it. Parts of it were good, too.'

'What parts?' bristled Case. 'The parts—about me,' replied Fairbanks.

### B.O. Murder on Sundays; \$85,000 In H'wood-Radio Names Keep 'Em Home

#### Critics Skeered?

roadway showmen have come to the conclusion, at last, they've a hex on the critz. Ever since 'Hellzapoppin,' the managers aver the critics seem scared to commit themselves on comedy and, if anything, are leaning the other way to be kind.

### 225G WB BID FOR 'AMERICAN WAY'

Hollywood, Jan. 24.

Warners is reported to have made a \$225,000 bid for 'The American Way,' with Paul Muni slated for Fredric March role. It bought at that figure it would mark the second time a Kaufman-Hart play brought 225G for pictures, as Columbia is said to have parted with that amount for 'You Can't Take It With You.'

If a deal is closed it would be six months before the film could go into production.

Warners has been taking the lead in filming patriotic subjects.

### Trammel's First H.O. Assignment: Smoothing Hollywood Friction

Niles Trammel, NBC executive v.p., returned from Hollywood Monday (23). He had gone over to the film colony a couple weeks ago to smooth out some differences prevailing between the picture industry and NBC over policies and cooperation.

Will Hays suggested to Lenox R. Lohr some time ago that a high ranking officer in NBC be sent out to look over this dubious situation and see what could be done about rectifying it. The assignment was Trammel's first since his promotion and transfer from Chicago.

Lohr has not as yet decided who is to replace Trammel as general manager of the midwest division. Sidney Strotz is now acting in that capacity.

### LAUNDRYMAN ALSO CAN WRING MELODY

Omaha, Jan. 24.

Philo Hansen, director of the Paxton hotel orchestra here, is a busy man for, besides directing, he is also superintendent of the hotel's laundry. Got music job only recently after appearing at Peony Park here.

Sunday night has again replaced Thursday evening as the most high-powered concentration of boxoffice names on the air. It's the toughest free Hollywood array that the film theatre boxoffices have yet had to tick. The shift in rating also applies to the accumulative payrolls for the programs on those two evenings. The talent payoff, including writers, of the shows originating from Hollywood on Sundays after 6 p. m. EST totals an estimated \$80,000, while the three one-hour programs currently emanating from the same point Thursday nights has a joint cost of around \$36,000. With Walter Winchell's check tossed in the Sunday night tally would go to \$85,000.

Another pertinent factor made evident from a study of air talent payrolls is the new high achieved in that respect this season in the Hollywood sector. The accumulative talent costs of shows coming from Hollywood during the week now figures an estimated \$198,000. A breakdown of this sum by days of the week follows:

Sunday	\$80,000
Monday	28,000
Tuesday	26,000
Wednesday	11,000
Thursday	36,000
Friday	13,000
Saturday	4,000

Total .....\$198,000

Sunday evening's talent expenditure on the Coast involves four and three-quarter hours of entertainment, while the \$36,000 entails the three hours of broadcasting on the NBC red (WEAF) link, which for the past two seasons has rated tops (Continued on page 63)

### CHARGES U. S. TABU ON PACIFICISTIC PICTURES

Philadelphia, Jan. 24.

U. S. Government has 'clamped down' on the film industry to prevent production of 'any mere peace pictures,' E. Raymond Wilson, secretary of the American Friends' Service Committee, charged here on Sunday. 'The only direct experience with war propaganda and with the realism of the horror of war that most of our youth have had,' he said, 'has been through the films. But the U. S. Government has clamped down on the film industry in this country. No longer is Government equipment loaned for production of war movies that advance pacifist ideas. Films like 'The President Vanishes' and other peace films are not likely to be available in the next two years.'

'Of course we want to build up patriotic ideals in the minds of our youth. But when the crisis comes, all the ingenuity of the films and radio and the press will be used to divert our real respect for our ideals into a defense of them in the war.'

# 2 FINAL STEPS BEFORE RKO'S 77B ENDS: THE BOARD AND ATLAS' UNDERWRITING

**Feb. 4 Deadline for Board of 9—Atlas Corp.'s \$1,500,000 in New Common Stock to Provide Working Capital for the Company**

Two important steps remain to be taken by proponents of the RKO reorganization plan and the court before the company emerges from 77-B sometime this spring. Before Federal Judge William Bondy puts his final order of confirmation on the plan, proponents will set before him a tentative slate of directors shortly before the Feb. 4 deadline.

Likewise, Atlas Corp., which is to underwrite \$1,500,000 in new common stock to provide working cash for the new company, will submit terms of the underwriting to Judge Bondy several days before Feb. 4. Bondy must approve both matters before plan can be said to be finally confirmed, since both things are component parts of the plans. Action on them will not happen until after the Feb. 4 date.

Should Judge Bondy approve both the new board and the underwriting he will allow a 90-day period in which the new stock can be issued and creditors given an opportunity to take it up, which means the new company cannot begin functioning until March, provided no appeals are filed.

Bondy will also allow a 30-day period, which may run concurrently with the underwriting period, to give stockholders an opportunity to appeal to higher courts. Two such appeals are pretty definite. One is threatened by John Stover, representing Milwaukee stockholder Ernest W. Stirn, and the other is by Nathan Rosenberg, representing secured bondholders of Cassell & Co.

The new board of directors will not consist of less than nine members. Approximately 12 names have been lined up so far. All members of the new board will be elected for a two-year term.

New executive personnel will be entirely up to the president, George J. Schaefer. Questions as to who will run the studios, the theatres and other departments of the company rest on Schaefer and the new board. His election to RKO Radio and its subsidiaries had the approval of all creditor groups as well as the proponents.

Regarding applicability of the Chandler Act to confirmation of the plan, Judge Bondy, it is known, has considered some of its provisions, one of which provides that the Securities & Exchange Commission be permitted to participate in the reorganization, if it sees fit. Bondy has made no ruling on whether the Chandler Act applies to this 77B proceeding. Attorneys for proponents doubt that he will, giving as their viewpoint the fact that the Chandler Act permits Federal judges to use their own discretion.

That Judge Bondy would call in the SEC at this late date is also extremely unlikely. He has indicated he is fully satisfied with and has approved the rulings of Special Master George W. Alger in disposing and settling claims against RKO, and there is little the SEC could contribute now, other than to pass on the new common and preferred stock to be issued, as provided by the Securities law.

## BANKS TAKES SCRIBS WITH HIM TO LONDON

Hollywood, Jan. 24. Monty Banks is returning to London to start direction on British pictures for 20th-Fox, after production confabs at the studio.

He entrained today (Tuesday) taking with him writers Karl Tuneberg and Don Ettlinger, Robert Kane, London production chief for 20th, is sticking around for another week.

### QUITE A BITE

Los Angeles, Jan. 24. Rene Fulp-Miller, screen writer, was sued here for separate maintenance by his wife, Heddy, living in Vienna.

Charging desertion, Mrs. Fulp-Miller demands \$2,500 a month.

## SLASH 'ANGELS' INTO STAYING ON SHELF

Montreal, Jan. 24. 'Angels with Dirty Faces' (WB) will not be shown here, due to objections of the Board of Censors of the Province of Quebec.

Censors ordered so many deletions that the exchange figured film would be too far gone to be of any use if cuts were made as ordered.

### Egypt Tabus 'Antoinette'

Cairo, Jan. 10. 'Marie Antoinette' (M-G) was banned by the Egyptian government after it played two days at the Studio Mist. Film, considered harmful to the monarchy, is first in years to be banned here, although cutting is fairly frequent. Picture did big biz during its stay.

Films doing well in Egypt are 'Tom Sawyer' (UA) and 'Alexander' (20th-Fox).

## PIX FINANCING IDEA VAMPING 'TIL READY

With J. Robert Rubin, of Metro, and Robert E. Sherwood, Dramatists Guild president, both vacationing, no final agreement for the return of film financing to legit is possible for at least another month. However, Jake Wilk, of Warners, and Sidney R. Fleischer, Guild arbiter of picture sales, are continuing their huddles to work out the draft of a preliminary agreement for submission to the Guild council.

Confidence is expressed that such an agreement can be reached. Providing it is, and the Guild council okays it, the pact would then be subject to approval by the League of New York Theatres and individual film companies. There has been a growing impression around Broadway that an agreement is virtually sure, but until the question of 'option' is decided, the whole matter is regarded as uncertain. Rubin is due back in about two weeks, Sherwood in about six weeks.

## St. Loo Zoo Nixes \$500 Weekly Bid for Its 5 Talented Monkeys

St. Louis, Jan. 24. Metro's plan to make 'Sons of Tarnan' with the five talented simians in the local zoo was nixed last week by the Zoological Board, although the studio offered \$500 a week for the monkeys and also an undisclosed salary for George Vierheller, chairman of the board, and a keeper. Telegrams were sent to Vierheller, Mayor Bernard F. Dickman and Police Commissioner Otto Higgins, Kansas City, a close friend of the Mayor. The offer also included a proposal to take the monkeys to and from Hollywood in a heated railroad car and provide special care during their stay at the studio.

The proffer was thumbed down on the grounds that the health of the monkeys would be jeopardized by the trip and strange environment. The simians, Jackie, Lady, Percy, Tommy and Jimmy, have been performing together for four years and have appeared in newsreels as 'Jackie and His Gang.' If M-G wants to send a crew here to make the picture, Vierheller said the local zoo execs will co-op to the limit.

## 20-Fox Sets 10 Players Adrift, Takes Aboard 8

Hollywood, Jan. 24. 20th Century-Fox dropped 10 contract players, but added eight since the last roster revision on Nov. 15, making a total of 80 on the steep list.

Checking out were Robert Allen, Henry Arthur, J. Edward Bromberg, Lon Chaney, Jr., Charles Farrell, Brian Donlevy, Jean Hersholt, Gloria Stuart, June Storey and June Wilkins. Added starters are Lionel Atwill, Henry Fonda, Douglas Fowley, John Russell, Sidney Toler, Sen Yung, Doris Bowdin and Lucille Miller.

## OSCAR AWARDS DINNER FEB. 23

Hollywood, Jan. 24. Annual distribution of Oscars for outstanding work in pictures last year is slated for Feb. 23, when Academy of Motion Picture Arts and Sciences holds its annual dinner in the Biltmore Bowl.

Preliminary ballots were mailed yesterday (Monday) to 4,000 qualified voters, with nominations closing Feb. 3. Final ballots go out Feb. 10, and polls close Feb. 20. Vote will be audited by Price, Waterhouse & Co., certified accountants.

Banquet committee consists of Mervyn LeRoy, chairman; Basil Rathbone, Robert Riskin, Howard Estabrook, John LeRoy Johnston and Donald Gledhill.

## Filmers to F. D. R. Fete

Hollywood, Jan. 24. Picture names accepting invites to the President's Ball in Washington are Ralph Bellamy, George Brent, Andrea Leeds and Annabella.

### L. A. to N. Y.

Annabella.  
Irving Asher.  
Monty Banks.  
Vince Barnett.  
Mr. and Mrs. Ralph Bellamy.  
Homer Curran.  
Bruce Cabot.  
Nick Castle.  
Bill Comstock.  
Jack Cohn.  
Richard Condon.  
Hal Cooley.  
Herbert Crooker.  
Alexander Korda.  
Charles Levin.  
Barbara McLane.  
Carroll O'Meara.  
G. C. Parsons.  
Al Pearce.  
Ginger Rogers.  
James Roosevelt.  
Charles Schwartz.  
Lynn Shores.  
Emanuel Silverstone.  
Karl Turnberg.  
Monroe Upton.  
Bill Wright.  
B. F. Zeidman.

### N. Y. to L. A.

A. L. Bernan.  
Mort Blumenstock.  
Noel Coward.  
Lee Ephraim.  
William J. Fadiman.  
Eugene Lee.  
Leonard Goldstei.  
Abe Montague.  
Irving Reis.  
Leon Schlesinger.  
S. S. Schneider.  
Gradwell Sears.  
Verree Teasdale.

## Other News of Interest to Films

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## Frisco Fair Brags of Its H'wood Name Value Advantages Over N. Y.; Coast's Brushhoff Riles East's Expo

San Francisco, Jan. 24. Ninety percent more Hollywood names are available to the Golden Gate International Exposition than to the New York World's Fair, according to local expo execs, who are gloating over the inkling of contracts with a large number of topnotch screen, radio and Broadway stars for appearances in one-hour shows at the California theatre on Treasure Island.

The 3,500-seater is the only complete theatre at the Fair outside of the Federal Theatre-Project house. Officials claim few Hollywood stars will be able to make the trek east.

Pointing to the fact that Frisco is an overnight journey by train and a two-hour hop by plane from Los Angeles, between and during their appearances the Fair will present Leopold Stokowski's electric orchestra, the San Francisco Symphony, Edwin Franko Goldman's Band, which opens a 15-week engagement in March, and Thurius Band, beginning in September. Fair also has its own 40-piece band and an orchestra of 30. Dramatic shows will not be included in any commercial enterprises staged by the Fair during its 288-day run. Reason for nixing legit attractions is that the running time is too long and tishish words have been too high. Fair-goers' time limit in any theatre on the Island is one hour, officials believe. Incidentally, the legit revival which was predicted last year for the coming season now appears most unlikely, with the Expo proving too much competition.

Negotiations are under way for a mammoth ice carnival including hockey teams and ballet headed by Sonja Henie. A 166-foot ski jump is set for the opening 10 days of the Fair.

## 20-FOX ENDS MONTH'S LULL, THREE PIX ROLL

Hollywood, Jan. 24. Production at 20th-Fox came out of a month's slump yesterday (Mon.) with three pictures rolling: 'The Big Drum,' 'The Gorilla' and 'Charlie Chan in Reno.' Next Jane Withers film, still untitled, gets the gun next Monday (30), and 'Shooting High' starts Feb. 6.

Peter Lorre goes comic in 'Gorilla,' starring the Ritz Bros. at 20th-Fox. Harry Joe Brown is producing, Allan Dwan directing.

### SAILINGS

Feb. 1 (Genoa to New York), Carlo Buti (Rex).  
Jan. 28 (New York to London), Alexander Korda, Irving Asher, Joe Friedman (Champlain).  
Jan. 28 (London to New York), Sam Eckman (Normandie).  
Jan. 28 (Los Angeles to Honolulu), Jack Cummings (Matsonia).  
Jan. 21 (New York to London), Glen Byam Shaw, Henry C. Y. Hirschfeld, Carmel Snow, Gabby Morley, Jacques Catelain, Hans Nissen, Edward Grobe, Natalie Visart (Ile de France).  
Jan. 25 (New York to Oslo), Norbert Lusk (Bergenford).  
Jan. 20 (New York to London), Kimberly and Page (American Farmer).

### ARRIVALS

(At the Port of New York)  
Mr. and Mrs. Richard Tauber (Diana Napier), Bruce Lockhart, Lord Kersley, Veloz and Yolanda, Rosa Bork, Edward Everett Horton.

### Morris Office's Lineup

Hollywood, Jan. 24. William Morris agency is booking nine shows into the Auditorium, a 3,500-seater, opening Feb. 24 as part of the San Francisco Fair's entertainment program. Shows will be headed by names, with their own supporting companies, doing four to five one-hour shows daily at a 25-75c scale.

Eddie Cantor opens with his radio troupe for one week, followed by Mae West and company. Either Kate Smith or Fannie Brice will head the third week's show. Al Jolson and Ruby Keeler the next unit, succeeded by Martha Raye, Burns and Allen, Bob Burns, Ames 'n' Andy and Phil Baker. They are to play on a guarantee and percentage plan.

Morris agency has booked a number of name bands for two-week stands in the public dance pavilion. They'll draw from \$3,500 to \$6,000 a week without percentage. Ray Noble opens, followed by Abe Lyman, Ozzie Nelson, Vincent Lopez, Phil Spitalny, Eddie De Lange, Emery Deutsch, Jack Denny, Enric Madriguera and Joe Rines.

Fair management is dickering for more bands through other agencies. J. J. Shubert has a pact to supply a series of operettas to be sandwiched between the radio acts and pictures at the Auditorium.

### N. Y. Fair's Film Ken

Legit showmen in particular pepped up a meeting of the New York World's Fair advisory committee on entertainment at the Terrace Club on the grounds Friday (20). Grover Whalen, president of the fair, and John Golden, chairman of the committee, asked for suggestions and

(Continued on page 63)

# THEATRE MEN IN A SPOT

## UA Cuts Distrib Costs to Lowest Level, Sets Bonus System to Attract Producers; \$1,000,000 Rebate from '38

Hollywood, Jan. 24. New deal adopted by United Artists stockholders provides for drastic reductions in distribution costs and a bonus system to reward independent producers. Sales costs will be the lowest among the majors.

Under the new plan, the charge against producers for sales will be determined by the gross of the picture, varying from a maximum of 25% to a minimum of 15%. The latter rate applies to productions doing approximately \$2,000,000 world business. Distribution charges in England and Canada were reduced from 30 to 25%.

Bonus system, known as the 'Murray Silverstone distribution plan,' provides a 1938 rebate of around \$1,000,000 for UA producers. Bonus will be determined by the gross of individual pictures and by the share of the complete program. Profit-sharing is open to all producers, whether stockholders or not.

Plan calls for distribution of approximately 50% of the earnings to producers, with the rest going into stockholder dividends and reserve. Dividends last year amounted to about \$500,000. Bonus scheme is expected to attract additional producers to the UA fold.

At the end of the year, an audit will be made and rebates made to producers, based on their individual picture grosses plus total grosses for the year on everything released by the producers in question.

According to the way the UA sales department views the situation, it costs them no more to sell a picture which grosses \$1,500,000 than it does to sell one which only grosses \$750,000. Consequently, with each producer releasing through UA entitled to some rebate, the picture grossing more will get a larger reward proportionate with the gross. Silverstone counts on this system to act as a spur on all producers to make better product capable of larger grosses.

Election of a new president was not discussed at the meeting, but Silverstone is the most likely candidate for the job. James Roosevelt replaced James M. Mulvey as Samuel Goldwyn's representative on the board of directors.

Edward Small's contract with UA, originally for three years, was extended to eight. He plans five pictures, and possibly six, for the 1939-40 program. A budget of \$8,000,000 will be provided for Walter Wanger, who has scheduled six pictures for the coming season.

Alexander Korda, after a conference with Silverstone, promised six features for the 1939-40 sked, four to be made in Technicolor. Four of the group are slated for London production and two in Hollywood. First on the list is 'The Thief of Bagdad,' with Sabu and Jon Hall in England, followed by 'Jungle Boy,' 'Lawrence of Arabia,' two Merle Oberon starrer and 'Conquest in the Air' for a late summer start. He returned to New York by plane over the weekend.

Douglas Fairbanks is due to produce at least two, and possibly three features, and Charles Chaplin starts shooting 'The Dictator' Feb. 10.

## Brulout's Accidental Gun Shot; Wound Slight

Julius E. Brulout, husband of Hope Hampton, and Eastman Kodak tycoon, was recovering yesterday (Tuesday) from the effects of an accidental gunshot wound suffered Monday evening. He was reported inspecting the mechanics of a gun when it was discharged, hitting him in the head.

He was treated and X-rayed at a hospital after summoning his own doctor. Wound evidently wasn't serious, as he personally answered queries anent his condition. The Police reported it as an accident.

## U. S. BUGABOO CURBING BIZ

### What Would Normally Be Considered Sound Policy Is Stymied by Divorcement Actions—This Restricts Theatre Expansion, Added Holdings, Etc.

### WHAT TO DO?

While the question remains unanswered as to what will be the position of theatre operating partners of major producer-distributors, when it comes to defending divorcement, and whether they will resist such an eventuality, meantime such partners are said to be speculating on how they stand as individuals with respect to expansion.

One of the questions which they are asking is whether, as part owners of circuits or properties in which major producer-distributors have a minority or majority interest, they are expected to maintain the status quo of the U. S. anti-trust suit until it has been decided. This could mean anywhere from two to five years, or even more.

In the interim, partner-owners of theatre strings in the chain empire of producer-distributing companies may be presented with opportunities for expansion which they would not like to pass up. Were independent houses in their territories offered to them, including on the auction block, they couldn't make a move if it were expected that they maintain the status quo as individuals, since they are hooked up in part with majors in properties now operating. Leases could also be offered to them that might represent deals they shouldn't decline as a matter of good business. Sites in their territories for building could also crop up, or really developments, shifting population of towns, could occur.

Under the status quo, pending adjudication of the U. S. suit, a theatre partner of a major in association with the latter could not make any expansion moves, but, it is asked, could that partner on his own, step out to take over houses or build without danger?

The largest partners are those of the Paramount chain, which, in turn, is more than three times as large as the circuits of any of the other producer-distributors. Of the Paramount group, E. V. Richards, is also a director of Paramount; A. H. Blank has a tight grip on the midwest; the Interstate string in Texas is very powerful in that state as are the Kinney-Wilby interests in the southeast and middle south.

### A Whodunit

If Richards, a 50% owner with Par of the Saenger circuit blanketing Louisiana and Mississippi, plus a part of Alabama, wanted to build some houses, which would be his 100%, or acquire holdings of others in the same manner, could he do so? By the same token, could H. F. Kinney and Bob Wilby, whose interest in various strings with Par varies from less than 50% to more than that, also step out on their own, if they wished?

Before Par made its permanent 50-50 deal with Blank in the mid-west more than a year ago, Blank was partner with the company in one large string of houses while, on his own, he was in control of still another sizable circuit in his territory. He had, by stages, built up a circuit for himself while still operating one in which he and Paramount were partners. When the permanent deal was made both circuits (Central States and The States) were blended into the present Par-Blank partnership.

Various partners of majors are said to have ogled various properties for a takeover but have done nothing about such moves. A forced, complete divorcement of producer-distributors and their theatres might

(Continued on page 48)

## First Runs Drain B.O. to Extent That the Bigger the Hit the Less It Benefits the Subsequent Houses

## CHANGES AGENTS, NOW HE'S IN THE MIDDLE

Los Angeles, Jan. 24. Edward Ludwig, director, filed suit in superior court to determine the status of his managerial pact with Schulberg-Jaffe, claiming the contract was made through misrepresentation by the agency.

Schulberg-Jaffe, the director asserts, induced him to sign by telling him he was free from a prior contract with Berg-Allenberg. Now the latter agency is suing him for breach of contract.

The demand for relief, but the question of what steps to take in order to achieve it, in protecting subsequent-run theatres from first runs that are eating up too many potential fans through long holdovers, is a problem over which operators are expressing growing concern. In the face of doubt that first runs could be required to reduce their holdovers, based possibly on gross figures that would be set up to determine when a picture is justified in being held over, theatre ops may start a campaign against the low prices employed by houses up front.

In New York, as well as Chicago and other keys, the larger downtown first runs have their admission scale down so low, mornings and matinees, that second runs in the downtown as well as neighborhood areas find it difficult to compete with them. In some cases neighborhoods must try and get 40c second run against the two-bits charged by the bigger downtown theatres for the morning or mat shows. Nabes, also, are not able to open up as early as houses in downtown areas.

While the operators are perplexed as to what to do in the situation where the problem has become intensified in the last year or two, if prices are not lifted in the larger first runs, then the operators fear they may be forced to shorter runs in the subsequents than now being given films.

### New York Very Aroused

In New York the problem is very acute. When the Paramount holds a picture three or four weeks, very often on the strength of its stage show, then the State, getting Par product second-run, suffers with it. Other Loew houses downtown and in the neighborhoods similarly dip with the films from what they otherwise would be getting. This is also true of its own (Metro) pictures when getting long holdovers at the Capitol, or of Columbia and United Artists pictures coming from the Music Hall. The plight of the subs with Metro, UA and Col pictures is less than with Par because latter

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## B'WAY-H'WOOD PLAY ACCORD ON THE WAY

With J. Robert Rubin, of Metro, and Robert E. Sherwood, Dramatists Guild president, out of town on vacations, no conclusive action is expected for several weeks toward a possible peace pact between the Guild and the picture companies. However, Jake Wilk, of Warners, and Sidney R. Fleischler, Guild arbiter of film sales, are continuing their huddles to draw up a tentative agreement.

Confidence has been expressed that such a draft will be completed and ready for Rubin's approval upon his return shortly. But nothing final can be done until the proposal is approved by Sherwood and the Guild council, and subsequently by the film companies and the League of New York Theatres.

Although predictions are being heard in Broadway circles that the agreement is 'in the bag,' the ticklish question of whether the film backers should guarantee purchase of the picture rights to plays or merely hold an option to buy is believed still in the air. Figured possible that if the studios insist on the option ruling the Guild may nix the whole deal. On the other hand, if they were to be obligated to buy any shows they might produce, the film companies might not accept the proposed get-together.

## BLUMBERG, SCULLY, COWDIN'S U. PARLEYS

Hollywood, Jan. 24. Nate Blumberg, head of Universal, arrived yesterday (Monday) from New York with William A. Scully, sales manager, to confer on the 12 final features of the 1938-39 program with Matty Fox, Cliff Work and other studio execs. J. Cheever Cowdin planned in on Monday also for the confabs.

Joseph H. Seidelman, foreign sales manager, here for the huddles, leaves Friday for N. Y. to catch the boat for a field survey of Universal exchange in South America.

## Deanna Gets Romantic

Hollywood, Jan. 24. Charles Boyer gets the co-starring role with Deanna Durbin in 'First Love,' her first romantic picture at Universal.

Shooting starts as soon as Miss Durbin finishes 'Three Smart Girls, Grow Up.' Joe Pasternak is slated as producer, and Henry Koster to direct.

## ZEIDMAN EASTS FOR A FRESH BANKROLL

Hollywood, Jan. 24. B. F. Zeidman, Equity Pictures production head, aired east Sunday (22) to confer on a new executive setup for the indie outfit and arrange for additional financing.

Company has been inactive for several months.

## MONO'S STOCK CONVERSION PROGRAM

Stockholders of Monogram Pictures Corp. at its next meeting, March 1, will vote on a proposal to call in or eliminate outstanding stock options. Some 300,000 warrants were issued by Monogram when it was refinanced two years ago, a considerable share of which went to J. A. Sisto & Co., the underwriters.

Board of directors proposes to allow option holders to convert the warrants at a ratio of five for one share of Monogram stock, within 30 days after the stockholders have approved the proposal. Exactly 97 1/2% of the option holders will also have to consent to the conversion, within the 30 days limit.

A second proposal will be submitted to stockholders asking them to vote on modification of present compensation agreements with company's president, W. Ray Johnston, and the v.-p. in charge of production, Scott R. Dunlap, to increase their present salaries from \$500 to \$700 weekly for the next three years, in consideration of which Johnston and Dunlap will grant Monogram further options on their services for two years, following the three-year period, at compensation of \$1,000 per week each for the duration of the two years.

Other proposals to be laid before the stockholders are an amendment to the by-laws to permit increase of board of directors from seven to nine; proposal to elect Leon Fromkess, treasurer, and Norton V. Ritchey, foreign export manager, to the board; reelection of all present members of board and change of present members of board and

(Continued on page 48)

## CHAPLIN'S 'DICTATOR' ROLLS IN TWO WEEKS

Hollywood, Jan. 24. Charles Chaplin's first talking picture, 'The Dictator,' for United Artists release, is slated to roll Feb. 10 at his own studio.

Lone stage on the lot is being soundproofed. Chaplin and Tim Durant are polishing the script. Brother Syd Chaplin has arrived from his French retreat to assist the direction and production.

## Coloring the News

Sacramento, Jan. 24. Filming of news events in color is the purpose of Pictorial Newsreels, Inc., applying for incorporation partnership, with Robert Hoyt, Al Lane and William Wise as directors.

New company plans a series of featurettes and newsreels running from three to six and a half minutes on a deal with Monogram through Fox-West Coast Theatres.

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# LOEW'S WINS STOCKHOLDER SUIT; 5 EXECS MUST REFUND \$500,000

**But That's Due Only to Book Errors Involving Two Theatre Corporations—High Salary and Bonus Arrangements with Quintet Upheld**

Overpayments of approximately \$500,000 were made to Nicholas M. Schenck, Louis B. Mayer, J. Robert Rubin, David Bernstein and the late Irving Thalberg, through miscalculations in profits of Loew's, Inc., distributed since 1934 in the form of bonuses.

This amount, plus interest, coming to about \$550,000, has been ordered restored to the treasury of the corporation. There will be no direct repayments made by the four executives and the Thalberg estate, but restoration will be accomplished by deductions from monies due them in their accounts with the company.

According to computations of plaintiffs' counsel, Emil K. Ellis, the largest repayment will be made by Mayer, whose account will be charged with approximately \$160,000. The Thalberg estate's obligation will be \$145,000; Rubin, \$116,000; Schenck, \$72,000; and Bernstein, \$45,000.

Of the total 15% of the Loew corporation's profits split as bonuses among the five individuals, Mayer and Thalberg got 6% each; Rubin, 3%; Schenck, 2%; and Bernstein, 1 1/2%.

Suit by 12 stockholders of Loew's, Inc., to set aside alleged excessive bonuses and shares of the company's profits, split among five of its major executives, was decided by N. Y. Supreme Court Judge Louis A. Valentine last Friday (20) in favor of the company. The profit-sharing contracts between Loew's and Nicholas M. Schenck, Louis B. Mayer, estate of Irving Thalberg, J. Robert Rubin and David Bernstein were also approved as fair and proper. These five, however, were ordered to rebate around \$500,000.

Justice Valentine refused to order an accounting of the affairs of Loew's, Inc., and the petition for an injunction to restrain operation of the new salary-bonus arrangements, effective Jan. 1, 1935, was denied.

Court, however, held that the five principal defendants had received overpayments of percentage compensation by reason of errors in computing the bonuses. Valentine found that certain errors in principle required the making of certain deductions from the percentage base, which were not made, and recommended that the company also make proper adjustments on the books, in accordance with the profit-sharing contracts, of corporate funds held in Germany and Italy, which cannot be transmitted to this country because of restrictions and exchange difficulties. Adjustments for losses on these funds could be made until 1944 under the contracts.

As result of Justice Valentine's findings, the four individuals, Schenck, Mayer, Rubin, Bernstein and the Thalberg estate will through restatement of their profit-sharing payments, have to pay back to the corporation, between \$500,000 and \$550,000, including interest, because of accounting errors committed in failing to deducts proper losses.

## Errors Involve Ohio

### And Buffalo Theatres

The errors, specifically, consisted of deductions from income tax reports but not from profit-sharing computations and distribution to the five individuals. In the case of Loew's Ohio Theatres, company had an investment of \$1,406,507 represented in this deal. Because of the foreclosure of the properties in 1934 a deficiency judgment resulted which was written off on the books of Loew's, Inc., deducted from income tax reports, but not deducted from the profit-sharing statements.

In the matter of the Chippewa Theatre, Buffalo, the corporation suffered a loss of \$31,517 in the same year (1934) because of loss of the lease by failing to pay rent. The same accounting procedure was followed in the Ohio situation.

The company failed to deduct from profit and loss statements approximately \$1,000,000 expense to retain

Thalberg's services and mail in morale of the company, and likewise to keep Norma Shearer tied to a Metro contract. About \$180,000, split as a bonus among the executives, will have to be restored by them and the Thalberg estate to Loew's, Inc., as settlement, with interest, of a claim of the Thalberg estate against the corporation.

The court pointed out that improper accounting of the 1934 items of loss were not due to wilful intent but to a mistake of law by the company.

Justice Valentine held that the directors were not guilty of waste, mismanagement, fraud or conspiracy. Contracts between the company and its executives for the payment of compensation were proper in principle and not out of reasonable proportion to the value of their services, considering the high salaries paid in the motion picture industry and the intense competition between the major companies for executive talent.

He further held that the contracts for percentage compensation had been approved by the stockholders after notice and that, therefore, the stockholders must be deemed to have ratified the same.

The board of directors and the management, it was decided, had not improperly withheld any information from stockholders and their absence from publishing to the world the amounts paid to its principal employees and executives was based on good business judgment because of the possibility such employees might be enticed away by more lucrative offers.

## Praise for Mayer Group; Doubled Profits in 3 Yrs.

Under the so-called 'Mayer group,' consisting of Mayer, Thalberg and Rubin, the production enterprises of Loew prospered and net profits of Loew's, Inc., increased from less than \$3,000,000 in 1924 to over \$6,000,000 in 1926, and consequently they were entitled to everything received in salaries and bonuses.

'Continued success of Loew's, Inc., through all the depression years, no matter how much one may attribute part of the success to the Mayer group and the producing genius of Irving Thalberg, is in large part due to Nicholas M. Schenck. With the rapid growth of the company and with his diplomatic skill in holding the organization intact, it would seem that no ground exists for the issuance of salary and small percentage of the profits allowed him by the directors,' reads Valentine's decision.

Court disposed of the complaint that there was no deduction of \$2 per share made on stock issued as a stock dividend, in determining profits for purposes of compensation base, by holding that to do this would be contrary to the terms of the written contracts with the executives.

Those contracts provided that additional shares sold for bona fide consideration in cash or property, approximately equal to the market value of such stock, should be counted in the number of shares on which \$2 per share should be deducted. Stock issued as dividend is not of that nature. It is merely a profit distributed as stock instead of cash. It does not belong in the category of new stock issued in exchange for property acquired, for an equivalent bona fide consideration.

**Schenck Vindicated**  
Expressing satisfaction with the outcome of the Loew's stockholders' suit, Schenck stated last Friday (20), 'I am delighted that the court has exonerated our board of directors, and that the profit-sharing contracts have been approved. I can only regret that I had to write a letter to stockholders on Dec. 30, 1937, that, in my opinion, the approval of these contracts will be in the best interests of the company and its stockholders.'

'As to relatively minor respects in which, court has found that I and four other executives were inadvertently overpaid in 1934 and 1937,

## 'Nancy' Leads Parade Of Eight in Prod. at WB

Hollywood, Jan. 24.

'Nancy Drew, Trouble Shooter,' hit the cameras yesterday (Monday), the first of eight features slated to start on the Warner lot in the next four weeks.

Three more, 'Confessions of a Nazi Spy,' 'Each Dawn I Die' and 'Student Nurse,' roll Jan. 30. 'Old Maid,' 'Battle of the City Hall' and 'Blind Spot' are scheduled for Feb. 13 and an untitled Secret Service yarn for Feb. 20.

## Loew's \$9,024,934 Net; Equals Earnings Of \$5.63 Per Common

Loew's, Inc., and wholly owned subsidiaries showed net income \$9,024,934, after all taxes and charges, for the fiscal year ended Aug. 31 last, according to the annual statement sent to stockholders yesterday (Tues.). This is equal to \$5.63 on each common share, which is exactly in line with expectations in Wall Street. Loew's net profit before taxes totalled \$12,054,885.

Minority interests' share and Federal taxes of \$1,581,141 brought down the net profit which was carried forward to earned surplus account. Company balance as of Aug. 31, 1938, was \$47,787,157.

The report covering the 12 months prior to Sept. 1 last showed operating revenue of \$122,737,214, and operating and general expense of \$95,600,012.

Loew's paid out \$5,596,593 in dividends to common stockholders and \$888,693 to preferred shareholders during the past fiscal year.

Company made note of the fact that 115,152 shares reserved for options were issued to executives in connection with personal service contracts, and exercisable at \$40 per share, as follows: 66,600 shares from Dec. 31, 1938, to Mar. 1, 1939, and 48,492 shares at rate of 9,698 2/5 shares' cumulative annually, from Dec. 31, 1937, to Mar. 1, 1942.

Henry Rogers Winthrop, of Winthrop, Mitchell & Co., Wall Street brokerage house, was elected to the Loew's, Inc. board of directors at the meeting last week. He replaces William A. Phillips, resigned. Winthrop holds directorships also in Metropolitan Opera, Long Island and Wabash railroads and American Express Co.

## Mrs. Schulberg Sails On Darrieux Contract

Ad. Schulberg (Mrs. B. P.) of Schulberg-Lafite, Coast agency, sailed for Europe Saturday (21) to straighten out legal difficulties of Danielle Darrieux in France. Likely that she will return with the Gallic film star in a couple of weeks, confident of adjusting some of her previous commitments in France.

While abroad, Miss Darrieux made a film, 'Katia,' which has already been trade-shown in the U. S. It was made in French only, because of the star's Universal contract.

I feel sure that none of our executives would desire to retain any money they had received through mistake of law.

Joseph M. Proskauer, ex-judge of the Appellate Division, and J. Alvin Van Buren, represented the corporation and the five defendants in the trial.

Emil K. Ellis, plaintiffs' counsel, indicated the Loew's corporation would probably reimburse him and his associate counsel for their efforts in having restored to the company's treasury, the amounts directed by the court, stating, 'The court will allow to the attorneys who represented stockholders in this action, compensation based on their services, to be determined by the applications which will be made at the court's direction.'

Unofficial estimates as to extent of this compensation run anywhere from 25% to 33 1/3%.

## Attorney Ellis' Financial Addenda

Commenting on whether or not the 12 Loew stockholders represented in the suit were satisfied with the verdict, Emil K. Ellis, chief counsel for the 12 consolidated actions stated: 'Insofar as the court's opinion does criticize Loew's accounting methods, and inasmuch as it points the way in the future to a more conservative accounting policy, it seems to me the stockholders of the future will benefit to a very much larger extent than the restoration of the \$550,000.'

'Proper accounting will hereafter undoubtedly reduce the amount of money to be split up among the executives named in the suit just ended, and to other producers and executives whose new percentage contracts were effective Jan. 1, 1939.'

While the court held that the directors were not chargeable with negligence, because company accountants failed to discuss with them conflicting opinions among officers of the company and its accountants, Ellis feels that such specific instances of improper accounting, as complained of in his briefs and given below should have received the court's attention, and undoubtedly would have been productive of a much larger financial recovery by the corporation. Ellis' points are:

Failure by directors to set up a proper reserve in anticipation of having to pay judgment of over \$600,000 in the 'Lety Lynton' case, especially after referee had determined how much the company would be liable for. Some \$250,000 was all that the directors had set up on the books for deduction from future profit-sharing statements;

Comar Plays, Inc., Loew subsidiary producing plays on Broadway in 1935-36, showed a loss of \$380,000, according to Ellis, but this was not included in statement of losses in those years and was only written off the books finally in 1938;

The Park Slope theatre property in Brooklyn, N. Y., in connection with which the company did not take off such proper items as expense for repairs and maintenance and instead, capitalized them;

Sept. 3 properties worth about \$100,000, never used and scrapped, but not deducted as a loss;

About \$822,000 as reserves on book rights, which the company failed to deduct from profit-sharing statements;

A total of \$271,644 in story continuities, which figured in the 'alleged' overpayments, originally written off by accountants but ordered restored by Rubin and Mayer as still possessing value.

## Studio Contracts

Hollywood, Jan. 24.

Columbia signed Wesley Ruggles as producer-director.

Superior Court approved extension of Joyce Mathews' contract with Paramount.

Metro lifted Marion Parsonnet's writer option.

Grace Stafford signed two-picture contract at Warners.

Mary McCall, Jr., inked scripter pact at Metro.

Metro handed Gene Reynolds a new ticket.

Stuart Palmer signed one-year writing deal at Paramount.

Doris Jordan inked player ticket at RKO.

RKO handed Garson Kanin new scripting contract.

John Laing signed to RKO covenant.

Paramount handed Ellen Drew new player contract.

Irmgard Von Cube inked pact with Samuel Goldwyn.

Paula de Corda handed new player ticket at Paramount.

## MERRITT HULBURD DIES IN FLA. AT 35

Merritt Hulburd, 35, associate producer for Samuel Goldwyn until several months ago, and more recently associate editor of the Saturday Evening Post, died of a heart ailment in West Palm Beach, Fla., Sunday (22). He had gone south to recover from an illness and had expected to leave shortly for the Coast to become an associate producer for Selznick-International. Mrs. Hulburd, the former Jean Thompson, was with him at the time of his death.

When Hulburd resigned his post with Goldwyn at a salary reputed to have been \$1,250 per week, he surprised the industry and his friends by saying he was returning to Philadelphia to resume his editorial job with the Saturday Evening Post in order to get away from the nervous strain of Hollywood. The mag job is said to have paid \$300 a week.

Several weeks ago David O. Selznick induced Hulburd to resign from the publication and return to Hollywood. In the late fall, before leaving for the Coast, he had submitted to a major operation. His health had seemed to be improving when he left for Florida and he expected to resume his film career shortly.

Hulburd was born in Philadelphia, the son of David W. Hulburd, a lawyer. He graduated from the University of Pennsylvania in 1923 and joined the Saturday Evening Post in 1924. In 1925 he became story editor for Paramount and three years later joined Goldwyn and produced 'Dodge,' 'The Hurricane,' 'Dead End,' 'Come and Get It,' 'We Three' and 'Stella Dallas.'

Survived by a son and two brothers, David, an editor of Time mag, and Lieut. Jack Hulburd, a naval aviator.

## RAFT AT \$4,750 WEEK ENDS 8 YRS. AT PAR

Hollywood, Jan. 24.

George Raft and Paramount washed up their contract after the actor turned down the role assigned him in 'The Magnificent Fraud.' Pact would have expired Feb. 11.

Lloyd Nolan, who replaced Raft in 'St. Louis Blues,' does the same in 'Fraud.' Studio plans to build him into a star. Raft had been with Paramount about eight years and was drawing \$4,750 a week under his last option.

## Court Rules Freddie Stays with His Aunt, Myllicent Bartholomew

Sacramento, Jan. 24.

The parents of Freddie Bartholomew lost in their attempt to have the state supreme court review proceedings whereby the 14-year-old, British-born film star was adopted by his aunt, Miss Mylicent Mary Bartholomew. The court denied without comment in San Francisco Jan. 20 the petition for a review which was filed by Mr. and Mrs. Cecil L. Bartholomew.

Charging fraud, the parents alleged that 'Aunt Mylicent' kidnapped the boy and brought him to America after arranging, without the Bartholomews' knowledge, for him to act in the picture 'David Copperfield.'

Mr. and Mrs. Bartholomew said they attempted to have the adoption set aside after the aunt filed an action to nullify an agreement concerning the boy's earnings.

Under this agreement, 80% was to have been held for Freddie, 10% for two minor sisters and 10% for the parents.

The aunt was named guardian of the boy Nov. 21, 1938.

## Butler Off 'Maker'

Hollywood, Jan. 24.

David Butler, currently piloting 'East Side of Heaven' at Universal, called off his assignment as director of the forthcoming Charles R. Rogers picture, 'The Star Maker,' at Paramount.

'East Side' will not be finished in time, owing to delays in script.

## SUE CAROL TURNS AGENT

Los Angeles, Jan. 24.

Sue Carol, former silent film actress, will enter agency business.

Actress has filed incorporation papers for a Hollywood percentery capitalized at \$25,000.

# AGENTS FIGHT LICENSING

## More Indies Look to Withdraw From B&K Suit; Resolves Itself Into Essaness the No. 1 Plaintiff

Chicago, Jan. 24. Unraveling of the case of the Allied independent exhibitors against Balaban & Katz and the major distributors looms as a near-future possibility. This follows the pull-out of two important plaintiff exhibitors from the suit and it is understood that several more inside exhibitors, originally on the firing line against B&K and the exchanges, are readying to withdraw their complaints.

Several factors have come to the front to bring about this change of heart in the indie exhibitors. Most important is the proposed legislation, both locally and nationally, against producers affiliated with exhibition, and the two Federal lawsuits pending against circuits in Chicago and in the east.

Indie exhibitors feel that the Federal action will take care of all the exhibitor complaints here, and thus eliminate the necessity of the local exhibitors coming up with the considerable cost of it will take to finish. It is reported that the bulk of the exhibitors in the Allied suit have neglected to contribute their attorneys' fees and it is likely that many of them will continue to hold off coming through with such remuneration.

It appears now that Essaness, largest and most influential circuit in the Allied ranks, will emerge as the prime backer of the Allied indie suit against Balaban & Katz and the distributors. Essaness has been the most vehement denouncer of double features, and is rabidly opposed to the continuance of twin bills. Essaness and B&K have locked in the northern battle on triple features, with the B&Ks Belmont and the Essaness Northcenter trying to outdo each other in the amount of bargain entertainment offered the public. From the way the other exhibitors are dropping out of the case, indications are that Essaness will wind up paying the big share of the freight, making it almost primarily an Essaness vs. B&K suit.

And finally, the straw that is cracking a number of exhibitors in the suit is the indication that both B&K and the distributors will make good their intention to insist that the exhibitors bring their books into court to prove, by financial statements, just how much the so-called unfair tactics are injuring them. These exhibitors are unwilling to open their books in court, for several reasons.

There is doubt that the books will show the exhibitors taking the losses claimed by them. Especially, the doubt exists that the books will show any losses for such years as 1936 and 1937 when the double features, the clearance system and the other so-called abuses were as much in evidence as they are today.

## RKO, U SET NEW DEALS WITH PENNER, FIELDS

Hollywood, Jan. 24. Joe Penner has signed a new contract with RKO. He cleaned up his old five-picture deal with 'Doodle Kicks Off.'

Universal has signed W. C. Fields for another picture, with Lester Wan in on the deal as producer. Come this week finished 'You Can Cheat an Honest Man,' with start on his next expected in early April.

## Eight Scribes Leave Par

Hollywood, Jan. 24. Eight scribes finished their writing chores at Paramount and checked out of the studio.

They were Malcolm S. Boylan, Monte Brice, Jerry Cady, Lloyd Corrigan, Laura and Sam Perelman, Sam Perrin, Frank Ryan and Robert York.

## Hold That Smile

Hollywood, Jan. 24. Gals may smile for hours without wrinkling their complexions, with a new type of makeup devised by Joe Valentine, cameraman, and Jack Pierce, facial architect, at Universal.

New makeup, built on a grease base, is lighter than the old, and eliminates permanent creases caused by smiles.

## M-G SLASHING SHORTS; SELL INDIVIDUALLY

Hollywood, Jan. 24. Metro shorts department for 1939-40 is in for a heavy reduction. Our Gang comedies are to be dropped, along with more than 20 one and two-reelers. Last year's program of 105 pictures will be whittled to about 80.

Four series are definitely assured of remaining—the Pete Smith Specialties, the Carey Wilson Miniatures, the Robert Benchley comedies and the John Nesbitt Passing Parade. Plans call for dropping several other series, including a number of musicals. Under the new system, shorts will be sold separately, on their own merits, and not tied to features.

## ZASU PITTS' NOVEL TAX APPEAL; \$16,000

Sacramento, Jan. 24. ZaSu Pitts, film actress, filed an appeal with the U.S. circuit court in San Francisco, Jan. 18 from a decision of the Board of Tax Appeals in which she was assessed \$16,000 for alleged income tax delinquency for 1932 and part of 1933.

She contended the board erred in failing to find that the earnings of a wife living separate from her husband (for the purpose of obtaining a divorce on grounds of desertion) remained community property until a final divorce decree.

Records of the case show that the actress was married to Thomas S. Gallery in 1920, that she filed a suit for divorce Jan. 14, 1932, obtained an interlocutory decree April 26, 1932, and won a final decree May 2, 1933.

She set forth her own earnings in \$74,265, her husband's as \$1,600, and said in 1933 up to the divorce she earned \$20,800 and that her husband had no net earnings.

The Government contended all her earnings constituted separate property and were taxable to her—that they did not have the status of community property because she was not living with her husband.

The board in its decision held that 'the evidence clearly indicates both parties had come to the parting of the ways.'

## Roach's 2-Wk. Layoff

Hollywood, Jan. 24. Economy wave at the Hal Roach studio caused a two-week layoff for all workers not directly connected with 'Captain Fury,' now in production.

Among the payless vacationists are Jack Jevne and Charles Martin, writers.

## DOUBLE HITCH IN GUILD DRAFT

Negotiators Can't See Eye to Eye on Limit of Player Deal, Contract Revocation Basis—N. Y. Agents May Be Drawn Into Scrap

### VETO ARBITERS

Hollywood, Jan. 24. Film and radio agents have decided to fight licensing plan of the Screen Actors Guild unless drastic concessions are made in the proposed franchise setup. A mass meeting of Coast bookers has been scheduled by the Artists Managers Guild for Monday (30) to discuss the situation.

Tops in the AMG admit that negotiations between the two groups have been harmonious but claim there is still a wide difference of opinion as to how the licensing pact should be drafted. Biggest hitch is on limitation of contracts and revocation of an agent's license. Arbitration plan calling for outsiders to decide any dispute that might result in an agent losing his license was promptly vetoed by the SAG.

AMG leaders claim revocation clause as proposed by the actors would amount to revocation of an agent's business without due process of law. The AMG, while refusing to discuss the situation in advance of its meeting, is known to be counting on the support of the State Labor Commission, which must finally pass on any license before an agent can do business.

While the SAG first proposed to limit all contracts between agents and their clients to one year, the actors have shown a disposition to increase this to two or three years. With a tentative agreement near on this issue, the biggest remaining item in dispute is the revocation clause.

In the event an open fight develops, eastern agents are expected to be drawn into the battle as Actors Equity would be lined up in support of the SAG. Because of their active interest in supporting American Federation of Radio Artists in its tilt with the advertising agencies over a contract covering commercial network broadcasting, the actors have been unwilling to bring the situation to a showdown.

### Hint at Court Appeal

The SAG still indicates that an agreement is near and that no fight is anticipated. Tops among agents, however, insist they will never willingly accept conditions offered. Several who only recently aligned with the AMG, intimated they would appeal to the United States courts because surrendering the right to operate businesses in which they claim to have invested thousands of dollars.

Possibility of another studio labor war over union jurisdiction hinges on decision to be handed down the last of this week by Harold V. Smith, Coast head of the International Alliance of Theatrical Stage Employees. Crafts actively involved include the studio laborers, carpenters, plasterers and machinists.

Smith, before checking out for IA executive meeting in Miami, conferred with international representatives of various unions and J. W. Buzzell, executive secretary of the Central Labor Council, who stepped into the picture in the role of mediator. Generally reported that Smith will bring his group into Central Labor Council if Buzzell is successful in ironing out disputes among American Federation of Labor crafts.

Studio Utility Employees Local 724, carpenters and machinists have already appealed to the National Labor Relations Board. The SUE is asking for certification as bargaining representative for the laborers, while the carpenters and machinists are charging the producers and IA with coercion and intimidation by force. (Continued on page 21)

## Now It's Duals, with Vaudeville, At the Loop Oriental; Chi Wonders When and Where It'll All Wind Up

### A Breen Standoff

Hollywood, Jan. 24. Paramount won a skirmish without the Hays office over a love scene in 'Cafe Society,' which Joe Breen thought was too hot. Scene remains as is. Studio recently lost a decision over 'Zaza,' making it 50-50.

## HOW THE LACK OF A DAILY HURT B.O.

Grosses at picture theatres in Wilkes-Barre, Pa., are far below normal and have been off ever since newspapers ceased publication in this city of about 100,000 about three months ago, because of trouble with the Newspaper Guild. The town's first daily resumed Monday (23).

Although exhibitors have used handbills, radio time and all other means of ballyhooing product, continued absence of newspaper publications cut into grosses so badly in the last 45 days that the take is reported to be 40-50% below normal. Exhibitors claim that the experience has convinced them that newspaper advertising is 75-90% of the effective bally they can secure on films.

## VALLEE WITH HENIE IN 20-FOX 'WINTER'

Hollywood, Jan. 24. Rudy Vallee returns to pictures to join Sonja Henie and Don Ameche as one of the leads in 'When Winter Comes,' starting next month at 20th-Fox.

Irving Berlin is doing five songs for the picture, screenplay by Harry Tugend from a story by George Bradshaw. Director is William Seiter.

S. S. Van Dine has been signed by 20th-Fox to write a whodunit on skates for Sonja Henie. Follows her current 'When Winter Comes.'

### MUGG'S POLITICO POST

Frank Scully's Berth—Carey McWilliams Gets Calif Appointment

Sacramento, Jan. 24. Frank Scully, Hollywood author and ex-Variety mugg, who wrote Governor Olson's biography for use in his campaign, has landed the appointment as deputy California State Director of Institutions. Post pays \$5,000 a year.

Richard C. Olson, son and private secretary to the governor, said Scully would be assistant to Dr. Aaron J. Rosanoff, noted psychiatrist. Young Olson described Scully as a 'deep scholar and a very social-minded person.'

Carey McWilliams, Hollywood writer and attorney, this week-end was appointed by Governor Olson as chief of the state Division of Immigration and Housing. He succeeds A. E. Monteth, Los Angeles, who held office under the Merriam administration.

McWilliams is described in the formal announcement of his appointment as attorney for a number of motion picture unions in Los Angeles, and legal representative of the Los Angeles unit of the American Newspaper Guild. He is also the author of several biographies.

Chicago, Jan. 24. Supercollateral values in entertainment rather than promotion, exploitation and showmanship are becoming the order of the new day of show biz and the theatre men are beginning to wonder where the halt will be called. Just a few years ago, the theatres were doing well with a single feature and a few shorts for a balanced bill that balanced the budget. At present, the general run of houses are running an unbalanced bargain lineup and endeavoring to right their budgets.

But the trend to bigger and more extravagant bargains continues. The newest is the decision of Jones, Linick & Schaefer to shunt the big downtown vaudeville Oriental into a double feature film policy along with vaudeville. New setup starts on Friday (27) with 'Smashing the Spy Ring' (Col) and 'Mysterious Miss X' (Rex) on screen.

Oriental has found the going somewhat tougher at the boxoffice during the past few weeks since Balaban & Katz reopened the State-Lake with vaudeville, using eight acts at 40c top. J. L. & S. has made the town conscious of vaude and admission bargains, and this latest step is a new move giving extra amusement value to the customers.

It is considered likely that B. & K. will meet this bargain move on the part of J. L. & S. by shifting either or both the Apollo and Garrick into a regular twin bill policy so as to offset the twin-billing of pictures at the Oriental.

Mounting Costs Exhibitors around the midwest are rushing out for aspirin as they watch the steadily climbing cost of operation due to the great surge of bargain policies in this territory, and this is not known just what to do to meet the situation.

They have gone into double features; they are giving away dishes and other items running up to 10c and 12c value; they are cutting prices; they are even being shunted into triple features in many situations. And the end is not yet in sight from all indications.

Loop spots which looked free of double billing now appear readying for a spree of twin-billing of first-run flickers, and there doesn't appear to be any way to spot the steady drive to that conclusion.

It has become a matter of seating capacity in practically every instance. Houses which can do at gross trade manage to show profits, while the small theaters are finding it a herculean task to stick on the right side of the ledger under the added weight of new bargains.

The customers indicate their full boxoffice approval of the bargain policies. They open up square at the twin pictures, but when it comes to buying amusement, the customer always buys doubles.

Predictions are that the giveaway will be the first item that will be lopped off by the exhibitors when the trend's explosion. Evidence is growing daily that the premium stimulant has worn itself out in most sectors and that the exhibitors have reached the end of their rope in expensive and costly items for gifts. The cheaper items are absolutely of no boxoffice value, and the costlier handouts make it impossible for the house to break into a profit.

## Affirm Mary Pickford's 25G Judgment in Cal.

Sacramento, Jan. 24. The California supreme court in San Francisco affirmed a \$25,000 judgment granted Mary Pickford, Inc., and Mary Pickford against Bayly Bros., Inc., for money invested by the actress in a Los Angeles real estate subdivision.

Miss Pickford charged that sales of shares in the subdivision were fraudulently promoted.

## Metro Talent Exec Details Co.'s Method of Training for H'wood; But New Faces of Grave Concern

New methods for seeking out new faces for the screen have become necessary with talent divisions of major companies in the east during the last few years. With talent having dwindled markedly for the past five years or more, the stage can't be depended on for new thespians. "Consequently major companies' talent executives in the east are grooming young people," states Al Altman, Metro's eastern talent executive, "when they possess personality and photogenic appearance by helping them get into shows, and by giving them cooperation in preparation for some eventual success on the screen."

"I do not say that any person we single out is assured of a chance in a legitimate stage production, but at least we will try our best to see that he or she receives a break. Legit producers seem glad to try out our discoveries."

An illustration of this, Altman pointed out, is Marcy Westcott, operatic ingenue discovered in Chicago and persuaded to come to New York. Introduction of her to Marc Connelly and Bela Blau got her into "Two Bouquets," according to Altman. Now she is in "Beat From Syracuse," under George Abbott's direction. In both shows she has the advantage of skilful handling, and learning at first hand full audience reaction to her work and personality.

Altman summarizes outstanding players tested by Metro to since 1928 to illustrate how badly the Broadway stage had slipped as a talent source.

"I recall doing tests of Phillip Merivale, Walter O'Keefe, Dorothy Stickney (then in 'Front Page'), Irene Delroy (at that time in the 'Follies') and Marylyn Douglas in a single month back in the 1928-30 era."

### Wealth of Potentials

In another month tests were turned out of Henry Hull, Brian Donlevy, Ada May Weeks and Peggy Woods, then playing in 'Candida'; Alice Boulden, a torch singer regarded as the Ethel Merman of her day; Spencer Tracy, Mary Lewis, operatic artist; Mary Ellis, Betty Compson, now Mrs. James J. Walker, and Basil Sydney. In still another month in those lively days of legit productions, Violet Kemble Cooper, Margaret Wycherly, Ethel Barrymore, Harriet Hilliard, Gus Shy, Frank Morgan (tested with Peggy Allenby), Lou Holtz, Charles Clifford, Roland Young, Gladys Swarthout and Grace Mure were before the testing cameras for Metro in New York.

"There are 12 carefully selected people on Metro's list at the present time receiving individual coaching from experienced local men. All are their own way. But as soon as they appear ready, these aspirants will be helped in stage productions when an opening occurs. This tutoring is not school work but individual coaching where voices and body movement receive special attention."

"M-G-M thinks aspirant players should get professional work as soon as possible. And that audiences should be the medium for correcting flaws in their work, and also that theatre patrons will let the individual know what is necessary to remedy in the making of their play. Our idea is to get behind nonphysics with promise and see that their morale stays high while they are going through the mill."

"We also help them get into radio, night clubs and shorts. In our tests, too, occasionally we use them to 'test' more experienced players. But that the camera conscious attitude will be eliminated. The eastern office is inclined to believe that actual experience is far more fruitful than 'schools'."

"However, this takes care of ingenuities, juveniles and young leading men and women. But where are new character people coming from? When there are so few long-run successful plays today, it means this opportunity to be a successful character in legit is almost wiped out. Nor is radio production in supplying this type of actor to any appreciable degree."

### 'KATINKA' LINED UP

Hollywood, Jan. 24. Metro is filming 'Katinka' as the next, co-starring for Jeanette MacDonald and Nelson Eddy.

### On a Bicycle

Hollywood, Jan. 24. Double bills look like push-overs to Raymond Hutton, who is playing a triple-header at two studios.

Route covers 'I'm from Missouri' and 'Federal Offense' at Paramount to 'The Lone Ranger Returns' at Republic.

## Principal Wins On Appeal; 12 Indie Pix Involved in the Suit

Principal Film Exchanges, Inc., yesterday (Tuesday) in the Appellate Division of the N. Y. supreme court won a reversal of an order of the lower court which last November temporarily enjoined it from continuing to distribute 12 independent action pictures made by independent producers on the Coast. The plaintiffs in the action, Superior Talking Pictures and Stage & Screen Productions, Inc., claim exclusive right to the pictures.

In reversing the lower court, the Appellate Division held that "a temporary injunction pending the outcome of a suit for a permanent stay should not have been granted, nor should a receiver have been appointed." The higher court set Jan. 30 for trial of the action.

## 3 FOREIGN ARTYS IN N. Y. FOLD OR SWITCH

Death of strong first-run foreign product is held responsible for shutting of two artsy-foreign language theatres in New York City last week. The Squire (Consolidated) on Eighth avenue, and the 55th St. Cinema, the latter a pioneer foreign film, were the casualties.

Continental, on Broadway and 52d street, which has struggled along with sundry foreign product at intervals for the last two years or so, is swinging into burlesque.

In contrast to these closings, both the Filmarte and Waldorf are faring well with foreign first-runs. Latter house, on 50th street near Sixth avenue, since taken over by the same group running World Pictures, has used both first-run foreign pictures as well as unusual subsequent run product suitable for this location.

## Brice Out of MG Pix But Held for Radio

Hollywood, Jan. 24. Latest contract checkup at Metro shows Fanny Brice erased from the player list but still on the payroll under the studio's deal with General Foods to keep the comedienne in the Good News airshow. Others off the player list are Reginald Gardiner, Allyn Joslyn and Kenneth Stevens.

Newcomers on the Metro player roster are Ina Claire, Mary Beth Hughes, Laraine Johnson and June Preisser. Ernest Lubitch, Tod Browning and Leslie Fenton have been added to the director list.

### Stoki's Disney Chores

Hollywood, Jan. 24. Maestro Leopold Stokowski has signed a contract with Walt Disney to direct and record eight semi-classical numbers for a cartoon feature based on a Disney short, 'Sorcerer's Apprentice.' Stoki had previously recorded one number for the short.

Stokowski's pact with Disney will run for 18 months, and recording for the feature will be done in Philadelphia by a special symphony orchestra under Stokowski's direction. Deems Taylor, composer and critic, will act as technical adviser and narrator on the picture.

## UA'S SPECIAL SALES PROMOTION DIVISION

As an outgrowth of its method of working in close cooperation with individual exhibitors and circuit heads in merchandising pictures for maximum boxoffice possibilities, United Artists has organized a new sales promotion department. Purpose of the section, which will function under Monroe Greenhalgh, head of the UA exploitation department, is to provide special aid to theatres playing UA pictures on advertising and exploitation, and to act as a liaison between the circuit heads and the UA sales department, heads: Harry Gold and Jack Schlaifer, east and west.

Greenhalgh also continues in a liaison capacity between the advertising-publicity department, headed by Lynn Farnol, and the UA sales department. When the latter, for instance, decides a picture should be merchandised along certain angles, Greenhalgh works out the campaigns.

Specific goal UA is aiming at calls for a concentrated effort through the sales promotion department, to obtain holdovers or extended runs of the company's high-percentage picture engagements.

## ALLIED SCORES BICKERING IN THE PIX BIZ

Washington, Jan. 24.

Dissatisfaction with the self-regulation plan proposed by major distributors, as a means of ending bickering over leases, was reflected last week by directors of Allied States Association, disgruntled group of independent exhibitors. Further negotiations were ordered, although the board voted to continue seeking relief from alleged oppressive practices through the courts and from Congress.

Outcome of the two-day huddle with W. R. Rodgers, chairman of the majors' committee, and Gradwell Sears was approval of a report that the concessions are unacceptable and fall far short of Allied's desires. Chief squawk was about the arbitration machinery, with the indies feeling the distributors' plan is wholly disappointing and the tentative outline incomplete in both principles and details.

The draft in its present form does not, in the opinion of your committee, meet the requirement of the resolution adopted at Chicago (Nov. 3) that it obtain from the distributors their complete plan, including the arbitration machinery. "The draft, being incomplete in the particulars mentioned above, the Committee does not feel that it can recommend that it be either accepted or rejected."

Approving this report, which said Allied has been the majors' "have got as far as they will go," the board directed the committee to persist in trying to get a concrete draft which can be the basis for taking a definite stand, but said a report must be presented by March 1.

In another resolution, the group reaffirmed its support for the Neely anti-block booking bill again pending in Congress and requested aid of 20th Century-Fox and Chase National Bank in breaking the hold of Warner Bros. on first-run pictures in Philadelphia.

The directors instructed their legislative committee to do everything required to prosecute "vigorously and relentlessly" a campaign for both Federal and state laws which will break up the alleged monopolies and give the desired relief on the major distributors. Specifically told the wire-pullers to try and line up support for the Neely measure.

On the Philadelphia situation, a resolution requested 20th Century-Fox and Chase, as the controlling interests in National Theatres Corp., to "give earnest consideration to the advisability of leasing so theatre to an independent exhibitor when the present lease (with WB) expires to break the monopoly in first run theatres which Warner Bros. now have in Philadelphia."

In addition to a chowder party celebrating the organization's 10th birthday, the directors elected new officers, picking Col. H. A. Cole, of Dallas, to succeed Nathan Yamins,

## 'Consent' and That Legal Bill

Latest development in legal circles of the industry relative to ground work for any consent decree in the Federal anti-trust case is that film attorneys believe the wording of the plaintiff's petition in the suit is too abstract to be used as basis for a satisfactory decree (from the picture business' standpoint). While indicating willingness to agree on certain phases of a consent decree, lawyers envision any such decree as so heavily tied in with other unsatisfactory stipulations that a common ground apparently could not be reached.

Currently, the anti-trust suit now hinges on what action the court takes on the defendant's plea for a bill of particulars.

In the meantime, while sentiment sways first in favor of a satisfactory consent decree and then definitely against any such move, the cost to the picture business continues to grow. One of the lesser major companies alone has 14 attorneys now at work on the case. Another larger company has established a complete legal division just to handle this suit and all anti-trust litigation.

It required nearly two and a half years for the Government to develop material in the suit, including heavy outlay for trips by Federal men and attorneys, and now the film companies must go over virtually the same ground in order to show the industry's side of the story.

## Aggie Thinks Lefty Oughta Run More Elks Than Pix—Finds It Pays Better

By Joe Laurie, Jr.

Coolacres, Jan. 24.

Dear Joe:

Well, Aggie is talking to me once again and everything is hunky-dory. She is her sweet sarcastic self and it sort of gives a different atmosphere to our figure. You know, Joe, nothing hurts your friends more than to try and figure out how you got your wife or your girl to happen to me. Aggie have had plenty of arguments in the past and are gonna have some in the future but when you come to think of it, we all have arguments with friends and even perfect strangers, so why not have arguments with your wife who is almost as good as a friend? Sometimes I win the arguments and sometimes Aggie does, but what's the difference, we don't keep score! I know Aggie don't like me to drink and that's what made her sore at me, but I like to tell her an exhibitor these days has not got a happy one in awhile—that's the only time I think I'm running good pictures. Well, anyway, I signed the pledge, which shows you a guy will do anything when he's drinking.

Last week I put on the Elks' Annual Show in my theatre and the place was packed. You know last year I gave them the house for free, but I didn't have any overhead then as I owed for everything, so this time I just charged them for actual overhead expenses, which only gave me a slight profit. Aggie said it was to run the Elks instead of pictures.

We had a pretty good entertainment considering it was all yokel talent. Some of the people were rehearsing their acts for nearly a year. Can you imagine anyone rehearsing a year to be bad? They listen to the comics on the air and imitate them. They got their routines word for word. One guy did Jack Benny, another guy did Bob Hope and one guy sang like Al Jolson, he thought. They weren't so very bad considering they did it for nothing. They weren't put-up Elks either, they were real from go on. They all had a lot of fun, you know it don't take much for people to have fun—just give 'em a chance to make a fool out of themselves in public, and they're tickled to death. At least when an actor does it, he gets paid, sometimes.

I see by last week's VARIETY that there's a shortage of acts for vaudeville. A 10-week route punctured with months of layoffs won't bring out the good acts from hiding. Aggie sez it looks like they're bringing back vaudeville in an ambulance. I think they're bringing it back because it's a World's Fair Year. I won't be a bit surprised if some guy shows up selling those folding combination coat and trouser hangers... and the flower you put in your button hole that squirts water. In fact Aggie and me, the first thing we talked about, when we started talking, was about getting a concession at the Fair in New York or Frisco. You know me and Aggie worked carneys for a few years and know the racket and all the angles. We can leave the theatre business in the hands of the vic while we go on, even thinking of making him a partner, but he's too nice a kid for that. You know it gets a little tiresome for me and Aggie in a small town like this... especially in our business where we must look at pictures every day. So it would be a nice change for us to be with crowds and see some people in a hurry for a change. If you hear of anything in the line of a good concession let me know. I think I can get my friend the banker here to backroll us; it won't cost him much for an excuse to go to New York.

We sure were very sorry to hear about our old pal, Walter C. Kelly, going 'Upstairs.' If there ever was a blue-blood of vaudeville Walter Kelly was it. His act was one of the few cameos of vaudeville and besides being a great performer he was a swell pal, a combination that makes the best obituary. And now, all that flow of fun and all that found of humor is stopped. "Court's Adjourned" for our pal, the Judge... So long, SEZ

Your pal,

Lefty.

of Fall River, in the presidency.

Herman Blum, of Baltimore, was re-elected treasurer, while Charles H. Olive, of Washington, was named secretary, and P. J. Wood, of Cincinnati, was chosen recording secretary. Abram F. Myers, former Federal Trade Commissioner, was re-elected general counsel and chairman. The board comprises W. A. Steles, Sidney Samuelson, Martin J. Smith, Myers, Yamins and Cole.

### Auer Duals 'Parade'

Hollywood, Jan. 24. John H. Auer gets the dual job of producing and directing Republic's 'The Hit Parade of 1939,' starring Phil Regan. Work starts as soon as Auer finishes 'Flight at Midnight.'

### 'MAMMLOCK' MIXED IN OHIO

Columbus, Jan. 24. Following an additional review of 'Professor Mammlock,' Russe pic, at request of film men and others, the Ohio censor board has permanently banned the picture in Ohio. It previously was rejected.

### \$25,000 Theatre Fire

Lynchburg, Va., Jan. 24.

Fire destroyed the Brookneal, only film house at Brookneal, Va., Sunday (22), causing damage estimated at \$25,000. House had been built a year and seated 300.

Dr. E. E. Branscome, of Stuart, the owner, said one of the two projectors might be salvaged.

### RKO Yorktown's Damage

Seriously menaced by a three-alarm fire which started in the building, of which it is a part, but escaping with comparatively light damage, the RKO Yorktown, on upper Broadway was in hopes of reopening last night (Tues.) after repairs during the day. The fire occurred late Monday night (23) and caused heavy damage to the rest of the building but did not get into the theatre, damage there being mostly from water, broken doors and a battered lobby.

Yorktown, on the upper west side, is operated by RKO as a double feature grind on a weekly-change basis.

# 28 STATES WORRY SHOW BIZ

## Legal Spur to Self-Reg

Fear of blocking-booking and other measures, including further legislative moves seeking pro-censor-exhibition divorce, during the present session of Congress and the meeting of legislatures in the various states this winter, it is believed, will speed the rewriting of a trade practices draft. The slant that suitable machinery for self-regulation of distributor and exhibitor relations would no doubt have the effect of stalling off adverse legislation augments the opinion that a trade practices program might take the sting out of the U. S. anti-trust suit.

The distributors' last trade practice proposals, in the hope of lessening the danger of the Government action, were coolly received. Now with the field wide open for attack from legislators in Washington, as well as state legislatures, the demand for an early understanding between distributors and exhibitors is doubling.

While exhibitors believe that the distributors would like to stall a trade practice program until the 1939-40 product starts to sell, on the other hand, it is believed the distributors may not want to gamble against the danger of the Neely bill, additional divorce attempts and other legislation. The Neely bill is expected to be pushed hard for signature and early subsequent enforcement.

### Start Rewriting It Soon

Attorneys for the film distributors may begin meeting within a week or 10 days to start rewriting the initial trade practices draft, which was rejected in whole or part by 10 leading exhibitor organizations, to conform to demands made—in some cases merely in language employed, in others modification or elimination. There is still the possibility that additional clauses may be added, though not expected that the desire of Allied States Ass'n., most radical of the exhibitor groups, for such things as curtailed expansion of theatres, elimination of blind selling and other points will be written into the new agreement.

Impartial consideration of the first draft prepared by distributors and their attorneys was that too many loopholes for the distributors were carefully provided by the language used and the conditions laid down. Fewer 'ifs' and 'buts' are likely to go into the new agreement, if there is to be any hope of early signing by both sides and revision of sales contracts to conform to the provisions of the pact.

S. R. Kent, chairman of the distrib committee, is at present in Florida. William F. Rodgers, general sales manager of Metro, who has been more active than other members of the committee on negotiations and has acted as its spokesman, is also in Florida, but is expected back within a week. It probably will not be necessary for Kent to be here as attorneys get to work on a new trade practices concordat, but he will be kept informed of progress and contacted for any necessary advice.

The other members of the committee are Ned E. Depinet, now on the Coast, but due back shortly; Grad Sears, of Warner Bros., and Abe Montague (Columbia), now in New York.

## COPS THREATEN ARRESTS FOR SUNDAY PIX

Pittsburgh, Jan. 24.

Recent efforts of film houses to get around Sunday blue laws in communities where voters have vetoed seven-day week is meeting with stiff opposition from police authorities. They've no-dice offers to donate part of receipts to charity, and couple of arrests have already been made, with others threatened if film sites persist in trying to circumvent law.

In nearby Ambridge, Pa., Donn Wermuth, WB manager there, was nabbed for Sunday exhibition and fined \$50. In New Kensington, Pa., 15 miles from here, police stopped Sunday showings at Warner site and India spot operated by Bart Dattola. No arrests were made there, but managers were told they'd be pinched next time. In both communities, referendum on Sunday shows was defeated.

Pittsburgh authorities apparently have dropped prospective charges against local managers for staging New Year's Eve midnight shows in violation of Blue Laws. Police reports are made on all houses opening for special show but no action has so far been taken, despite wide church protests, and likely that whole matter will be dropped.

### Nudie Pic Raided

New Orleans, Jan. 24.

Police Friday (20) raided the Ace theatre here and arrested the manager, Joseph D. Starr, 29, for showing an obscene motion picture. The film, police said, was 'Body and Soul', showing a nudist colony.

The raiders confiscated the picture.

### 'LUCKY' ON WAY

Hollywood, Jan. 24.

'Lucky Night', starring Robert Taylor and Myrna Loy, got under way at the Metro lot.

Norman Taurog is directing.

## FROM PENSIONS TO TRUE NAMES

But It All Adds Up to an Extra (Potential) Boff at the B.O.—Of the 40 State Legislatures in Session, 28 Have Laws Touching on Theatres, Receipts or Regulations

### TAXES, ANYWAY

With about 40 state legislatures out of 48 scheduled to go into session this year, laws aimed at the picture industry, taxing the business' additional fees or affecting the industry in some way, feature new legislation introduced in 28 states. Many states have old-age pension proposals coming up and state solons are seeking new means of raising funds to meet their cost. Initial digest of some pension proposals, a liberal dispensation of money is a salient feature, which naturally makes legislators search for new money-raising methods.

Theatre divorcement, chain store legislation and various forms of sales and state income taxes predominate in new measures brought up. New York state leads the procession with proposals to extend the freedom of the press to stage, radio and cinema, two operators in a booth, sale of theatre tickets under state control, to regulate billboard advertising (three bills) and, in New York City alone, require attendants for rest rooms in theatres when children are admitted without adults; excise tax to pay loans for low rental housing, these to be placed on theatre sales, outdoor advertising, cigarettes, etc.

New Jersey has a measure proposing a luxury tax to include amusements and a 3% tax on retail business. New Mexico has come up with a ban on bank nights in a bill already introduced.

Oklahoma, Kansas, Maine and Arkansas have chain store or circuit legislation proposed, with industry concerned in the former only, when it includes circuits as a chain establishment or is likely to include theatres subsequently under this statute.

Nebraska, besides a measure for theatre divorcement including a fine of \$10,000 for violations, plans a sales tax, an amusement tax, a license fee for exchanges at \$1,000 per, a \$1 per reel tax, an anti-ASCAP bill and state regulation of pictures.

Missouri would censor pictures and advertising, put two operators in a projection booth, extend its 2% sales tax to December and revise the income tax law. New Hampshire has bill to legalize Bessie with profits split between promoters and the government, and a plan to extend parimutuel betting.

Screen advertising would be taxed in North Carolina. Ohio plans amending the censorship rules so as to curb the power of the censor board to reject pictures because of the political content. Besides a chain store tax, Oklahoma has a resolution asking Congress to enact the Patman bill imposing a tax on interstate chain operations. State also has a wage-hour measure up for consideration that may be more severe than the Fair Labor Act in force.

Though a small state in point of population, North Dakota solons propose a 10% admission tax, a luxury tax on theatre tickets, reenactment of the 2% sales tax, which would include theatre admissions, 5c. on tickets from 15c. to 50c., and 2c. more on admissions over 50c.

Thus far, only the ordinance introduced in Philadelphia has attracted attention in Pennsylvania. The plan to increase 2% sales tax including film rentals to 3% was passed, but vetoed by the mayor, and the veto was upheld. South Dakota would cut the sales tax to 2½%. A sales tax is planned in North Carolina. Texas is seeking coin for old age

(Continued on page 12)

## Daily Raps Lawmakers' Oakley Chiz

Oklahoma City, Jan. 24.

An expression of the way local newspapers feel about state legislators' pass-grabbing and introduction of theatre bills in early days of sessions, allegedly solely for pass-procuring purposes, is revealed in the following editorial from the Oklahoma City Times:

'Legislators are no more entitled to receive free tickets to the theatres than the theatre men are entitled to receive exemption from the state income tax or the automobile driver's license fee. Yet, some sort of bill aimed at putting the screws on the theatres—to frighten them into giving free passes to the lawmakers—hits the legislative deck of every general assembly with as much regularity as Little Orphan Annie smarts her way out of one harrowing episode into another.'

'This time it is Senator Nat Taylor of Strong City who offers a measure providing a fine of \$100 to \$500 when a theatre sells tickets after all seats are filled. The ostensible purpose of the bill is to prevent the theatre from compelling a cash customer to stand up for a few minutes after he has paid for a seat. It is about as sensible as a law requiring a city bus and street car to close the doors and quit making corner stops after all seats are taken; or a law forbidding the growing of cotton this year when there is enough cotton in warehouses now to last the world nearly two years; or a law prohibiting parents from bringing children into the world after all seats at the family table are filled.'

## U. S. Reported Probing J. P. Nick's Tax Returns; More St. L. Quizzing

St. Louis, Jan. 24.

With Federal authorities reported to be delving into tax returns made by John P. Nick, international v.p. of IATSE, indicted Friday (12) with Edward M. Brady, state legislator, on an extortion charge, Sigmund M. Bass is preparing to take depositions from the witnesses who appeared before the Grand Jury that voted the

indictments. Bass explained that the depositions will be taken because his client, Nick, who is at liberty on a \$25,000 bond and confined to his home because of an attack of arthritis, will not be given a preliminary hearing on the charge.

Bass' move will reveal the identity of the 18 witnesses, many of whom are said to be theatre owners, who testified during a secret investigation of the G. J. While those who appeared before the G. J. could not be made to state in depositions what they told there, Bass said they could be required to give information without stating that they appeared before the G. J. or that this was the nature of their testimony before that body. The taking of depositions also will enable the defense to learn some of the facts upon which the State obtained the indictments.

Through Bass, Nick made a general denial of the charge, asserting, 'I am absolutely innocent, I've never taken a nickel from a soul. I don't see how they can do this.' Brady, after a five-day search by the local constabulary that extended to Hot Springs, Ark., surrendered Wednesday (18) to cops after he perfected a \$25,000 bond. After the sureties were found to be acceptable to the Circuit Attorney's office Brady was taken to Police Headquarters, mugged and finger printed. To all queries about the charge the legislator said, 'I have absolutely nothing to say.' After a short confab with Nick, Lyday had arrived to take charge of the union was characterized by him as 'not being exactly right.' Union members have been notified to appear for individual interviews with Lyday at the headquarters this week.

In a written statement issued by Lyday, he said he would make his report of his findings to George E. Browne, international prez of IATSE. Lyday's arrival here followed a short meeting Tuesday (17) of the operators' union, the first held since Nick and Brady were indicted. Clyde E. Weston, appointed by Nick as business manager of the union, adjourned the meeting after announcing that Browne, who was expected to appear, failed to put in an appearance. Weston expressed the opinion that Browne's arrival had been delayed by the storms that swept the Mississippi Valley during the first part of the week.

The penalty in this state for extortion, which in legal terminology is known as third-degree robbery, is punishable, on conviction, of imprisonment for not more than 10 years.

(Continued on page 17)

## FENYVESSY'S SCHINE DEAL FLIPS

Rochester, N. Y., Jan. 24.

Sale of four Rochester nabes to Schines by Fenyvessy, all but completed in the last week, has cooled. Newest possibility is that Comerford or RKO will take them over. Similar deals have blown hot and cold for two years. Catch is that Albert Fenyvessy, Sr., 83, founder of the enterprise and now in Florida, wants to sell, but his four sons, Chester, John, Paul and Albert, Jr., who run the houses, want to hang on.

Fenyvessy, who recently gave up leases on the Family and Strand, operated the Madison, Monroe and West End, and leases the Capitol downtown to Comerfords and the Liberty, nabes, to Schines. The five theatres are valued around \$500,000.

RKO, Comerford and Paramount now combined here in operation of five downtown houses. If deal goes through it will be first try at nabé operation.

### Benton Adds Another

Granville, N. Y., Jan. 24.

William E. Benton, Saratoga Springs, added another theatre to his list with opening of the Ritz here Jan. 21. Benton is president of Benton-Schine Corp., which operates the State Mechanicville Capitol, at Ballston Spa; Capitol, at Whitehall, and now the Ritz here. He formerly had theatres in Glens Falls and Cohoes.

Mr. Benton says he plans further expansion of his theatre holdings through Massachusetts and Vermont.

### Va. Exhibs Meet in D. C.

Motion Picture Theatre Owners of Virginia will hold its annual convention in Washington at the Shoreham hotel, Feb. 6, instead of at Richmond or Virginia Beach. Session will last two days.

Virginia exhibitors conclave is one of most widely attended of state associations.

# 'James' Haul in L. A. Big \$38,000, Crosby-Canova, \$16,000, 'Record' Off, \$10,000, 2 Spots; 'Pyg' Strong

Los Angeles, Jan. 24.

'Jesse James' cleaning up at State and Chinese and headed for combined \$38,000 on stanza. Bing Crosby's 'Paris Honeymoon', with Judy Canova on stage, headed for Paramount for fairly profitable week.

Warner houses not strong with 'Off the Record', and Orpheum just so-so. 'RKO' and 'Fantages' holding over. 'Son of Frankenstein', former for five days and latter for four, with second stanza okay. 'Pygmalion' continues strong at the Four Star, where now in both its stanzas.

## Estimates for This Week

Chinese (Grauman-F.W.C.) (2,024; 30-40-55-75) 'Jesse James' (20th). Another mopup in sight with what \$16,500; holds. Last week 'Trade Winds' (UA) and 'Thanks for Everything' (20th), okay \$10,200.

Downtown (WB) (1,800; 30-40-55-65) 'Off Record' (WB) and 'Fighting Through the Streets' (Rep.), dual. Like week \$3,000. 'King of the Underworld' (WB) and 'Freshman Year' (U), picked up for \$7,400.

Four Star (F.W.C.-UA) (900; 40-55) 'Pygmalion' (MG) (5th week). Looks like another \$5,200, after fourth week brought highly satisfactory \$5,500.

Hollywood (WB) (2,756; 30-40-55-65) 'Off Record' (WB) and 'Fighting Through the Streets' (Rep.), dual. Not much with, and \$5,000 likely. Last week 'King of the Underworld' (WB) and 'Freshman Year' (U), better. 'Pygmalion' (WB) (2,280; 25-30-35-40) 'Lawless Valley' (RKO) and 'Comet Over Broadway' (WB), dual. Like week \$3,000. 'Pygmalion' (WB) has had a first run in three or four weeks, but it isn't helping much as \$7,200 at least.

Fantages (Pan) (2,812; 30-40-55) 'Frankenstein' (U) and 'Next Time I Marry' (RKO), dual (2d wk). Wound up (2d) with house dark throughout day (2d) for premiere of 'Gunga Din' (RKO) Tuesday night. After that on regular run. Holdover good for \$3,100 in three days. First week just fair \$7,600.

Paramount (Par) (3,595; 30-40-55) 'Pygmalion' (WB) and stage show. Combo of Bing Crosby on screen and stage unit headed by Judy Canova heading for fair \$16,000. 'Pygmalion' (WB) and 'Pygmalion' (WB) and 'Pygmalion' (WB) (Par) and Rudy Vallee on stage got good \$18,000.

RKO (2,872; 30-40-55) 'Frankenstein' (U) and 'Next Time I Marry' (RKO), dual (2d wk). Second stanza bringing \$4,500. First week \$2,200, good.

State (Loew-F.W.C.) (2,414; 30-40-55-75) 'Jesse James' (20th). Another big week being registered with \$21,500 and holds. Last week 'Trade Winds' (UA) and 'Thanks for Everything' (20th), okay \$12,500.

United Artists (UA) (2,100; 30-40-55) 'Trade Winds' (UA) and 'Thanks for Everything' (20th), dual. Just ordinary \$4,100 on moveover. Last week 'Kentucky' (WB) and 'Ferdinand, Bull' (Disney) very good \$5,000.

Wilshire (F.W.C.) (2,296; 30-40-55-65) 'Kentucky' (WB) and 'Ferdinand, Bull' (Disney), dual (2d wk). Strong on holdover week, with \$5,500 in sight. First week of continued first run, spiffy \$9,900.

## Laughton Winning \$8,300 And H. O. in Denver

Denver, Jan. 24.

Biz here is good. 'Beachcomber' moping up at Denham and will stick for second week.

## Estimates for This Week

Aladdin (Fox) (1,400; 25-40) 'Kentucky' (20th). Fair, good at the Denver. Will be here also, getting good \$4,500. Last week, 'Dawn Patrol' (WB) (2d wk), after a week at the Denver, good \$3,600.

Broadway (MG) (1,100; 25-40) 'Stand Up' (M-G) and 'Peck's Bad Boy' (RKO), both after a week at the Orpheum. Nice \$3,800. Last week 'Sweetheart' (M-G) week \$4,000, after a week at Orpheum.

Denham (Cockrill) (1,750; 25-35-40) 'Beachcomber' (Par). Laughton drawing line \$5,000 and holds. Last week 'Zaza' (Par), good enough \$7,200 in nine days.

Denver (Fox) (2,255; 25-35-50) 'Thanks for Everything' (20th) and 'Pygmalion' (WB) (2d wk). 'Kentucky' (20th), good \$10,000 in second week.

Orpheum (RKO) (2,600; 25-35-40) 'Great Man' (RKO) and 'Girl Downstairs' (M-G). Fair \$7,000. Last week 'Stand Up' (M-G) and 'Peck's Bad Boy' (RKO), good \$10,400.

Paramount (Fox) (2,200; 25-40) 'Going Places' (Fox) (2d wk). 'Shooting' (20th). Nice \$4,000. Last week,

## Broadway Grosses

Estimated Total Gross

This Week, \$285,800

(Based on 12 theatres)

Total Gross Same Week

Last Year, \$377,400

(Based on 12 theatres)

'Devil's Island' (WB) and 'Swing, Sister' (U), nice \$4,000. 'Bialto' (Fox) (878; 25-40) 'Dawn Patrol' (WB), after a week at each the Denver and Aladdin. 'Nancy Drew' (WB), good \$2,000. Last week, 'Trade Winds' (UA), after a week at each the Denver and Aladdin, and 'Last Warning' (U), average \$1,800.

## 'COWBOY' DUAL GOOD \$37,500, 2 HUB SPOTS

Boston, Jan. 24.

'Cowboy and Lady', on double bill at Orpheum and State, head the field. 'Son of Frankenstein' and 'Dawn Patrol', h. o.'s, are not drawing big coin in first stanzas.

## Estimates for This Week

Boston (RKO) (3,200; 20-30-40) 'Exposed' (U) and 'Last Express' (U), dual, plus vaude, for three days, and 'Secrets Nurse' (U), and 'Marry' (U), dual (2d run), for four days. Will tally \$8,000, or better, okay. Last week, 'Flight Fame' (Col) and 'Lawless Valley' (RKO), with vaude, for four days. 'Miss Man' (RKO), and 'Road Demon' (20th) (2d run), dual, four days, satisfactory \$7,800.

Fenway (M&P) (1,332; 25-35-40-55) 'Devil's Island' (WB) and 'Off Record' (WB). Fair \$6,000. Last week, 'Honeymoon' (Par) and 'Bengal' (Rep), medium \$6,200.

Keith Memorial (RKO) (2,307; 25-35-40-55) 'Frankenstein' (U) and 'Exciting Night' (U) (2d wk). Hold-over for five days, around so-so \$8,500. First week, good \$18,500. 'Great Man' (RKO) and 'Ladies Vanishes' (20th) open tomorrow (Wed.).

Metropolitan (M&P) (4,367; 25-35-40-55) 'Dawn Patrol' (WB) and 'Nancy Drew' (WB) (2d wk). Aiming for \$12,000. First week, best \$22,500.

Orpheum (Loew) (2,900; 25-35-40-55) 'Cowboy and Lady' (UA) and 'Spy Ring' (Col). Getting about \$40,000. 'Dawn Patrol' (WB) and 'Shining Hour' (M-G) and 'Dramatic School' (M-G), dandy \$15,000.

Paramount (M&P) (1,797; 25-35-40-55) 'Devil's Island' (WB) and 'Off Record' (WB). Fair, good \$8,000. Last week, 'Honeymoon' (Par) and 'Bengal' (Rep) (2d run), \$8,000.

Scollay (M&P) (2,538; 25-35-40-55) 'Honeymoon' (Par) and 'Storm Bengal' (Rep) (3d run). Around \$5,500. Medium. Last week, 'Young Heart' (UA) and 'Going Places' (WB) (2d wk), good \$7,000.

State (Loew) (3,600; 25-35-40-55) 'Cowboy and Lady' (UA) and 'Spy Ring' (Col). Very good \$17,500. Last week 'Dawn Patrol' (WB) (M-G) and 'Dramatic School' (M-G), pleasing \$12,000.

## Liberty, Lincoln, Reopens; 'Blondie' Dual OK \$2,400

Lincoln, Jan. 24.

With the re-lighting of the Liberty, one more house is back on the town. On Jan. 24, the unshuttered in mid-February. Liberty opening (20) found the house on dual feature plan with 'Blondie' and 'Strange Case of Dr. Medecine' (Penny Singleton, Arthur Lake (Hollywood) and Barney Oldfield, newspaper critic, chinned back and forth about a long series on long distance phone opening night for an added attraction.

Rest of the town is so-so. Varsity took cue from fancy first week and held 'Angels' a second seven days. Stuart yanked 'Zaza' after four days.

## Estimates for This Week

Colonial (NTI-Noble-Monroe) (750; 10-15) 'Pioneer Trail' (Col) and 'Invincible Menace' (WB), split with 'Strange Case of Dr. Medecine' (Penny Singleton, Arthur Lake (Hollywood) and Barney Oldfield, newspaper critic, chinned back and forth about a long series on long distance phone opening night for an added attraction.

Liberty (NTI-Noble) (1,000; 10-20)

25) 'Blondie' (Col) and 'Dr. Meade' (Col). House opener nice at \$2,400. Lincoln (LTC-Cooper) (1,600; 10-25-35) 'Topper' (UA) and 'Swing, Sister' (U), good \$3,800. Last week, 'Stand Up' (M-G), okay \$3,200.

Stuart (LTC-Cooper) (1,900; 10-25-40) 'Par' (Par) and 'Dawn Patrol' (WB), after a week at each the Denver and Aladdin. 'Nancy Drew' (WB), good \$2,000. Last week, 'Trade Winds' (UA), after a week at each the Denver and Aladdin, and 'Last Warning' (U), average \$1,800.

Varsity (NTI-Noble) (1,100; 10-25-35) 'Angels' (WB) (2d week). Good \$2,700. First week swell, \$4,600.

## POWER-VAUDE SOCK 30G. DET.

Detroit, Jan. 24.

'Jesse James', coupled with vaude at the Fox, is headed for town's top coin currently. Ballyed nicely with teaser ads, etc. Rest of town pretty quiet.

## Estimates for This Week

Adams (Balaban) (1,700; 30-40) 'Secrets Nurse' (U) plus 'Dawn Patrol' (WB). Figures for about \$3,900, okay. Last session okay \$3,800. 'Kentucky' (20th) (2d run) (2d wk), coupled with 'Spy Ring' (Col), following nice week of \$5,400 coupled with 'Mr. Moto' (20th).

Fox (Indie) (5,000; 30-40-55) 'Jesse James' (20th) with stage show. Ballyed nicely and headed for smash \$30,000. Last week, 'Woman Again' (Col) with 'Gang Busters' radio drama on stage, tepid \$16,000.

Melhorn (United Detroit) (4,000; 30-40-55) 'Honeymoon' (Par) plus 'Off Record' (WB). Should grab about \$12,000, fair. Last week okay \$14,200 for 'Zaza' (Par) and 'Girl Downstairs' (M-G), dual.

Times State (United Detroit) (3,000; 30-40-55) 'Zaza' (Par) (2d run) and 'Long Shot' (GN). Former open moved here from Michigan, and headed for mild \$5,000. Last session poor \$4,400 for 'Col' (M-G) and 'Stand Accuse' (Par).

United Artists (United Detroit) (2,000; 30-40-55) 'Stand Up' (M-G). Paced for light \$6,000. Last week (3d) about \$5,000, okay for 'Sweetheart' (M-G). Following sessions of \$18,000 and \$11,000.

## 'Duke' Woman Hefty 7G; Al L'ville B.O.s OK

Louisville, Jan. 24.

Film houses are perking currently and opposish is at a minimum. Weather is decidedly favorable, and cool and nice rain or snow. Product seems to be only so-so, but b. trade holding up surprisingly well at all downtown spots.

'Duke of West Point' and 'That Woman Again' (Loew's State, are pulling hefty biz, despite lack of stand-out marquee names. 'Son of Frankenstein', at the Rialto on a dual, and 'Off Record', at Mary Anderson, likewise. 'Maintaining healthy pace established over week-end.

'Kentucky', at Strand, is still in the groove of downtown week. 'Birth of a Baby', set for full week at the Ohio, is pulling the femmes.

## Estimates for This Week

Brown (Loew's (Fourth Avenue) (1,500; 15-30-40) 'Stand Up' (M-G) and 'Pygmalion' (WB). Moved here after profitable week at Loew's State; managing fair \$2,300. Last week, 'Honeymoon' (Par) and 'New York Sleeps' (20th), tepid \$1,200.

Stark (Loew's (Fourth Avenue) (1,500; 15-30-40) 'Stand Up' (M-G) and 'Pygmalion' (WB). Moved here after profitable week at Loew's State; managing fair \$2,300. Last week, 'Honeymoon' (Par) and 'New York Sleeps' (20th), tepid \$1,200.

'Around Corner' (20th) and 'Thanks Memory' (Par), split with 'Service De Luxe' (U) and 'Man Remember' (U). 'Wing' fair \$1,500. Last week 'M-G' (WB) and 'Miss Manton' (RKO), time \$1,300.

Loew's State (Loew's) (3,100; 15-30-40) 'West Point' (UA) and 'Pygmalion' (WB). Both ends of this dualer coming in for important attention at b. May cop robust \$7,000. Last week 'Stand Up' (M-G) and 'Madness' (M-G), good \$8,000.

Loew's State (Loew's) (3,100; 15-30-40) 'Off Record' (WB). Brisk trade at wicket, which will probably level off as week progresses. Potent enough to point toward ample \$3,000. Last week 'Going Places' (WB), okay \$3,300.

Ohio (Settos) (800; 15) 'Birth Baby' (Indie). Set for full seven-day run at downtown week. House and should pull generous share of femmes who did not catch the pic when it showed at the Mary Anderson last summer. Will run \$2,000. Last week 'Stand Up' (M-G) and 'Sally, Irene' (20th), split with 'Marines'

## 'Jesse' Wow \$20,000 in Freezing Philly; Bernie 'Record' OK \$21,000

## Key City Grosses

Estimated Total Gross

This Week, \$1,586,900

(Based on 26 cities, 180 theatres, chiefly first runs, including N.Y.)

Total Gross Same Week

Last Year, \$1,598,100

(Based on 24 cities, 162 theatres)

(Mono) and 'You Me' (Par), mild \$900.

Bialto (Fourth Avenue) (3,000; 15-30-40) 'Son Frankenstein' (U) and 'I Marry' (RKO). Off to a strong start and should hold up well. Strong \$7,000 indicated. Last week 'Zaza' (Par) and 'Chan' (20th), okay \$7,200.

Stand (Fourth Avenue) (1,400; 15-30-40) 'Kentucky' (20th) and 'Down Farm' (20th) (5th downtown week). Wonder pic along main drag. Breaks run record of 'Sunny-side' by two days, set eight years ago. 'Kentucky' in its week should gather okay \$4,800. Last week tallied fine \$4,700.

## Horror Good 11½G, but Rest Of Pitt So-So

Pittsburgh, Jan. 24.

Although takings are improving slightly, looks like another in-and-out generally, with 'Son of Frankenstein' only out-and-out sock. Chiller's shooting Alvin to best gross in several months and moves to Senator Thursday (2d) for the h.o.

Elsewhere, biz isn't showing any particular strength. 'Dawn Patrol' got away big at Penn, but it's fading and hoped-for second week at Warner isn't likely to develop, while 'Bowes' amateurs, at Stanley with 'Duke of West Point' and always highly satisfactory here, aren't packing the old punch and sliding to a mediocre session.

Fulton picked up somewhat with 'Pacific Liner' and 'Peck's Bad Boy' at the Circus, first twinner in several weeks that looks as if it might stick the seven-day distance.

## Estimates for This Week

Alvin (Harris) (1,850; 25-35-50) 'Frankenstein' (U). Horror vogue obviously swinging back into big favor here again. Expected \$11,500 isn't to be sneezed at under existing conditions and represents real dough. Last week 'Woman Again' (Col) and 'Chan' (20th), way off at \$4,800.

Fulton (Shea-Heyde) (1,700; 25-40) 'Pacific Liner' (RKO) and 'Peck's Bad Boy' (RKO). Getting a little attention on strength of marquee names and will be first attraction in several weeks to last the distance. Nothing to write home about at \$9,800, but it's considerably better than recent takes. Last week 'Exciting Night' and 'I Am Criminal' (Mono), yanked after five days to depressing \$1,700.

Penn (Loew's-UA) (3,300; 25-35-50) 'Dawn Patrol' (WB). Getting some dough but not matching flicker's potency elsewhere. Likely to wind up somewhere in the neighborhood of \$14,500. That's a reasonably profitable haul. Last week 'Stand Up' (M-G), a major disappointment at \$12,000.

Senator (Harris) (1,800; 25-35-50) 'Kentucky' (20th) (2d wk). Not much chance of bettering \$2,700 film had previously played to sock week at Alvin. Last week Blue Grass epic fell just short of \$4,000, grossing \$1,700.

Stanley (WB) (3,600; 25-40-40) 'West Point' (UA) and 'Bowes' amateurs. Indications that tyros have about worn out their b. magic here. Doesn't look like much better than \$16,000. Last week 'Stand Up' (M-G) and 'Doodle' (RKO), poor \$1,200.

Warner (WB) (2,000; 25-40) 'Devil's Island' (WB) and 'Annals' (RKO). Former, running up unexpected grosses all over this territory, but it's just slightly better than average runner for the key spots. Improving Warner somewhat, however, but \$5,000 is only fair. Last week 'Memory' (Par) and 'Girl Downstairs' (M-G), rolled after six days to fair \$3,900 in order to get Warner back to its regular Thursday opening.

Philadelphia, Jan. 24.

Snowy streets and sub-freezing blasts have Philly patrons carefully choosing their pic, or sticking close to the fresdie altogether. Only product showing strength is 'Jesse James', which is super-socko, and 'Topper' takes a Trip. Practically everything else is n. e.

'Jesse' at the Stanley, is set to better \$20,000. It can have three weeks at the house if the draught holds up, as nothing is inked in until 'Gunga Din' on Feb. 3. 'Topper' is in its second lap at the Aldine and will get another without trouble on the basis of its current \$11,000.

'Son of Frankenstein', at the Fox, is somewhat disappointing in view of what the deal of its father and 'Dracula' had managed.

## Estimates for This Week

Aldine (WB) (1,303; 42-57-68-75) 'Topper' (UA) (2d wk). Traveling along nicely at \$11,000 for a second session after socking \$16,000 in the opener. Set for one more week.

Boyd (WB) (2,350; 37-57-68-75) 'Zaza' (Par) (2d wk). Suffering from bad word-of-mouth, which is causing one of the steepest second-week drops in a long time. Coming down to \$8,000 after doing just twice that in the curtain-raiser. 'Idiot's Delight' (M-G) comes in tomorrow (Wed.).

Earle (WB) (2,758; 25-37-42-57-68) 'Off Record' (WB) and vaude. Ben Bernie and Mary Small on the boards. Will get okay \$21,000. Last week 'Pacific Liner' (RKO) with 'The Osbornes' Phil Regan in person, fair \$18,900.

Fox (WB) (2,423; 37-57-68-75) 'Frankenstein' (U). Expected to click big after nifty results of the recent horror cycle, this apparently just a little too late to catch the crest. Okay, but not thrilling, at \$15,000. Last week, 'Woman Again' (Col), poor \$9,500. 'They Made Me a Criminal' (WB), due Friday.

Karlton (WB) (1,066; 37-42-57-68) 'Artists and Models' (Par) (2d run). Floppo in first run, it's same here. Won't pull \$3,000. Last week 'West Point' (UA) (2d run), weak \$3,300.

Keith's (WB) (1,870; 37-42-57-68) 'Woman Again' (Col) (2d run). Regaining its first run grief with low \$5,000. Last week 'Sweetheart' (M-G) (2d run), nice \$5,100 after two weeks and five days at the Boyd.

Stanley (WB) (2,918; 37-57-68-75) 'Jesse James' (20th). Only thing that's really holding up. 'Gunga Din' doesn't have to ring in until Feb. 3. Last week, 'Honeymoon' (Par), was almost as bad as 'Jesse' is good at \$16,000.

Garrison (WB) (1,457; 26-46-57) 'Ambush' (Par). Okay at \$5,000. Last week, 'King of Underworld' (WB), satisfactory \$5,400.

'Hardys', \$7,500, Tops In Montl; 'Kentucky' 76

Montreal, Jan. 24.

Two standouts currently, with Palace looking to cop lead with 'Out West' (M-G). 'Fencing for very nice \$7,500. Last week \$3,000 'Sweetheart' (M-G), good \$4,500.

Capitol (CT) (2,700; 25-45-55) 'Kentucky' (20th). Should get good \$7,000. Last week 'Dawn Patrol' (WB) good \$8,500.

Loew's (CT) (2,800; 25-34-40) 'In French' (Par) and vaude. May gross \$6,000, fair. Last week 'Spring Music' (M-G) and vaude, in red at \$5,000.

Princess (CT) (2,300; 25-34-50) 'Beachcomber' (Par) and 'Drummond' (Par) (2d wk). Repeat session heading for very good \$5,000, after exceeding \$11,000 first week.

Orpheum (Ind) (1,100; 25-40-50) 'King Kong' (RKO) and 'H. opened One Night' (KO) (reissues). Good \$7,000. Last week 'Dawn Patrol' (WB) and 'Doodle' (RKO), poor \$1,200.

Cinema de Paris (France-Film) (25-50) 'Prison de Femmes' (2d wk). Fair \$11,000 first week enough \$2,200 last week.

St. Denis (France-Film) (2,300; 20-34) 'Barnabe' and 'Gosse de Riche'. Point to fair \$6,000. Last week 'Lumieres de Paris' and 'Radio Vedette'; very good \$7,000.

Express' (U), tripler, first-run, spl with 'Buffaloes Room' (Mono), 'See retary' (U), first-runs and 'Breaking Ice' (RKO), tripler, good \$1,800.

## Weather Right, Biz Wrong in Frisco; Boles-'Marry' Very Healthy \$17,000

San Francisco, Jan. 24. Rainfall this winter is lightest in years and theatres are having perfect picture weather, but biz is just so-so. Strongest thing at the box office this week is "Zaza," which is being double-billed with "Disbarred" at the Paramount, and the Golden Gate, which has John Boles on the stage.

Biz at the Orpheum is slipping back to where it was before "You Can't Take It With You." House has gone back to double bills, this week's fare being "There's That Woman Again" and "Smashing the Spy Ring."

**Estimates for This Week**  
 Fox (F-W) (5,000; 35-55-75)—"Stand Up" (M-G) and "These Memory" (Par) (2d wk). Second stanza looks good at \$12,000. Last week good \$18,500.

Golden Gate (RKO) (2,850; 35-55)—"Marry" (RKO) and vaude headed by John Boles. Matinee trade extra fine because of p.a. of Boles. Biz healthy at \$17,000. Last week "Secrets Nurse" (U) and vaude, fair \$13,000.

Orpheum (F&M) (2,440; 35-55)—"Woman Again" (Col) and "Spy Ring" (Col). Mugg trade at Orpheum helped to put this pair over. Hope to get around \$9,000. Last week "Dark Rapture" (U) and "Blondie" (Col), strong \$9,000.

Paramount (F-W) (2,740; 35-55-75)—"Zaza" (Par) and "Disbarred" (Par). Everything possible being done by Paramount theatre here to put some fire into new version of that oldie, "Zaza," but only \$13,000, 20th night. (2d) "Going Places" (WB) and "King Underworld" (Par), divided to awful \$5,500. St. Francis (F-W) (1,470; 35-55-75)—"Sweethearts" (M-G). Lucky to get around \$9,000. Last week "Kentucky" (20th) and "Chan" (20th), mild \$4,500 in fourth stanza.

United Artists (Cohen) (1,200; 35-55-75)—"Trade Winds" (UA) (2d wk). Holdover satisfactory at \$9,000. Last week got \$13,000, considerably better than anticipated.

Warfield (F-W) (2,690; 35-55-75)—"Honeymoon" (Par) and "New York Sleeps" (20th). Fairish \$13,000. Last week (3d) "Sweethearts" (M-G), \$7,000, okay.

## PROV. TEMP. ICES BIZ, BUT WINDS' HOT 14G

Providence, Jan. 24. Continued poor weather not helping b.o.s, but main stands managing to hold own. Loew's State is bright set with "Trade Winds."

Ozzie Nelson, on stage at Albee, is helping boost b.o. some at that spot.

**Estimates for This Week**  
 Albee (RKO) (2,000; 25-35-50)—"Fugitives Night" (RKO) and "Ozzie Nelson on stage." Show helping but only so-so \$7,500 in sight. Last week, "Grand Illusion" (French) and "Exposed" (U), nice \$7,400.

Carlton (F&L) (1,400; 25-35-50)—"Kentucky" (20th) and "Titans Deep" (GN) (2d run). Racing to sell \$6,000. Last week, "Dawn Patrol" (WB) and "Singing Sister" (U) (2d run), near \$4,000.

Fay's (Indie) (2,000; 25-35-40)—"King Underworld" (WB) and vaude. Stepping along to swell \$8,000. Last week, "Strange Faces" (U) and German Refugees unit on stage, fair \$6,500.

State (Loew) (3,200; 25-35-50)—"Trade Winds" (UA) and "Up O'Connor" (M-G). Heavy trade. Last week, "West Point" (UA) and "Dr. Mead" (Col), swell \$11,000.

Maestri (Fay) (2,300; 25-35-50)—"Heart of North" (WB) and "Smiling Andy" (20th). Only \$6,000. Last week, "Kentucky" (20th) and "Titans Deep" (GN), swell \$8,000.

Strand (Indie) (2,000; 25-35-50)—"In French" (Par) and "Disbarred" (Par). Average \$6,500. Last week, "Thanks Memory" (Par) and "Illegal Traffic" (Par), average \$6,500.

## 'Jesse' Big 9½G in O. C.; Colbert NSG at \$3,000

Oklahoma City, Jan. 24. "Jesse James" smashing through for sure \$9,500 at Criterion, with possibility of \$10,000. "Disbarred" or over. Opening day broke all records for weekday openings, with some 6,000 filing through.

Other bills are quiet on marks, with possibility good \$4,000 on "Duke of West Point" at State.

**Estimates for This Week**  
 Criterion (Stan) (1,500; 25-35-40)—"Jesse James" (20). A cinch for \$9,500, or more, smash trade. Last week, "Topper" (UA) near \$4,000.

Liberty (Stan) (1,200; 20-30)—"Heart of North" (WB) and "Nancy

Drew" (WB). Due for good \$3,000. Last week, "Circus Miler" (Par) and "Annabel" (RKO) four days, with "New York Sleeps" (20th) and "Sharp Shooters" (20th), three days, bit under \$2,400.

Midwest (Stan) (1,500; 25-35-40)—"Zaza" (Par). Pretty poor \$3,000 in sight. Last week, "Going Places" (WB), dead stuff at \$2,700.

Flaza (Stan) (750; 35-55-40)—"Kentucky" (20th). Brought back to probable \$1,500, so-so. Last week, "Dawn Patrol" (WB) pretty fair \$1,800.

State (Noble) (1,100; 25-35-40)—"West Point" (UA). Average \$3,500 in view. Last week, "Gangster's Boy" (Mon.) average \$3,500.

Tower (Stan) (1,000; 25-35-40)—"Topper" (UA). Moveover from "Topper" set for good \$2,800. Last week, "Stand Up" (M-G), over average at \$2,700.

Victoria (Stan) (1,000; 20-25)—"Circus Miler" (Par). Average \$3,000 after big \$3,000 after dismal failure last November in run at downtown Midwest.

## 'JAMES' SMASH \$22,000 IN CINCY

Cincinnati, Jan. 24.

"Jesse James," with Cincy's own Tyrone Power, is bagging the important money currently, Albee's heaviest haul since "Snow White." Its tug is more than double the next largest pic pull, "Paris Honeymoon," at Palace. Lyric is above par on "Devil's Island."

Vaudfilm Shubert, linking "Say It in French" and stage fare headed by Blackstone and Red Barber, sports-caster, is racking up an all right figure.

**Estimates for This Week**  
 Albee (RKO) (3,300; 35-42)—"Jesse James" (20th). Wham \$22,000; burg's biggest since "Snow White." Last week "Zaza" (Par), very poor \$5,500.

Capitol (RKO) (2,000; 35-42)—"Kentucky" (20th) (3d wk) (2d run). Great \$5,000. Last week big \$6,000.

Famous (RKO) (1,000; 15-25)—"Touchdown Army" (Par). Last "Warning" (U), "Secrets of a Nurse" (U), singly. Average \$2,000. Last week "White Zombie" (BF), "New York Sleeps" (20th), split, okay \$2,100.

Grand (RKO) (1,200; 25-40)—"Zaza" (Par) (2d run). Sorry \$1,900. Last week "Sweethearts" (M-G) (5th wk) (3d run), light \$1,800.

Keith's (Libson) (1,500; 35-42)—"Stand Up" (M-G) (2d run). Poor \$3,500. Ditto last week with "Dawn Patrol" (WB) (2d run).

Lyric (RKO) (1,400; 35-42)—"Devil's Island" (WB). Good \$5,000. Last week "Trade Winds" (UA) (2d run), okay \$4,500.

Palace (RKO) (2,600; 35-42)—"Paris Honeymoon" (Par). Fair \$10,000. Last week "Stand Up" (M-G), disappointing \$11,000.

Shubert (RKO) (2,150; 35-40-40)—"In French" (Par) and vaude, topped by Blackstone and featuring Red Barber, W.L.W.-WSAI sports-caster. All right \$11,000. Last week "Down Town" (20th) and vaude, headed by Red Skelton, doubling from W.L.W., good \$12,500.

State (Loew) (3,434; 35-40-40)—"Stand Up" (M-G) and vaude. Better Taylor and Wallace Beatty. Fair heavy haul on nearby Maryland locale, carrying pic toward swell \$22,000. Last week "Artists and Models" (Par) and vaude, weak \$14,000.

Columbia (Loew) (1,234; 25-40)—"Sweethearts" (M-G) (2d run). Back downtown after two bi-stanzas at

## Power Big 8G in Port; 'Woman' Weak \$3,700

Portland, Ore., Jan. 24.

"Jesse James," at the Paramount, is burg's heavy winner. House turned on the bally heat and pic is responding for big results.

Mayfair took a second stanza of "Stand Up and Fight" as a successful follow-up to a four-week run of "Sweethearts."

**Estimates for This Week**  
 Broadway (Parker) (2,000; 30-35-40)—"Heart North" (FN) and "Singing Sister" (U). Pair \$4,700. Last week "Frankenstein" (U) and "Tough Guys" (N), answered to big bally campaign for good \$5,200.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—"Stand Up" (M-G) and "Girl Downstairs" (M-G) (2d wk). Nice \$3,000, following strong stanza at UA. Last week "Sweethearts" (M-G) (4th wk), average \$2,200. First three weeks at the UA, big \$17,000.

Orpheum (Hamrick-Evergreen) (1,800; 30-35-40)—"Woman Again" (Col) and "Gangster Boy" (Mono). Weak \$3,700. Last week "Honeymoon" (Par) and "Adventures Sahara" (Col) good enough \$4,000.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40)—"Jesse James" (20th) and "Disbarred" (Par) and "New York Sleeps" (20th), average \$5,200.

Rivolt (Indie) (1,100; 20-25)—"Coed" (20th) and "Nurses" (20th). Average \$1,600. Last week "Alexander" (20th) and "Touchdown Army" (Par), winning \$1,900.

United Artists (Parker) (1,000; 30-35-40)—"Going Places" (WB) and "Dramatic School" (M-G). Weak \$2,500 in five days. Last week "Stand Up" (M-G) and "Girl Downstairs" (M-G), good \$5,700.

**'Jesse' Big 16G In 2 K. C. Spots; Snow Hits B.O.s**

Kansas City, Jan. 24.

A three-inch snowfall hit here yesterday (Monday) and cut into all grosses. Traffic has been severely hindered.

Midwest preem of Jesse James, day-and-dating at Esquire and Up-town, getting the fans' attention this week. Film is a natural here and biz is good in both spots.

Bi medicore in other spots, only "Zaza," at Newman, giving good account of itself.

**Estimates for This Week**  
 Esquire and Uptown (Fox Midwest) (820 and 1,200; 10-25-40)—"Jesse James" (20th). Opened with a Thursday night preem, and certain of extended run. Extremely heavy local interest headbunt and biz top rank in both houses. Combined figures here will total over \$18,000, completed \$18,000 in three weeks. Run and wound up with combined \$5,000, good in view of previous take.

Midland (Loew's) (3,573; 10-25-40)—"West Point" (UA) and "Homicide Bureau" (Col), dual. No star value here and biz strongly reflecting the deficit. Weak at \$8,000. Last week,

## Cleve. Has New Alibi, Politics; 'Jesse' Big 19G, but Crosby Off at \$10,000

Cleveland, Jan. 24.

Politics, out to say, are making key theatres mark time until Ohio's new government completes his bureau appointments. This is one state where a large amount of business is dependent upon political set-ups.

Large number of people are too worried about their jobs to think about films, so houses have been suffering since the gubernatorial elections. At least that's the alibi for current doldrums.

"Jesse James" is the only pic to get by the jinx, going up to \$19,000 for Hipp, the sweetest money seen hereabouts this month. "Going Places," plus Bill Robinson, on stage, getting good family trade for Palace, but \$10,000. "Honeymoon" is way below Bing Crosby's average. Influenza weather also slapping others into a sick-bed.

**Estimates for Last Week**  
 Alhambra (Printz) (1,200; 10-20-35)—"Lady Vanishes" (WB) and "Last Warning" (U) (2d wk). Best combo of winter for this spot, rating four-day h.o. worth nearly \$3,000. Last week, big \$6,000.

Allen (RKO) (3,000; 30-35-42-55)—"Fugitives Night" (RKO), with Bill Robinson, after a bad start at Hipp; just \$3,000. Last week was worse, "Blondie" (Col) dragging down \$1,200 in four days and \$1,200 for another four days very blotto at \$1,000.

Hipp (Warner) (3,700; 30-35-42-55)—"Jesse James" (20th). Heavy matinees as well as great ballyhoos; big \$19,000 looks certain. A couple more like it will be a home run. Last week, "Frankenstein" (U) put it there by registering \$9,000 in crimson ink.

Palace (RKO) (3,200; 30-35-42-55)—"Going Places" (WB), with Bill Robinson heading vaude, last week, poorly needed to keep house above water. Okay \$13,000. Last week, Joan Davis and "Dramatic School" (M-G) got bang-up \$18,000.

State (Loew's) (3,450; 30-35-42-55)—"Honeymoon" (Par). Off Crosby's standard and usual gross, earning \$8,000. Last week, "Zaza" (Par). Couldn't can-can any more than \$8,500, weak.

Silliman (Loew's) (1,972; 30-35-42-55)—"O'Connor" (M-G). A real yam's strictly in second gear; \$4,000, fair. Last week, "Stand Up" (M-G), cheerful \$5,000.

**Buffalo, Jan. 24.**  
 Business at downtown theatres is subsidizing currently, due to uncertain weather conditions and indifferent film fare.

"Zaza," at Buffalo, is limping, and there isn't anything else in town attracting any particular attention.

**Estimates for This Week**  
 Buffalo (Shea) (3,500; 30-35-55)—"Zaza" (Par). Takings not imposing and looks set for only \$10,000, poor. Last week, "Young Heart" (UA), so-so \$10,700.

Centaur (Shea) (3,000; 25-35)—"Off Record" (WB) and "Comet Broadway" (WB). May get around \$7,000, fair. Last week "Pacific Liner" (RKO) and "Nancy Drew" (WB), so-so \$6,600.

Great Lakes (Shea) (3,000; 30-50)—"Stand Up" (M-G). Should see around \$8,500, good. Last week "Honeymoon" (Par) did not show much strength at \$7,300.

Hipp (Shea) (2,100; 25-40)—"In French" (Par) and "Disbarred" (Par). Slipping fast. Look for \$4,500. Last week "Hardy's" (M-G) (2d run), \$6,400, average.

Lafayette (Ind) (3,300; 25-35)—"Bengal" (Rep) and "Blondie" (Col). Probably over \$7,000, good. Last week "Frankenstein" (U) and "Singing Cheer" (U), neat \$10,000.

**Seattle Biz Good, But 'Zaza' Only Fair \$4,800**

Seattle, Jan. 24.

"Duke of West Point" is holding second week after getting surprisingly good figure in first. Biz generally is quite good.

**D. M. Shaeffer Adding To His U. Holdings**

Washington, Jan. 24.

Purchases of Universal Pictures Co. common by Universal Corp. during September came belatedly to light last week in Securities and Exchange Commission statement on operations of corporate insiders.

Daniel M. Shaeffer reported his stake in U. had been boosted an undisclosed amount by reason of the holding company's acquisition of 2,000 shares, raising the total to 230,927 in addition to the 220 pieces of 1st preferred and 20,000 of 2d preferred.

Only other transaction in film stocks listed in the report was sale of 3,000 shares of Trans-Lux Common by H. P. Farrington, one of the directors. By disposing of three batches, he cut his stake to 5,000 shares during November.

**Boys Town of Calif., Inc.**

Sacramento, Jan. 24.

Boys Town of California was incorporated this week with the filing of papers with Secretary of State Frank C. Jordan by a group of Los Angeles and Hollywood sponsors.

The purpose of the organization, as set out in the incorporation papers, is to establish a home and a school for underprivileged boys, similar to one in Nebraska, recently featured in a picture, "Boys Town."

**'GESTE' ON LOCATION**

Hollywood, Jan. 24.

Principals in William A. Wellman's Paramount production, "Beau Geste," go into action tomorrow (Wednesday) on location near Yuma, Ariz.

Shooting started last Thursday (19) with scenes using 150 extras. Gary Cooper has the top role.

## Taylor-Beery \$22,000, 'Zaza' 17½G, Help Vaude Over the Wash. Hurdles

Washington, Jan. 24.

Two vaude spots have smashed the jinx this week and it's thanks to "Stand Up and Fight," which has Capitol solidly in the lead, and "Zaza," which is giving Earle nice take.

"Stand Up and Fight" took \$14,000 at Palace, Loew's ace straight pic spot.

Only other new film is "The Great Man Votes," which will wind up above average, but not big.

**Estimates for This Week**  
 Capitol (Loew) (3,650; 25-35-40-66)—"Stand Up" (M-G) and vaude. Better Taylor and Wallace Beatty. Fair heavy haul on nearby Maryland locale, carrying pic toward swell \$22,000. Last week "Artists and Models" (Par) and vaude, weak \$14,000.

Columbia (Loew) (1,234; 25-40)—"Sweethearts" (M-G) (2d run). Back downtown after two bi-stanzas at

Palace and will see good \$3,000. Last week "With the Hardys" (M-G) (2d run), big \$6,000.

Mayfair (2,218; 25-35-40-66)—"Zaza" (Par) and vaude. No name vaude, leaving it up to the pic to collect good \$17,500. Last week "In French" (Par) and Bob Co-sby orch, fair \$14,500.

Keith's (RKO) (1,830; 35-55)—"Great Man Votes" (RKO). Bowled in Sat (21) and should see good \$6,500 in six days. Last week "Son Frankenstein" (U), passable \$8,500 in nine days.

Met (WB) (1,600; 25-40)—"Paris Honeymoon" (Par) (2d run). Back on mainstay, a good week at Earle and should see average \$4,000. Last week "Spy Ring" (Col), \$4,000.

Palace (Loew) (2,242; 35-55)—"Kentucky" (20th). Opened Thursday (19) and headed for fair \$14,000. Last week, "Cowboy and Lady" (Par), adequate \$13,000.



## Politico Shifts in Mexico Loom As Threat to U. S. Pix Distributors

Internal difficulties in Mexico, with political setup shifting from a democratic front to pro-fascist, promise to hurt American distribution there in the next six months.

American companies, with extensive exchange alignments in Mexico, have been confronted with new assessments and higher wage demands in the last two or three years. Most recent tilt brought talk of withdrawal by U. S. firms but nothing came of it.

One American executive this week predicted that Mexico was headed for as strong a nationalistic attitude on films as fascism prevailing in some fascist nations of Europe. He indicated that many of Italy's policies may be invoked there.

The Mexican market has been a profitable one for American films, due to its proximity to the U. S. and its large English-speaking population. However, internal strife, declining business and decline in the value of its money is wiping out these advantages, aver returning visitors.

### Fuller Urges 12c B.O.

### In N. S. Wales as Only Means to Up Low Biz

Sydney, Jan. 8.

Sir Ben Fuller suggests that the only way to bring the public back to the picture theatres in 1939 is for managements to reduce their admission charges. Admits that charge should be upped for higher-grade product, and says that salaries of the stars and Hollywood excess should be cut considerably to benefit the industry in general.

In New Zealand, Fuller says, his chain introduced guest nights thrice weekly, with admission scaled at 12c. One house, which previously had been losing \$6,000 yearly on a straight policy, turned in a profit of over \$5,000 after putting in low admissions. Now other houses on the chain have adopted the policy and its success is anticipated.

What has been done in New Zealand, Fuller says, can be easily accomplished here providing the Motion Picture Distributors' Association agrees to wipe out the 25c minimum admission now in force.

## MEX UNION'S BEEF ON H'WOOD'S MEX PLAYERS

Mexico City, Jan. 24.

Preventing Mexican players going to Hollywood to work in Spanish language pictures is planned by the studio workers' union, which is irked by competition Hollywood Spaniards are giving Mexican films.

Opined that the union won't get to first base because Hollywood owes too much of a magnet for Mexican artists.

### Asher's Quota Films

### For Col; 3-4 in '39-40

Jack Cohn, v.-p. of Columbia Pictures, arrives in New York today (Wednesday) from the Coast to close contracts with Irving Asher for production of three or four quota pictures for the '39-40 season.

Asher sails for Denham Studios, London, on Saturday (28) together with Alexander Korda. Asher is still under contract to London Films until May, 1940.

## Seek to Reduce Capital Of London Theatre Co.

London, Jan. 16.

Court consent is to be sought by the Victoria Palace company to a scheme that would permit it to reduce its capital of \$600,000 to \$200,000 by cancelling \$1.58 of each of its 240,000 shares.

The directors value the theatre at over \$500,000, but the board thinks its value doesn't exceed \$300,000. Moss Empires holds a large percentage of the shares, the market price of which is now quoted at 60c.

## Quits in a Huff

Mexico City, Jan. 24.

Because his colleagues pruned several hot scenes from 'El Beso Mortal' ('The Mortal Kiss'), which he megged, and which was produced under auspices of President Lazaro Cardenas, Fernando Rivero, the director, quit the censorship board. Film is strong propaganda against certain social diseases.

Censorship board comprises nine persons, three of them femmes.

## 20th's Foreign Distrib Staff Tops U. S.-Canada

Foreign sales end of 20th-Fox business out-strips the domestic distribution branch of the company in the volume of employees, according to Jack Lang, personal director. The overseas organization with 37 branches, including the newly established South African organization, has 2,100 on the weekly payroll, while the U. S. and Canada, with about the same number of exchanges, employs only 1,250.

Largest unit of employment by 20th-Fox is naturally in the Coast studios where, on the average, 4,000 people out of a grand total of 11,787 (world-wide) get weekly paychecks. This includes executives, production heads, technicians, players and clerical forces.

A little more than 500 work in the home offices; De Luxe Laboratory in N. Y. uses another 400, and Movietone News and short subjects department utilizes another 1,100, here and abroad.

## CARDINI OPENS WELL AT COLISEUM, LONDON

London, Jan. 24.

Vaude opening here, this week presented some mixed values. Joseph Marion, Continental mind-reading turn, opened unconvincingly at the Coliseum. Cardini, card manipulator, on the same bill, was excellent.

At the Empire, Stump and Stumpy, Negro tapsters, skidded on their first show. Evaded some improvement on second when act was cut to eight minutes. Elmer Cleve Co. at the Holloway fared nicely, but needs tightening.

At the Cafe de Paris, Frances Day's offering got by.

## Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '36.  
'Robert's Wife,' Globe—Nov. 23, '37.  
'Me and My Girl,' Victoria Palace—Dec. 16, '37.  
'Nine Sharp,' Little—Jan. 26, '38.  
'The Fleet's Lit Up,' Hippodrome—Aug. 17.  
'George and Margaret,' Piccadilly—Aug. 17.  
'Winning Riot,' Gaity—Aug. 31.  
'Flashing Stream,' Lyric—Sept. 1.  
'Room for Two,' Comedy—Sept. 6.  
'Dear Octopussy,' Queens—Sept. 14.  
'The Corn Is Green,' Duchess—Sept. 20.  
'Elephant in Arcady,' Savoy—Oct. 5.  
'When We Are Married,' St. Martin's—Oct. 11.  
'Quiet Wedding,' Wyndham's—Oct. 14.  
'Goodness, How Sad,' Vaudeville—Oct. 15.  
'Elisabeth of Austria,' Garrick—Nov. 3.  
'Geneva,' Seville—Nov. 22.  
'Under the Hat,' Palace—Nov. 24.  
'No. 6,' Aldwych—Dec. 21.  
'Babes in the Wood,' Drury Lane—Dec. 23.  
'Charley's Aunt,' Haymarket—Dec. 24.  
'Queen of Hearts,' Lyceum—Dec. 24.  
'Marco's Millions,' Westminster—Dec. 26.  
'Let's Pretend,' St. James—Dec. 26.  
'They Walk Alone,' Shaftesbury—Jan. 18.

## 28 States

(Continued from page 7)

pensions, one proposal being 8/10% transaction tax on sales and services, while another is a straight 2% sales tax.

Vermont has a bill for Sunday theatre opening. Delaware also plans Sunday shows, bill allowing theatres to operate from 2 p.m. until closing.

Arkansas would license chain stores but repeal the act taxing theatres for 'Buck' nights. State also proposes boosting the sales tax from 2% to 3%. It also would legalize Sunday pictures. Another bill provides a tax on chain stores.

Georgia has a bill prohibiting the distribution of theatre passes to legislators.

Plans to lighten the tax burden are proposed in Colorado's legislature. One seeks the repeal of the state income tax. Another would eliminate the sales tax or any commodity that pays more than 12% in Federal taxes.

Filled theatres are hit by a measure introduced in Washington state, this proposing a tax on all corporations owned by outside of state interests. Wyoming would legalize pari-mutuel betting.

Wisconsin seeks a luxury tax while Milwaukee, located in this state, plans a 2% sales tax and would name a committee to study the length of films for the effect on a theatre-goer's health.

Illinois already has voted to extend its 3% sales tax to July 1. It also has a proposal for theatre divorce. Indiana would amend its gross income tax law and have retailers pay 1/4%.

Massachusetts has a true-name bill which would force theatrical people to use their real names while performing in that state. State also would repeal dog racing statute.

Michigan has a censorship bill up for consideration.

### Fox West Coast's Worry

Los Angeles, Jan. 24.

Chain theatre owners in California are worried over a proposed state constitutional amendment which, if adopted, would cost them about \$750,000 a year. Fox West Coast Theatres alone would pay close to \$600,000. Amendment proposed by Irving F. Newton of Hollywood, calls for a graduated tax on chain establishments, running from \$5 to \$2,500 on each theatre. Plan provides a yearly \$5 tax on the first establishment in a chain; second, \$10; third to ninth, \$100 each; 10th to 19th, \$1,500 each; and 20 or over, \$2,500 each.

F-WC has about 200 theatres in California and a number of partnerships in smaller circuits.

### Would OK Sun. in Del.

Dover, Jan. 24.

Representative Henry M. Canby last Thursday (19) introduced a bill in the Delaware house to legalize Sunday films after 2 p.m. Measure provides that pix could not be shown on Sabbath in any city or town which has passed legislation to the contrary. Sunday films are now prohibited by State law.

### Anti-Marathon Bill

Lincoln, Jan. 24.

Experience with devastation marathons may wreak on film biz found latter backing latest bill entry in the unicameral session by Sen. Richard Johnson which bans walkathons, bikathons, skatathons, and all manner of endurance shows, with exception of cross-country runs.

Omaha had a bad time competing with a roller derby recently, which brought on the protective legislation. Bill is designed to cover anything of that nature, whether admission is charged or not.

## 'ARYAN' ROW ON LEHAR

Jewish Librettists Don't Set Well with Nazis

Vienna, Jan. 14.  
Pro and contra Franz Lehar, composer of 'Merry Widow' and other Viennese operettas, is going on behind the scenes.

Pros: Lehar was 'Aryan,' according to Nuremberg laws, able to prove his Christian ancestry as far back as 1799. His music is 'indispensable.'

Contras: Lehar only worked with Jewish librettists. There's not even one 'Aryan' among his lyric writers. German Reichsmusikkammer is siding with Lehar so far, though there are persistent rumors that his music will be cut down to minimum, as soon as there are works of the 'new generation' in sufficient quantities.

## 5 New Mex Theatres

Mexico City, Jan. 24.

Four modern cinemas are being built in the provinces and site for another theatre has been bought by interests headed by William Oscar Jenkins, of Los Angeles, ex-U. S. consul in Puebla City.

Jenkins is financially backing the enterprise, to be run by Mexican picture men.

## NEW PROD. UPS AUSTRALIAN BIZ

Sydney, Jan. 8.

Biz picking up with intro of new product. Hot and dry weather proving stumbling blocks though.

'Carefree' (RKO), plus stage show, opened well. Astaire-Rogers reunion will mean plenty later. 'Little Miss Broadway' (20th) okay for the kiddies but not much night biz expected. 'That Certain Age' (U), plus vaude, opened to a smash. 'There Goes My Heart' (UA) should find moderate trade over a limited spell, which also goes for 'Submarine Patrol' (WB).

'Snow White' didn't pull much on repeat; it ran 21 weeks first time out here. 'Men with Wings' (Par) doing well. 'It's in the Air' (BEF) pulling plenty of George Formby fans. Metro doing exceptionally well with 'The Great Waltz' and 'Boys Town.' 'Lady Vanishes' (G-B) held over. 'Pygmalion' (G-B) opened and is a sure bet. 'Army Girl' (Rep), 'Heart of Arizona' (Par) and 'Sons of the Legion' (Par) holding their own.

Melbourne, Jan. 5.

Biz on the way up here. 'Snow White' (RKO) still taking plenty. 'Robin Hood' (WB) and 'Pygmalion' (G-B) also sure hits. 'Dad and Dave Come to Town' (BEF) was okay for the holiday trade. 'Spawn of the North' (Par) finding favor. 'Romance for Three' (M-G) also was liked.

'Fleet' to Close In LONDON; SET FOR TOUR

London, Jan. 16.

Current London Hippodrome show, 'The Fleet's Lit Up,' closes Jan. 19 or 20. Musical has been bought for the road by Tom Arnold, with Frank Leighton and Helen Barnes, respectively, replacing Ralph Reader and Frances Day.

New Hippodrome show, as yet untitled, which will star Frances Day and Vic Oliver, opens at the Hippodrome, Brighton, Feb. 13, for two weeks, with Robert Nesbit producing. 'Fleet' may go into the Adelphi, twice nightly, for a few weeks as a stopgap, prior to the theatre starting vaudeville Feb. 20.

Adelphi's vaude policy was originally skeddied to open Feb. 6, but was postponed when names weren't available for the latter date. Adelphi presently negotiating with Cliff Fischer to produce girl show there.

Larry Adler, Caselotti Continue as Anzac B.O.

Sydney, Jan. 8.

Larry Adler, the American harmonica player, working on the Tivoli circuit, is continuing to click big here.

Other acts here are: Barbara Blaine, Aland and Anise, Jack Gregory, Joe Young, Peter Ray, Jack Cavanaugh, Grey and Kathleen, Will and Joe Mandel, Tivoli; Shanghai Troupe, Hoyes; Young Australia Boys, Carrolls, and Les Flores, Greater Union.

'Snow White' in Person Melbourne, Jan. 8.

Adriana Caselotti, 'Snow White's' voice in the Disney film, is proving a big draw here for Tivoli, particularly since the film is going over big, too.

Other Tivoli acts here: Adriana Caselotti, Nelson and Knight, Oski and Taki, George Downey, Helen Honan, Radium Marionettes, Sylvia Setfion, Large and Morgner, Sylvia and Clemmence, Lamphill, Three Ardisis, O'Donnell and Blair.

## 'Paprika' in New Pattern Clicks Big in London

London, Jan. 24.

Unusual experiment resorted to with spectacular production of the romantic musical, 'Paprika,' which ran nine nights last September and has just reopened at His Majesty's theatre on Jan. 20, under the title of 'Magyar Melody.' Entirely new book and added musical numbers plus a practically new cast, but with the original scenery and costuming, has resulted in an enthusiastic reception and unanimous praise. Binnie Hale in the leading part is especially scintillating in her performance, and the entire show looks in. The experiment is being watched with interest by the entire theatrical fraternity here.

## U. S. Filmers Minimize Nazi Tabu on American Picts; Not Much Anyway

Reaction in the trade to reports from Berlin that the number of American pictures being released in Germany had been cut sharply was that this had been anticipated by developments both in U. S. and in Hitler's country. Though this decrease thus far apparently has not shown up in the film lineup of three major chains continuing in Germany, according to check in New York, it is understood that the seven or eight features okayed by the Nazi government for showing in the first half of 1939 had gone through the censorial body some time ago. The three companies are Metro, 20th-Fox and Par. Berlin report was attributed as having come from a source close to the German government and as amounting to a tacit boycott against American pictures. Generally pessimistic feeling regarding distribution in Germany was expressed in the trade, with some major officials believing that it was actually a matter of time before the Nazis clamp down on the three remaining U. S. film companies still distributing on Germany.

Home office representatives in New York admitted that it would be difficult to tell if there had actually been a decrease in number of pictures going into Germany, but latest unofficial reports from Berlin augur that the going will be much tougher in the future, and that French-made films will get the foreign breaks.

## Grosvenor House Show, London, Set for Vaude

London, Jan. 16.

Grosvenor House cabaret show, 'Grandfather's Follies,' will travel as a roadshow when it finishes at GH, with Charles Tucker presenting. Cast will comprise the Three Music Hall Boys, Duane and Earle Leslie, the Three Admirals, Two Equillos, and line of English gals.

Show opens for Hyams Bros., with General Theatres and Moss Empire dates to follow, marking first time a Music Corp. of America show will have played English vaudeville.

## Flock of Latin Films

Hollywood, Jan. 24.

Fortunio Bona Nova will produce three Spanish language pictures in Hollywood for United Artists release in South America. First is 'Only Desire.'

First of a series of patriotic films for the Mexican government was completed by Hollywood's Famous Pictures, headed by John Charles, with Henry Orozco as director.

Three-reeler, showing birth of Mexico's national holiday, is destined for all Mexican consulates for propaganda. Charles and Orozco hold distribution rights in U. S. and South America.

'Los Hijos Maudan,' Spanish language piloted by Gabriel Soría, Mex director, is in work at General Service studios by Cobian Productions. Picture is for 20th-Fox release.

# BETTER PIX WA BRIT. QUOTA

## Night Trotting Socks Aussie Exhibs; Industry Fights Melbourne Betting

Sydney, Jan. 8.

Night trotting seems destined to become a new headache for exhibitors Down Under this year. Heavy play being made by horserace showmen to get government sanction of the night sport, which seems likely because it would mean more in government revenue.

Claim is made by exhibitors that trotting Saturday nights would ruin picture business that night, as cinema evening of the week. Situation is so serious that every branch of the film industry may unite to balk night racing. The industry claims that dog-racing has already cut into its business considerably. Some believe that the turf sport may force some of the ace theatres to shutter Saturday nights.

### Fight Melbourne Betting

Melbourne, Jan. 8.

Although night horseracing is finding favor in this territory, the government thus far has not permitted betting.

Distributors and exhibitors are fighting betting since they claim it cuts into their b.o.s.

Adelaide, Jan. 8.

Night trotting is harming picture theatre business here alarmingly. About 40,000 have attended the races on recent Saturday nights.

Perth, Jan. 8.

Exhibitors are being hit hard by night horseracing here. Disclosed that 30,000 play the ponies, with its popularity growing.

## CATTO PLAY RECEIVED WELL IN LONDON BOW

London, Jan. 24.

'They Walk Alone,' fiendishly melodramatic thriller by Max Catto, which premiered at the Shaftesbury Theatre (19), was accorded a good reception. However, it looks unlikely for America.

Berthold Viertel directed, with Beatrix Lehmann, Carol Goodner and Rene Ray starring. Firth Shephard produced.

## May Revive 'Three Men,' Original Cast, in London

London, Jan. 16.

'Three Men on a Horse,' with Romney Brent, David Burns, Ed Ryan, Tucker McGuire, Clare Carlisle and Butler Hixson, who were all in the original London company three years ago, may be revived here. Only one of the originals is out, Bernard Nedell, now in Hollywood.

Show would open at the Garrick Feb. 17, same date as original opening three years ago, and run for 10 weeks, then touring. A. E. Abrahams, owner of the theatre, is backing.

## Spanish News Spielers

Pathe newsreel added Americo Lugo-Romero as commentator and started making a complete Latin-American language edition last week. Previously, the Spanish issue had been in English with Spanish subtitles.

Other newsreels active in the foreign field have been using a Spanish narrator for some time.

## 'Suez' Big in Mex City

Mexico City, Jan. 24.

'Suez' (20th) doing big at the Olympia, only directly American-operated house here.

Intake for the first week was \$5,650 at 40c top. For the second week, at 30c top, gross was \$4,160. Olympia's best biz in 10 years.

## Suppress Agent

London, Jan. 17.

There's one press agent here who sighs with relief each morning his mail shows no press clippings! Ballyhoo man was signed on a stock contract, and only discovered after making his mark on the dotted line that it embodied a clause forbidding him to give any information to the press concerning the company or its plans.

Every time a clipping shows up it's another breach of contract!

## PROVIDE FOR WB EMPLOYEES IN AUSTRIA

Warner Bros. made provisions for every important employee moved out of Austria, with the shutting of its operations when the Nazis took over there, according to Sam E. Morris, vice-president in charge of WB's foreign affairs.

Veteran employees have been shifted to other countries, he said. A number, now in Switzerland, but not on regular jobs, have been given financial aid. WB still is liquidating its affairs in Austria because of governmental red tape.

Morris, who returned from abroad recently, had little to say about the new laws in New South Wales, particularly the right allowed exhibitors to reject 25% foreign films. He said that a better picture of the situation would be available when Ralph Clark, Warner Bros. managing director for Australia, reaches the Coast from Down Under this week. He's due in New York, Feb. 3. Warner Bros. has a five-year pact, with options, with Hoyts these days, circuit of Australia. The chain also has pacts with 20th-Fox and other major U. S. companies.

Complete satisfaction with the present term deal WB has with the Slesinger interests in South Africa was expressed by Morris. Deal has about two more years to run. He pointed out that the peculiar setup in South Africa, with Slesinger dominating the theatre field, has not made individual distribution extremely successful there.

Morris, who went to England for the opening of WB's new house in London, pointed out that WB's production policy in Great Britain had been little disturbed by the first year of the new British quota.

## Par Foreign Execs Eye Britain Theatres, Distrib

London, Jan. 24.

Foreign officials of Paramount, concerned with distribution and theatre problems in Great Britain, are making a series of flying visits to various parts of the British Isles to investigate the situation. Adolph Zukor, John W. Hicks, Jr., head of Par's foreign department; David Rose, and C. J. Dickinson, general sales manager in Great Britain, comprise the party on the current trip.

Group was in Ireland during the past week.

## Vi Bradley Okay In

London Cafe Debut

London, Jan. 24.

Vi Bradley did splendidly in opening at Ciro's last Tuesday (17). She seems set for run of sophisticated niteries here.

## 1ST YEAR OF LAW PROVES SUCCESS

Improved Quality Discounts  
Decreased Production as  
Main Purpose of Measure  
Is Achieved—U. S. Distributors' Loss to Be Less Than Anticipated Due to Big B.O.s of Several Pictures

### LAW EXPIRES APRIL 1

With only about two months more remaining before the initial year of Great Britain's new quota law comes to a close, American major distributors are beginning to count the law's cost to them as compared with the former quota measure. New statute went into effect April 1, 1938. When made effective, it was estimated that the law would cost U. S. distributors 40%-50% more to do business in Great Britain than under the old quota. No check is obtainable on the exact amount it did cost, but the success of several quota films in the world market probably will make the increase much less than had been anticipated.

While the new quota has reduced the quantity of British production in England, according to figures for first nine months of British Board of Trade, features turned out by British studios have improved vastly. Since one of the main objects of the new quota measure was to develop worthwhile productions, and thereby secure greater distribution in the world market, especially in the U. S., apparently the quota in its first year was a marked success from the British viewpoint.

### British Films' Success Abroad

Quota advocates point to the considerable success enjoyed by films of Great Britain by such films as 'Yank at Oxford,' 'Lady Vanishes,' 'Drums,' 'The Citadel,' 'Pygmalion' and 'Beauchamp' as tangible results of British quota stipulations. They aver that the production effort and expenditure put behind these films in readying them for American distribution was far more possible through new quota credit rules.

Of 52 features registered in Great Britain at end of 1938, seven were for triple-quota credit, 15 for double and remainder single-credit pictures. This covers only the first nine months of the new law. Quota statute requires foreign distributors to secure British-made films on a basis of 15% of the total number distributed in England. Thus, an American company distributing 40 features between April 1, 1938, and March 31, this year, must make in Great Britain, or purchase (after made in England) for distribution, six quota credit films. Percentage jumps to 20% in April, which means additional credit films must be obtained by U. S. companies.

Based on minimum labor costs specified by the law, American distributors figure a single quota credit feature as costing \$75,000; double credit film, \$175,000, and triple credit, \$225,000. Features made in England or British productions bought by American companies, in both cases for U. S. distribution, are regarded in the trade as supplanting just that many features which might be produced in Hollywood.

Virtually all Hollywood producers estimate that it costs 25% to 30% more to turn out a picture in England than it does in Hollywood.

### Triple-Credit Pix Discounted

However, American producers admit that living up to the spirit as well as the letter of the new quota law has proved successful in its first year, pointing to the British features (many of them quota credit films) that have been well received in the U. S.

Recapitulation of quota credit features made by eight major com-

## Yanks' Interest in Latin-American Trade Boomerangs in Attempt To Boost Declining Foreign Revenue

### Renoir Steps Out

Paris, Jan. 17.

Jean Renoir, the director, whose 'Grande Illusion' recently won the National Board of Review prize for the best foreign film presented in America during 1938, will become both producer and distributor. He'll make his first film under the new setup with Nora Gregor.

Renoir has not only written the scenario, 'La Regle du Jeu,' but will appear in the film.

Recent interest by U. S. firms in Latin-American distribution as a means to bolster declining foreign revenues, plus activity by numerous American distributors in purchasing films or having Spanish features made for them for exclusive distribution in this field, appears to be boomeranging on American firms. Situation may be altered before Motion Picture Producers and Distributors Association before it goes too far.

Practice of buying a locally-made feature in order to secure more playdates in a specific Latin-American country, done sparingly for several years by American companies, has gathered momentum since interest veered to South America and Central America as potential markets for building foreign business. The distributors' idea has been to buy these local features to foster goodwill and thus break down local sales resistance when spotting American product.

### Develops Into Subsidizing

For some film executives maintaining elaborate system of distribution in Latin-American territory, building goodwill by this means soon develops into subsidizing native film producing at the expense of American companies. Reason for a modified hands-off attitude in regards to foreign production by some companies is gleaned from experience they have had in other foreign nations.

Where native producers have made several initial successes, and naturally have obtained a break with bookings, several American companies have been 'asked' to either buy this product or do some local producing themselves. Some U. S. distributors have ignored these bids. Their attitude has been that they are operating to sell their own product, and if not possible, it is better to withdraw from this particular foreign nation. They even concede the wisdom of showing Yankee films at reduced rentals rather than work with local product in competition with themselves.

### New Restrictions

One direct result of publicizing of the Latin-American situation and perhaps the overemphasis on the American company's need for getting more business from these countries has been new restrictions that have cropped up. Argentina, which only a week ago laid down such heavy duties on posters shipped in from U. S. that major companies quit making them for this country's distribution, now has extended regulations to deal with new matter of American companies.

Officials in N. Y. claim that the rule on advertising is discriminatory because it's apparently applicable only to American film companies. As a result, advertising matter must be turned out in Argentina.

Columbia: 'Q Planes,' 'Spy in Black' and '21 Days.'

Metro: 'Yank at Oxford,' 'The Citadel,' 'The Lady Vanishes' and 'Climbing High.'

Paramount: 'Stolen Life,' 'Vessel of Wrath,' 'Royal Divorce,' 'This Man Is News,' 'Chinese Fish.' Last three for distribution in England alone.

RKO: 'Sixty Glorious Years,' 'His Lordship Regrets,' 'His Lordship Goes to Press,' and one other, as yet untitled.

20th-Fox: 'Tudgate Hill,' 'Dial 999,' 'Villiers Diamond,' 'Murder in the Family,' 'Last Barricade,' 'Claydon Treasure Mystery,' 'Who Goes Next,' 'Macushla,' 'Second Thoughts,' and several yet to be completed.

United Artists: 'Drums,' 'Prison Without Bars,' 'Divorce of Lady X.' Universal: General Film Distributors, Ltd., supplies necessary quota pictures.

Warner Bros.: 'Return of Carol Deane,' 'Dangerous Medicine,' 'Everything Happens to Me,' 'Many Tanks,' 'Nursemaid Who Disappeared,' 'Gentleman's Gentleman,' 'They Drive by Night,' 'Good Old Days,' 'Too Dangerous to Live,' and one yet to be completed.

## Starhemberg (Nora Gregor) Pic Up Again

Paris, Jan. 16.

Announcement, denial and re-announcement that Nora Gregor, now the Princess Starhemberg, will make a film in France as on the announcement side again. She'll star in a Leon Mathot picture to be made here shortly. Eric von Stroheim and Bernard Lancret are mentioned for other roles.

Plans which formerly called for her to make a film based on the Austrian grab have been dropped temporarily, producers believing it 'unethical' to market film with such a controversial subject.

### BEF-ATP's 5-YR. DEAL

Sydney, Jan. 7.

Deal completed whereby British Empire Films will continue to release product from Associated Talking Pictures for five years.

# **"JESSE JAMES" BEAT "ALEXANDER" IN 19 OUT OF 21 SPOTS SO FAR OPENED!**

**BALTIMORE  
FORT WORTH  
CLEVELAND  
DALLAS  
NEW HAVEN  
ST. LOUIS  
MIAMI  
HARTFORD  
NEW YORK**

**OKLAHOMA CITY  
KANSAS CITY  
HOUSTON  
TULSA  
BRIDGEPORT  
DETROIT  
SCRANTON  
SALT LAKE CITY  
LOS ANGELES**

**PORTLAND, ORE.**

***Close to "Alexander" at Stanley,  
Phila., and Comerford, Wilkes-Barre***



**THIS IS NOT PICKING "GOOD"  
SPOTS—THIS IS THE COM-  
PLETE RECORD OF ALL "JESSE  
JAMES" OPENINGS TO DATE!**

denced by the Roosevelt landslide in 1936; and similarly, the Fortune fact-finders, embracing four major cross-sections of Americans—poor, average middle class, above middle class and the "top 10 percent"—the country is still 50% for F.D.R.

"The State of the Nation" is also a basically patriotic endorsement of our democratic principle, and although carloadings, a automotive loadings, and a loadings of loadings are at peak proportions, the 10,000,000 unemployed remain as a major problem.

March of Time's current release, "The State of the Nation," is close-to-the-heart of every American, assumes feature proportions. "The State of the Nation" is a short which exhibitors could not miss. The extra emblems they possessed of b.o. qualities not just a filler. **Abel.**

# 7

## OUT OF THE FIRST 20

chosen by 22,000,000 people  
in "King and Queen of the Movies"  
annual nation-wide poll

## ARE 20TH CENTURY-FOX STARS!



**Tyrone Power is "King"!...with 63% more votes than nearest contender in 1939 poll sponsored by New York Sunday News and more than 50 other key city newspapers, reaching 22,000,000 readers.**

**Other 20th stars in the select First Twenty are: Sonja Henie, Loretta Young, Richard Greene, Shirley Temple, Alice Faye, Don Ameche.**

**Power and Henie tops in New York! Readers of the N.Y. Sunday News, with its 3,250,000 circulation, voted Tyrone Power and Sonja Henie "King and Queen".**

**Richard Greene's record! Richard Greene, in pictures only since last April, took 5th place among all men stars!**



THE KEYSTONE OF YOUR FUTURE

# Nick's Tax

(Continued from page 7)

prisonment from two to five years in the big house at Jefferson City.

In a sharply worded resolution, the AFL Central Trades and Labor Union Sunday (22) called upon William Green, president of the AFL, to request George E. Browne, president of the IATSE, to authorize restoration of autonomy to Local No. 143 which has been dominated by Nick. The introductory paragraph of the resolution declared: "There has crept into the organized labor movement of St. Louis alleged gangsters and racketeers, who have devoted their time to a large extent working for their own interests and changing their membership as a side issue."

It mentioned a letter written Jan. 14 to Green by AFL organizers William Schoenberg and E. P. Theiss, accompanied by a petition signed by 85 motion picture operators, veteran union members, requesting that the AFL be reorganized. After requesting Green and the AFL executive committee to request Browne to authorize the council to comply with Schoenberg's request for restoration of autonomy and reorganization of the local under control of the AFL, the resolution concluded:

"We request and implore the executive council of the AFL to take immediate steps to end this alleged reign of terrorism in St. Louis at once, and the good name of our 51-year-old central body be reestablished in the confidence of the 'clean' membership of our local organized labor movement and the public in general."

A fight on the floor against the resolution was led by Clyde Weston, business manager of the union, and Nick's first lieutenant. At a recent meeting of the local, Weston disregarded the operators to vote on the question of returning the management to the members, and is said to have forced them to give Nick a unanimous vote of confidence.

At the meeting Sunday (22), Weston declared there was no need for action by the AFL, inasmuch as Browne has a representative here now investigating Nick's management. William J. Gibbons, delegate from the Typographical Union, censured the members for arriving at conclusions based on newspaper stories, declaring:

"A man has not only been tried, but has been found guilty. The buildup in the press is one of the most perfect against a man connected with the labor movement. Let John Nick be placed on trial and if he is found clean, okay, but if he is found guilty I will submit to the verdict."

# New Theatres

St. Louis, Jan. 24.

J. M. Summers and William A. Graver, Excelsior Springs, Mo., planning rebuild theatre recently destroyed by fire. New structure will cost \$20,000.

Clarence E. Cook, Maryville, Mo., erecting 800-seater in Maryville.

Fred Wehrenberg, owner of a chain of nabs in St. Louis and St. Louis County, has taken over the Normandy, in the suburbs, and will operate it in conjunction with the Studio in Pine Lawn, Mo. E. E. Rudolph, Jr., will manage both houses.

Harry C. Arthur, Jr., head of Fanchon & Marco interests here, said or organization contemplates erection of a \$175,000 house on site of present Florissant Cinema Garden on north side. It is expected new house will be a 2,500-seater.

St. Louis Amusement Co. has earmarked \$30,000 for improvements of its Union, north side nabe, dark for several months.

The Jersey, 400-seater, Jerseyville, Ill., opened by Ballard, Horn & Metcalfe Co.

New equipment purchased from Exhibitors' Supply Co. and National Theatre Supply Co. here for the State, Nashville, Ill.; Grand, Sullivan, Ill., and a house owned by D. O. Lanham in Eldorado, Ill.

Felina Circuit has let a contract for its new 600-seater Greenville, Ill. It will cost \$30,000. The Frisina organization also operates the lyric in Greenville.

# New \$85,000 Nabe

Norfolk Va., Jan. 24.

E. L. Collamer, president of the Reco Amus. Corp., announces plans for a \$85,000 nabe in Fairmount Park section, seating 900.

Most noticeable situation among the studios and their schedules is at Paramount, where only nine pictures remain to be made before completing entire 1938-39 program of 59 features. Having battled along at an even pace, Par is now ready to spend ample time preparing its commitments for '39-40.

# Columbia

Features .....	40	13	4	6	17	17
Westerns .....	16	7	0	3	6	6
Serials .....	4	1	0	0	3	3
Total .....	60	21	4	9	26	26

Pictures now in the cutting rooms or awaiting previews are:

**'ROMANCE OF THE REDWOODS'**, produced by Wallace MacDonald for the Irving Briskin unit; directed by Charles Vidor; writing credits released; photographed by Allen Siegler. Cast: Charles Bickford, Jean Parker, Earl Dunn, Lloyd Hughes, Ed Laughton, John Tyrrell, Ann Shoemaker, Al Bridge, Gordon Oliver.

**'MOUNTED POLICE NO. 1'**, produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by Bennett Cohen; photographed by George Meehan. Cast: Charles Starrett, Linda Eddie Cobb, Tom Nolan, Sons of the Pioneers, Robert Fiske, Vernon Steele, Eddie Laughton, Dick Curtis, Lane Chandler, James Millican, Hal Taliaferro, Ed Brady, Harry Cording.

**'SABOTAGE'**, produced by Larry Darmour; directed by Lewis D. Collins; original story and screen play by Eric Taylor and Gordon Rigby; photographed by James S. Brown, Jr. Cast: Jack Holt, Katherine DeMille, Ralph Morgan, Paul Everett, C. Henry Gordon, Sidney Blackmer, Ivan Lebedeff, Regis Toomey, Holmes Herbert, Guy D'Enery.

**'NORTH OF SHANGHAI'**, formerly titled **'LIFE IS CHEAP'**, produced by Wallace MacDonald for Irving Briskin unit; directed by D. Ross Leder-Betty Furness, James Craig, Key Luke, Dick Curtis, Joseph Downing, Honorable Wu. Cy Kendall, Lotus Liu, John Tyrrell.

**'FIRST OFFENDERS'**, formerly titled **'FIRST OFFENDER'**, produced by Lou Appleton for Irving Briskin unit; directed by Frank McDonald; no writing credits released; photographed by William Wallace. Cast: Walter Abel, Beverly Roberts, replacing Rita Hayworth, Johnny Downs, Iris Meredith, Robert Sterling, John Tyrrell.

**'LET US LIVE'**, produced by William Perlberg; directed by John Brahm; screen play by Anthony Veiller and Aaron Rivkin. Cast: Henry Fonda, Maureen O'Sullivan, Ralph Bellamy, Henry Kohler, Alan Baxter, Stanley Ridges, Clarence Wilson, Ray Walker, Sammy Blum, Beatrice Curtis, Ted Oliver, Monty Vandergrift, James Blaine, Philip Trent, George Douglas, Peter Lynn, Martin Spellman, Charles Lane, Harry Bernard, Herbert Haywood, Walter Soderstrom, Billy Wayne, Sam McDaniel, Ethel Wales, Mary Foy, Jack Clifford, Eddie Hearn, Eddie Cobb, Herbert Ashley, Kernan Cripps, Dick Rush, Harry C. Bradley, Emmett Vogan, Stanley Mack, Cy Ring, Ray Stewart, Bess Wade.

**'THE THUNDERING WEST'**, formerly titled **'TRAIL OF THE TUMBLEWEED'**, produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by J. Bennett Cohen; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Dick Curtis, Bob Nolan, Ed LeSaint, Frank Bell, Eddie Cobb, Art Mix, Slim Whitaker, Hal Taliaferro, Ed Pei, Walter, Stanley Brown, Frank Mills, Joe Harmon, James Millican, Frank O'Connor, Ed Cobb, Kernan Cripps, Robert Walker, E. L. Dale, Art Dupuis, Al Ferguson, Roy Robinson, Sam Ash, Herman, Forbes Murray, Edward Hearn.

**'TEXAS STAMPEDE'**, formerly titled **'IO GRANDE ROUNDUP'**, produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by John Francis Royal; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Sons of the Pioneers, Bob Nolan, Frank Bell, Ephraim Bennett, Blackjack Ward, Lee Prather, Eddie Cobb, Ed Hearn, Frank Austin.

**'PLANE NO. 4'**, produced and directed by Howard Hawks; no writing credits released; photographed by Joseph Walker. Cast: Jean Arthur, Cary Grant, Madeline, Rita Hayworth, Thomas Mitchell, Sig Ruman, Donald Barry, Noah Beery, Jr., Anthony Quinn, Allan Joslyn, Victor Kilian, Milissa Sierra, Pat West, John Carroll, Charles Moore, Sam Tong, Frank Puglia, Inez Palange, Pedro Regas, Manuel Maciste, Lucio Villegas, Barbara Morgan, Victoria Travers, Alison Benge, Jack Lowe, Tex Higgins, Vernon Dent, Pat Flanagan, Frank Marlowe, Enrica Acosta, Raoul Lechuga, Dick Bottler, Harry Bailey, Amora Navarro, Tessie Murray.

**'BLONDE STEPS OUT'**, produced by Robert Sparks; directed by Frank Staver; screen play by Richard Loevy; photographed by Henry Freulich. Cast: Penny Singleton, Arthur Lake, Larry Sims, Jonathan Hale, Dorothy Moore, Jo Coffin, Stanley Brown, Don Beddoe, Linda Winters, Sarah Edwards, Danny Mummert, Irving Bacon, Richard Fiske, George Chandler.

**'MRS. LEONARD MISBEHAVES'**, formerly titled **'OLD MRS. LEONARD AND HER MACHINE GUNS'**, produced by Fred Kohlar; directed by Ben Stoltzf; screen play by Richard Maibaum and Gertrude Purcell; original by George Bradshaw and Price Day; photographed by John Stumar. Cast: Fay Bainter, Ida Lupino, Lee Remick, Warren, Joe Cais, Tommy Mack, Jim Toney, Joe Sawyer, Tommy Dugan, Forbes Murray, Henry Armetta, Olaf Hytten, Harold Huer.

**'OUTSIDE THESE WALLS'**, produced by Ralph Cohn for the Irving Briskin unit; directed by Donald K. Lieberman; writing credits released; photographed by Lucien Ballard. Cast: Dolores Costello, Michael Whalen, Virginia Weidler, Don Beddoe, Charles Halton, Selmer Jackson, Dick Curtis, John Tyrrell, Pierre Watkin, Robert Emmett Keane, Tommy Bupo, Joe Devlin, Stymie Beard, Jimmie Campbell, Joe Cunningham, William Seabury, Walter Merrill, Allen Matthews, Eddie Laughton.

# Grand National

Number	Number	Now	Now	Now	Now	Now
Of	Of	Of	Of	Of	Of	Of
Pix	Pix	Pix	Pix	Pix	Pix	Pix
Com-	Com-	Com-	Com-	Com-	Com-	Com-
Prom-	Prom-	Prom-	Prom-	Prom-	Prom-	Prom-
ised	ised	ised	ised	ised	ised	ised
Features .....	28	7	1	9	20	20
Westerns .....	16	5	0	3	8	8
Total .....	42	12	1	9	28	28

Pictures now in cutting rooms or awaiting previews are:

**'RIDE 'EM, COWGIRL'**, formerly titled **'FURY'S IN THE SADDLE'**, produced by Arthur Driefuss; directed by Sam Diego; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, Milton Frome, Vince Barnett, Linn Mayberry, Joseph Girard, Frank Ellis, Harrington Reynolds, Merrill McCormick, Pat Henning, Fred Cordova, Eddie Gordon, Lester Doer, Walter Patterson, Snowy (equine).

**'WATER BUSTLES'**, formerly titled **'THE LAST BARRIER'**, Coronado production; directed by Donald K. Lieberman; writing credits released; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ethan Allen, Leonard Trainer, Edward Gordon, Stanley Price, Warner Richmond, Merrill McCormick, Roy Ingram, Ed Pei.

**'SINGING COWGIRL'**, formerly titled **'LADY BUCKAROO'**, Coronado production; produced by Donald K. Lieberman; directed by Samuel Diego; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ed Pei, Dix Davis, Stanley Price, Warner Richmond, Paul Barrett, Lloyd Ingram, Ethan Allen, Edward Gordon, Merrill McCormick.

**'EXILE EXPRESS'**, produced by Eugene Frenke; directed by Otis Garrett; original by Edwin Jussey Mayer; musical score by Dimitri Tiomkin; photographed by John Mescall. Cast: Anna Sten, Alan Marshall, Jerome Cowan, Walter Catlett, Ida Lupino, Lee Remick, Warren, Joe Cais, Tommy Mack, Jim Toney, Joe Sawyer, Tommy Dugan, Forbes Murray, Henry Armetta, Olaf Hytten, Harold Huer.

**'RHYTHM RIDES THE RANGE'**, Arcadia production; directed by Sam Newfield; screen play by Fred Myton from original by Ted Richmond;

**'Universal is also well caught up on its schedule, needing only 12 more pictures to wind up season product against promise of 48. Warners needs 14 against 52 pictures.**

**Production among the lots is holding up, with 37 pictures in work, as of Jan. 18. Cutting rooms are editing 82; 216 have been previewed or released, leaving 246 still to go before season ends.**

photographed by Art Reed. Cast: Tex Fletcher, Joan Barclay, Ralph Peters, Reed Howe.

**'PANAMA CIPHER'**, formerly titled **'CURIO CIPHER'**, formerly titled **'ANALOG CIPHER'**, Fine Art production; directed by Charles Lamont; original screen play by Arthur Hoerl; photographed by Arthur Martinelli. Cast: Leon Ames, Charlotte Wynters, Weldon Heyburn, Sidney Miller, Adrienne Ames, William von Brincken.

# Metrol

Number	Number	Now	Now	Now	Now	Now
Of	Of	Of	Of	Of	Of	Of
Pix	Pix	Pix	Pix	Pix	Pix	Pix
Com-	Com-	Com-	Com-	Com-	Com-	Com-
Prom-	Prom-	Prom-	Prom-	Prom-	Prom-	Prom-
ised	ised	ised	ised	ised	ised	ised
Features .....	50	19	5	7	19	19
Selnick-Int'l .....	1	0	1	0	0	0
Total .....	51	19	6	7	19	19

Pictures now in the cutting rooms or awaiting previews are:

**'HONOLULU'**, produced by Jack Cummings; directed by Edward Buzzell; original story and screen play by Herbert Fields, Frank Partos and Jack McGowan; photographed by Ray June. Cast: Eleanor Powell, Robert Young, George Burns and Gracie Allen, Eddie Anderson, Judith Allen, Jo Ann Sayers, Rita Watson, Lillian Funke, Harlan Briggs, Rex Ingram, Ruth Hussey, Tom Neal, Sig Ruman, Edward Gargan.

**'ICE FOLLIES OF 1939'**, produced by Harry Ray; directed by Reinhold Brunzel; no writing credits released; photographed by Oliver Marsh. Cast: Joan Crawford, James Stewart, Lew Ayres, Ice Follies troupe, Jo Ann Sayers, Lionel Stander.

**'HUCKLEBERRY FINN'**, produced by Joseph Mankiewicz; directed by Richard Thorpe; screen play by Hugo Butler from Mark Twain's novel; photographed by John Seitz. Cast: Mickey Rooney, Walter Connolly, William Frawley, Elizabeth Ridson, Minor Watson, Harlan Briggs, Rex Ingram, Lynne Carver, Jo Ann Sayers, Sarah Edwards, Victor Kilian, Clara Blann, Dick, Irving Bacon.

**'BROADWAY SERENADE'**, produced and directed by Robert Leonard; no writing credits released; photographed by Oliver Marsh. Cast: Jeanette MacDonald, Lew Ayres, Ian Hunter, Frank Morgan, Virginia Grey, Rita Johnson, William Gargan, Katherine Alexander, Franklin Pangborn, Esther Dale, Esther Howard, Al Shean, Maurice Moscovitz, Villy Vernon.

**'THE DUSTY RIDE'**, formerly titled **'GOD OF THE WEST'**, produced by Harry Ray; directed by Jack Conway; no writing credits released; photographed by Sidney Wagner. Cast: Nelson Eddy, Virginia Bruce, Lionel Barrymore, Victor McLaglen, Edward Arnold, Guy Kibbee, Allen Jenkins, H. B. Warner, Raymond Walburn, Charles Butterworth.

**'FAST AND LOOSE'**, produced by Frederick Stephani; directed by Edward Marin; from story by Marco Pace; photographed by George Folsey. Cast: Robert Montgomery, Rosalind Russell, Reginald Owen, Jo Ann Sayers, Tom Collins, Samuel S. Hinds, Sidney Blackmer, Anthony Allen, Joan Marsh, George E. Stone, Edna Grier, Edna Grier.

**'IDIOT'S DELIGHT'**, produced by Hunt Stromberg; directed by Clarence Brown; from play by Robert E. Sherwood; photographed by William Daniels. Cast: Clark Gable, Norma Shearer, Laura Hope Crews, Charles Coburn, Pat Paterson, Joseph Schildkraut, Paula Stone, Edward Arnold, Burgess Meredith, Skeets Gallagher, Joan Marsh, Bernadette Hayes, Virginia Grey, Mitchell Lewis, Virginia Dale, Fritz Feld, Edward Roquello, Lorraine Krueger.

# Metro Pix Now in Production

**'I TAKE THIS WOMAN'**, formerly titled **'NEW YORK CINDERELLA'**, produced by Lawrence Weingarten; directed by Frank Borzage; original story by Charles MacArthur; photographed by Charles Lawton. Cast: Spencer Tracy, Hedy LaMar, Walter Pidgeon, Thurston Hall, Carlos Valdez, Leonard Penn, Ina Claire, Marjorie Main, Louis Calhern, Lana Turner, Mona Barrie, Willie Best, Dwight Frye, Jack Carson, Frank Puglia, Adrienne Ames.

**'THE WIZARD OF OZ'** (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on story by Frank L. Baum; photographed by Harold Rosson; for Technicolor, Allan Dazey. Cast: Frank Morgan, Judy Garland, Ray Bolger, Bert Lahr, Jack Haley, Charley Gravier, Billie Burke, Margaret Hamilton, Pat Wicks.

**'SERGEANT MADDEN'**, produced by Walter Ruben; directed by Josef von Sternberg; based on a story by William A. Ullman, Jr.; photographed by John Seitz. Cast: Wallace Beery, Alan Curtis, Tom Brown, Lorraine Johnson, Marion Martin.

**'THE HORSE RIDE HIGH'**, produced by Lou Ostrow; directed by John B. Seitz; screen play by Agnes Christine Johnston, Kay von Riper and William Ludwig; photographed by Leslie White. Cast: Lewis Stone, Mickey Rooney, Cecilia Parker, Fay Holden, Sara Haden, Ann Rutherford, Virginia Richmond.

**'TARZAN IN EXILE'**, produced by Sam Zimballist; directed by Richard Thorpe; based on characters created by Edgar Rice Burroughs; photographed by Leonard Smith. Cast: Johnny Weissmuller, Maureen O'Sullivan, Joseph Stephenson, Kenneth Hunter, Henry Wilcoxon, Frieda Inescort, Urie, Ben John, John Wray.

**'GONE WITH THE WIND'** (Technicolor), produced by David O. Selznick; directed by George Cukor; screen play by Sidney Howard and Oliver H. P. Garrett from novel by Margaret Mitchell; photographed by Lee G. Seidel. Cast: Clark Gable, Vivien Leigh, Leslie Howard, Olivia de Havilland, Barbara O'Neill, Laura Hope Crews, Hattie McDaniel, Oscar Polk, Butterfly McQueen, Everett Brown.

# Monogram

Number	Number	Now	Now	Now	Now	Now
Of	Of	Of	Of	Of	Of	Of
Pix	Pix	Pix	Pix	Pix	Pix	Pix
Com-	Com-	Com-	Com-	Com-	Com-	Com-
Prom-	Prom-	Prom-	Prom-	Prom-	Prom-	Prom-
ised	ised	ised	ised	ised	ised	ised
Features .....	28	7	1	9	20	20
Westerns .....	16	5	0	3	8	8
Total .....	42	12	1	9	28	28

Pictures in the cutting room:

**'GANG BULETS'**, produced by E. B. Derr; associate producer, Frank Melford; directed by Lambert Hillyer; original screen play by John T. Neville; photographed by Arthur Martinelli. Cast: Ann Nagel, Robert Kerr, Charles Townbridge, Morgan Wallace, J. Farrell MacDonald, John Kerr, Carleton Young, Stanley Mack, Tom McGuire, Bill Worthington, Frank LaRue, Eddie Hearn, Frank Nelson, Jack C. Smith, Kernan Cripps, Frank LaRue, Frank LaRue.

**'WILD HORSE CANYON'**, formerly titled **'WILD HORSE TRAIL'**, produced by Robert Tansey; directed by Bob Hill; original screen play by Robert Emmett; photographed by Bert Longenecker. Cast: Jack Randall, Dorothy Frank, Frank Vaconelli, Walter Long, Dennis Moore, Charles King, Warner Richmond.

**'SKY PITTIE'**, produced by Paul Malvern for Monogram release; directed by George Wagner; screen play by Paul Schofield and Joseph West, based on cartoon strip, 'Tallipin Tommy', by Hal Forrest; photographed by Archie Stout. Cast: John Trent, Marjorie Reynolds, Milburn Stone, Jason Deering, John Peters, Fred Demarest, Arthur Van Slyke, William Carlton, Bruce Mitchell, Tommy Bupp, Betsy Gay.

**'CONVICTS CODE'**, formerly titled **'PAROLED TO EXILE'**, produced by E. B. Derr; associate producer, Frank Melford; directed by Lambert Hillyer; original screen play by John W. Kraft and John T. Neville; photo-

(Continued on page 18)



Step lively and stay lucky. Step up snappily to the booking desk where there's more gold to be gathered like 'Brother Rat', 'Angels', 'Dawn Patrol' and 'Devil's Island'. This is the big week we smash home with sensational John Garfield and the 'Dead End' Kids in **'They Made Me a Criminal'**! For Lincoln's Birthday and National Defense Week **'Wings of the Navy'**! Then **'Yes, My Darling Daughter'**, comedy twin to 'Brother Rat'. Then more! (*Bette Davis in 'Dark Victory'; Warden Lawes' 'You Can't Get Away with Murder', with Humphrey Bogart; Cagney in 'The Oklahoma Kid'*). And More!

**WARNER BROS.**  
**for Satisfaction!**

## N. Y. IN MOVE TO K.O. BINGO, ETC.

Reid was identified through his fishing license and a social security card. A native of Cuyahoga Falls, he recently had inherited a home there and had only returned to live there a week before the accident. Reid had worked himself up from usher to manager in the theatre business. Four years ago he had left the Loew organization and recently had been on WPA rolls in Cleveland. He leaves a widow and daughter.

# THE MONSTER ROAMS AGAIN!

*Scares the country into new  
Box office records..... Hold  
overs every opening date!*

*Keiths Memorial, Boston, HOLDS OVER*  
*Hillstreet, Los Angeles, HOLDS OVER*  
*Pantages, Los Angeles, HOLDS OVER*  
*Hippodrome, Cleveland, HOLDS OVER*  
*Keiths, Baltimore, HOLDS OVER*  
*Keiths, Washington, HOLDS OVER*  
*Lafayette, Buffalo, HOLDS OVER*  
*Byrd, Richmond, HOLDS OVER*

*Basil* RATHBONE  
*Boris* KARLOFF  
*Bela* LUGOSI  
*Lionel* ATWILL



The Menace of  
BASIL RATHBONE!



The Fright of  
BORIS KARLOFF!



The Horror of  
BELA LUGOSI!



The Hail of  
LIONEL ATWILL

# SON of FRANKENSTEIN

JOSEPHINE HUTCHINSON DONNIE DUNAGAN Emma Dunn Edgar Norton



A ROWLAND V LEE Production • A NEW UNIVERSAL PICTURE

## Agents Fight

'Blind Spot' is new title for 'Waterfront' at Warners.

# THIS IS THE WEEK!



# GUNGA DIN



*Pre-release*

★ RADIO CITY MUSIC HALL ★

★ LOS ANGELES ★

★ MIAMI ★



# RKO Ends Six-Month Campaign Costing \$200,000 for 'Gunga Din'

S. Barrett McCormick has just completed a six-month publicity and advertising campaign on 'Gunga Din' for RKO that has been unique in the number of releases. Its cost ran to \$200,000, and it will reach its climax as the picture filters into additional key city runs during the next couple of weeks in the form of cooperative newspaper advertising.

The big smash on the national advertising has been timed for New York, Los Angeles and Miami Beach openings. Other key openings have been staggered over a period of three weeks as a matter of protection and to take advantage of the full effects of the publicity on the formal premieres.

Because of the spectacular outdoor nature of the film—most of the scenes were made in the California mountains—stills were shot on candid cameras, 4x5 and 8x11 negatives. Last summer these were sent out weekly with specially suggested layouts and captions in much the same way ad layouts for shipbuilders have been. Roto editors went for them in a big way, full pages at times. About Dec. 15 exploitation men were sent into the field. They visited 400 cities and reached 600 newspapers.

In enlarging the stills, McCormick found they could be blown up to 24-sheet size by a new process. Five 24-sheets were made in this way, topped by a sixth in full color. These billboards are being concentrated in all the exchange cities and in each spot at least 24-sheets are used. The variety thus has something of the effect of a trailer. The outdoor advertising runs for one month before an opening.

An effort was made to get the same variety in the national magazine advertising, which is running in the January issues because of the Radio City Music Hall opening Jan. 26. Formal openings are also set for the Pantheons, Hollywood; the Hill-street, Los Angeles, and the Sheridan, Miami Beach. The two former are indefinite runs. The Sheridan play is for a week, after which the picture goes to Miami for a run. Other openings are on the basis of 10 or 12 key cities a week, plus the satellite towns the following week.

### Loew Managers Get Prizes

Prizes in the Loew circuit managers exploitation contest, in connection with the showing of 'Showman' and 'Angel' and 'Of Human Hearts', have been awarded to Edy Coffey, manager of the Colusa, Colusa, Cal., and C. Macdonald, manager of the United Artists, Berkeley.

### Horsemen Go in Free

Ride a horse to see 'Jesse James' and get a free drink. Manager Herbert Sobottka put the stunt across for the Paramount at Portland, Ore. He installed a hitching post outside the theatre. Sobottka even figured on lively stable service for the patrons who, so the patrons wouldn't worry about parking tags. Enough drugstore cowboys and sage brush cowboys were called for the gag to make it go over as a front lobby novelty. Sobottka figured that it cost more money to hire a horse than to buy a drunk, although in this town of hunt clubs he was taking a chance.

### Forms 'Jesse James' Gang

A 'Jesse James Gang' was organized by Turner Morrisset, manager of the Yale at Claremore, Okla., with gang members being given a badge admitting them to the theatre anytime from the date they joined the club until the run of the picture had been completed. They had to agree not to cut their hair or shave until Feb. 10, when from the stage of the theatre the member with the best beard is to be given a free shave on the stage and receive a safety razor as a prize.

### Open 'Blues' Along River

Paramount has worked out a new stunt on its regional openings. 'St. Louis Blues' opens Jan. 27 in 19 cities along the Mississippi and its tributaries. Special campaigns are set for each.

Another regional tieup set by the company calls for a screening of Bob Burns' 'I'm from Missouri' before Gov. Lloyd C. Stark and state officials, prior to the opening at the Newman, Kansas City, early in March. The K. C. Chamber of Commerce and the state chamber will

cooperate. Special newspaper and radio support have been lined up. First pictures to benefit by the stunt tieup with Pan-American Petroleum Corp., calling for outdoor advertising in four southern states, are 'Cafe Society', 'Never Say Die' and 'Union Pacific'.

### Seattle Plays Up Sally

Sally Rand, scheduled to open for week (30) at Palomar, Seattle, stopped off en route to Vancouver, B. C., and Jack Sampson of Sterling advertising staff used the angle for some catchy exploitation. Reporters interviewed Sally, and cameras clicked for the press services, with stories in the local papers. One in the Post-Intelligencer by Doug Welch had Miss Rand looking intellectually on sociological subjects.

### Bring On the Jinx!

Charlotte, N. C. Manager Paul Rhyme, of the Victory, Salisbury, staged a Friday the 13th street promotion in front of his theatre Jan. 13. He put up a ladder, got some cheap mirrors and offered free tickets to the midnight show—'The Thirteenth Man'—to any persons who would walk under the ladder and break a mirror.

### 20th's Radio 'Plugging'

Twentieth-Fox is working on a special coast-to-coast broadcast on Feb. 12 (Lincoln's Birthday) from its Hollywood studio, in conjunction with 'Lawyer from the West', which stars Henry Fonda as young Lincoln. Studio also has under consideration an international broadcast to exploit its forthcoming 'Alexander Graham Bell'.

### W. & V. New One

Philadelphia. Work is to be started within 60 days on a new Wilmer & Vincent house in West Reading, to seat about 1,000. His estate will continue to operate the three Lebanon houses owned by John A. Jackson, who died about a month ago, after a sudden heart attack. However, it is understood several persons are interested in purchasing the houses and the estate is amenable to the sale.

### Sundays Again Nixed

Smithfield, N. C. No Sunday films for Smithfield. That's the decision of censors, as expressed in a special election. The Sunday issue has cropped up in Smithfield off and on for several years. Each year H. P. Howell, proprietor of the local theatre, asks the town board to approve Sunday films.

### Rockwell to N. Y.

Providence. Kenneth Rockwell, assistant manager of RKO-Albee for year and a half, transferred last week to management of RKO Colonial New York. Replaced here by Harry McDonald, brother of Charles McDonald, New York division manager for RKO.

### No Jitters in Pittsburgh

Pittsburgh. Stunt pulled by George Tyson, exploitation chief of Harris Amuse. Co. for 'Son of Frankenstein' at Alvin last week got a lot of local attention and laughs. Tyson had an ad in the papers offering \$15 to any woman who'd agree to sit alone at midnight in the theatre and view a special screening of the shocker. Only kickback was that more than

350 grabbed the chance, which put it up to Tyson to pick one of 'em from a hat.

### Telephonic Ballyhoo

Lincoln, Neb. Telephonic voice of the Hollywooders is getting to be no novelty here. In the last few weeks Pyscilla Lane, Rosemary Lane, Pat O'Brien, Arthur Lake and Penny Singleton have talked through amplifiers from the stages here. Lanes talked on the opening of 'Daughters', O'Brien for 'Angel' and Singleton-Lake for 'Blondie'.

Quizzing this end handled by Barney Oldfield, pic crit on local sheets, goldfishbowed on the stage.

### 'Frankenstein' Tieup

Indianapolis. Indiana theatre, to plug 'Son of Frankenstein', worked up contest idea with the News, in which \$100 was distributed for best letters on 'My Most Terrifying Experience'. First prize was \$50; second, \$25, with five \$5 prizes and 25 ducats to see picture. Contest drew 2,000 letters.

### Par in Oil Firm Tieup

Paramount has a tieup with Pan-American Petroleum Corp. under which the oil firm's advertising will plug Paramount talent. Already lined up for the early ads are Claudette Colbert, Madeleine Carroll, Martha Raye, George Raft, Fred MacMurray and Cecil B. DeMille. The oil company, as part of the plan, will circulate a four-page tabloid, containing complete copy in its 3,500 filling stations, and run newspaper ads concurrent with film releases. Campaign covers Louisiana, Alabama, Tennessee and Mississippi.

### Plan 'Tail Spin' Air Tour

Two plane tours covering 12,000 miles, with stops for luncheons and dinners in 18 cities, are to be started Jan. 28 by 20th-Fox to exploit 'Tail Spin'. Stunt will end with a banquet and screening in the Waldorf-Astoria hotel, N. Y., Feb. 9, according to the schedule laid out by Marc Chamann. Film opens at RKO Feb. 10.

Four aviatrix, Ruth Nichols, Betty Huyler Gillies, Margo Ban Tanner and Cecile 'Teddy' Kenyon, will leave for Hollywood Jan. 28, accompanied by Bill Chambliss, Lachmann's assistant, and Jim Johnson, of the home-office advertising staff. The tour will cover 18 cities, and will leave Los Angeles in two groups, one headed north, the other south. Advance men will precede each to make local arrangements. Each group will be accompanied by two student stock girls in costume and prints of the picture will be delivered to local exhibitors.

Among the guests at the Waldorf-Astoria dinner will be all the New York members of the 'Ninety-Niners', organization of women flyers. D. W. Tomlinson and Dick Merrill will be among the speakers.

### Backs Up 'Girls' School'

Leo Trainer, manager of the Rialto, Allentown, Pa., went to work on 'Girls' School' in a big way, with the help of Ed Rosenbaum, Columbia exhibitor.

Stunts included signs on taxicab bumpers, a preview for women's clubs, school buses, teachers, city officials and newspaper men; three five-minute programs on WSAM, in addition to plugs in the WSAM 'Man on the Street' program; special teaser trailer, distribution of 3,000 special 'Critics' folders and elaborate lobby posters.

### Defense Tieup Used

To make sure its theatre accounts wouldn't miss the significance of the headlines, Warner Bros. turned out a four-page reproduction of a mass of recent newspaper stories on air defense, the flight of Navy planes from San Diego to the Caribbean, and recent articles on preparedness.

# Fox-West Coast Paying Rent On 20 Dark Houses; Theatre Shifts

Los Angeles. Fox West Coast circuit is paying rent on 20 shuttered theatres, 16 in California, three in Montana and one in Arizona. Dark houses in Los Angeles and vicinity are Carthy Circle, Rivoli, Rosemary, Rubidoux and Lyric.

Mill Arthur purchased the Brayton theatre from Garguina Theatre Corp., and the Lee theatre from F. W. McManus, both in Long Beach.

Joseph P. Kelly took over management of the Forum for Warners, after resigning as manager of the Redlands in that town. Stanley Kriner, transferred from the Sunkist, in Pomona, replaced Kelly. Dave Mackie, assistant at the Fox in Pomona, gets the Sunkist management.

Ben Peskay, former advertising head for Grand National, bought the Palms theatre near Culver City.

### W-K Shifts

Spartanburg, S. C. Oscar Montgomery, manager of Criterion here, transferred to Victory at Salisbury, N. C. Severn Allen, asst. at Broadway, Charlotte, N. C., moved here to fill spot. Houses are Wilby-Kinney owned.

Interior modernization project at Strand nearing completion. New lighting, other improvements.

Sunday pic proposal voted down at Smithfield. New Tryon theatre, operating one mile across S. C.-N. C. state line, opened and making heavy bid to Sunday patrons from this state where Sabbath theatricals are taboo.

New licensing provisions for theatres, fairs, and other enterprises being figured by city council.

Bob Talbert, city Wilby-Kinney houses manager, elected v. p. of Spartanburg Junior Chamber of Commerce.

### Denver Changes

Denver. Mave Davis, Atlas theatre division manager, has made these changes: Walter Janke moved from Rex, Brighton, Colo. to Granada, Monte Vista, Colo., replacing Frank Brown, resigned; Ralph Hamilton, newcomer, will manage the Gem, Gem to Rex, Brighton; Ray Lounsbury, assistant, made manager of Pioneer, Lamar, Colo., succeeding

Harry Moore, who moves to Salida, Colo.; Dick Janke goes from Jewel, Denver, to Salida; and George Sandstrom, out of the business for a time, takes management of Santa Fe, Denver, succeeding Jack Kramer, who leaves the organization to become assistant of the State, Denver.

G. St. John, who sold the Navajo, Denver, to D. M. Negro. Notranni is working at the Denver Poster Exchange.

L. C. Snyder readying new theatre, costing around \$40,000, in Ft. Collins, Colo., where Fox has been exclusive for a number of years. Will open about Feb. 10.

Mrs. Eleanor H. Graham bought the Magdalene in Magdalene, N. M., from Mrs. Cora B. Hayes, renamed it the Aragon.

Westland Theatres moved headquarters from here to Colorado Springs.

### Par NW Shifts

Minneapolis. Paramount here has advanced additional personnel from within the ranks. Donald Palmquist, assistant manager of the Loring here, transferred to St. Paul Uptown, same capacity. Robert James, assistant of Minneapolis Granada, to the Loring as assistant; Dave Gould, treasurer of Minneapolis State, becomes Granada assistant manager. G. L. Taylor appointed State asst. manager. George March, State chief usher, succeeds T. K. Kjelland, resigned, as Nokomis theatre asst. manager.

### Markowitz to Atlanta

Kansas City. Joe Markowitz, Metro exchange office manager, has been transferred to Atlanta, where he is now a salesman. Herb Genter comes in from the Pittsburgh office to take over the vacancy. He works under Frank Hensler, exchange manager.

### Col.'s Foreign Films

Columbus. The French film, 'Grand Illusion', will open Loew's Broad here Feb. 2, becoming the initial first-run downtown house to experiment with foreign pictures. Products of foreign studios also will be shown in near future at suburban Indianapolis.

## New York Theatres

THERE'S A BETTER SHOW AT THE

# THE RACKET

THE PATRONES

M-G-M's  
ROMANTIC  
THRILLER!  
WALLACE BERRY ROBERT TAYLOR  
"Stand Up and Fight"

Astor  
Dore Open 9:30 a. m.  
8:15 and 4:30 p. m.  
midnight show every nite  
Continuous Performances, Popular Prices  
LESLIE HOWARD in Bernard Shaw's  
PYGMALION  
An M-G-M Hit

THEATRE  
LOEW'S STATE  
TODAY ONLY  
Jeanette MacDonald Nelson Eddy  
Sweethearts  
Plus Vaudeville

RADIO CITY  
MUSIC HALL  
"GUNGA DIN"  
Spectacular Stage Productions

STRAND  
OPEN'S A.M.  
JOHN GARFIELD  
THE DEAD END KIDS  
THEY MADE ME A CRIMINAL  
IN PERSON  
LEO REISMAN  
AND HIS ORCHESTRA  
PLUS AN ALL STAR REVUE

PARAMOUNT  
BING CROSBY IN PERSON  
"Paris Honeymoon" BOB CROSBY AND HIS ORCH

7th Av. & 50th St.  
HELD OVER  
"JESSE JAMES"  
—On the Stage—  
New Stage Show

OPENING SATURDAY  
SON OF FRANKENSTEIN  
Last 3 Days Chas. Laughton in 'The Hunchback of Notre Dame'  
UNITED ARTISTS RIVOLI Broadway  
Dore Open 9:30 A.M. MIDNITE SHOWS

## Advance Production Chart

(Continued from page 21)

William O'Connor. Cast: Rosella Towne, William Gargan, Dennis Moore, Peggy Shannon, Edgar Edwards, Maris Wrixin, Frankie Burke, Pierre Watkin.

'SECRET SERVICE IN THE AIR', produced by Bryan Foy; directed by Noel Smith; no writing credits released; yet; photographed by Ted McCord. Cast: Ronald Reagan, Irene Rhodes, Rosella Towne, James Stephenson, John Lilt, Morgan Conway, Joe Cunningham, Anthony Averill, Larry Williams, Richard Bond, John Ridgeley, Eddie Foy, Jr.

Warner Pix Now in Production

'JUAREZ', produced by Henry Blanke; by William Dieterle; screen play by John Houston, Aeneas McKenzie, Wolfgang Reinant and Aben Finkel; from story by Mrs. Perdita Harding; photographed by Tony Gaudie. Cast: Paul Muni, Betty Davis, Brian Aherne, Claude Rains, John Garfield, Donald Crisp, Gilbert Roland, Joseph Calleia, Monte Love, Harry Davenport, Henry O'Neill, Gale Sondergaard, William Wilkinson, Pedro De Cordoba, John Miljan, Hugh Sothern, Robert Warwick, Georgia Caine.

'THE ROARING ROAD', produced by Max Siegel; directed by Lloyd Bacon; no writing credits released; photographed by Sid Hickox. Cast: Pat O'Brien, John Payne, Gail Page, Ann Sheridan, Frank McHugh, Ronald Reagan, Granville Bates.

'HELL'S KITCHEN', produced by Mark Hellinger for the Bryan Foy unit; directed by E. A. Dupont; no writing credits released; photographed by Charles Rosher. Cast: Dead End Kids, Margaret Lindsay, Stanley Fields, Ronald Reagan, Grant Mitchell, Frank E. Burke, Charlie Fox, Fred Lozere.

'HERO FOR A DAY', produced by Gordon Hollingshead for the Bryan Foy unit; no writing credits released; photographed by Arthur Todd. Cast: Charles Grapewin, Jane Bryan, Henry O'Neill, Elisabeth Risdon, Dickie Jones, John Russell, Fred Lozere, James McCallion.

Reduce "WASHROOM INFECTION"  
Install APWA  
Onlin Towels and Tissue  
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Dramatic Hit of  
the New Year!**

# LET US LIVE



**MAUREEN O'SULLIVAN**  
**RALPH BELLAMY**

**ALAN BAXTER • STANLEY RIDGES • HENRY KOLKER**

Screen play by Anthony Veiller and Allen Rivkin

Based upon a story by Joseph F. Dinneen

Directed by JOHN BRAHM • Produced by William Perlberg

**A COLUMBIA PICTURE**

# 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 reviews as given in VARIETY and the running time of prints are included.)

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TOUCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodorov Frank Lloyd Lou Lusty Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM RKO EKO Rep 20th WB	Drama Com Rom-Com Drama Rom-Com Rep Comedy Rom-Com Comedy	F. Kelly-L. Gray N. Barry-G. Barker M. O'Sullivan-L. Ayres E. Coleman-F. Dee-Rathbone J. Oakie-L. Ball P. Knowles-L. Ball S. Temple-C. Farrell C. Euggles-O. Munson G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	60 75 100 106 65 65 70 61 62	12/21 4/7/37 11/10 9/21 6/19 11/13 11/14 12/7 10/12
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY ANGELS WITH DIRTY FACES	E. B. Derr J. Manckiewicz Par Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Sam Bischoff	MGM Mono Par RKO Rep 20th UA WB	Meller Rom-Com Rom-Com Western Western Action Rom-Com Drama	J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Carey-R. Holt-E. Brent J. Wayne-R. Corrigan B. Donlevy-L. Bari G. Cooper-M. Oberon J. Cagney-P. O'Brien	Frank Borzage Lambert Hillier G. Archainbaud Glenn Tryon Geo. Sherman Jas. Tinling Wm. Wyler Michael Curtiz	75 62 72 75 56 63 91 61 97	11/16 12/28 11/9 11/30 12/7 9/21 11/9 10/26
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDEFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Par RKO Rep Rep Rep 20th U WB	Comedy Com-Rom Western Com Mystery Western Meller Rom-Com Drama Meller	P. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg E. Milland-O. Bonomo J. Howard-B. Angel R. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gilles R. Greene-N. Kelly-Bancroft M. Boland-E. Horton B. Granville-J. Litel	Frank Strayer G. B. Seitz A. Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. E. Cline John Ford Erie Kenton Wm. Clemens	69 84 70 70 50 46 68 45 66 76 67	11/2 11/23 11/23 11/30 11/23 1/4 11/23 11/2 11/23 12/7
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON STRANGE FACES	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly	MGM Par Rep 20th U	Comedy Comedy Western Sports Com-Dr	J. E. Brown-L. Carrillo-S. Duna A. Gilles-R. Kent-J. Travis G. Autry-S. Burnette H. Arthur-J. Valerie D. Kent-E. J. J.	F. MacDonald Ben Holmes Ralph Staub Otto Brower Earl Taggart	57 70 57 66 66	12/14 11/30 12/14 12/14 12/7
12/9/38	BIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME MARRY UP THE RIVER SECRETS OF A NURSE HEART OF THE NORTH	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	Col M-G Mono Par Rep 20th U WB	Western Rom-Dr Meller Rom-Dr Comedy Meller Drama Meller	C. Starrett-A. Doran L. Rainer-A. Marshal J. Carroll-M. Kernan A. Tamiroff-F. Farmer L. Ball-J. Elliott-L. Bonomo T. Martin-F. Brooks E. Lowe-H. Mack D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Joseph Santley Alfred Werker Arthur Lubin Lewis Seiler	58 78 73 70 61 68 68 74	1/11 12/7 12/7 12/7 11/9 11/16 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA HINTERLAND A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RIDERS COMET OVER BROADWAY	Col Monroe Shaff Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Trem Carr Bryan Foy	Col Col M-G Par 20th U U WB	Drama Western Rom-Com Western Comedy Action Musical Western Drama	J. Holt-B. Roberts-N. Beery E. Bones-E. Bailey E. Owen-T. Kieran W. Boyd-G. Hayes-E. Venable J. Prouty-S. Byington K. Taylor-R. Hudson K. Murray-K. Kane Bob Baker K. Francis-J. Litel	Lewis D. Collins Elmer Clifton E. L. Martin Les Selander Mal St. Clair Joe McDonough Joseph Santley Geo. Wagner Busby Berkeley	55 68 78 74 60 63 63 65	12/14 12/14 12/14 12/28 10/12 12/14 12/14 12/21
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATRINA WILD HORSE CANYON TOM SAWYER, DETECTIVE FIGHTING TOM WITH CHERDS SHINE ON, HARVEST MOON RED RIVER RANGE THANKS FOR EVERYTHING TRADE WINDS NEWSBOY'S HOME THE DAWN PATROL	B. B. Kahane Harry Rapt Robt. Tansey E. T. Lowe Armand Schaefer C. E. Ford Wm. Berke H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Par Rep Rep 20th UA U WB	Rom-Dr Drama Rom-Dr Western Rom-Dr Western Musical Rom-Dr Musical Drama	M. Douglas-V. Bruce F. Gaal-Tone-W. Connolly Jack Randall D. O'Connor-R. Cook E. Byrd-E. Carlisle R. Rogers-M. Hart J. Wayne-R. Corrigan-M. Terhune A. Menjou-J. Oakie F. March-J. Bennett J. Cooper-V. Barrie E. Flynn-B. Rathbone	Al Hall Norman Taurog Robert Hill Louis King Sid Salkow Joe Kane Geo. Sherman Wm. A. Seiter Ray C. Scott Harold Young Edm'd Goulding	70 51 64 64 61 55 55 70 73 103	1/11 1/18 1/18 1/18 1/18 1/11 1/11 12/7 12/21 12/14
12/30/38	SMASHING THE SPY RING CLIMBING HIGH SWEETHEARTS TOUGH KID ARTISTS AND MODELS ABROAD BOY TRUET FEDERAL MAN-HUNT KENTUCKY DUKE OF WEST POINT GOING PLACES	Irving Briskin GB Hunt Stromberg Lindsey Parsons A. Hornblow, Jr. Wm. Wright Armand Schaefer Gene Markey Edw. Small Barney Glazer	Col GB M-G Mono Par Par Rep 20th U WB	Meller Comedy Musical Meller Musical Comedy Rom-Dr Rom-Com Musical	F. Wray-R. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy F. Danzo-J. Allen J. Benay-J. Bennett C. Euggles-M. Boland E. Livingston-J. Travis L. Young-R. Greene L. Hayward-J. Fontaine D. Fowell-A. Louise	Charly Cabanne Carol Reed W. S. Van Dyke H. Bretherton Michael Leland Geo. Archainbaud Nick Grinde David Butler Al Green Ray Enright	62 120 90 60 90 64 65 107 85	1/18 12/21 1/11 11/2 11/2 1/11 12/21 12/21 1/11
1/6/39	STAND UP AND FIGHT DISBARRED PACIFIC LINER WHILE NEW YORK SLEEPS LADY VANISHES LAST WARNING DEVIL'S ISLAND	Mervyn LeRoy Stuart Walker Robert Sisk Sol Wurtzel GB Irving Starr Bryan Foy	M-G Par RKO 20th 20th U WB	Rom-Dr Meller Rep Melodrama Mystery Mystery Melodrama	R. Taylor-F. Rice-Beery G. Patrick-O. Kruger V. Macdonald-Morris-W. Barrie M. Whalen-J. Rogers M. Lockwood-M. Redgrave P. Foster-F. Robinson E. Karloff-N. Harrigan	W. S. VanDyke Robert Florey Lew Landers H.B. Humberstone Alfred Hitchcock Al Rogell Wm. Clemens	99 75 76 61 96 62	1/11 1/11 12/28 12/21 8/31 12/7
1/13/39	THE THUNDERING WEST BURN 'EM UP O'CONNOR KAZA MYSTERY MISS X THE GREAT MAN VOTES CHARLIE CHAN IN HONOLULU TOPPER TAKES A TRIP SON OF FRANKENSTEIN THEY MADE ME A CRIMINAL	Irving Briskin Harry Rapt Albert Lewis Herman Schlom Cliff Reid John Stone Hal Roach Robert L. Lee Ben Glazer	Col M-G Par Rep RKO 20th UA WB	Western Com-Rom Rom-Com Mystery Comedy Mystery Comedy Melodrama Drama	C. Starrett-I. Meredith D. O'Keefe-C. Parker C. Colbert-H. Connel M. Whalen-M. Hart J. Barrymore-P. Holden S. Toler-P. Brooks C. Bennett-E. Young-B. Burke E. Karloff-B. Lugan J. Garfield-C. Rains	Sam Nelson Edw. Sedgwick Geo. Lukor Gus Meins Garson Kanin H.B. Humberstone Norm. Z. McLeod L. L. Rogers Busby Berkeley	67 62 62 70 65 80 81 94	1/4 1/25 1/11 12/28 1/18 1/18 1/18
1/20/39	FRONTIERS OF '49 CONVICT'S CODE AMBUSH ARIZONA LEGION SMILING ALONG MR. MOTO'S LAST WARNING GAMBLING SHIP OFF THE RECORD	Col E. B. Derr Wm. Wright Bert Gilroy Robert T. Kane Sol Wurtzel Irving Starr Sam Bischoff	Col Mono Par EKO 20th U WB	Western Melodrama Rom-Dr Western Mus-Com Mystery Drama Comedy	E. Elliott-L. De. Alcala R. Kent-A. Nagel-M. Eburne G. Swarthout-L. Nolan G. O'Brien-L. Johnson G. Fields-M. Maguire P. Lorr-E. Corie R. Wilcox-H. Mack F. O'Brien-J. Blondell	Sam Leverage Lambert Hillier Kurt Neumann Dave Howard Monty Banks Norman Taurog Aubrey H. Scott James Flood	61 58 58 62 62 70	12/14 1/25 1/25 1/25 1/25
1/27/39	LOVE WOLF'S DAUGHTER FOUR GIRLS IN WHITE IDIOT'S DELIGHT DRIFTING WESTWARD PARIS HONEYMOON PRIDE OF THE NAVY JESSE JAMES MADE FOR EACH OTHER KING OF THE UNDERWORLD	Jos. Sistrum Nat Levine Hunt Stromberg Robert Tansey Harlan Thompson Herman Schlom Nunnally Johnson D. O. Selznick Bryan Foy	Col M-G M-G Mono Par Rep 20th UA WB	Meller Rom-Dr Com-Dr Western Rom-Dr Rom-Dr Drama Rom-Com Drama	W. William-I. Lupino A. Marshall-F. Rice Shearer-Gable Jack Randall B. Crosby-F. Gaud J. Dunn-E. Hudson T. Power-N. Kelly-Fonda C. Lombard-J. Stewart H. Bogart-K. Francis	Peter Godfrey S. Sylvan Simon Clarence Brown Robert Hill Frank Tuttle Charles Lamont Henry King John Cromwell Lew Seiler	72 100 83 105 69	1/25 1/25 12/21 1/11 1/11
2/3/39	HONOLULU SUNDOWN ON THE PRAIRIE ST. LOUIS BLUES FISHERMAN'S WHARF THE ARIZONA WILDCAT STAGECOACH PIRATES OF THE SKIES TORCHY IN CHINATOWN	Jack Cummings Ed Finney Jeff Lazarus Sol Lesser John Stone Walter Wanger Barney Sarecky Bryan Foy	M-G Mono RKO EKO U UA U WB	Com-Rom Western Rom-Com Comedy Rom-Dr Action Melodrama	E. Powell-R. Young T. Ritter-D. Fay-C. King L. Nolan-D. Lamon B. Green-L. Carrillo J. Withers-L. Carrillo C. Trevor-J. Wayne K. Taylor-R. Hudson G. Farrell-B. MacLane	Eddie Buzzell A. Herman Raoul Walsh Norman Taurog Herb. I. Leeds John Ford Joe McDonough Wm. Beaudine	72 100 83 105 58	1/25 1/25 12/21 1/11 11/9 12/28
2/10/39	TEXAS STAMPEDE NORTH OF SHANGHAI HUCKLEBERRY NAVY SECRETS ONE THIRD OF A NATION BOY SLAVES WOMAN DOCTOR HOME ON THE PRAIRIE TAIL SPIN WINGS OF THE NAVY	Irving Briskin W. MacDonald J. Manckiewicz Wm. Lackey Harold Orlob P. J. Wolfson Sol C. Siegel Harry Grey Harry J. Brown Lou Edelmann	Col Col M-G Mono Mono RKO Rep Rep 20th WB	Western Drama Com-Rom Drama Drama Drama Drama Drama Drama Drama	C. Starrett-I. Meredith B. Furness-J. Craig M. Rooney-W. Connolly G. Withers-F. Wray-D. Robinson S. Sidney-L. Erickson A. Shirley-A. Daniel F. Innesot-R. Wilcox G. Autry-S. Burnette A. Faye-C. Bennett-C. Farrell G. Brent-O. de Havilland	Sam Nelson D. R. Lederman Richard Thorpe H. Bretherton Dudley Murphy P. J. Wolfson Sidney Salkow Jack Townley Roy Del Ruth Lloyd Bacon	61 58 62 62 62 88	1/25 1/25 1/25 1/25 1/25 1/18
2/17/39	FAST AND LOOSE KING OF CHINATOWN THE THREE MUSKETEERS YOU CAN'T CHEAT AN HONEST MAN NANCY DREW, REPORTER	F. Stephani Stuart Walker Raymond Griffith Lester Cowan Bryan Foy	M-G Par 20th U WB	Com-Dr Melodrama Mus-Com Comedy Melodrama	R. Montgomery-E. Russell A. M. Wong-A. Tamiroff D. Ameche-Ritz Bros.-B. Barnes W. C. Fields-Edgar Bergen B. Granville-J. Litel	Ed Marin Nick Grinde Allan Dwan Geo. Marshall Wm. Clemens	88	1/18

# FRANK HUMMERT GIVES HIS VIEWS

## Air Features Setup

Neither Frank nor Ann Hummert nor Blackett-Sample-Hummert owns any share of stock or derives any direct or indirect benefit, bonus, salary or other emolument from Air Features, Inc., or its subsidiary, Featured Artists Service, Inc. It is altogether an outside organization handling Hummert production detail and casting the programs for which it has collected—or deducted—a 3% fee from actors.

Maurice Scopp supplies VARIETY with the stock set-up of the production and casting offices through which Blackett-Sample-Hummert's New York shows clear.

### AIR FEATURES, INC.

James Sauter—President and treasurer.

Maurice Scopp—Secretary.

Stock ownership: Sauter, 45%; Scopp, 42½%; Abe Lyman, 12½% (Incorporated Nov. 24, 1936, in N. Y.).

### FEATURED ARTISTS SERVICE, INC.

Milton Klein—President.

Maurice Scopp—Secretary and treasurer.

Stock ownership: Sauter, 42½%; Scopp, 42½%; Lyman, 15% (Incorporated May 20, 1937, in N. Y.).

## CALIFORNIA WINE ADV. BUDGET

Sacramento, Jan. 24.

Cooperative advertising amounting to approximately \$2,000,000 will be spent over a three-year period by the wine industry of California. This is entirely new money to be poured into advertising channels and represents one of the biggest campaigns of a cooperative type to be launched in recent years.

Under the state marketing act, passed at the last session of the legislature, producers representing 65% of any agricultural product can enter into an agreement, whereby a certain percentage of the sales must be deposited with the state treasury for advertising purposes, making it mandatory for the remaining 35% to do the same.

Wine producers representing 65% of the industry and practically 90% of production made a contract with the division of agriculture which provides for the payment of 1½ cents a gallon tax on sweet wines for advertising and on dry wines ¾ of a cent a gallon.

On the basis of last year's production the estimated minimum year sum for this purpose is placed at \$600,000.

Carl Stanton, coast radio producer for Lord & Thomas, marries Virginia Kekeham of Denver, in March.

## Acting as a Steady Job

A point consistently made by Blackett-Sample-Hummert has been (long before the present crisis) that its programs were long-lived and gave permanent employment over long periods. The present situation is exemplified by records of extended runs in various roles. Examples cited:

SHOW.	INCEPTION DATE.	CHARACTER.	PLAYED BY.	DATE.
Just Plain Bill.....	9/10/32	Bill Davidson.....	Arthur Hughes.....	9/10/32 to date
David Harum.....	1/11/36	Nancy.....	Ruth Russell.....	1/11/36 to date
		Kerry.....	Arthur Hughes.....	1/11/36 to date
		David Harum.....	Wilmer Walter.....	1/11/36 to date
		Aunt Polly.....	Eva Condon.....	1/11/36 to date
		Susan.....	Charmie Allen.....	1/11/36 to date
	1/14/36	John Perry.....	Stanley Stafford.....	1/14/36 to date
		Richard Koolman.....	11/22/37 to 9/16/38	
		Julia Van Rosten.....	9/23/38 to date	
		Wm. Post, Jr.....	12/10/38 to date	
		Isabel Perry.....	12/10/38 to date	
		Caroline Prince.....	12/10/38 to date	
Our Gal Sunday.....	3/7	Sunday.....	Evelyn Abbott.....	3/7/37 to 4/2/37
		Lord Henry.....	Dorothy Lowell.....	4/2/37 to date
	10/26/37	Stella.....	Anne Elstner.....	10/26/37 to 4/22/38
	to 4/22/38			
Lorenzo Jones.....	6/8/38 to date	Stella.....	Anne Elstner.....	6/8/38 to date
	4/26/37	Belle Jones.....	Betty Garde.....	4/26/37 to 10/14/38
		Helen Trent.....	Helen Bennett.....	10/11/38 to 12/19/38
	7/24/33	Backstage Wife.....	Larry Noble.....	7/24/33 to date
	10/15/35		Ken Griffin.....	10/15/35 to date
Mr. Keen.....	10/12/37	Mary Noble.....	Vivian Fidell.....	10/12/37 to 10/14/37
		Mr. Keen.....	Edgar Steidl.....	10/12/37 to date
		Bennet Kibuck.....	10/12/37 to date	
Second Husband.....	4/14/37	Miss Ellis.....	Florence Malone.....	4/14/37 to date
		Brenda Cummings.....	Helen Menken.....	4/14/37 to date
		Grant Cummings.....	Joseph Curtin.....	4/14/37 to date
Wilder Jones.....	1/3/38 (Recording)	Wilder Jones.....	Florence Freeman.....	1/3/38 to 4/1/38
Wilder Brown.....	9/20/38	Wilder Brown.....	Florence Freeman.....	9/20/38 to date
		Peter Turner.....	Alan Bunc.....	9/20/38 to 12/16/38
		Clayton Collier.....	12/16/38 to date	
	38	Jimmy Valentine.....	James Mcleghan.....	6/8/38 to date
		Rose.....	Elizabeth Day.....	6/8/38 to 7/18/38
			Florence Freeman.....	7/25/38 to date

In a two-hour interview Monday (23) in New York, the AFRA question was freely discussed by Frank and Ann Hummert, the man-and-wife writing team who keep over a dozen daytime five-week strip serials on the air. The Hummerts have seen Mrs. Emily Holt and George Heller of AFRA, expect to see them again, and expect the matter of wages and other factors to be amicably adjusted.

"There is no thought of combating AFRA in any way and there is every desire to get together," Hummert stated. "Actual acceptance of the terms must be made by each sponsor individually, of course, but we recognize that the actors' organization expects us to get the sponsors' decision."

Hummert smiled when he admitted he had been a recluse, hadn't gotten to know many actors personally, although Mrs. Hummert knew quite a few. He was aware of the use made of his name and system in the present union affair and added, "I seem to be getting pushed around a bit. I hear some people think I have horns. I never realized the extent of this sort of thing until the last week or two."

With regard to the increase in dramatic costs, Hummert (who stated it would be substantial but thought there was no way of predicting at this time, what it might mean in broad terms when finally figured out. "Our lowest rate has been \$12.50 per bit per quarter hour and the new scale seems to amount to \$24, figuring in an hour and a half," he explained. "Please understand," he continued, "we have paid the flat rate for each period and do not have and do not advocate a weekly all-inclusive rate."

"This latter was in reference to the

### Praises Hummert

One of the AFRA officials did a complete reverse on the heretofore expressed (by others) opinion regarding Frank Hummert.

"He is the most business-like, most direct person we have dealt with among agency men. He didn't say a word about his ideals, but stuck to the matter in hand."

\$15 minimum proposed by the fact-finding committee, of the Four A's which was attached to a frequency discount table that interpreted the pay for strips in weekly terms. This latter approach had incensed the radio actors who interpreted the suggestion—wrongly according to the Four A's—as an attempt to peg earnings on a weekly average.

Questioned on Air Features, Inc., and the latter organization's deduction of commission from actors, Hummert outlined the history of his relations with other program contractors (i.e., casting and producing outfits) prior to establishment of Air Features.

Hummert threw light on this by saying:

"Air Features was not established to exploit talent but to prevent talent from being exploited. I have done business with talent contractors from the beginning. Was this a good system? I have regarded it as a sensible way of handling the administration and production detail of our shows. I left Mrs. Hummert and myself free for our work, which is writing, and it gave us the advantage of other persons also familiar with the talent market. Unfortunately there were some irregularities. It was the shock of learning some years ago that our actors were complaining, and had a justified cause of complaint, that led finally to Air Features."

"Briefly, we liked the suggestion of one outside organization operated by persons we could trust and who agreed to certain basic principles. We thought we could rest in peace knowing that the salary practices would be uniform."

Mrs. Hummert called attention to the fact that there had been actors who had protested against the 5% deduction by Air Features. They had promptly been exempted from such payments and continued to work on their shows.

Emphasis was made anew that Air Features is an outside-owned, that it was set up by two auditors, James Sauter and Maurice Scopp, who were familiar with Hummert affairs, as a private venture.

"They made the suggestion that

### Who's Striking!

Broadway wag was told last week that there might be a walkout in radio, chiefly affecting daytime programs. Cracked the wag:

"I knew the listeners would eventually go on strike against daytime radio."

they establish a talent booking bureau and that I give them the Hummert programs. I accepted with the proviso the new firm charge only 5%. I really thought I was being solicitous for the actors, who I understood paid 10% and often much more in practically all other places," Hummert declared.

He also disclosed a change in the matter of script credits. "Now that this whole matter of relations with our people has come to a head we want to adopt such policies as will remove or reduce to a minimum any and all causes of complaint. For example we have been criticized for not crediting dialog writers. This was largely due to the frequent changes of dialog writers. But hereafter every script used will be clearly and unmistakably labelled with the names of everybody involved. That's one thing we can do right away and we are doing it."

The tentative title page of the Hummert script hereafter will bear this printed form (properly filled in as varying from program to program):

Title of Show.....  
Original story by.....

## COMPTON PREPS FOR WALKOUT

In anticipation of an actors' strike, the Compton agency last week circularized the stations on its spot list with a 'conditional' cancellation of all such non-network business. According to the letter, the agency considers itself free to cancel any program or announcements which follow or precede shows that have been withdrawn because of an actors' walkout. Agency explained that, although the letter gave Feb. 4 as the date of the cancellation's effectiveness, it was not to be taken literally until further notice was received. As far as could be learned, no agency other than Compton has taken such precautions.

Exacts in other agencies which hold heavy spot commitments figure that, even if there is a strike, the client can be held responsible by the stations, since all contracts place the responsibility for the delivery of programs upon the sponsor. All that the station or network is committed to deliver are the facilities. Any outside interference with such delivery of programs is the client's own risk.

Dialog of this script by.....  
Edited by.....  
Director.....  
General Supervisors: Frank and Anne Hummert.

## IALOGUE WRITERS ON CURRENT HUMMERT SHOWS FOR LAST TWO YEARS' PERIOD

SHOW.	IALOGUE WRITER.	PERIOD OF ASSIGNMENT.
JUST PLAIN BILL.....	Robert Andrews.....	12/7/30 to 1/11/39
	David Davidson.....	1/12/39 to date
JOHN'S OTHER WIFE.....	Julian Funt.....	12/14/30 to 12/18/38
	Lawrence Hammond.....	12/18/38 to 1/24/39
		12/18/37 to 12/17/37
		1/2/37 to 4/23/37
		12/13/37 to 12/17/37
		12/10/37 to 12/16/37
		1/3/38 to date
LORENZO JONES.....		4/29/37 to 9/23/38
		9/23/38 to 10/8/38
		11/4/38 to 11/18/38
		11/28/38 to 12/20/38
		12/20/38 to date
		10/14/38 to 11/3/38
		11/2/38 to 11/25/38
STELLA DALIAS.....	Mary Watkins Reeves	10/25/37 to 1/2/38
	Stuart Ayers.....	11/3/38 to date
	Marie Baumer.....	
YOUNG WIDDER JONES (Recorded).....	Lawrence Hammond.....	9/8/37 to 11/8/37
	Robert Andrews.....	11/16/37 to 1/3/38
	Lydia Adams.....	1/17/38 to 1/24/38
	Marie Baumer.....	1/17/38 to 1/24/38
	Morris Jacobs.....	1/17/38 to 1/24/38
	Doris Frankel.....	1/31/38 to 4/7/38
Name changed to YOUNG WIDDER BROWN for NBC Red Network broadcast.....	Winifred Dunn.....	9/26/38 to 10/7/38
	Nan Murphy.....	10/10/38 to 10/24/38
	Katherine Seymour.....	10/25/38 to 12/20/38
	E. McGillicuddy.....	1/2/39 to 1/20/39
ALIAS JIMMY VALENTINE (Three times a week).....	Jerry Cady.....	6/22/37 to 9/2/37
	Robert Andrews.....	(Rec. No. 1 to 32)
		9/2/37 to 9/30/37
		(Rec. No. 53 to 75)
ALIAS JIMMY VALENTINE (Live Show—now once a week at night).....	Ernest Shenkin.....	1/18/38 to 4/12/38
		6/8/38
	Ruth Borden.....	6/13/38 to 7/25/38
	Doris Halman.....	9/1/38 to 11/14/38
	Elvyn Queen.....	11/28/38 to date
	John DeWitt.....	12/7/38 to date
DAVID HARUM.....	David Driscoll.....	13 weeks
	David Driscoll.....	4/7/37 to 5/5/37 Inc.
FAMOUS ACTORS GUILD.....	Theo. and Mathilda	5/12/37 to 5/20/37 Inc.
	Ferro.....	6/2/37 to 4/26/38
	Carl L. Baber.....	5/3/38 to 8/9/38
	Katherine Seymour.....	8/10/38 only
	Mary Watkins Reeves.....	9/26/38 only
	Ruth Borden.....	9/10/38 to 9/20/38
	Kenneth L. Watt.....	9/20/38 to 10/4/38
	Winifred Dunn.....	10/11/38 to date
	David Davidson.....	10/11/38 to 10/17/38
	Charles O'Neill.....	10/17/38 to date
	A. Alternating.....	
	Robert Andrews.....	10/12/37 to 12/14/37
	Jerome D. Ross.....	12/10/37 to date
OUR GAL SUNDAY.....	John DeWitt.....	2/20/37 to 5/28/37
	Norman White.....	5/30/37 to 7/30/37
	Erica Zentrow.....	8/2/37 to 12/10/37
	Frank Provo.....	11/17/37 to 1/14/38
	Wm. McMorrow.....	1/17/38 to 4/1/38
	Marie Baumer.....	4/18/38 to 4/27/38
	Jerome D. Ross.....	4/27/38 to 4/15/38
	Ruth Borden.....	4/15/38 to 7/1/38
	Robert Andrews.....	7/25/38 to 1/1/39
BACKSTAGE WIFE.....	Fritz Blocki.....	
	A. E. Ellington.....	
	Larry Hammond.....	
	Marie Baumer.....	
	Doris Halman.....	
	Dana Reed (1 script).....	
	Stewart Ayers.....	
	Cornelia Gilliam.....	
	Doris Frankel.....	
	Bosley Crowthers.....	
	Ann Alton (1 script).....	
	John Culwell.....	
	Jerry McGill.....	
	Kay Chase.....	
	Nicholas Salisbury.....	
	Frank Butler.....	
	Mary Watkins Reeves.....	
ROMANCE OF HELEN TRENT.....		
Note: Starting date of show		
July, 1933.		
Title and original story line by		
Frank and Anne Hummert.		

# NEW SPONSORS GET SCARCE

## ESPECIALLY IN DAYTIME RADIO

**Contrast of January, 1939, with January, 1936, Shows Falling Off of Clients Coupled to Increase of Time Purchases**

### MONOPOLY TREND

Certain agency time buyers are advancing the theory that daytime network broadcasting is gradually developing into a royal prerogative for major advertisers. They are also making the prediction that in due time small-money users of daytime periods will be conspicuous by their sparseness.

These same agency men point out that the discount privileges extended the big time-block contractees tend to put the smaller advertisers at a tremendous competitive disadvantage and that this freezing out of the small fellow for the immediate huge package buys of the major soap, food and drug combines may end in weakening the networks' economic and bargaining position. It could evolve, they say, into a case of having all the eggs in one basket, with the few big clients in the dictator's seat.

In illustration of their point on competitive disadvantage these agency men set forth the following arithmetical proposition: For purposes of simplicity they adopt as the basis of their calculations the basic rate for a

### Sponsor Decline

	1937	1938
NBC clients.....	134	116
CBS clients.....	88	83

### Mutual Co-Ops

	1937	1938
Per cent of total billings	5.1	11.6

daytime hour on one of the New York key stations, which is \$30. For big time users the discounts and rebates amount to 25%, which cuts the net cost of this hour down to \$450. By running four programs within this period such clients get their quarter hours at the rate of \$112.50 each. As for the small user of time the best discount that he can expect on this same unit of time is 10%, which puts him in the position of paying \$216 for an item that another gets for \$112.50. When it comes to selling goods this disparity in advertising costs, the agency mathematicians state, can be made to count in a big way.

### Affiliates Angle

These observers hold that the only way out is an evening-up process, and this must come from spot broadcasting. Independent station operators, they say, must do two things, if they want to retain these smaller national accounts for their medium. First, they should be willing to readjust their rates so that the refugee from the networks can get half-way equitable break on time costs. Secondly, they should lend themselves more diligently to building attractive local shows which can be sold for a price within reason.

In support of their claim that the number of daytime clients have dwindled as accumulative billings for daytime broadcasting have gone up on the networks the agency men point to the records. In January, 1936, NBC and Columbia jointly had 31 daytime accounts using a total of 152 daytime quarter hours. During the current month, three years later, the two networks have 255 daytime quarter-hours under contract but the accounts total 24. The number of commercial quarter hours have gone up 63%, while the list of clients has been reduced by 24%.

## AFRA Says 'No Compromise'

AFRA's position since the last issue of VARIETY may be summarized as follows:

1. A series of meetings in New York, Chicago, Los Angeles and San Francisco have given advance endorsement of whatever action the AFRA executives decide to take.

2. AFRA last night (Tuesday) placed in the mails official notification of its code together with a demand on agencies for acceptance 'immediately.'

3. 'Immediately' means 24 hours.

4. AFRA threatens to strike 'at a moment's notice' and 'at the least convenient time for agencies.'

5. It's 'take it as is, or leave it' with AFRA. They claim agencies have not made any concrete gesture of appeasement or evidence of good faith.

6. Those who sign will be exempt from any strike, but AFRA insists signatures be without reservations. Its code and scale are described as 'final' and not 'bargaining prices.'

7. Charles J. Post of Federal Dept. of Labor is regarded by AFRA as an investigator rather than a mediator. AFRA states it does not require his services. He has called on them and on the Four A's but is merely standing by.

8. AFRA is convinced that 'force and only force' is necessary to win the war.

9. Question of open shop or AFRA shop (agencies regard the latter as 'closed shop') may be a vital factor. Both sides say they will force a complete showdown in the matter.

## GROSSES UP, BUT FEWER CLIENTS

**Mutual, Scratching for Biz, Keeps Radio Frontiers Open to Small Budget Advertiser**

### CO-OP BIZ GROWS

A paradox is becoming increasingly noticeable in radio. The two big networks, CBS and NBC, while selling ever-more time for ever-larger gross annual revenues, are doing business with fewer rather than a growing number of clients.

Renewals by old customers form the bulk of CBS and NBC business. And many of these old customers tend to sponsor more than one program. Thus, much of the cream time becomes identified with veteran advertisers. New advertisers in consequence are relatively rare.

Figures bear out this tendency and at the same time suggest that the newcomer, Mutual, is by the very fact of its newness and fiscal smallness obliged to scratch for business. It is identified with new advertisers. Historically the new—and in the beginning often small—advertiser of today is tomorrow's prime customer. A disparity once observable in this connection between NBC and CBS is wiped out under conditions of the moment.

Mutual is closely associated in the trade mind with the cooperative program, a device whereby many small or regional sponsors may share pro rata the costs of a program of national caliber. While perhaps few of the co-ops have achieved popularity comparable with the giants of NBC and CBS, they have maintained reasonably high quality. What is more pointed—they widen the use of radio, bring in new customers, provide the most practical means now available for giving little business a peep.

**Mutual War Pioneer**  
Mutual pioneered co-ops in 1936 with the morning hook-up (Thursdays) of name dance bands. Local department stores in various cities also joined the sponsorship. Gross billing to Mutual for 1938's co-ops was \$32,512, or 2.5% of the year's revenues. In 1937 the share-the-expenses shows were tallying \$114,811 in time sales, or 5.1%. A further spurt last year accounted for 11.6% of Mutual's total billings, or, in dollars, \$38,958.

**Win Scope for Showmen**  
If accepting the viewpoint that open frontiers are always healthy, one of the chief virtues of the cooperative program is that it gives scope and a practical field for enterprise to creative showmen and alert promoters.

Mutual co-ops at present include Lone Ranger, 20 stations; Green Hornet, six stations; Lamplighter, two stations; Famous Jury Trials, 17 stations; Marriage License Bureau Romances, three stations; Show of the Week, 42 stations; The Shadow, two stations. Showmen active in this line include Ben Roche, Redfield-Johnstone, J. Ralph Corbett, Sterling agency, King-Trendle. By way of illustration of the type of advertiser brought into radio through co-operative programs these may be cited:

B. F. Goodrich & Co., 'Famous Jury Trials.'  
Yellow Cab Co., 'Famous Jury Trials.'  
Marlin Razor Blades, 'Famous Jury Trials.'  
Borden-Welland Co., 'Marriage License.'  
Lone Star Margarine Co., 'Marriage License.'  
Lincoln Packing Co., 'Marriage License.'  
Chrysler Motor Car Co., 'Show of the Week.'  
Howard Clothes, 'Show of the Week.'  
Nash Coffee Co., 'Show of the Week.'

## NOW (January, 1939) NBC-CBS Daytime Clients

Account	1/4 Hrs. per Wk.
Amer. Home Prod.....	23
Babbitt.....	5
Ballard & B.....	2
Bowen's.....	3
Colgate-Palmolive.....	15
Continental Baking.....	5
Cudahy.....	5
General Mills.....	30
General Foods.....	6
Kleesox.....	5
Klogg.....	5
Lever Bros.....	10
McKesson-Robbins.....	5
Penick & Ford.....	5
Pillsbury.....	5
Pet Milk.....	2
Procter & Gamble.....	83
Quaker Oats.....	10
Ralston.....	5
Sealtell.....	5
Wander Co.....	5
Ward Baking.....	5
Wrigley.....	5
Total.....	249

### AGIN 'EM

**Minnesota Politician Makes Printer's Ink With Smuggle Resolution**

Minneapolis, Jan. 24. Rep. L. E. Brophy, of Minnesota's lower house, has thrust himself into the limelight with a proposal that the Federal Communications Commission suspend radio stars who have been indicted on criminal charges carrying a minimum penalty of one year imprisonment. House's Public Welfare Committee yesterday (23) approved this proposal which Brophy, who comes from this city, had introduced in the form of a resolution.

Brophy declared that his measure was designed to prevail upon the FCC to bar those air celebs recently indicted on drug smuggling charges. What particularly burned him, said Brophy, was that at least one of the indicted names had been indicted the criminal action.

Jack Benny and George Burns, of Burns and Allen, are the Minnesota legislators' obvious targets. Burns has pleaded guilty to the indictment, while Benny declares himself innocent and has elected to stand trial.

### Carlos Franco Laid Up

Carlos Franco, chief time and talent buyer for Young & Rubicam, is seriously ill from inflammatory rheumatism at the North Westchester hospital, Mt. Kisco, N. Y. It's a recurrence of an old ailment but in a far more virulent form.

Franco felt a slight touch of the inflammation while visiting the home office of Gulf Refining in Pittsburgh three weeks ago, but it did not force him to repair to a hospital until 10 days ago.

## Crosley Ice Box Div. Give Dealers Free Discs for Local Spots

Crosley Corp., of Cincinnati, has adopted the free-discs-to-dealers idea for a countrywide campaign in behalf of its Shalvador refrigerator. It proposes to turn out 26 quarter-hour musical shows, using the talent and production facilities of WLW for the job.

Under this arrangement the dealers get all the transcriptions gratis but buy their time locally.

## Barnett, Wright East With Pearce Air Gang

Hollywood, Jan. 24. Two newcomers to Al Pearce's Grapenut show are on the eastern trek with gang after last night's (Mon.) broadcast. They are Vince Barnett, actor-ribber, and Bill Wright, who for years on the Coast played Eb to Pearce's Zeb. Understood Pearce will revive the hick turn for another sponsored program in negotiation. Both Barnett and Wright finish out the series. Wright has been playing the city editor on Edward G. Robinson's 'Big Town.'

Carroll O'Meara, producer on Young & Rubicam Hollywood staff, has been the jaunt to continue as ringmaster.

### James Neale's Duties

Chicago, Jan. 24. James Neale has been appointed chief of sales traffic detail for the NBC Chicago division. Neale will supervise traffic on network, spot and local commercials.

Floyd Van Etten slotted as Neale's aide-de-camp.

## 3 YEARS AGO (January, 1936) NBC-CBS Daytime Clients

Account	1/4 Hrs. per Wk.
Amer. Home Prod.....	15
Babbitt.....	5
Best Foods.....	2
Climaleone.....	2
Colgate-P-P.....	5
Corn Products.....	3
Cox Gelatine.....	1
Cream O' Wheat.....	3
D.L.&W. Coal.....	3
Fels.....	2
General Baking.....	5
General Mills.....	12
Great A & P.....	3
Humphrey's.....	5
Kellogg.....	5
Heinz.....	3
Illinois Meat.....	5
Kleenex.....	5
Marlow Co.....	2
Modern Food.....	1
Mohawk Carpet.....	5
Benj. Moore.....	1
Pepsodent.....	2
Pet Milk.....	2
Procter & Gamble.....	7
Ralston.....	31
Spratt's.....	1
Wander Co.....	5
Wasey Products.....	5
Wheatena.....	3
Total.....	152

### Ira Ashley Leaves CBS

Ira Ashley, who has been directing and building programs for CBS, has resigned.

Future plans unsettled.

## Grocery Spending Still Favors Night Over Day Broadcasting

Grocery food packers preferred in 1938 to allot more of their NBC-CBS time appropriations to night-time broadcasting than they had the previous year. The trend in favor of daytime advertising had been on the upbeat in this field for three successive years, ending 1937. Behavior of the food market in the matter of daytime proportioning of business

proved the lone exception among the major users of before 6 p.m. network radio. In general the percentage of daytime spending has been on the increase since 1934.

Following breakdown shows how the manufacturers of grocery store products have been splitting their appropriations during the past five years:

(NBC-CBS)					
	Day	% of the Whole	Evening	% of the Whole	Total
1938.....	\$16,041,479	50.9	\$15,463,913	49.1	\$31,505,392
1937.....	13,781,583	52.5	12,474,399	47.5	26,255,981
1936.....	8,860,181	41.05	12,725,801	58.95	21,586,982
1935.....	6,384,076	35.9	11,379,804	64.1	17,763,882
1934.....	5,702,344	38.1	9,261,732	61.9	14,964,076
Separate analysis of the General Food Corp.'s expenditures follows:					
(NBC-CBS)					
	Day	% of the Whole	Evening	% of the Whole	Total
1938.....	\$329,446	10.0%	\$4,698,040	90.0%	\$5,217,486
1937.....	341,249	87.7%	2,425,095	87.7%	2,766,344
1936.....	132,610	8.2%	1,379,335	91.8%	1,501,945
1935.....	97,716	5.0%	1,850,793	95.0%	1,948,509

## Sponsors Burning Plenty

(Continued from page 1)

works (the media) taking a powder on the whole situation after previously protecting themselves with a sustaining scale of fees considerably lower than advertisers will apparently have to pay. Networks are trying to look innocent and act as if this matter did not concern them, one sponsor remarked bitterly, "but I wonder if they may not one day rue their indifference to their clients' welfare."

"It is unfortunate," said one of those present later, "that a false impression seems to have been created in certain quarters as to the amount that radio artists are paid and would be paid under the AFRA demands. Advertisers, of course, are desirous that the actors be properly compensated. On the other hand, radio costs already are near a peak. It should be remembered that this is not due entirely to the cost of talent but to the increasing complexities of sponsoring a program, complexities which have grown tremendously during the past two years and are constantly becoming more burdensome not only on the agency but on the manufacturer himself. These complexities cost money and it must be borne in mind that an advertiser

### We Tried—Networks

A network spokesman yesterday (Tuesday) called any charge against them on the grounds of thinking only of themselves unfair. "We tried for months to make the agencies understand it was important, and to get them to negotiate with us jointly. They simply did not have authority and we could not go over their heads direct to the clients for ethical reasons."

"It was further stated 'bear in mind that the agencies are in an impossible competitive position. Nobody dared take a bold stand either way for fear of rivals using whatever happened against them.'"

tiser cannot afford to spend a dollar in any medium unless that dollar brings back at least one hundred cents in sales."

### 'Responsibility'

It was the opinion of some of those present that AFRA should not have walked out on the agency group and that if a strike is called the responsibility rests solely with the union. "There was a good deal of discussion as to the increased costs the adoption of the proposed minimum scale of AFRA would entail. One case was cited where the demand would allegedly increase the cost of the program by as much as 400%, although generally the increase would be 50% or more as proposed is felt to be especially unwarranted."

### 'Values' Vs. 'Wages'

Another point brought up was that whereas certain outstanding artists at night-time are being paid by their own following, this does not hold true with the average day-time program where the script and the plot are far more important than the actor.

"As the sponsor of a show which has been on the air a good many years," said one advertiser, "I can assure you that since I am the one responsible for the production of these shows, actors' noses will be counted with more care than ever before and our scripts will be as close to duo-logues as it is possible to make them. The result may be that a few actors will get more pay, but it will probably mean that a lot more of them will return to whatever they did before the took up radio acting. This all adds up to saying that I agree with the prevailing opinion that the basis of AFRA's demands is exorbitant. Our experience shows that many of the actors who appear in our shows work on other programs. If they work for us five days a week and get \$185 for that and equal salaries from two or three other sources, I think a lot of advertising executives and sellers of radio time had better take up radio acting for a living."

Advertisers seem to be of one accord in pointing out that there are many ways of advertising of which radio is only one. Some of the others are: newspapers, magazines, display, direct mail, and the like.

"When any one medium," said one advertiser, "reaches a point where it

becomes unprofitable as an advertising medium to the sponsors who pay the bills, it is but natural that they will eliminate or cut down that type of advertising from their plans and turn to other mediums. In the case of radio, the sponsors will be forced (1) to cut down on the number of performers employed; (2) to cut down on their time on the air; or (3) to cut radio entirely and invest their advertising money in other mediums."

## WNYC AND WLW HAVE STUDIOS AT EXPO

Work is almost completed on the three studios and master control panel being set up by city-owned WNYC, at the N. Y. World's Fair Grounds. Equipment will be installed just prior to the Fair opening. Inasmuch as the studios are located in the only permanent building at the Fair, the City of New York setup which will be used as a sports center, when the Fair folds, the equipment will remain to air future events.

WNYC and WLW, Cincinnati, are the only transmitters with studios on the grounds. Nets will do remote broadcasts.

### Ken-L-Ration Waxing

Ken-L-Ration, dog food brand conducted by Chappel Bros. of Rockford, Ill., is going for a transcription campaign. There will be 13 quarter-hour programs.

World has the recording assignment.

## HISTORY OF ACTOR UNIONS (1900-1939)

(Note:—VARIETY began publishing in 1905 but the N. Y. Clipper, founded in 1856, was purchased and merged with this paper in 1923. The Clipper files are drawn upon for confirmation of pre-1905 facts.)

### JUNE, 1900

White Rats of America ("Rats" is the word star backwards) was formed by the monopolist George Fuller Golden. It started with 124 members including George M. Cohan, Fred Stone, Lew Dockstadter, McIntyre and Heath, Eddie Foy and Frank Cushman.

### FEB. 21, 1901

Shortly after its formation the White Rats had demanded that the vaudeville managers stop the practice of deducting a booking commission (a parallel with the present Air Features, Inc., system) and when the Vaudeville Managers Assn. was disinclined to surrender this side-income, the threat became an actuality—a strike broke out on the above date. Actors in alarming numbers reposed themselves violently ill on the same day. Actor-pickets later made their first appearance in theatrical history.

The White Rats triumphed in this strike for better conditions, but promptly decided that they, as a union, must go into the talent-bookings business. William Morris, founder of the agency that bears his name (which agency today is prominent in placing radio talent) urged the Rats to confine themselves to working conditions and salary matters, but the Rats' leadership felt a union-operated placement bureau was necessary. Morris' judgment was vindicated, as the Rats fell into internal bickering over the booking office, its politics and policies. Only a short time after its display of strength the Rats began to disintegrate.

### MAY 28, 1916

By now vaudeville had become an organized, far-flung, prosperous industry. Managers took drastic steps to fight a revitalized White Rats under the control of Harry Mountford, an English actor. A strike of White Rats in Oklahoma City in 1916. Previously the National Vaudeville Artists, a rival union which ultimately was disbanded by E. F. Albee, head of the Keith circuit, had been organized. N.V.A. in the end acquired the clubhouse on West 46th street, New York, which the White Rats had built.

By September, 1916, the notorious "blacklist" of the Vaudeville Managers Protective Assn. was functioning. Firebrands were refused work. In December, 1916, the Rats published their demands and in February, 1917, there was a strike outbreak of performers in Boston. In March, 1917, there were further strikes. In April, 1917, the White Rats went bankrupt.

### JULY, 1919

The history of actor unionism now entered a new chapter. In the field of the legitimate theatre Actors Equity, formed as an independent union in 1914, finally obtained the active backing of Samuel Gompers and the American Federation of Labor. An AAAA charter from the A.F. of L. made Equity one branch of actor unionism. (Vaudeville end, and the White Rats charter, lapsed into desuetude for years.)

### AUGUST, 1919

One month after getting the A.F. of L. charter, for which it had been angling for several years, Equity called a strike on the legit managers. It resulted in extraordinary bitterness among the actors themselves. George M. Cohan, a founder of the White Rats in 1900, led the rival union, Actors Fidelity. On Sept. 6, 1919, Equity won an almost complete victory (some minor concessions to the conscientious objectors in Fidelity were granted).

### 1929

Ten years after the big victory on Broadway Equity attempted to unionize the film colony in Hollywood, but after a prolonged series of skirmishes was defeated and retired in disorder.

### 1937

Under the stimulation of the Wagner act, but largely due to a clever tactical plan worked out by the Screen Actors Guild, which was meanwhile nominally affiliated with Equity, the AAAA charter was revived and revised. Equity was confined to its original province, the legit, and gave up its previously asserted jurisdiction over radio with which it had never been able to come to grips. At present there are performer unions autonomously operating in pictures, legit, vaudeville-nite clubs, concert and radio. But all are part of an entente cordiale.

## Frank Conrad West To Untangle Recording Issue On 'Calling All Cars'

Frank Conrad, of McCann-Erickson, flew to Los Angeles last week to straighten out a tangle which had developed in connection with his purchase for Twenty Grand cigarettes of the disc rights to "Calling All Cars" for use on KMOX, St. Louis, and WJBR, Detroit. The L. A. local of the American Federation of Actors had raised an issue which is expected to have an important bearing in the future on the payment of waxed dramatic shows which are taken off a live broadcast. The union contended that the actors had been paid solely for the live version, which clears only over the Columbia Network, and that supplementary compensation ought to be made for the wax placements.

During a conference between the owner of "Calling All Cars," Rio Grande Oil, the show's California sponsor, and Conrad, it was agreed that the line take-offs would not be used outside of the state and that an entirely different set of recordings would be made for Twenty Grand or any other account that bought local or regional rights to the gangster drama. The new recordings will be based on scripts broadcast by Associated Oil. Cig's campaign on WJR and KMOX is slated to start the first week in February.

While in Los Angeles Conrad also closed for the use of disc versions of "The Shadow of Fu Manchu" in behalf of the same account on KHJ, Los Angeles, KPRC, San Francisco, and KGB, San Diego. They will be evening spots with a schedule of three a week.

## Agencies Write Their Actors

Several advertising agencies have sent letters to all program employees explaining their position in regard to AFRA and enclosing a copy of the letter sent by the Four A's committee to Mrs. Emily Holt of AFRA. Young & Rubicam sent the following:

Dear—

We are anxious that you, as a radio artist, understand fully the attitude of Young & Rubicam in the current AFRA discussions.

Having been associated with you, you know we are in complete sympathy with eliminating any evils which might exist in the radio business. We have taken pride in the reputation we have enjoyed with our talent. Our policy has been to maintain the best of working conditions.

When Mrs. Holt, Henry Jaffe and other AFRA representatives first came to us, they stated that there never had been a complaint lodged against our method of dealing with talent.

Our president was naturally pleased to serve on a voluntary fact-finding committee set up by the Four A's to meet with AFRA representatives.

At the outset it was made clear that this fact-finding committee could not, nor, for that matter, could any agency, commit its various clients in matters pertaining to labor. You will readily appreciate that each advertiser has a different set of conditions to consider where labor is concerned.

The fact-finding committee went to work to examine the evils which AFRA claimed existed. Included in the investigation was the wage-scale proposed by AFRA. This scale called for a minimum of \$185.00 per week for the least important performer on a typical five-time-a-week 15-minute day time serial with rebroadcast. Such a scale would raise the cost of broadcasting beyond the point where radio could be regarded as a sound advertising investment. The committee, therefore, made suggestions which it was convinced would eliminate the evils claimed by AFRA, and would at the same time make the competitive soundness of the medium. Specifically the committee's suggestions would accomplish the following:

Establish a minimum, not an average, of \$50.00 a week for players on 15-minute, five-a-week programs, with higher minimums for longer programs.

Assure pay at an established rate for overtime rehearsals.

Establish a policy against unreasonable and capricious dismissals.

Eliminate free auditions speculative to the radio artist.

Assure additional pay at an established rate for radio casts.

We cannot emphasize too strongly that it is not Young & Rubicam's intention to make this minimum our standard of pay, or to lower salaries. On the other hand we know you will agree that an agency has the right to introduce brand new, untainted actors and, during their period of apprenticeship, not pay them top salaries.

That you may have a better understanding of the problem, I have attached the fact-finding committee's report which shows in detail the conclusions reached by this group after a thorough and sympathetic study. I hope you will make a point of reading it. It provides a practical basis for eliminating abuses.

(Signed)

YOUNG & RUBICAM, INC.

By F. H. Harington,

Director of Radio.

Compton agency's letter read as follows:

Dear—

Undoubtedly you have heard that this agency was represented on the committee of the American Association of Advertising Agencies, which has been meeting with AFRA.

If you have learned of the so-called agency scale which this Committee proposed, you may have been puzzled and wondered if it meant that we were to be reduced to conform with it.

I think you deserve to know that such was not the intention, and I enclose a copy of the complete letter which went to Mrs. Holt. This, I hope, you will take time to read.

The Agency Committee was not suggesting a standard scale for all actors. Instead, the proposal was to correct abuses and to set up a minimum rate of wages payable to any performer on any program regardless of the circumstances of his employment.

For example, the scale was intended

to cover such cases as these: That of an actor who might appear five days a week on a daytime dramatic serial and be required only to say "Number please," in the manner of a telephone operator, at the very beginning of the program. The Agency Committee proposed a \$50 a week minimum to cover cases of this sort. Obviously, there is a great difference between this type of performance and that required for a difficult dramatic part.

In any event I want you to know that the Committee did not expect, nor intend the so-called agency scale to effect any reduction of prices paid to actors, singers and announcers.

(Signed)

COMPTON ADVERTISING, INC.

Leonard T. Bush,

Vice President.

## One Frisco AFRA Voice Raised Against Networks As Enemy of Talent

Unanimous vote to support any national strike that may be called by AFRA against sponsors and agencies producing commercial programs was taken at meeting of San Francisco membership of the Frisco night. This followed meetings in New York and Chicago. AGMA, Equity, Screen Actors Guild and personalities including Lawrence Tibbett, AGMA prexy, urged favorable vote via telegrams to the meeting.

Attempt of one member to urge strike against networks rather than agencies. "Because it is the networks that sell the artists down the river" met with no encouragement either from local AFRA execs or other members, according to reports. Prexy John B. Hughes of local union declared in a national strike, if called, would have no effect on commercial broadcasts originating here, none of which are transcontinental, unless attempt is made by agencies or sponsors to break up national shows into regional broadcasts.

Wage scales and working conditions to be sought for regional and local commercial shows were also considered and approved at meeting, although figures were hush-hushed. Efforts to establish AFRA shop and other AFRA minimum conditions will start following settlement of present national difficulties. Local wage scales and working conditions will be coordinated with those of Los Angeles, it was said.

### Los Angeles Meeting

Hollywood, Jan. 24.

Los Angeles chapter okayed in advance any action taken by AFRA executive committee in regard to national AFRA head, presided at Saturday night session at El Capitan theatre. Emily Holt told attendees date for nationwide strike against agencies would be fixed within 24 hours unless some agreement is reached, but expressed hope walkout would not be necessary.

Other speakers at meeting were Kenneth Thomson, Screen Actors' Guild executive secretary; Edward Arnold, J. W. Gillette, representing AFM; Ralph Morgan, SAG prexy; I. B. Krimblum, AFRA counsel.

Resolution to obey strike order was approved by unanimous rising vote. On stage with speakers were Jack Benny, Tyrone Power, James Wallington, Don Wilson, Dorothy Lamour, Boris Karloff, Conrad Nagel, Melvyn Douglas, Andy Devine and others.

## AFRA Certified at KSD

Washington, Jan. 24.

Certification of the St. Louis Local (A.F. of L.) of the American Federation of Radio Artists, as sole collective bargaining agent for staff actors, singers, announcers and all freelance actors, singers and announcers was represented by Pulitzer Publishing Co. at station KSD, was announced by the National Labor Relations Board on Saturday (21).

Minors were included in the stipulated unit but "hill-billies" were left out. Stipulation between the union, the board and the company was entered into on Dec. 21, specifying that the union represented a majority of the employees in the agreed-upon appropriate unit.

David Niven under consideration for comedy spot on Chase & Cohn.

# NEW RADIO LAWS SLATED

## F.D.R.'s Dissatisfaction

Washington, Jan. 24. Indicative of President Roosevelt's dissatisfaction with the work of the Federal Communications Commission is a letter sent to Congressional committees headed by Senator Wheeler and Representative Lea by the Chief Executive.

The letter received by Wheeler and Lea gave no hint as to specific changes of policy, though necessary in the President's opinion, but it is known that he is desirous of seeing definite action taken leading to regulatory yardsticks to end vacillation and uncertainty in such matters as multiple ownership of networks; superpower; station transfers; implied monopolistic practices, etc. Parts of the letter which have been made public read:

"Although considerable progress has been made as a result of efforts to reorganize the work of the FCC under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the commission. I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the Commission.

"New legislation is also needed to lay down clear Congressional policies on the substantive side—so clear that the new administrative body will have no difficulty in interpreting or administering them. I very much hope that your committee will consider the advisability of such new legislation."

It is also known that Roosevelt has asked Chairman Frank R. McNinch to discuss this problem with Wheeler and Lea and give them his (McNinch's) recommendations. While legislation is undoubtedly being drafted, no member of Congress has yet seen or has been asked to consider action on any new bills for FCC revamp, or seems to have more than a bare general idea of White House wishes in the matter.

## To Make a Name In Marbles' Contest Biz Is Uncle Happy's Aim

Lynchburg, Va., Jan. 24.

James (Uncle Happy) Howe, production manager at WLVA for three and a half years, has resigned effective (1) to become national sales representative of the Scripps-Howard Marbles Tournament.

Upon joining WLVA in 1935 Howe started local marbles tournament, sending boy to national contest in Ocean City, his home town. Station was first in U. S., he says, to adopt the idea; previously the franchise had been sold exclusively to newspapers. In his new job he figures on going out strong after radio biz, and will add a fourth regional tourney.

No successor named by station.

## JOE DU MOND'S JOSH SUSTAINER GETS B.R.

Chicago, Jan. 24.

Schulze Baking firm has taken the 'Josh Higgins of Finchville' show, with Joe DuMond, for a local commercial on WMAQ. Will ride Wednesday, Thursday and Friday at 4:30 in the afternoon. Show has been NBC sustainer since Jan. 1936. Will continue on the NBC Blue as a sustainer outside of the Chicago area Monday-through-Friday at 9:15 a.m. Potts agency of Kansas City set Schulze deal which is for Mrs. Webster's Homemade Bread.

## Rosenberg Hires Two For Transamerik, Chicago

Bill Joyce and Richard Kopf have been added to the Chicago office of the Transamerik Broadcasting & Television Corp. Both matters were set on the visit of Emanuel J. Rosenberg, Transamerik v.p., to that city last week.

Joyce, who will work on production, has handled the Tom Mix and 'Checkerboard Time' shows in the past, while Kopf, who will be on time sales, comes from International Radio Sales.

## DAVID BROWN RESIGNS

Leaves Pedlar & Ryan Agency — Was on P & G Account

David Brown has resigned from Pedlar & Ryan. He had been doing contact work on the Procter & Gamble account.

Brown left Loomis & Hall, Miami agency, 14 months ago to take the P & R assignment. Brown had previously been with McCann-Erickson as radio exec on the Beechnut Packing account.

## ADMINISTRATION LEANS THAT WAY

Washington Understands Present System Has Become Political Liability to New Deal, Which Has Heretofore Soft-Pedaled Probe of Communications

### BILLS DUE SOON

Washington, Jan. 24.

President Roosevelt held a press conference on the subject of revision of radio laws Tuesday (24) afternoon. He went on record as favoring new basic legislation rather than mere administrative changes. Called present radio laws "so vague and evasive nobody could administer them properly." While not defining what he wanted or recommended the President made it clear he hoped House and Senate Interstate Commerce committees would clarify the whole question of regulatory policy, including the general matter of who owns what and why.

That the Administration is convinced of the need of revising the setup in existence since July, 1934, was learned when Chairman Frank R. McNinch first denied to a House committee that any such move is in prospect and then a short while later confessed he was aware President Roosevelt has asked Congressional committee chairmen to exert every effort for prompt action. Presumably he referred to Senator Burton K. Wheeler and Rep. Clarence F. K. Wheeler of the respective Committees on Interstate Commerce.

### McNinch Contradictory

When members of the House Appropriations Committee were grilling him Monday about FCC affairs, McNinch flatly refuted the unceasing rumors that brain trusters have been working on a new Communications bill. He not only specifically denied—according to reports from the secret session—that Thomas Corcoran, leading White House adviser, was drafting a measure, but said that no individual was working on any proposals. Subsequently he approved of dictating himself, revealing the President has asked for cooperation, but when pressed for details demurred on the ground the matter is highly confidential.

Introduction of the legislation is expected shortly, with all indications pointing to unveiling within a week. One lawmaker asked Monday (23) about the plans countered by inquiring whether any bill had been offered that day, a strong hint that the break is imminent. Up to a late hour today (Tuesday) nothing had been put before either chamber formally.

### Political Liability

Motives behind the forthcoming action are mystifying. In some quarters, it was felt the President may have reached the conclusion that the repeated FCC squabbles and sensations have reached such proportions that the agency is a distinct political liability. He was seen as possibly wanting to wash his hands of the whole mess, passing the buck to Congress and opening the way for a thorough ventilation of the troubles of the past two to three years. Other observers noted, however, that such a theory is not consistent with a direct request for cooperation in pushing the bill to final enactment in the earliest possible time.

Any move to renovate the commission which gets to the stage of formal consideration by a Congressional committee is bound to result in a lid-lifting and probably a thorough public sifting of the mounting complaints about lack of policy, political intrigue, internal bickering, and inefficiency. Revitalized Republicans, now having enough strength to present respectable opposition, can be counted upon to insist upon open hearings which will be a forum for every critic of the way the FCC has functioned in recent months.

Despite administration support, the

## Here's Why

Hollywood, Jan. 24. Every principal on Bob Hope's Pepsiadvent program is working in pictures. Hope is at Paramount; Skinnay Ennis at Columbia; Jerry Colonna at Warners; and Six Hits and a Miss at Metro. The big reason why radio performers like to go west.

legislation may be expected to meet considerable opposition. Virtual admission that things are wrong will make it next to impossible for Democratic bosses to continue arguing that everything will be fixed up as soon as McNinch has time to wield the broom and that the new chairman is rectifying errors that have become obvious through past experience. Some members can be expected to demand a thorough explanation why it has become necessary to alter the administrative set-up. Embarrassment unavoidable for the Democratic bosses who last June killed the Congress resolution for a special investigation by ridiculing the critics and portraying McNinch as the great reformer.

### On the Spot

Spreading dissatisfaction with present conditions was reflected Monday (23) when all seven members of the FCC were before the House Appropriations Committee to beg more money and defend the budget estimates for the coming fiscal year. Six-hour session was devoted chiefly to asking searching questions, although at the outset McNinch refused to discuss anything that did not have a direct dollars-and-cents connection.

The slowness of the current chain-monopoly inquiry was criticized, at least by implication, while some House members wanted to know why the commission has to go into many of the angles now being studied. What have the regulators been doing in past year and why isn't the information already in the files? Disgust reflected by purse-holders when McNinch estimated another 60 days will be required to wind up the hunting expedition which has been going since the first part of November.

In checking up on the past year's progress, lawmakers wanted explanations for the commission approval of the WNAX (Yankton, S. D.) sale to the Cowles interests, the apparent inconsistency between the denial of the KSFO (San Francisco) lease application and subsequent approval of similar transactions, and the status of the complaints—set down for hearing months ago and never yet aired—against the John Shepard transmitters (WAAB and WNAC, Boston).

The recent purge—in which Hampson Cary, general counsel, and Davis G. Arnold, chief examiner, were summarily ousted, along with two other staffers—was discussed by the appropriations crew. Understood McNinch gave some new versions of the secret moves in connection with the firings. Among the aspects which seemed to be more than casually interesting was the fitness of youthful William J. Dempsey, who succeeded Cary as general counsel, and the background of Marion L. Ramsay, brought in as special consultant on public relations.

With the House Committee giving McNinch a going over, further inquiry into affairs at the commission is due in the Senate independent of any general study that may result when amendments to the 1934 law are offered. The Senate Interstate Commerce Committee expects to ask a few questions of Commissioner Norman S. Case, recently nominated for a seven-year term. While time has not been fixed, Chairman Wheeler indicated the former Rhode Island governor will be quizzed late this week.

## WOR's Farmers Digest

In collaboration with Transradio, station WOR, N. J., starts a half-hour 'Farmer's Digest' program Monday (30). Show is scheduled for six days a week, 6-8:30 p.m.

Will carry news, weather, and music setup.

## CAMPBELL EYES LOCAL PROGRAM

Philadelphia, Jan. 24.

Campbell's Soups, in addition to their sponsorship of Orson Welles and Amos 'n' Andy, are understood considering an experiment with local variety shows in various cities throughout the country. If and when plans get past the current talk stage, first show will probably be tried on WCAU, Philly. George Ogle, of Ward Wheelock Co., which handles the account, is in charge of the plans.

News broadcasts plugging Campbell's clam chowder were started last Monday on WCAU and WABC. They are being aired during five minutes morning and one hour on WCAU and five minutes in the evening only on WABC.

## LEIGHTON & NELSON HANDLE SARATOGA

Saratoga Springs, Jan. 24.

Leighton & Nelson agency of Schenectady, will handle the fourth consecutive year direct the advertising promotion of the Saratoga Association's racing meet at Saratoga Springs. The horses will run from July 31 through September 2, and a big ballyhoo will emphasize the fact this is the upstate track's 75th anniversary. A group of radio stations will again see part of the melon, newspapers and swanky magazines cutting the remainder.

## KIRO, Seattle, Overtures Wrigley Talent Hunt

Seattle, Jan. 24.

Local CBS station KIRO, is trying to get Jesse L. Lasky's 'Gladiator' to Hollywood' airshow for Wrigley to move into local studios for at least one program for contestants from Pacific Northwest. If local CBS outlet makes deal it will lease theatre or suitable public building for audience invites.

If airshow says it will come north a kien with local paper, possibly P-I Hearst sheet or Star, will grab exploitation.

## 'KOMA NIGHT CLUB'

Station in Deal with Oklahoma City Auditorium

Oklahoma City, Jan. 24.

KOMA and the City of Oklahoma have become partners in a ballroom venture. It was the station's idea, with the municipal auditorium now becoming a competitive spot to local independent dance promoters.

Enterprise has been tagged the KOMA Night Club. The event will feature the station's staff orchestra, studio talent and outside acts booked for the occasion. Admission will be \$1.50, plus tax per couple for non-members and \$1 plus tax per couple for members. Membership can be obtained gratis by writing to the station.

## Landt Trio's New Tag

Schenectady, Jan. 24.

Arkansas Soft Pine Bureau (number) will sponsor 13 quarter-hour transcriptions with Landt Trio, on a once-weekly evening schedule over WGY, Schenectady, starting Jan. 31. Robert H. Brooks Agency, of Little Rock, handles the account, new to local radio.

Landt Trio work as 'The Arkansas Troubadours.'

## Jerry Cooper Extended

Singer Jerry Cooper was renewed last week by Procter & Gamble for transcriptions in behalf of its Teal Toothpaste. Cooper will cut 12 sides. He's been making platters for P & G for past couple of years, but for another product. H. W. Kast is the agency.

Cooper is currently on his air one weekly from Cincinnati for Tums.

## OLD GOLD'S BASEBALL

On WGN for 3rd Year—It's 15th Season for Station

Chicago, Jan. 24.

For third consecutive year the WGN baseball play-by-play will be sponsored by the Lorillard company for its Old Gold cigarette. Bob Elson will again handle the mike on all games, both White Sox and Cubs.

It will mark the 15th consecutive year that WGN has been carrying baseball broadcasts, starting back in 1924, when Quin Ryan, now WGN general manager, cat-walked along the roof of the ball park to do the broadcasts.

## Russell Neff Quits WXYZ For Knox-Reeves Agency

Detroit, Jan. 24.

Russell Neff, studio manager at WXYZ here for past several years, leaves post next week to join radio department of Knox-Reeves agency (General Mills), in Minneapolis. Neff has been connected with WXYZ for about seven years.

Successor is Harold True, station's commentator, who takes over studio managementship this week. True, who held post years ago before Brace Beemer was named manager, has been associated with WXYZ for past 10 years.

Carl Genzel, assistant to Neff for past year, remains.

## Dietrich Guilds for Gulf

Hollywood, Jan. 24.

Fourth Screen Guild program for Gulf Jan. 29 will have in the stellar bracket Marlene Dietrich, Mary Boland, Frank Morgan and Cliff Nazarro. Both Miss Dietrich and m.c. George Murphy will warble. Yarn will be a hoke whodunit.

## 'Family's' 7-Year Option

Hollywood, Jan. 24.

'One Man's Family' was contracted last week with options up to seven years. One of the longest covenants ever given a Coast show.

Standard Brands closed deal for Tenderleaf Tea.

## ROBERTA McPHERSON'S JOB

Roberta Temple McPherson, daughter of the evangelist, is heading the research dept. of Dave Elman's 'Hobby Lobby' program. She recently lobbied on the program for her hobby of collecting rare perfumes.

## Warnow's 52 Starting

Mark Warnow orch. of 52 pieces debuts on the Lucky Strike Hit Parade, Saturday (28).

Quintet of Raymond Scott, also on the session, will combine with Warnow's large crew for one tune, 'Mexican Jumping Bean.'

# STATION REPS ARE MADE CONSCIOUS OF MILLER TAPE RECORDING AS A RIVAL

**Ruthrauff & Ryan Inquiries of Stations Brings New Industry Factor Into Attention—Contingency Installations of Equipment**

Station reps have another third 15% commission bugaboo to worry about. They're afraid that the fee setup which has been adopted by the American developers of the Miller system of tape transcription will cut in on their own commissions from stations. The Miller reproducing equipment is being installed with the understanding that the station will remit 15% of the card rate on all commercial programs recorded by the Miller method.

Advertiser acceptance of the Miller system was brought home to the reps for the first time last week when Ruthrauff & Ryan inquired of quite a number of stations whether they were equipped with the Miller mechanism or whether they are planning on such installation. The agency proposes to record the 'Good Will Hour' series for Ionized Yeast on Miller tape.

Antagonism among station reps toward the Miller fee setup is similar to that which prevailed when the World Broadcasting System announced its Gold Network. Stations allied with the latter proposition are under obligation to pay a 15% commission on all business created by World, with this company furnishing free recordings to advertisers providing they use World-affiliated outlets in the selected markets.

## Program Editing

Ruthrauff & Ryan explained last Friday (20) that what has interested the agency in the Miller method is the chance it allows for editing a program. Ionized Yeast's spot placements are off-the-air recordings of the show on Mutual Sunday nights. The live version runs on Monday. Some of the spot bookings are for the same length of time, while others are limited to a half hour. With the Miller system the sound track can be clipped and pasted together as the program editor sees fit. R. & R. also stated that it might be the first to make commercial use of this system in America but that the agency wouldn't know just how extensively the method could be applied until it received the answers to its inquiry to stations.

Among those once reported to be financially interested in the development of the Miller system are publisher of the Boston Herald, Waddill Catchings, Walter P. Chrysler, Frank Hummert and A. H. Diebold, president of Sterling Products, Inc.

## SCHWELLENBACH WANTS FREE RADIO ASSURED

Washington, Jan. 24.

Broadside against possible censorship of radio was fired from the U.S. Senate last week by Senator Lewis B. Schwellenbach, Democrat, of Washington, in three amendments to the Communications Act of 1934. Elaborating on similar bills which he introduced last year, Schwellenbach asked for amendment of Section 315 of the Act to provide free time for uncensored discussion on any subject via the airwaves. Would permit cuffs arguments on political, economic, social, religious and other topics to supplement prevailing law which permits candidates for public office an equal chance to talk back. Washington solon's newest suggestion recently was attacked by Lenox R. Lohr, NBC proxy as unwise.

Second piece of legislation designed to head off any possible censorship or favoritism on the part of broadcasters would allow for complete station log showing requests received for free time and the amount of time granted by the transmitter.

Schwellenbach also introduced an amendment preventing any form of censorship by the Government, but hitting at the industry by providing no exemption for stations in the event of defamatory, obscene or otherwise unpalatable broadcasts.

Washington lawmaker was active last year in drafting legislation, which was introduced in the House by former Representative Byron S. Scott, California Democrat,

## Studio Rowdiness

Hollywood, Jan. 28.

Quietus has been put on whistlers and foot stompers in NBC's Hollywood studios. Notices have been posted and those who persist in showing their approbation in the gashouse manner will be paged for a curbstone roost.

John Swallow, division program chief, declared the practice has sprung up only recently but that it is not only in bad taste but that it also disconcerts the millions of listeners to NBC programs.

## MARGARET ANGLIN UP FOR AIR SERIES

Margaret Anglin may soon start a dramatic series under the agency direction of Blackett-Sample-Hummert. Thing is now merely in the process of negotiation.

Neither product nor network time has been set.

## Iurbi's Kellogg Hop

Rochester, N. Y., Jan. 24.

Jose Iurbi, pianist and conductor, flew 5,500 miles over the weekend to play Kellogg program in Hollywood.

The 'Admiral' as he has been dubbed by United Airlines after setting a record of 350,000 miles as an air passenger, conducted a Philharmonic orchestra concert here Thursday (12) night, flew to the Coast for his piano numbers at 10 p.m. Sunday broadcast.

Then planned back to Rochester for orchestra rehearsal today (Tuesday).

## Maybe Mrs. F.D.R.

Hollywood, Jan. 24.

It's no go for Mrs. Franklin D. Roosevelt to appear on Kellogg's Circle Feb. 5. J. Walter Thompsons were promised a possible March date while first lady is out on the Coast for the Frisco fair.

She would turn over \$5,000 for the shot to charity.

## Delany's Added Title

Hartford, Jan. 24.

C. Glover Delaney, commercial manager of WHTZ, now also assistant station manager. Other changes include the transferring of Walter Nilson, mikeman, to the sales force. Paul Schmelter joins as announcer.

## Radio Daffodils

Wichita.—Radio station KWBG, Hutchinson, Kan., broadcast wedding music for ceremony at which Lyle Putnam of Hutchinson and Charlotte Fowler, Kinsley, Kan., were married New Year's Day at bedside of Putnam in Hutchinson hospital where he had undergone appendicitis operation three days previously. Wedding had been postponed once before so bridegroom made doctor promise he could be married on set date before he would permit them to operate.

Lincoln.—Opportunistic O. A. Johnson Insurance agency in North Platte, Neb., has made a deal with KGNF to buy spot announcements whenever a fire occurs in the town.

All future fires will be by courtesy of—

Detroit.—Toby David and Ralph Bingay, comedy team on 'Happy Joe,' daily program over CKLW, talked so much over their respective wrestling abilities that they found themselves framed into putting on a public match. Matchmaker at the Arena Gardens got their signatures on a contract through an autograph trick and after several days of training at a nearby health club the pair appeared in a preliminary on the regular wrestling card last Friday night (16). Card's promoter had plastered the town with posters showing the 'Happy Joe' cast. One of the program's sponsors was the referee for this particular batch of grunts.

Seattle.—Concerning herself with things that don't concern—or interest—many people, press agent Vera Jedlick got a lot of press agency across when she hotly denied that 'Howie Wing' was the first radio program ever broadcast while the cast was traveling in an airplane. She cited taking a mob of carol singers and Santa Claus up in a flying machine to broadcast the night before Xmas.

Charlotte, N. C.—Provincial radio comedy on Briarhopper hillbilly hour on WBT: 'Were you ever on the stage?' 'I once had my leg in a cast.'

## Dan Danker to N. Y.

Hollywood, Jan. 24.

Dan Danker, vice prez of J. Walter Thompson in charge of Coast radio, left last night (Mon.) on his annual visit to the New York offices. He'll be gone two weeks.

John U. Reber sticking around for another week.

## NEW ADVERSE COURT ACTION SLAPS FCC

Washington, Jan. 24.

Economic aspects must be pondered by the FCC in ruling on requests for new facilities, the District of Columbia Court of Appeals declared Monday (23) in reversing still another decision because of sloppy procedure. Reopening of the application of Dubuque (Ia.) Telegraph Herald was ordered in the latest reversal of the regulators.

Temporary victory for WKBB, Dubuque, was based on the contention that the Commission erred by failing to make concrete findings whether the town can support two transmitters. Defense of the regulatory body—to the effect that it is a safe 'assumption' the evidence shows economic situation warrants competition—was rejected, with verdict the Commission action was arbitrary and capricious. Judges nullified order effective July 27, 1937, under which WKBB simultaneously got permission to change its location by shifting from East Dubuque (Ill.) just across the Mississippi River to the Iowa town.

The Court refused to sustain another important complaint about FCC procedure, holding there was no convincing proof that the decision was based on data not contained in the record. Squawk had grown out of the Commission habit of studying confidential memoranda containing the extra-curricular recommendations of its engineering and legal staffs.

Precedent was set by the Court's stand on the matter of economic interference raised by Louis G. Caldwell in assailing the completeness of the formal decision. With Justice Justin Miller voicing the feeling, the jurists stuck to their prior assertion that existing stations are not entitled to automatic priority over newcomers but cleared the atmosphere by telling the FCC to look into the effect of stiffer competition on going concerns.

## Ain't Gonna Scare No Mo'

Hollywood, Jan. 24.

H. G. Wells wants nothing more to do with radio. He made that plain to Buchanan agency attaches who tried to buy radio rights to his 'The Man Who Worked Miracles' for Texaco Star Theatre. He is reported to have told the agency lads 'they stung me once using one of my stories and they'll never get a chance to do it again.'

English author had reference to the Orson Welles broadcast of 'War of the Worlds,' which was produced with such realism that it threw a scare into thousands of dialers and gave the newspapers a chance to pour it on its arch enemy.

Ashmead-Scott's 'One and One Are Three' will be used this week on the petrol program instead.

## Inside Stuff—Radio

End of 1938 marked the 14th year that N. Y. Daily News has been reviewing radio programs. In recent years the radio department has been catching air shows eight to 10 hours daily, an elaborate radio set in department's office operating almost constantly from 10 or 11 o'clock in the morning until 10 p.m. Paper is the only publication 'remaking' its radio page three times daily, final 'makeover' being near 10:30 p.m.

Ben Gross, and his assistant, Sid Shalit, spend virtually all their time reviewing radio shows. No reviewing is done in studios. Because of enormous circulation (2,500,000 daily, 3,000,000 on Sunday), News radio editors attempt to judge programs strictly from the listeners' viewpoint. Because reviewing task keeps them constantly in the office, two are said to know fewer radio people personally than any editors in the business.

New York State Council of Churches, representing 'Federated Protestantism,' at its annual meeting in Albany, adopted a resolution endorsing the bill of Congressman Francis D. Cullen, Oswego Republican, to bar all liquor advertising from radio. The Council like many groups apparently laboring under the impression NBC had banned beer and wine as well as hard liquor promotion from controlled stations, okayed, a resolution commending the network. The Gannett papers and the Curtis publications (including the Saturday Evening Post) were also praised for their policy of refusing alcoholic beverage copy.

Reluctance on the part of Warners players in contributing to studio's quota in Community Chest drive prompted Jack Warner to invoke a ruling, making it obligatory for contract talent doing guest shots on the air to kick in half the coin they receive to the charity efforts. Studio chief allowed that since studio takes no cut of radio dinero earned on the outside, it is justified in asking its people to donate half of such income to help the studio reach its quota. Edit is removed when quota, lowest among the major studios, is reached.

Rejuvenation of NAB has a visible effect on the weekly bulletin to members. First of the 1939 volume, out last week, not only was a different color—a usual practice to distinguish between the various years—but showed signs of face-lifting. Masthead has a zippy touch, besides being an innovation, given by a microphone and dashes of electricity. Standing departmental heads likewise dressed up although no material change in organization of contents.

Raymond Paige has begun casting his 92-man orchestra for U. S. Rubber. It debuts Feb. 22 in New York using the enlarged stage of the former Ambassador theatre now operated by CBS. Paige is using unusual instrumental sections. There will be 21 violins, seven violas, five cellos, three bass fiddles, two harps, two pianos, four drummers, eight each of flutists, clarinets, saxes, trumpets and trombones and four each of bassoons and oboes.

Claim of WIP that it aired the first football broadcast, the Penn-Cornell game in 1922, has been disputed by KDKA, Pittsburgh.

Station's records show that Pitt-Nebraska game played in Pittsburgh Nov. 5, 1921, was carried in detail.

Federal Theatre Project in Chicago is setting plans for the entrance of the Project into the radio under the direction of general supervisor Harry Minturn. Project has an active radio branch in New York.

Grant & Wadsworth & Casimir, Inc., is the advertising agency for the Hirsutus program which was reviewed last week from WICC, Bridgeport, and not credited.

## Boston Town Meeting

Boston, Jan. 24.

New England will have its own Town Meeting of the air, when a new series opens tonight on WAAB and 35 affiliated stations emanating from Boston. Airing every Tuesday at 8:30, the pro-and-con program will run a full hour.

Studio audiences will participate in debates, and listeners will be invited to phone in questions to be answered by the speakers. First program on 'New England Town Hall' will stir up the question of 'What Shall We Do About Civil Service?'

David C. Adkins is executive director of the group promoting the series.

## McGee's 5th Year

Chicago, Jan. 24.

Fibber McGee show, headlined by Jim Jordan, has been signed by the Johnson wax firm for an additional year of broadcasting on NEC web starting April 11. Fifth consecutive year. Now rates as the outstanding Chicago program. Company is now heading to the Coast where the show will originate for the next few months.

## Off to the Convention

Cincinnati, Jan. 24.

Lincoln Dellar, manager of WBT, Charlotte, N. C., joined his CBS colleague Bill Shudt, WKRC pilot here Sunday (22) prior to their leap to Chicago for the Cannery convention. Left their wives in Cin.

## Harron to Run WIBG; Panelmen Covered by CIO

Philadelphia, Jan. 24.

Paul Harron, prez and g. m. of WHOM, Jersey City, will take over operation of WIBG here on Feb. 1. Outlet is currently run by Joseph M. and James A. Nassau. It is owned by Moffat and Walker, businessmen of Glenside, where the station is located. Operates daytime, only with 100 watts power on 970 kc. Harron, it is understood, has given notice to all employees. Some of them have already been replaced and others will be before he takes over.

Tilts in wage scales for the four panelmen at WIBG were won by the American Communications Association, CIO, in a pact signed Saturday with Paul Harron, new operator of the outlet. Two of the men will have their pay jumped from \$18 to \$30 a week, while the others will be upped from \$30 to \$40. Similar concessions on vacations, sick leave, overtime, etc., as have been won in recent terms with other kilowatt-holders here, apply.

Organization of WCAM, Camden, has been completed by the ACA, with the two announcers and three engineers now members. Negotiations for the municipally-owned outlet will start this week with Mayor Bruner. Confabs are now being held also with Ben Gimbel, Jr., prez of WIP, for all employees of the station.

Donald Dickson starts canarying on Chase & Sanborn Feb. 5 while Nelson Eddy goes concert touring.

# LONGER LICENSE ENFORCED

## RULES GROUP OF FCC REPORTS

Case-Craven-Payne Document Regarded as Happy Omen—Sees Need for Non-Rigid Standards

### MODERNIZING

Washington, Jan. 24.

Adoption of regulatory policies which will give broadcasters more stability while assuring the public of highest type service were recommended to the FCC last week by the special committee weighing changes in rules and standards. Initial report, suggesting numerous new concepts, will be the foundation for modernizing the lumbering regulatory machinery.

Findings of the three members who listened to hours of testimony last spring were pretty much in accord with observers' expectations but the discussion of mountainous evidence provided a series of surprises. Noticeable undertone of criticism of the FCC itself.

Drone of warnings to beware of regimentation heartened industry observers, while the trio—Commissioners Norman S. Case, T. A. M. Craven and George Henry Payne—placed heavy emphasis on the urgency of being practical in supervising, directing and punishing licensees. Theme was for the Commission to keep within the bounds of the Communications Act of 1934 without allowing the industry to become arrogant or headstrong.

The principal points were:

1. All regulatory policies should take into account the social and economic problems and phases of the radio business as well as the technical considerations.
2. Equality of service to the public is the goal of the 1934 statute and should be the constant objective of the industry and regulatory authority.
3. Diversified operation, control, and service must be guaranteed in accordance with concepts behind the American system.
4. Industry cannot be expected to grow or to perform to the maximum advantage if placed in a strait-jacket.

With the general policy discussion overshadowing the individual matters of controversy, the Committee made four major recommendations for the guidance of both the Commission and the industry. These are:

First, longer licenses, to place the business on a sounder basis.

Second, reduction in the number of clear channels but preservation of the theory of using some frequencies primarily to reach remote areas.

Third, regional and local transmitters should have more wattage whenever feasible.

Fourth, superpower is still too little understood to be permitted on a regular basis.

### Lack of Information

#### About Radio Business

The lack of information about many aspects of the radio business was noted repeatedly, with the trio frequently cautioning that the Commission must proceed slowly and should be wary about taking arbitrary action, particularly with respect to newspaper ownership, program standards, and the economic balance of the industry.

Remarking that radio can become a dangerous weapon as well as a beneficial instrument of social progress, the report pointed to the imperative duty of safeguarding democratic ideals in order to insure exercise of private initiative, free speech, and healthy competition. To this degree, the engineering aspects were subordinated and no radical changes in technical structure were proposed. Extremely important for the government to adhere to the principle of diversified licensing and the indu-

try to be constantly aware of the need for diversified programs.

### Thoroughly Convinced

#### American Way Okay

The Committee is convinced that the American system of broadcasting, operated in accord with the broad policies now prescribed by Congress, has proved to be the best method of applying this modern invention of radio to the service of the people of the United States, reported. The trio rejected the idea of dual system—a group of wholly national stations and another of purely local stations—on technical grounds and suggested the most beneficial use of limited resources is operation in accord with the principles of democracy and in conformity with high standards of ethics in conformity with the tastes, requirements and desires of the public. Assignments should be distributed to give the maximum number of people a choice between two programs of adequate signal intensity to insure acceptable reception. Practical aspects will make it impossible to satisfy all the needs and meet every desire of the public, the trio remarked.

Discussion of the economic problem ran through the entire document but was stressed chiefly in discussing allocation and power. Too many stations may be as undesirable as too few, committee feels, because of the danger of over-stiff competition and excessive emphasis on profit-making. The hesitation about super-power was caused chiefly by the undiminished fear of the consequences of wattage disparity. Adoption of any rigid policy concerning newspapers is impossible because of the financial, employment, and social considerations. Network operation is highly desirable not only because it provides an effective method of talent distribution but in view of the advertising practices. Before granting new stations, the Commission should investigate thoroughly the ability of the community to support transmitters and the adequacy of present service.

Technical reasons make it necessary to stick to the principle of having different classes of stations, the Commission was told. Economic and social phases provide further reasons for sticking to the differentiation between present groups. Equalization of facilities should be attempted whenever these factors allow, but blanket power boosts for the regionals and locals are as unwise as 'any enlargement of the differential' between the top and the bottom layers.

### Rigid Tests of Need

#### Should Govern Grants

Recommending a rigid test of need, the trio proposed a priority formula for determining the fate of requests for better facilities. Preference should go to communities without stations if they are able to support them. Second break for places with inadequate technical facilities to provide proper service; then to spots which can support additional stations; and last to transmitters laboring under economic handicaps. Political boundaries should be disregarded in the centers of population, with each of the 96 metropolitan districts—according to the Census Bureau—being regarded as a complete community.

Super-power is unquestionably the best way from a technical viewpoint of giving service to rural areas lacking coverage or inadequately served, but the potential economic and social objections make it desirable to retain the existing 50 kw power limitation, the report said. Better to exhaust all methods of securing technological advances than to rush ahead before the relative benefits and disadvantages of possible remedies for present weaknesses have been determined.

While the principal cities unquestionably could support 500 kw plants, it is doubtful whether the requisite amount of competition would continue if the wattage top is removed, trio declared. Places where higher powered transmitters would be economically feasible already have the lion's share of facilities and the benefit from a program viewpoint would go chiefly to the listeners already best cared for. Damage to smaller communities and less powerful stations—through diversion of national

advertising—might be disastrous and dislocation of the industry would be contrary to the wishes of Congress.

Concern over the social consequences was reflected. Even if they did not 'conspire to influence wrongfully the public opinion of the nation,' a select group of super-power licensees should not be permitted to have the potential power to control the operation of the industry. Under the present system, with many licensees, there is less danger of patrimonial entertainment, education, and culture.

Duplication of stations on 15 of the 40 existing clear channels was recommended despite the strong arguments of the group now having exclusive use of these ribbons. In taking the attitude that the shoe must be made to fit the foot, the committee said technically it is possible to put secondary plants on all the frequencies without grave injury but the need of the remote rural areas requires continuance of some 50 kw plants which do not have to share their channels. The frequencies to be 'broken down' are located for the most part on the Atlantic and Pacific seaboard, with the channels assigned to interior stations preserved. Some notable exceptions due largely to the concentration of population in the Northeastern part of the nation. As previously suggested, the four high-power-regional channels would be put in the same category with the broken-down clear bands.

Relative importance of the press and radio requires further thought, the report warned. At present, it is impossible to state positively whether newspaper proprietors should be banned from broadcasting or permitted to gain a bigger hold. In paring out facilities, Commission should be cautious about injuring an older industry with a materially larger investment and payroll but also should not try to prevent progress in radio just to protect the press. Different conditions in different places must be considered, such as the amount of competition between advertising media and the possible monopoly on means of steering public thought.

### Newspaper Ownership

#### No Snap Judgment

Warning was given against adoption of 'any rule-of-thumb' on a subject such as this. While a definite stand may be unavoidable in the end, the situation is not sufficiently clear to permit a decisive recommendation. During the past year, the Commission has noted that newspapers may be able to render better service when ultra-high-frequency operation is perfected and more room is available in the radio spectrum. Any limitation on the amount of radio advertising—one means of preventing the press—from being jeopardized to the press—would be dangerous without more information about the economic consequences to broadcasts.

The present solution to the press-radio dilemma seems to lie in close scrutiny of all applications for new stations. The amount of competition factor might be considered as one of the phases of public interest. If competition threatened to destroy existing newspapers in any situation, this might be grounds for denying an application from a newcomer, the trio suggested.

### Talent Scarcity Makes

#### Networks Necessary

Without going into the question now being pondered by the chain-monopoly investigators, the trio gave hearty approval to the idea of network operation. Considering the lack of talent in most communities, 'the preponderance of the evidence is that networks constitute an excellent method of making available desirable live talent programs to the public at large,' report said. Webs are the only practical means of covering vital news events and are indispensable for emergencies. Revenue from network broadcasting is an equally important consideration for the independently-owned affiliates. Faithful observance of engineering standards by the regulators is imperative if the industry is to remain healthy and the public to enjoy adequate, satisfactory service, the Commission was advised. While flexibility must be assured, the committee urged its colleagues to exert utmost caution in departing from good engineering practices in the granting of applications in order

## 13-Point Code Would Guide Radio

### But Not Guarantee Refinement

#### A 'Character'

Buffalo, Jan. 24.

When George Lorenz, 19, was questioned at the police show-up following a charge of working a racket and stealing \$9 from a local gas station, it developed he was a dialect actor on local radio stations. In response to questioning by the police as to how he became involved in the racket, he answered, 'I got the idea from the radio programs I was on.'

Further inquiry developed that Lorenz who does imitations of President Roosevelt, Mussolini and other dialect parts has been appearing on a local program known as 'Racket Chasers,' sponsored by the Buffalo Better Business Bureau over WGR weekly.

Lorenz was placed on probation to make restitution when the probation department reported that he was 'a capable imitator and actor.'

### Campbell, WXYZ, Confers

#### On 'Hornet' Sponsorship

Chicago, Jan. 24.

Allan Campbell, of WXYZ, was in town last week to sit in on ironing out details on sponsorship of 'Green Hornet,' WXYZ production here. Show has been taken by Quaker Oats for a twice weekly gallop on WGN, Chicago Trib outlet.

Set through Rutherford & Ryan agency here and will go on for 13 weeks as local test, with a spread to other Mutual stations, particularly WOR, Newark, if a financial click.

### Cecil Carmichael to WLW

Cincinnati, Jan. 24.

Cecil Carmichael started Monday (23) as press relations director for WLW-WSAI, succeeding J. N. 'Bill' Bailey, who recently was transferred as newsroom editor of the Crosley stations. During the past year, Carmichael supervised special events for WKRC. Before joining the local CBS outlet he was with that net's WBT in Charlotte, N. C., under Bill Schutt, who brought along Carmichael when becoming manager of WKRC.

Michael Hinn, announcer, formerly with WWNC, Asheville, N. C., will be several midwestern stations, joining the Crosley staff last week.

Gene Trace, WLW-WSAI speller for the last two years, leaves this week to become program manager of WMBD, Peoria, Ill.

### Van der Linde's Hip

Victor van der Linde, NBC general sales counsel, was operated on yesterday (Tuesday) at the Harkness Pavilion, Medical Center. It was his second encounter with the surgeon for the same ailment, a broken hip.

Fracture occurred while he was bowling last February. The 'pl' inserted by the surgeon slipped and the bone failed to set, requiring the repeat operation.

that broad national social objectives will not be jeopardized by the consequent disastrous economic effects of unsound engineering allocation of broadcasting facilities.

The committee threw out two of the proposals which drew hottest fire and had been described as both impracticable and illegal. Idea of requiring local station licensees to reside in the community is unsound, the report said, while the proposal to compel applicants to show they will provide sufficient cultural programs was rejected along with the whole idea of rigid program standards. Whenever local residents make a showing equal to that of outsiders, the home town enterprise should be favored, but recognition must be given the development of broadcasting to the stage of a specialized profession.

Washington, Jan. 24.

A code specifying the 'minimums' required to comply with public interest was suggested to the FCC last week by its policy committee. But the idea of a rigid set of program standards was rejected as liable to result in stereotyped service and substitution of government tastes for public desires.

It was stated that the anti-censorship clause of the Communications Act makes it impossible to lay down any rules specifically prescribing what program service should be.

While advocating a set of guideposts, the committee admitted that uniform 'standards of public service' are liable to restrict initiative and reasonable freedom of action, which are the foundation of the American system of broadcasting. Remarks were a partial rebuke for industry critics who want to legislate culture, refinement, and art into radio. Tastes, preferences, and requirements vary with the topography, and within each area there are individual differences, the report noted. Furthermore, economic considerations complicate the writing of a concrete code.

So broadcasters will know they are operating in a way which will entitle them to renewal permits and remove some of the present fear, the committee proposed 13 principles which might be weighed at a subsequent future hearing and then promulgate for use as a yardstick in measuring the qualifications of applicants.

#### Broad Principles

As a starter, the report listed these practices as the minimum test of eligibility for a license:

1. Station always must show regard for public opinion and demands regarding its service.
2. Facilities must be made available suitably to citizens and organizations in the community, with discrimination on account of race, creed, social position, or economic status.
3. Local talent should be encouraged as much as practicable.
4. Community residents should receive preferential treatment in filling jobs whenever feasible.
5. Diversified, balanced programs are provided, with sufficient time for education, culture, religion, entertainment, news and civic activities.
6. Restraint is imposed on programs containing 'obscenity, profanity, salaciousness, immorality, vulgarity, viciousness, malicious libel, maligning of character, sedition, and malicious incitement to riot or to racial or religious animosities so as to contrive the ruin and destruction of the peace, safety, and order of the public.'
7. Programs containing 'uninteresting and lengthy advertising content,' 'lottery' in form, and false, fraudulent or misleading advertising should not be allowed.
8. In accepting copy for medical services or products, advertising should be 'strictly truthful and decorous' and checked with the Food and Drug Administration, Post Office Department, Federal Trade Commission, local medical authorities, and FCC principles.
9. All advertisers are treated on an equitable basis.
10. Both sides are allowed access to the microphone on controversial matters.
11. Station facilities should not be used to voice the social, political, religious and editorial views of the management unless dissenters are permitted to air contradictory opinions.
12. All programs are suitable for family reception, so that no listener would be compelled to tune out the station because of doubtful effect on youth.

Each program must be kept up to date and operated efficiently, without causing excess injury to other stations.

Gene Autrey guests with Al Jolson Jan. 31. Marjorie Wilson, chain school operator and authority on etiquette, booked for Feb. 21.

**SHOWMANSHIP AT ITS PEAK!...**

**ONE OF THE GREATEST MOTION  
PICTURES EVER BROUGHT  
YOU BY DARRYL F. ZANUCK  
AND 20<sup>TH</sup> CENTURY-FOX!...**

Smashing, throbbing melodrama of three brave young women of the sky... and the heart-breaking story that lies behind their spectacular exploits... because *they're women first!* Every woman on earth will want to know what makes girls like these take the gamble they can lose but once!

**ALICE FAYE** **CONSTANCE BENNETT** **NANCY KELLY**  
in

# TAIL SPIN

with  
**JOAN DAVIS · CHARLES FARRELL**  
**JANE WYMAN · KANE RICHMOND**  
Wally Vernon · Joan Valerie · Edward Norris

Directed by Roy Del Ruth  
Associate Producer Harry Joe Brown  
Original Screen Play by Frank Wead  
Darryl F. Zanuck in Charge of Production

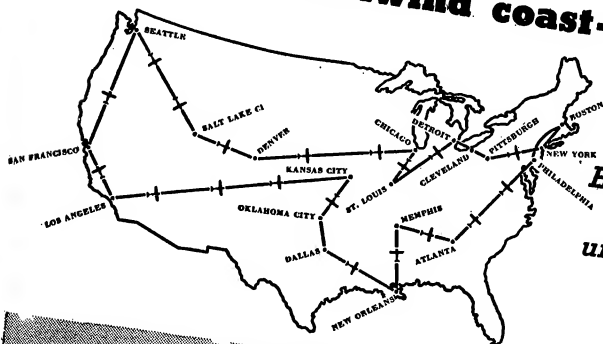


THE KEYSTONE OF YOUR FUTURE



# CTURE!...ADVERTISING!...EXPLOITATION!

## "TAIL SPIN" EXPLOITATION SWEEPS ACROSS NATION! Ace women fliers and Hollywood starlets in whirlwind coast-to-coast flight!



Every section covered  
in daring and  
unparalleled advance  
campaign!

### Read the complete details to see where you come in!

The all-around-the-country flight is called the "TAIL SPIN" TOUR.  
Two separate flights starting from Los Angeles January 28th complete their  
tours at New York, February 7th.

Each flight carries two famous women fliers and five lovely starlets from the  
Studio—accompanied by special publicity men.

Eighteen key cities have been strategically chosen to insure complete publicity  
coverage blanketing every section of the country

At each stop, a reception by local flying clubs, prominent citizens, civic dig-  
nitaries and the press—fanfare!...ballyhoo!...circus!

In each city visited the "TAIL SPIN" TOUR delivers a print of "TAIL SPIN"  
to the theatre booking it.

The resulting build-up focuses intense interest on "TAIL SPIN" not only in the  
cities visited, but in the entire surrounding region—including your theatre.

### And These Air-Minded Lovelies Representing The Studio!



Plus

Full-page, full-color ads in national magazines carrying  
"Tail Spin" to 54,600,000 readers!...

And

In the newspapers, drama-filled, dominant-size co-operative  
ads in all leading cities... tied in with openings!

### FOUR FAMOUS WOMEN FLIERS ON "TAIL SPIN" TOUR!



**RUTH NICHOLS**

Foremost woman pilot  
in the U.S.A., whose  
thrilling feats have won  
her more "firsts" than  
any other woman flier.



**MARGO BAIN TANNER**

Celebrated racing  
pilot. Former holder of  
seaplane speed record  
for light planes. Gov-  
ernor of N.Y. Chapter  
of the 99 Club.



**BETTY HUYLER GILLIES**

Noted sportswoman  
pilot and prominent  
member of Longland  
society. Executive of  
important aviation  
company.



**TEDDY KENYON**

Women's amateur  
stunt flying champion.  
Nationally famous for  
her courage as a test  
pilot.

A  
**Zooming  
SEND-OFF  
FOR A GREAT  
PICTURE!**

**'THE STUDENT AT THE MIKE'**  
Round Table  
30 Mins.  
Sustaining  
Saturday, 4 p. m.  
**WABC-CBS, New York**  
Program airs discussions of college undergraduates with speakers purportedly unaware of moment mikes come alive. According to announcer's introduction, men know their round table is to go on the air, but, in view of the fact that their watches are  
(Continued on page 42)

# A great year for the West's greatest station



All Year 1938 **KNX'S LOCAL AND NATIONAL SPOT ADVERTISING VOLUME TOPS ALL COMPETITORS — EVERY MONTH ALL YEAR.**

Dec., 1938 **VARIETY SHOWMANSHIP AWARD GOES TO KNX. "....KNX GETS THE PALM FOR STATION OPERATION IN 1938."**

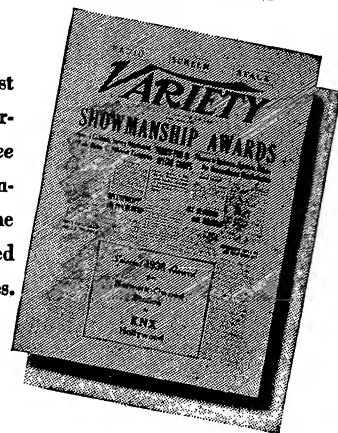
Sept., 1938 **NEW \$350,000 TRANSMITTER BEGINS OPERATION, MAKING KNX THE ONLY WHOLLY NEW 50 KW STATION IN U. S.**

May, 1938 **KNX IS VOTED FAVORITE STATION, FOR 19<sup>TH</sup> CONSECUTIVE MONTH, BY THE LOS ANGELES RADIO AUDIENCE.**

April, 1938 **KNX DEDICATES "COLUMBIA SQUARE," BROADCASTING'S FINEST STUDIO FACILITIES ON THE PACIFIC COAST.**

**KNX**  
50,000 WATTS  
COLUMBIA  
*Pacific*  
NETWORK

Columbia-in-Hollywood—is the originating point for many of Columbia's most brilliant coast to coast programs. Plus many successful local and regional advertising campaigns. KNX serves, in its daytime primary listening area alone, *three million three hundred thousand* people living in 14 Southern California counties. Its nighttime primary area surges out to include 272 counties, the home of over *seven million* well-to-do consumers of advertised products. KNX is owned and operated by Columbia Broadcasting System and represented by Radio Sales.



# PALEY, RALPH COLIN, OTHERS CONTINUE FOR CBS; DETAIL AFFILIATES' ATTITUDE

## FCC Monopoly Hearings Develop Story of CBS Stock Ins and Outs—Need for Network-Owned Units Defended

Washington, Jan. 24.

Careful scrutiny of network-station relationships and the steps in that stock swap with Paramount highlighted last week's continuance of Columbia Broadcasting System examination during the FCC chain-monopoly inquiry. Service angles are due for discussion this week, with technical data scheduled to wind up the junior network's review early next week.

Detailed explanation of the Paramount transactions in 1929 and 1932 was elicited from Ralph F. Colin, attorney, who represents both the web and William S. Paley, president. With the inquirers persistent in following the maneuvers, Colin revealed the outcome was a \$1,201,285 profit for Paley after the onelet was unscrambled.

Although sometimes having difficulty in comprehending the operations, Assistant General Counsel George Porter and the four-man committee finally drew the following picture:

With Paley as the central figure, all of the holders of CBS Class A stock; then in the hands of 16 to 18 individuals, turned over the 50,000 outstanding shares to Par in the summer of 1929 in return for 50,000 shares of the film company stock. Before the two-year call period was ended, Paley organized Parcol Corp., to which he transferred his 21,000 Par paper. When the transaction ended in 1932, Parcol sold the Par tickets back to the film company and in return got back the CBS certificates. Parcol subsequently shifted the CBS stock to Park Corp., another Paley holding company, which paid Parcol in its own duets. Parcol ultimately gave the Park Corp. stock back to Paley, going out of existence. Through Park Corp. Paley peddled an aggregate of 22,613 CBS shares—stock dividends and split-up in the process having replenished the holding company's portfolio—so that Park wound up with more tickets

than it started with, in addition to the income from the sales.

### A 'Conduit' for Moving The Stock Conveniently

Denying that Parcol ever was in technical control of CBS, Colin described the holding firm as merely a 'conduit' through which legal title to the Columbia stock moved from Par to Park Corp., and the purpose of creating the two concerns was to avoid being soaked heavily for taxes. Liability was lessened by delaying the time when the government received its share of paper profits on the Paley-Park operations.

In his resume Colin explained that the Park stock given the network stockholders was valued at \$85, slightly above the market level at the time, and the deal was on a basis of 1½ Par shares for each Columbia chip. Understanding gave the Paley group right to demand Paramount repurchase their holdings of film securities if CBS made \$2,000,000 between September, 1929, and September, 1931. The privilege was exercised on 49,000 shares, the other 10,000 having been disposed of by unidentified participants in the transaction. Because of financial

trouble the Par people did not wish to lay out cash and negotiations were opened leading to the agreement to give back the CBS stock. Coincidentally, CBS as a company, bought back from Par 14,156 shares—originally sold by the Columbia insiders—inasmuch as Par had acquired some additional CBS paper and had 62,000 or 63,000 pieces on hand.

The \$5,000,000 deal was undone in 1932, Colin testified, because (1) CBS had performed so as to produce the specified profit (2) the original Paley group exercised its right to insist on repurchase, and (3) the shortage of cash prompted the Par management to pay off in paper, although the Paley crew could have demanded money.

'What happened was that Parcol

Corp. sold Paramount stock to Paramount and bought Columbia stock from Paramount,' the attorney explained. 'On receipt of the Columbia stock, transferred the Columbia stock to Park Corp. in exchange for its stock which was in turn passed on to Mr. Paley.'

After the CBS had moved from Park to Park, it began going over the counter. In the first sale, Brown Bros., Harriman got 7,794 shares for \$640,744 and shortly afterward another 2,598 shares for \$21,581. This left Park Corp. with 10,577 shares, which were materially increased by the 5-for-1 split of CBS securities. From the replenished portfolio, Park sold 500 shares for \$14,653; then 200 shares for \$5,900; then 25 shares for \$620; then two lots of 5,000 shares for \$139,787 each; then 500 for \$15,153; and finally, 1,000 for \$30,957. Lehman Bros. was buyer of 11,000 of the aggregate. At the finish, Park was left with 40,660 A tickets, which were raised to 60,990 by the 50% stock dividend in late 1934. Of this total, Park gave Paley 17,000, but subsequently by virtue of the 2-for-1 split the holding company's batch had been increased to 87,980 shares.

Summarized through repeated questions, the story was that Park Corp. started with approximately 21,000 CBS shares, sold \$1,201,285 worth, and wound up still owning 87,980 CBS shares.

In refuting the idea that control may have been affected, Colin told the inquirers that Paley individually never had legal control of CBS, although, through family connections, he had effective working control.

### Paley on Stand Tells Whyfores of Policies

Little additional light was thrown on the transactions when Paley was on the stand Wednesday (18). Nearly all his testimony was confined to discussion of broad policy matters, including a resume of the web expansion and a defense of the exclusive contracts.

Relating that CBS has grown from an organization of 20 outlets when he took charge to a group of 117 stations covering 95% of the audience, Paley testified that web ownership of eight key stations has contributed materially to the ability to render satisfactory service to advertisers and listeners. Important for a network to possess some strategically-situated transmitters, he explained, to give requisite operating flexibility, meet the demands of various advertisers, and insure sufficient originating points. Web-owned plants insure both adequate coverage of the leading markets and access to program material.

During the formative years, care was exercised in picking affiliates, Paley declared, while CBS introduced several operating innovations, such as concrete contracts with affiliates and new arrangements for sustaining service.

Network operation is vital to listeners and sponsors, Paley affirmed. Quality cannot be guaranteed without the far-flung resources, which means that radio has gone virtually on a mass-production basis. This method does not unnecessarily restrict the freedom of affiliates—even though CBS has unrestricted call on their time—as is shown by a recent study which developed that the network took only 35 hours weekly on 40 of the most-used outlets. About 28% of their operating time.

### Affiliates' Exclusivity Safeguards Prestige

Exclusivity in web-affiliate deals is imperative to integrate quality, prestige, and investments, as well as to enable the network to meet advertisers' demands, the Columbia head maintained. In promising not to take any other network programs, the stations serve the public interest, besides benefiting themselves and the web. Agreeing with the viewpoint expressed earlier by NBC executives, Paley noted that the chains build good-will for their affiliates and that both investments and efforts would be jeopardized if the outlets had freedom to take whatever service they desire at any moment. Without such protection, major chains would be vulnerable to

competition from wildcat groups operating on shoe-string and cashing in on their prestige. Benefits to the affiliates are assurance of a steady supply of programs and revenue from chain operations, he added.

The affiliates still have a large degree of freedom, Paley declared. No compulsion on them to join up with CBS, they are at liberty to cut off web programs for sufficient reasons, and no kickback is imposed if commercials are not aired.

### Money-Making Coincides With Public Interest

The selfish money-making interest and the public interest coincide, as far as the web is concerned, according to Paley's concept. Good business requires the chain management to be sensitive to public reaction and strive to retain listener good-will. This is the explanation for strict control over programs—the limitation on commercials, the code on kid entertainment, the ban on undesirable advertising. There is no conflict between rendering public service and operating commercially, while cultural programs are aired in sufficient volume to meet the public service obligation.

In philosophizing about responsibilities, Paley said parents must assume some obligation to steer children's radio tastes, but emphasized the network's concern over kid stuff. Employment of a consulting psychologist was cited as proof. Present network policy is against sponsoring news commentators, because of realization that individuals exercising editorial judgment should not have other interests at heart. He confessed CBS had received kicks about the slants of Boake Carter while the speller was being aired via his web.

The increase in capitalization of Columbia was not motivated by desire to clear up through stock trading, Paley insisted. The series of boosts has increased trading opportunities, good business management—desire to keep the value of securities within control and bolster the position of the company—was the reason for raising the authorized stock.

Quizzed by Commissioner Paul A. Walker about the wisdom of allowing webs to own stations, Paley agreed that networks could originate programs without possessing transmitters and at points where neither a web-owned or an affiliated station exists. But not as easily, efficiently or economically. To render chain service without having possession of strategic stations would be possible but 'on a very undesirable basis,' in his opinion.

### 'Undesirable Basis' Reply

#### On M. and O. Question

Parallelism between CBS and NBC rate cards aroused passing interest, but Paley denied there is any collaboration between the two institutions in evaluating the worth of their services and facilities. Several factors considered independently by each outfit, such as circulation, competition with other media, and what the traffic will bear.

The probers went deeper into web-affiliate relations when Herbert V. Akerberg, v.p. in charge of this subject, took the stand. After a long step-by-step resume of the development of the present contract form,

Akerberg was quizzed by his own counsel, John J. Burns, the FCC attorney, and committee members about some of the underlying policies.

Affiliates once were allowed to sell sustainings rather liberally, the v.p. said, but the privilege has been steadily restricted because of the possibility CBS might end up with competing with itself. Curb required to make sure that local outlets did not allow companies who might be customers for full network facilities to sponsor the sustainings, depriving the web of potential business. Also to prevent destruction of the artistic effects by undesirable breaks and spot announcements.

Backing up Paley, the relations boss agreed the exclusivity feature is desirable. Still allows stations to join temporary regional networks for special events but protects both parties to the bargain against permanent damage.

### Some Can Insert Spots, While Others Cannot

Contracts are not uniformly applied, although a standard form is used, Akerberg confessed. Numerous variations, on many points, were brought out by FCC Counsel Porter. Some affiliates may insert spot announcements in network breaks, others cannot.

Possible conflict between Section 310b of the Communications Act (requiring FCC approval for transfers of control) and the CBS contracts was discussed during Akerberg's appearance. The presence of a lawyer asked about clause in 55 affiliated station pacts which requires the independent outlet to insist that a purchaser carry out the commitments to CBS in event of sale. Akerberg said this phraseology was necessary to prevent a promoter of affiliates from selling out from under after the web has helped build them up. Also contributes to stability, by making it possible for CBS to count on having outlets regardless of the ownership, and minimizes the possible litigation over breach of contract. Akerberg insisted the clause is subordinate to Federal authority and does not violate the statute.

Elementary instruction in network operation was given the FCC by Hugh A. Cowham, commercial engineer. Explained routines and greetings, split networks and live-robins, drawing a detailed picture of the maneuvers involved in putting programs on the air and linking the various outlets.

### 11.24% Advertising

Advertisers' gab generally is within the limitations imposed in the 1935 code, the committee learned. Over a 13-week period at the end of 1937, the web found 157 programs weekly used 11.24% of the time for commercial puffs. Only 10 programs exceeded the limitations, while the average duration of blurbs was 2 minutes 15 seconds per program. Excellent cooperation has been enjoyed, since agencies and far-sighted sponsors agree; the curbs raise the quality of the programs and please listeners. He said one result is more adroit handling of sponsors' messages.

The restrictions on kid entertainment were materially affected, income, Gray said. A good number of programs for children have been rejected in accordance with the policy, while the network has been forced to develop its own to fit the standards. For a solid year, CBS had no sponsored kid features, a drop of over \$1,250,000 in revenue.

BESSIE HERSELF IS NO TROUBLE... But

HER FAN MAIL GETS US DOWN



"Bessie Bessie," Ben Hawthorne's stodge, is only the canned moo of a mythical Guernsey—just a effect. To hear her at all you've got to tune in WTIC's "Morning Watch" between 7 and 8 A.M. And still Bessie's fan mail is a problem.

She gets home-baked cakes and cookies by the dozen—more than WE could ever eat—and to answer her correspondents would keep us busy all week long every week in the year.

Yet if Bessie's mail is a problem to us, it's mighty important to you on anyone else with goods to sell in Southern New England. It's a grade A indication that WTIC has and has had for years a thorough following the whole length of the Connecticut River Valley. When can we put our friendly audience and our 50,000 Watts to work for you?

IN SOUTHERN NEW ENGLAND WTIC RATES

**FIRST**

- IN LISTENER POPULARITY BY 2 TO 1 IN THE HARTFORD AREA
- IN NUMBER OF NETWORK ADVERTISERS
- IN NUMBER OF NATIONAL SPOT ADVERTISERS

**WTIC**

50,000 WATTS HARTFORD, CONN.

"The Station With the Friendly Audience"

The Time Life Broadcasting Service Corporation

Members: NBC Radio Network and Yankee Network

Representatives: Mead & Company

New York Chicago Denver San Francisco

570 KC NBC  
RED-BLUE  
**WSYR**

**Good Earth**

Surprising to many is the fact that the farming territory of New York State, around Syracuse, is a national bright-spot agricultural market. Diversified agriculture, including rich dairying, produce and fruit areas, insures a regular income for our farmers. And, in this good farm market, survey after survey shows WSYR is the favored station—WSYR programs are liked best. Here's what you've been looking for—a NEW direct connection with thousands of rural consumers with money to spend.

**SYRACUSE  
NEW YORK**

## Patent Control Gets Going Over In Washington

Washington, Jan. 24. Changes in patents laws were advocated to the Temporary National Economic (monopoly) Committee last week at resumption of hearings on problems created by concentrated wealth and industrial control. Schedule includes witnesses who will talk about television, and may possibly under examination about radio and film patents and licensing.

More protection for inventors was advocated by Conway P. Coe, U. S. Patent Commissioner, at reopening of the inquiry, while Assistant Secretary of Commerce Richard C. Patterson, former NBC executive v.p., told the committee legislative steps should be taken to check abuses. Both agreed on preserving the principle of giving genius protection but said overhauling of the laws is desirable to make certain the social purpose of patent rights is served.

The assistant secretary was agitated about difficulties which result in building up monopolies and discouraging technical progress in industry. Coe wants the law to safeguard the little man against big corporations, to enhance the monopoly granted individuals without giving corporations a chance to exploit the public. The protection afforded at present is insufficient, commissioner asserted. What is badly needed is genuine protection which would provide a bulwark between inventors and 'mighty and ruthless corporations.' At the same time, law must allow room for speculative capital to gain rewards.

Declaring there is no fundamental conflict between the anti-trust and patent statutes, Coe proposed a remedial program, including creation of a special new court to entertain patent litigation, limiting to 20 years the time when a patent may be prosecuted in the Patent Office, reducing from two to one year the period when an applicant may copy a claim from an issued patent, and authorizing the commissioner to require applicant to answer patent office action in less than six months.

## WPEN Makes Inquirer On a Hint from Levy

Philadelphia, Jan. 24. WPEN call-letters returned last Sunday to the Philly Inquirer jog for the first time since the paper was taken over by M. L. Annenberg in 1936. Row with members of the station staff long before it was operated by present management or personnel brought on the ban, although the sheet has never admitted any other reason for the omission than the outlet 'isn't important enough.' It lists other stations of equal or less wattage.

There were a couple of causes, it is understood, for the Inquirer's change of heart and inclusion of WPEN, starting Sunday. First was the continuous missionary work done by Gil Babbitt, outlet's p. a., on E. Z. Dittman, city ed. Second, which undoubtedly didn't hurt, was the suggestion by Dr. Leon Levy, WCAU prez, to Annenberg that WPEN ought to be included. Levy and Annenberg are close personal friends. Arthur Simon, WPEN's g. m., took the matter to Levy when other means were apparently fruitless.

## Jack Starr Sponsored

Cleveland, Jan. 24. Jack Starr of Kansas City edged out local sportscasters by copying Leisy Brewing account for a 52-week sports review, six times weekly, over WTAM on a dinner-hour spot.

Leisy execs picked him out of seven commentators who tried for program handled by Fuller, Smith & Ross. Starr, who was with KMBC in K. C. for six years, starting it here Jan. 30.

## Rhea Diamond Quits WMCA

Rhea Diamond, for four years general assistant of station WMCA's press department, resigns as of Feb. 3 to take up home duties with husband and two children.

Brought in by Larry Nixon she remained aide to Leon Goldstein after latter left to join WNEW, N. Y. Faybelle Schulman replaces.

## CELLER STILL HOPEFUL

Re-Introduces His U. S. Government Should-Broadcast Bill

Washington, Jan. 24. Re-introduction of the Celler bill, sponsoring establishment of a Government-owned short-wave transmitter, occurred last week without causing a single Congressional whisper to twitch. Classed among the perennial 'repeaters' on Capitol Hill, the brain child of Rep. Emmanuel Celler, New York Democrat, elicited no concern in the newly assembled Congress. Plan to put Uncle Sam in competition with the totalitarian powers, Germany and Italy, on high-powered propaganda broadcasts to the South American continent was largely discredited because of long drawn out hearings held last year in both the Senate and House on the proposal.

Weeks of discussion over whether the U. S. should expend \$700,000 for construction of a 'Pan American Radio Station' and \$100,000 additional, yearly for operation and maintenance, resulted in a smart slap-down for the Celler proposal.

Cavalcade of industry witnesses—mostly from the principal networks—last year appeared to have convinced lawmakers that Latin Americans are principally addicted to swing-music and patter from Hollywood and New York. No special demand for Government preachments, nor long discourses on man-

## Rap Celler Bill

Portland, Ore., Jan. 24.

Neville Miller, president of NAB, met here with 40 Pacific Northwest broadcasters. Group went on record as opposed to Congressman Celler's bill for short wave station to propagandize South America against fascism.

Argument was such stations would put America in delicate position with foreign powers. Also admitted there are only 200,000 short wave receivers in all of South America.

Meeting also resolved chief radio headache is copyright law and ASCAP phrases. Program standards and broadcasting code discussed. Miller and NAB Public Relations Ed Kirby left Monday night for San Francisco.

ners and morals of the respective countries. Chains are in a 'much better position to give the South American cousins what they want, hearings disclosed.

## Al Pearce to N. Y.

Hollywood, Jan. 24.

Al Pearce is taking his radio gang back east after several weeks broadcasting here.

Due in N. Y. for program Jan. 30.

## Denver District Meeting Asks Libel Reform; Brands 1909 Copyright Law as Unfair

Denver, Jan. 24.

Some 41 broadcasters from 20 stations, meeting in the 14th district NAB convention, passed resolutions calling for immediate revision of Section 315 of the Radio Act. This section prohibits radio stations editing out libelous matter from speeches to be made by political candidates. The resolution asks the changing of the section to place the blame where it belongs—on the speaker alone. A similar resolution was that 'recognizing that the preservation of our constitutional right of freedom of speech and of the press must first and last and forever be maintained as expressed in our constitution, but having found in the operation of radio broadcasting stations that the liability for the utterances of persons over radio stations and the producing network programs today creates liability of the affiliated stations for matter over which we have no control, be it therefore resolved that we request our national association and our representatives in congress to cause the enactment of such legisla-

tion as will fix the only liability there may be if any upon the originator of all such broadcasts.'

### Call Copyright Dated

Copyright law was branded out of date, having been passed in 1909, before the advent of broadcasting, and the NAB and congress were asked to work for revision of the law on present day needs. NAB was urged to put through some plan whereby radio performing rights of music should be vested in NAB, and urged haste in this since the time is fast approaching for new contracts with ASCAP.

Radio stations were urged to pay their Federal Radio Education Committee Assessment, which was levied some time ago, but which has not been paid by all.

Reports of headquarters work were made by Neville Miller, NAB president, and Edw. M. Kirby, public relations counsel, here from Washington. They went on to the west coast for similar district meetings. John (Continued on page 48)



## HOW MUCH DO YOU KNOW ABOUT WLW?

Here's a simple quiz about the Nation's Station no well informed radio man will have difficulty in answering. Check the answer you think is correct and score 10 points for every question answered correctly. A score of 60 is fair, 70 is very good, and if you can get 80 or better you know without our telling you that your next big network show should originate at WLW.

- On Sunday, January 15, WLW fed to NBC the first program in the tenth annual series of—  
Vocal Varieties                      Armco Band Concerts  
Peter Grant's Sunday Eve-        Big Ben Dog House  
ning Newspaper of the Air        Unsolved Mysteries  
Plantation Party
- WLW originated 200% more NBC shows in January, '39 than in September, '38 because—  
WLW is centrally located between Chicago and New York.  
All telephone wires run underground into Cincinnati.  
Talent and production costs are sometimes as much as 50% lower at WLW.  
Studio audiences are more responsive in Cincinnati.
- The "Mad Hatterfield's," an original WLW-script show was recently purchased by—  
Dobbs Hats                              Horlick's Malted Milk Co.  
The Madhatter Clothes Co.        Hollywood, Inc.
- The name of Josef Cherniavsky's latest and most unique program is—  
Musical Camera                      My Lucky Break  
Musical Steeplechase                Cherniavsky's Chit Chats
- It has been said that no program has been as responsible for as many love affairs as WLW's—  
Organ Reveries                        Nation's Playhouse  
Moon River                              Sweet Adeline
- "Midstream," WLW's 5-a-week sustaining script show has to do with—  
River Pirates  
A couple who have reached middle age  
Fishing  
Digging the Panama Canal
- "Avon Time" fed to NBC out of WLW features two men whose nicknames are "Red" and whose last names are—  
Barber and Bray                      Skelton and Foley  
White and Blue                        Stoess and Davis
- NBC's program "Plantation Party" is part of WLW's weekly stage presentation called—  
The WLW Barn Dance                Boone County Jamboree  
The Jitterbug Jamboree                Uncle Tom's Get-Together
- The sum total of all WLW's spot and staff dramatic people is—  
A baker's dozen                        Six Sextettes  
Two score and ten                      A Squad
- WLW is the only station in the United States to ever win two Variety Showmanship Awards for—  
Program Originations                Community Exploitation  
Most Attractive Lounge                Handsomest Announcers



THE  
NATION'S STATION  
CINCINNATI

Correct answers to these ten questions can be found on page 40. The correct answer to your problem of where to originate a network show at lower costs is—WLW.

## BASIC SKILL FOR CONSTRUCTING A LOGGING SYSTEM

## 50 FINCH MACHINES FOR WHK FACSIMILE

Cleveland, Jan. 24.

W8XE, a new subsidiary of twin stations WHK-WCLE, are created for facsimile transmissions, starts operation around Feb. 1 when 50 Finch receivers will be set up in this section. As a promotion stunt majority of them are being installed in downtown hotels and stores for demonstrations of initial news-print broadcast.

Although new seven-meter station is licensed for 24-hour-per-day service, it will pipe part of the first facsimiles through WHK's transmitter on 1380 kilocycles between 1:15 a.m. and 3 a.m. daily. Edward L. Gove, who has been handling experimental work for local United Broadcasting Co. for last year, is chief engineer of entire project.

Initial demonstration to be viewed by party of Finch and Crosley execs invited by H. K. Carpenter, vice-president of UBC. Chain is using the two-column Finch facsimile method, with all material being scanned in the WHK-WCLE studios. W8XE is planning to hold up all-day operation until sale of sets hits a sizable figure. Although point is not stressed, UBC stations are indirectly owned by Plain Dealer, morning newspaper, which is taking a keen interest in facsimile.

## Victoria, B. C., Wants Government Service

Victoria, B. C., Jan. 24.

CFCT, Victoria, only station on Vancouver Island, upped its power Monday (9) to 400 watts. Mrs. Nellie McClung, CBC governor and a novelist, gave opening talk.

Station's new policy will stress publicity for the Island as distinct from the mainland of the Province. Being situated in capital city, station considers there is an excellent opening for prestige and tourist publicity. Opening of the new transmitter coincides with the campaign being organized by the local Junior Chamber of Commerce to hook up with the national CBC chain. Claiming Victoria to be as important as Charlottetown, P.E.I., which has government outlet, organization will use increase in power and modernization of the station as arguments to give wallop to the appeals to Ottawa.

## HERE AND THERE

Bob Burns airs 'Arkansas Traveler' for Lux, Jan. 30, with Fay Bainter in support.

Fields Bros., Hollywood radio producers, has absorbed wax biz of Roger Laswell.

Ben Pollack set for another six months as musical director of Joe Penner's program.

Frank Morgan, Robert Young, Warren Hull and Meredith Willson will vocalize as quartet, new weekly feature of 'Good-News.'

Jerry Akers signed Herbert Rawlinson, Betty Compson and Thelma White for waxing of 'Death Joins the Circus' in Hollywood.

James D. Shouse and Robert E. Dunville, of WLW, spent most of last week in New York. At the same time Jim Krautters, WLW assistant sales manager, was in Chicago.

Hal Wolfe, chief mikerster of KOMO-KJR, Seattle, also heading special events department.

Roland Peterson, formerly with KSO - KRNT promotion in Des Moines, S. Dak.

## Re-Equips WHBC, Canton

Akron, Jan. 24.

New studio building and transmitter tower is set for WHBC, Canton. Paul Morgan, manager of the station, confirms. Station is a Brush-Moore Newspapers subsidiary.

When completed on June 15 the station's power will be increased to 250 watts until sunset each day, but will remain at 100 watts in the evening.

## Cahoon Appointed

Regina, Jan. 24.

R. D. Cahoon has been appointed permanent regional engineer of the Canadian Broadcasting Corp. for the new 50,000-watt being built at Watrous, Sask.

Took over new duties last week.

## NEW ONE STARTS

WCOV, Montgomery, Functions; Covington Is Boss

Montgomery, Ala., Jan. 24. Montgomery's new radio broadcasting station, WCOV, with studios in Exchange Hotel, went on the air for the first time Jan. 18.

Officials of the station include G. W. Covington, Jr., general manager; Weston Britt, program director; Herbert Johnson and Louis B. Jinhins, announcers; Al Thompson and Homer Johnson, engineers; John Hughes, Robert Rainey and Hal Hill, commercial department; Evelyn Robinson and Agnes Harris, secretaries; Mrs. Jesse Johnson, artist bureau; and Mr. Farris, news.

John Allen will also be associated in the management.

## Fitching in L. A.

Hollywood, Jan. 24.

Fitch Bandwagon comes west for three broadcasts starting Feb. 5. Harry Owens, Victor Young and Gene Krupa carded in that order. Wendell Neeley coming from Chicago to emcee.

## Hinn, Waxman Join WLW

Cincinnati, Jan. 24.

Michael Hinn, announcer on WNNC, Asheville, N. C., for the past two years, joined the WLW-WSAI staff last week.

At the same time Stanley Waxman rejoined Crosley's dramatic staff, after an absence of two years in New York, where he worked in NBC, CBS and Mutual organizations.

## Esso's Break

Announcement on Esso's own news broadcast last Saturday night (21) at 11:32 that the Esso Baytown had just lowered its boats to pick up the survivors of the Imperial Airways' Cavalier was one of those freak breaks. News broadcast had gone on only two minutes previous when word came through NBC's regular news channel that Radio Marine had intercepted this message.

Impression this incident got around the trade was that the account itself had received the report from its oil tanker. Esso did not particularly capitalize the connection.

## Ethridge's Daughter

### Marries Announcer

Louisville, Jan. 24.

John Tillman, 22, announcer for WHAS, and Mary Snow Ethridge, 16, daughter of Mark Ethridge, vice-president and general manager of the Courier-Journal and Times, owners of the radio station, were married Wednesday (18) at the home of the bride's parents in Harrods Creek, Ky.

Tillmans have gone to Florida on their wedding trip and will live in Atlanta, where the groom will join WSB.

## Keeping Up With Nixon

Vagabond Voyaging, travel book by Larry Nixon, WNEW, N. Y., p.a., goes into its fifth printing end this month.

Makes about 10,000 issues all told.

## STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

### 'Tight Corners'

London.

Persons who have at some time found themselves in a hot spot are invited by BBC to offer their services for series of broadcasts on 'Tight Corners.' Talks will be given by individuals who have dramatically faced death, and first speakers will be Robert Wyndham, parachutist and test pilot, and Reg Kavanagh, film stunt man.

Others include a passenger on a blazing munitions ship, and a steeplejack — whose moment of danger, however, happened on terra firma.

### Banks Blotter Ballyhoo

Milwaukee.

To promote interest in 'Musical Favorites,' WTMJ half-hour, presented by Milwaukee county banks, sponsors have got out attractive little blotters for distribution at bank tellers' windows.

Show uses tailor-made platter made by American Bankers' Association with Nathaniel Schilkret's music, human interest sketches and live interviews with bank employees by Bob Heiss, m.c.

### N.A.B. Stuff Dramatized

Milwaukee.

'ABC of Radio,' recently published in booklet form by the National Association of Broadcasters to afford listeners a deeper understanding of how radio works in America, is being dramatized on the air by WTMJ. Programs are conducted by a narrator aided by hecklers who pop moot questions. All points answered and discussed are illustrated as far as

possible with appropriate music and sound effects. Series is being written by Harry Eldred, WTMJ publicity director.

### WEW Word Game Clicks

St. Louis.

Launched 'rudy' as an experiment, 'Adventures in Words,' conducted by the WEW Calendar Man, is clicking. Program consists of interesting and unusual facts about spelling, pronunciation and everything pertaining to word usage. So heavy was mail draw asking questions that station prepared a speech chart that is sent to anyone enclosing a three-cent stamp.

Gabbers and others of the station personnel have purchased charts and listen, to programs for own benefit.


### 'Every Man a King'

Seattle.

'Every Man a King,' new half hour radio show scripted by Vic Hurley, of KOMO-KJR will be premiered in the main lounge of the Washington Athletic club before 500 social, political and industrial leaders. Program begins with a 15-minute musical concert by Bob Dickinson's orchestra, followed by interviews of attending celebrities with Hal Wolf and his traveling mike.

Show will be produced by Bill Warren and Roland Bradley with narration by Dick Keplinger. Built around Washington sportsmen and sportswomen. The stanza is being boosted by 125 sportsmen organizations of the state and will be a regular feature over KJR every Monday eve at 8:30. It will not be available for sponsorship for the present.

NORTHERN STATION MANAGER "Enthusiasm"




"I wish I had a station with 5 times the power of any other for miles around, plus leadership through brilliant service — that's WWL New Orleans."

YOU ARE INVITED TO USE  
the new 50,000 Watt Power of WWL New Orleans  
for your profit

Tell-Tell over WWL


Vincent F. Callahan Don't Myn

C.B. Affiliates  
Represented by the Katz Agency



OLDEST INHABITANT  
"Indignant"

So WWL has 10,000 watts! Now those damn Farkers can hear our favorite New Orleans station all the time!



TIME PAYER  
"Hated"

So WWL has 10,000 watts! Now those damn Farkers can hear our favorite New Orleans station all the time!

**WWL**  
NEW ORLEANS

# Sagall Reports to England On State of Television in America

London, Jan. 18. Solomon Sagall, British television promoter, is back in England after a period in New York where he looked over American radio and made tentative plans to attract American capital for a Yankee exploitation of the Scophony method. He reported to his stockholders at the Scophony annual meeting a week ago that the forthcoming New York Exposition will be a background for television experiments by NBC and CBS which inevitably will stimulate public interest.

Sagall believes that the stalled machinery of American television will run smoothly and fast once oiled up. He believes the motion picture interests are alert to the threat.

'We are proud of the leadership British television enjoys both technically and commercially in the world today,' said the Scophony chief, 'but this need not prevent us from being realistic regarding the future. America, once it begins, will sooner or later be in the forefront of television developments, and ultimately commercial television in this country must benefit from the contribution that America will make to television. Indeed, the commencement of television in America will be of decisive influence on the commercial and entertainment developments in television elsewhere, and will probably prove to be the great stimulus in putting television on a real revenue earning basis in this country.'

## Due Back

Sagall claimed that circles who mattered in the U. S. were fully appreciative of the greater entertainment possibilities offered by large screen radio, and for that reason Scophony was in a position to make a technical and commercial contribution of the greatest possible importance to U. S. television. Following his recent trip to New York, he stated, formation of an affiliated U. S. company is under discussion, and he is to make another visit in a few weeks. He referred to a visit by Arthur Levey, a co-director, and himself to the U. S. at Washington, claiming that the body expressed itself favorably with regard to Scophony technical potentialities.

Sir Maurice Bonham Carter, chairman of the board, put forward suggestions the BBC might consider for improving its radio service. Carter, he said, should consider gradual introduction of television as pictorial illustration to normal radio broadcasts, with a view perhaps to an ultimate merger of sound and vision services; experience over many years of the motion picture industry should be enlisted.

## Baldwin, St. Denis, Rector on IRS' Transcriptions

Milwaukee, Jan. 24. 'It's Fun to Keep House,' new series premeed over WISN Tuesday (24). Series calls for 39 five-minute transcribed programs heard twice weekly. Faith Baldwin, Ruth St. Denis and George Rector heard during the first week's broadcasts. Sponsor is Royal Lace Paper Works, Inc., advertising Roylans Simonds of International Radio Sales through Lawrence C. Gumbinner Agency.

## Rice East for JWT.

Hollywood, Jan. 24. Ed Rice, dramatic scripter on Chase & Sanborn, transfers east to produce a script show for J. Walter Thompson. Agency moving Stan Quinn of home office to C. & S. spot.

## Just a Rumor?

Chicago, Jan. 24. Television is splitting the industry around this territory, with stations taking absolutely opposed views as to their willingness or readiness to jump into the television picture at this time. Some stations, such as WTMJ, Milwaukee, are brimming with ambition and enthusiasm on the television thing, and are out bustling with new rigging, equipment and gadgets on the see-and-hear item.

Others are just as convinced that the whole thing is just a rumor and will be of no value to them for many years to come.

## Renew KYW Band At Prevailing Rates

Philadelphia, Jan. 24. New terms for the KYW house band was inked with the station by A. F. of M. local last week. Agreement is for a year, under the same terms as applied previously. Major change is that Nathan Snader replaces Jan Savitt as musical director. Snader has been acting in that capacity for several months, ever since Savitt elected to give up his steady job at the outlet to take his chances on the road. He replaces Artie Shaw at the Hotel Lincoln, New York, this week.

Despite agreements covering the band, Savitt is still personally under contract to the station.

## Radio Cuffo Drama

Indianapolis, Jan. 24. David Milligan, heads new Indianapolis Radio Theatre, a non-profit civic org that will prepare and present sustaining radio shows.

Other officers are: Robert L. Snook, vice-pres; Kay Fieser, WIBC, secretary, and Paul Rouse, of WIBC, treas. A committee of five making up exec group is composed of Sidney M. Sanner, Ned LeFevre, Frederic Winter, Robert LaRue and Emily Mae Johnson.

## Bill Beal Promoted

Pittsburgh, Jan. 24. Bill Beal, KDKA announcer, until recently of KDKA, has just been made head of continuity department by manager Sherman D. Gregory. Takes over new post Feb. 1 but will continue with his daily 'Movie Magazine of Air' and weekly messages to far north via short wave. Beal recently won H. P. Davis Memorial Award as Pittsburgh's best announcer.

Simultaneous with his promotion came announcement of his engagement to Cynthia Cate, non-pro.

# Background Buzz

## MIDWEST

Howard Donahue, ex-WBNS staff, Columbus, program director at WBLV, Lima, O.

Emmons Carlson, sales promotion chieftain for the NBC Chicago division, has been hooked for a number of talks on the other business. Okayed spels for such organizations as the Illinois Bell Telephone Co. and the Corners Club.

Charles Barnhart, continuity chief, WTMV, East St. Louis, finally in possession of new teeth that replace those lost in a recent auto accident. Gene Hogan, of the news dept. of WTMV, East St. Louis, touring to Mexico City on his vacation.

Wayne Short, gabber, KSD, St. Louis, elected prez of St. Louis Bird Club. He also is St. Louis Regional Director of Audubon Society of Missouri.

Frank Eschen, program director, KSD, St. Louis, grabbed Guy Hickok, director of NBC's International Programs, for interview when latter was here to address Foreign Trade Bureau of C of C.

Alex Buchan, sportscaster, KKOK, St. Louis, father of brand-new son tagged William Dunbar Buchan.

R. V. Hamilton, gen. mgr. KKOK, St. Louis, back in the air after two weeks' trip to eastern territory.

Allen Franklin, program director, KKOK, St. Louis, making business trip to Tulsa and other Oklahoma spots.

Foster May, WOW Omaha announcer, airplaned to Miami, Fla., last week where he interviewed Frederick Snie, Jr., famous iron lung Saturday and again Sunday evening by special transcription as a part of the nationwide drive against infantile paralysis.

Joe Matthews new member of the sales staff at KMBC. He was formerly a sports announcer at WBBF, Rock Island, Ill.

Jack Neil, KCMO Kansas City salesman, tripping East for couple of weeks banging the agencies in Chi. and New York.

Bert Lee, KMBC Kansas City announcer, doing his work from standing position after sitting on an open jack knife.

General Baking sponsoring 'Lone Ranger' on WBB, Kansas City, beginning Feb. 13 with three times weekly, half-hour blast.

Lana Lee, of the Prairie Pioneers, and Beulah Katoff of the Happy Kitchen, both KMBC-ers off duty last week with illnesses.

## WEST

Seattle radio execs went to Portland to meet and hear Neville Miller, Ed Kirby. They were: W. J. Quilliam and Archie Morton, KIRO; Don Graham and Bert Fisher, KOMO; KJR; Robert Priebe, KRSC, and Archie Tait and Elmer Pederson, KOL. Originally Seattle was on the itinerary of Miller but long jumps

and short schedules stopped him at Portland.

Two Columbia Pacific net programs will originate in the studios of KIRO, Seattle, Feb. 5, 'West Coast Church of the Air' and 'Song at Evening,' KIRO Salon Ensemble which has been augmented by 40 singers. Dr. John B. Magee will dominate.

Robert Owen, KOA manager, is teaching 'Principals of Communication' in the engineering department at Denver university.

Stan Catton, CJOR, Vancouver, announcer transfers his voice to CBS (government) mikes Sunday (14).

CJOR is currently louting itself as training ground for announcers quoting as graduates Jerry Wilnot, now at CBM, Montreal; Don Forbes, chief announcer KNX, Hollywood; Doug Gourlay, at KLO, Utah; Jack Hach, also at CBM, Vancouver; and Hugh Bartlett, CBL, Toronto.

## SOUTH

Caldwell Cline, announcer, and Bill Mitcham, special events director, both with WBT, Charlotte, N. C., have been working together for the past several months. Each thought the other's face was familiar, and they have just discovered—after many months—that they went to the west coast on a tour of 15 weeks in 1932, and even occupied the same hotel room on occasions.

WGST, Atlanta, has 4,000 square feet of floor space, about double what they had in old quarters atop Ansley hotel. Station now employs 22, including eight-night house band under direction of Mac Wooten. W. H. Summerville is gen. mgr. and John Fulton program director.



## HOW MUCH DO YOU KNOW ABOUT WLW?

Correct answers to questions on page 37

1. Armco Band Concerts
2. Talent and Production costs are sometimes as much as 50% lower at WLW.
3. Horlick's Malted Milk
4. My Lucky Break
5. Moon River
6. A couple who have reached middle age
7. Skelton and Foley.
8. Boone County Jamboree
9. Two score and ten
10. Program Originations

**NBC**  
Tues.  
Thurs.  
Sat.

**JOSEPH RINES**  
His Orchestra  
HARRY RICHARDS  
ROAD TO MANDALAY  
WILLIAM MORRIS AGENCY

**WBAL**  
means business  
in Baltimore

**TOMMY LYMAN**  
NIGHTLY AT HIS NEW RENDEZVOUS  
6 East 48th St. (East of Fifth Ave.), New York



## Setting a New Pace in Popularity

## PAUL WHITEMAN

And his ALL-AMERICAN BAND

- Appearing with Pittsburgh Symphony, Pittsburgh, Jan. 27th.
- Playing matinee concert and dance, Pittsburgh, Jan. 28th.
- Headline Attraction of Country's No. 1 President's Birthday Ball, Mayflower Hotel, Washington, Jan. 30th.

Broadcasting for  
**CHESTERFIELD**  
CBS Coast-to-Coast  
Wednesday, 8:30

Booked exclusively by  
**ARTISTS**  
MANAGEMENT, INC.  
17 East 45th St. New York

## ANDY KIRK

and his  
CLOUDS OF JOY

Featuring  
Mary Ann Williams  
at the  
STATE HALLROOM  
BOSTON—Indef.

Management  
**JOE GLASER, Inc.**  
RKO Bldg., Radio City, New York

## 'THE O'NEILLS'

B. JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by 'Variety Soap' 99%

**LISTEN TWICE DAILY**  
NBC Red Network 12:15 to 12:30 P.M. EST  
CBS - WABC - 2:15 to 2:30 P.M. EST  
**IN... COAST TO COAST**

Dir. COMPTON ADVERTISING AGENCY  
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

# Only 8.1% Of the Population Outside 'Good Service Area' FCC Tells Congress

Washington, Jan. 24. Agitation about the dearth of signals in the so-called radio desert was made to look sort of exaggerated last week when the FCC, in its annual report, pointed with pride to the effective coverage of U. S. transmitters. While the data did not go into quality of reception, figures partially refuted the contention that

the serviceless population is inordinately large.

Relating the surveys made in preparation for last year's engineering hearings, the Commish informed Congress that 'on the basis of the assumptions made for this study, it was found that during the daytime 8.1% of the total population and 38.5% of the total land area are outside of the good-service area of any standard broadcast station, and that during the nighttime 17.4% of the total population and 56.9% of the total land area are outside of the good-service area of any standard broadcast stations. The majority of the service received in these areas (which in general is far from satisfactory) is intermittent service during the daytime and secondary service during the nighttime from high-power clear-channel stations. It will also be noted that during both daytime and nighttime approximately 15% of the urban population residing within the service areas specified do not receive satisfactory service from any station due to the fact that the ratio of signal intensity to noise intensity ('man-made static' caused by power lines, electrical equipment, etc.) is too low.'

Trend toward wider use of directional antennas in past few years, result of engineering efforts to intensify service in certain directions and to obtain higher power without destructive interference. From two in 1932, the number of transmitters

steering their signals has gone up to 64 in 1938. During last fiscal year, 16 additional directional antennas were placed in service.

Technique drew plaudits from the Commish. Remarking this method of operation has been 'very useful' in cutting down conflicts, the FCC credited it with improving service and said 'the effectiveness of the North American Regional Broadcasting Agreement is dependent to a large extent on the proper use of directional antennas and it is doubtful whether an agreement on the distribution of facilities among the several countries could have been reached without the utilization of directional antennas.'

But local outlets barred from adopting this device, regional stations have been most aggressive in exploiting directionals in order to do a better job and to obtain more wattage. One-sixth of all regionals—53 out of 302—have such arrays. Clear-channelites have been backward, with only 11 of the 104 operating on these ribbons using the principle.

# ENGLISH VS. YANKEE RADIO

## South America Hopelessly Behind, Says Ray Linton, Who Looked It Over

By BEN BODEC

Ray Linton, Chicago station rep, who returned last week from a tour of Brazil, Argentine and Uruguay, doesn't think that the immediate outlook for commercial radio in South America is bright. The impression that Linton carried away was that radio programming and entertainment is still in a primitive state and that 95% of the commercial business consists of spot announcements picked up from local merchants.

Linton found that while some station owners were trying hard to improve their program fare the industry as a whole was in what appeared to be a hopeless bog. As operating expenses increase, the station men apply themselves more vigorously to taking in more announcements. Whatever resolutions they may have made about trying to sell programs in quarter-hour units are under such circumstance abandoned.

### Six or More at Time

Broadcasters in these countries, reports Linton, still depend on phonograph records or the main source of their entertainment. The announcer, or speaker, as he is known down-under, sets himself up on a stool before the mike with a small box containing his announcements, or 'phrases,' there he sits for hours reading off anywhere from between six and twelve announcements between every two record numbers. Patent medicines are rampant among these announcements.

These 'speakers' are about the only air personalities with whom listeners are acquainted. Some of them have developed quite a following, with the result that they make effective salesmen when it comes to soliciting 'phrases.' If they're not doing out announcements they're out calling on merchants. Because of the level of programs coming from local stations, the listeners in the upper cultural strata turn exclusively to short-wave broadcasts. Since it is the latter that dominates public opinion, the influence that foreign broadcasting can have in these countries becomes obvious.

Comparatively high cost of radio sets in Brazil has resulted in a low percentage of ownership among the lower economic classes. As an added impediment there's the new federal law which relieves an installment buyer of any obligation so long as he returns the article. Because of this situation merchants are loath to sell their receiving sets on a time basis.

Both Brazil and Argentine limit their broadcasts to native languages. In Brazil nothing but Portuguese is permitted to be spoken over its local wavelengths, while in Argentine it mustn't be anything but Spanish.

Progress in South American broadcasting, Linton vouches, has been made along one line, and that is attractively appointed studios. Where there are such the station has brought in some musicians to alternate with phonograph records with the average scale for these instrumentalists being \$2 a day, providing they are available morning, afternoon and night.

## Lydia Pinkham French Lingual Starts Slow

Montreal, Jan. 24.

Reported here that the new Lydia Pinkham French language program, 'Femme a la Page,' is not building very quickly.

Idea submitted to the sponsors before the femme talk show was decided upon was for a French Catholic priest to do a 'Voice of Experience.' Sponsors nixed proposal for French language prototype would not measure up to the standards of American program and possibly spoil rep of 'Voice of Experience.'

## IBC EXEC TO NEW YORK

Richard Myers of Normandie's London Office Sails

London, Jan. 13.  
Richard L. Myers, general manager of International Broadcasting, Ltd., is en route to the United States. He was over last winter also. His firm controls English language sponsored shows on Radio Normandie, France.

Myers will go to Canada while on the other side. IBC is the English sales agency for the Canadian government network.

Frank Lamping, asst. general manager of IBC, may possibly visit the United States, where he once worked in the radio business, later in 1939.

## Hawaiian Rep Dispute Involves Blair, Conquest

John Blair & Co. spoke out on its own for the first time last week in connection with the controversy over the representation of KGMB, Honolulu, and KHCBC, Hilo. Blair's New York office addressed a circular letter to ad agencies advising them that regardless of statements made by another rep Blair was under contract to represent the two stations throughout the United States, as of Jan. 1, 1939.

Other rep referred to was Conquest Alliance, which in a circular letter of its own to agencies several weeks ago stated that it had a contract with KGMB-KHCBC authorizing similar exclusive representation until May 31, 1939. The stations' owners claim the contract which Conquest cites is not valid because Conquest never signed any of the copies.

## CBS Coast Short Waver

Hollywood, Jan. 24.  
Columbia is installing a 100-watt short wave transmitter for experimental operation. Ultra high frequency band will carry 40 hours of KNX programs weekly.

Short waver will be utilized also for training production apprentices and reaction of 'hams' to the neophytes programs will be solicited. Call letters of station are W6XDA.

## Ackere Goes Native

D. G. Van Ackere, who has been in the United States since last July making radio transcriptions (in French) of American scenes for the French government stations, has taken up residence in New York.

## In Canada

New policy on religious broadcasts announced by CKCK, Regina, aimed at preventing racketeering in religion. Station now prohibits appeals for funds or 'good will' offerings on broadcasts in any shape or form.

C. V. Chesnut, manager CKCK, Regina, told to Canadian Association of Broadcasters meeting at Toronto, Jan. 23. Accompanied by F. H. Elphicke, CICA, Edmonton, traveling via Chicago.

CJRM, 'Your Government Speaks,' weekly talkfest by cabinet ministers of province, now goes to network of CIGX, Yorkton; CFQC, Saskatoon, and CJRM. Federal government's P. F. R. A. drought rehabilitation talks return Jan. 31 for 30 min. weekly. Of 15,000 inquiries received by drought fighters on last series 12,000 were ascribed to radio.

## BBC SANCTIONS DEBATE ON ADS

Charles B. Cochran and Gordon Selfridge, Jr., Urge Practicability of Radio Sponsorship and Hint That Important Capital May Make Offer—Anti-Advertising Side Pooh-Poohs American Programs

### RAP 2ND-RATERS

London, Jan. 13.

Interests concerned with commercial broadcasting are prepared to make an offer to the BBC for air rights, and are willing to make a payment of \$5,000,000 a year for the exclusive use of only one of the Corporation's network of 12 major transmitters. Situation was hinted at by Gordon Selfridge, Jr., in a broadcast debate last night, when he spoke in favor of sponsored radio, with support of C. B. Cochran.

Although sworn to secrecy as to identity of the interests involved, Selfridge told VARIETY its (the syndicate's) preparedness to go into a deal was very real. Some of those in the set-up are believed to be already close to commercial broadcasting, but Selfridge himself stated he has no part in it.

On the possibility of sponsored radio breaking into the U. K. field, Selfridge stated, whereas previously there had not been a dog's chance, as a result of recent developments, and conversations he had had with BBC officials he felt the chances were now a little better than that—but not much. He paid great tribute to the sincerity of the BBC in its approach to its task, and praised the Corp for broadmindedness in permitting an open debate on sponsored radio, to which it is rigidly opposed, on its own program.

A corporation official, however, told VARIETY he could see no likelihood of a change in the situation. BBC monopoly, he said, is governed by charter from the Government, which has still nine years to run since its renewal. Any question of selling air time is expressly forbidden, and any change in that situation would have to come from the Gov't, through the Postmaster-General.

### Pro and Con

Selfridge and Cochran (the theatrical producers) debated case for sponsored radio against Wickham Steed, former editor of London Times, and Mary Hamilton, former member of BBC board of governors. Corp. Selfridge suggested, should seriously consider such an offer, because it would give the system that much additional revenue at a time when it looks as if it is not likely to get much more either from the Government or the public.

Selfridge's line, wholly endorsed by Cochran, was that BBC monopoly system cannot give as good results as would be got by competition between commercial networks. It had neither the initiative to do so nor a sufficiently elastic income. A commercial network would double BBC income—and its expenditure; while BBC could not afford to have the best brains and talent, commercial radio could not afford NOT to have them. Selfridge made play with the argument how the semi 'civil service' atmosphere of Broadcasting House meant the second-raters were the only ones who stayed, as the best personalities were tempted away by better offers, emphasizing how commercial competition would give it a shot in the arm.

### Set Sales Off

Cochran saw nothing against BBC itself adopting sponsored programs, and contended the present system did not satisfy—fact proved by

## Australian Labor Station Silenced By Air Solon Over Political Dispute

Sydney, Jan. 4.

Three days of silence was the penalty meted Station 2KY, owned by the labor trade unions, for political utterances which were allegedly untrue. Postmaster-General Cameron, who has ultimate authority over all Australian radio, imposed the sentence. Stations advertising loss was about \$1,200.

Station resumed upon a return of license that carried an apology and a promise to be more guarded. Labor station had been warned before that its commentators were going beyond proper privileges.

Australian newspapers were inclined to criticize the postmaster-general's action which was taken without cabinet consideration. This was called a bit on the autocratic side even though 2KY may have been guilty of partisan excesses.

Meanwhile in a similar connection F. E. Baume, editor of Sunday Sun, has ceased his commentator session for the Macquarie Commercial Network, in which he covered both foreign and local politics. Understood, although officially denied, that excec were told that Baume must be toned down or trouble would follow.

### Miss Hamilton's Stand

Miss Hamilton had a very, very superior line of tactics. Commercial radio was wrong because U. K. programs were far and away superior to American programs! 'Commercial broadcasting to us means America,' said she, with a sniff. 'You can't say American programs are better than ours—to me the great proportion of American programs are crude and blatantly commercial!'

But if the pro-BBC speakers held fast to their theories, Selfridge and Cochran produced all the facts: that only one third of the time on U. S. networks is paid for by sponsors; that public services (cultural, educational, et al) offered by them can compare with those put out in U. K.; that while the BBC could get a Toscanini for six performances a year, an American network could retain him for six months.

Best angle was by Cochran, when he challenged Wickham Steed's charge that the sponsors would call the tune, by asking if, when Steed edited the Times, he had permitted advertisers to dictate policy?

Feminist lines were by Miss Hamilton, who naively contended that, because Parliament had twice negated suggestions for commercial radio in the U. K., that reflected the minds of the people! She also suggested that BBC board of governors reflected the mentality of the people in the same way.

(Selfridge told VARIETY that, in compiling data for his broadcast, he had been aided by VARIETY'S RADIO DIRECTORY.)

## Another Sponsor Denied Wires by Government Radio Network Edict

Montreal, Jan. 24.

Murphy Paint Co. has been refused lines by the Canadian Broadcasting Corp. commercial department here this week in an effort to stop the advertiser from using the regional network of privately owned stations. It is understood that the Murphy Paint Co. is making representations to the authorities at Ottawa and may circumvent the ruling of the CBC by using transcriptions if the CBC persists in its refusal to furnish telephone lines.

Advertiser plans a live talent show originating at station CKAC, Montreal, and fed to station CHRC, Quebec, and other transmitters on the private regional network. Timed for Sundays, 1:30 to 2 p.m.

Policy of the CBC in depriving private stations of telephone lines for commercial programs is construed here attempt to discourage national advertising on other than CBC stations.

## Tom MacInnes Okayed To Resume Vancouver Controversial Talks

Vancouver, B. C., Jan. 24.

Tom MacInnes has received written permission from CBC headquarters in Ottawa to renew his series of controversial speeches over CBR, Vancouver. MacInnes, orator on fiery subjects, failed to receive renewal on his contract last October, after six months' burning airlines with attacks on Communism. Corporation officials stated at the time that they would investigate squawks from offended organizations before renewing the speaker's right to buy time on CBR.

MacInnes threatened to sue and was preparing his case for a concentrated attack on the government chain when the George Meagan case arose in Toronto. Point raised in this latter case was that no individual could buy time for a chain broadcast on controversial subjects. Statements issued by officials of the Corporation and the Department of Transport repeatedly claimed that the restriction was placed on chain broadcasting and that any man could air his views so long as the broadcast was confined to one station.

MacInnes was voicing his opinions over only one station and therefore claims the three months delay in okaying him was not justified on the basis of the Corporation's published policy.

Ira Dilworth, CBC regional supervisor for B. C., states that concrete evidence of the Corporation's desire not to restrict free expression of opinion is shown by the 'National Political Forum' program which is designed to permit airing of both sides of debatable questions over a national network and without expense to the speakers. Charges have been widespread that this program is being used as a cleverly disguised means of propaganda by the government itself.

## RADIO GIRL MURDERED

Yorkton, Sask., Jan. 24.

Alice Kroiter, 18-year-old member of a family trio heard over CIGX here for years as 'Songbirds of the Ukraine,' was shot and killed recently in a Sudbury, Ont., cafe where she was employed since leaving Yorkton.

Her employer, John Ungurian, 38, is being held by police on a murder count.

# Disc Reviews

(Only the unusual will be reviewed henceforth. Including the unusually bad.)

Jack Kapp, the Decca prez, who has been translating Hollywood showmanship onto the wax, and particularly with his album issues of late, has a dandy production job in Paul Whiteman's concert medley of George Gershwin's "Rhapsody in Blue," the "Second Rhapsody," "Cuban Overture" and "An American in Paris." As when Whiteman was exclusively on Victor in the past, Roy Bary is the featured pianist in the recordings, with the exception that Rose Linda is at the Steinway for the "Cuban Overture." This is practically a post-mortem work. Miss Linda has been prominently featured in the "Cuban Overture," performing it with the recent Whiteman concert at Carnegie Hall, and in fact contributed an almost wholly original melody strain that—as Deems Taylor's program notes put it—almost out-Gershwin Gershwin. The five-disc, 12-inch album (No. 31) includes some highly informative and provocative notes as part of the release.

The following group of recorders is notable for an endeavor to essay 'style.' It's chiefly evidenced via their billing as pianist-vocalists, and their Music Box Band. Bluebird 10065 couples "Midnight on the Trail" with "Do You Remember Last Night?" and as the M.B. billing indicates, that's the general key-note of the combo. Whether Messner or George Hamilton (who also has "Music Box" in his billing) pioneered it is beside the point; basically it's the Shep Fielding tripping rhythmic style. Here Messner and Jeanne d'Arcy split the vocals.

Seger Ellis on Brunswick 8275 calls his band the "Choir of Brass," featuring himself as pianist-vocalist in "Pied Piper of Hamelin Town" and "Please Come Out of Your Dream." Ellis is a pioneer pianist on wax and air, but conceived this choical big effect as a new warring style.

Ray Herbeck calls his "Music with Romance" on Vocalion 4588 ("Dream Rendezvous" and "Junior"); whereas it's "The Champagne Music of the New Year's Eve" (also Vocalion) when that maestro essays his saloon-piano. "A Love Like Ours" and "Hello, My Darling" (from "Zaza") are his charms. Jules Herman, Louis Armstrong and Walter Bloom featuring vocally. Herbeck as Kirby Brooks handling the vocals.

More about the rhythmic pyramid (Humber) and "Music of Yesterday and Today in the Blue Baron Way" and the Swing-and-Sway (Sammy Kay) styles in future. For tonight, jam, Gene Krupa, the same nifty brass and skin capers on Brunswick 8296 with "Apurikody," his thematic, paired with "Ta-Ra-Room-De-De," plenty in the groove.

The brass work is especially heated here, as on Br. 8299 where Krupa cuts up with "Do You Wanna Jump, Children" and "Never Felt Better." He has the joint jumpin' with both.

Ray Kyser, the most popular thing among the new bands this past year, couples "All God's Chillun Got Rhythm" with "Mighty Lak a Rose" on Br. 8295, very fully featuring Sally Mason, Harry Babitt and Ginny Sims. Practically the same band supports Ginny Simms, with her own band (see Kyser's) now that she's a junior recording artist.

—companion label to Brunswick—featuring the Stephen Foster "Swanee River" and "Goodbye, My Lover, Goodbye" in modern dress. They're not sufficiently rhythmic for the vocally talented Miss Simms, who bids fair to step out on her own following the Kyser-American Tobacco radio bump.

Duke Ellington always waxes a distinguished waxing for Master Records (Irving Mills unit) via Brunswick release. "Slap Happy," "Blue Light," "Jazz Pourquoi" and "Battle of Swing," all original Ellingtonisms, are respectively coupled on Br. 8297 and 8293. There's svelte orchestral effect to these, in strain dance tempo, but the music is in their fine brass and reed choir work.

Sister Rosetta Tharpe is one of the new things to happen along in jazz-like circles where the manly new things happen frequently. She's a swingin' gospel songstress and amidst the hi-de-ho of Cab Calloway and the general jitterbug aura of the new (current) Cotton Club shows in New York, Sister Tharpe has been swinging 'em to salvation. The Lonesome Road is by Gene Austin-Nat Shilkret, and not strictly a spiritual.

It's paired with "Cotton Club" in the more in the ecclesiastic mood—at least as when first written. But the way Sister Tharpe gives out with "Rock Me" it's almost Gladys Bentley. She waxes to self-glady accom. Decca 2243.

Some plain 'n' fancy ivory-tickling is grouped on Bluebird 10098-9 by Fats Waller, sans band, merely piano solos of old-timey Bluebird "Alligator Crawl," "Keepin' Out of Mischievous Now" and "Star Dust," all originals excepting the Hoagy Carmichael classic. Strictly money, but not even the vocal seat to interpret the ultra-modern black-and-white bluesing.

## ALIAS ANGLES

### Orchestra Leaders File Up Votes Under Wrong Name

Amusing aspect of the band contest being conducted on WNEW, N. Y., by Martin Block is name crews competing against themselves for votes. Most of the leading crews make transcriptions for use on smaller stations, and also do live broadcasts under aliases. Creates the picture of top crews building such a rep under the phony tags that votes which ordinarily would be credited to the true name are banked under the alias.

Among those for whom such balloons have been cast are: Richard Himber (Ross Haywood), Russ Morgan (Russ Morrow), Glen Gray (George Gregory) and Larry Clinton (Lee Collins and Lanny Carson).

## CONCERT MGMT. CONTROL NEAR FOR AGMA

American Guild of Musical Artists has about won its fight to regulate the concert management business.

Union has signed a preliminary agreement with NBC Artists Service covering all main objectives in its '17 points,' and expects to conclude the final contract within a week. Deal with NBC puts the pressure on Columbia Concerts Corp., which now must reach an agreement with AGMA or run the chance of losing its leading boxoffice names to the rival management.

NBC last week sent a letter to AGMA agreeing in principle to all the major points in the union's 17 demands. Agency officials and the union's reps then huddled to work out the final draft of a contract. Preliminary deal was signed, with NBC

## AYRES RELEASED

### Goes to Corky O'Keefe Individually—A Dispute

Mitchell Ayres is negotiating with Rockwell-O'Keefe, Inc., for the release of his hand from a booking contract which that firm holds. The Ayres aggregation, which functions on a co-operative basis, got into a tangle with R-O-K over an alleged violation of a union regulation and even though the Rockwell-O'Keefe office had decided to have Local 802's trial board adjudicate this issue it entered into release discussions with Ayres last week.

F. C. (Corky) O'Keefe, who retired last October from the firm he helped organize, is slated to take over the personal management of the Ayres combination. Latter is now spotted at Murray's, Tuckahoe, N. Y.

### Benny the Bum Declines \$1,000 Cancellation Bonus

Philadelphia, Jan. 24.

Benny the Bum, now Fogelman, declared here this week that he had been offered \$1,000 by Music Corporation of America to break his contract with Little Jackie Heller's orch. Heller is skedaddled to open at Benny's on Friday (27) for two weeks with options. MCA, since booking the orch into Philly, got a better spot for it in Cleveland.

Fogelman admitted he was plenty tempted by the offer, but refused because of the "heavy" advertising and ballyhoo he has been giving Heller's opening. This is his first shot at name bands and first MCA booking in the spot.

agreeing to the licensing proposal, a "substantial" reduction in commissions and to furnish complete information regarding its civic concert management. Deal did not call for a complete Guild shop. Pact is now being put into legal verbiage for early signing. Figured CBS will not hold out much longer now that NBC has come to terms.

Concert management affairs have not yet come under examination in the current FCC anti-monopoly hearings, but are expected to within a few days. AGMA petitioned for and received permission to intercede in the hearings.

## Radio Reviews

(Continued from page 34)

### MY LUCKY BREAK

With Josef Chernavsky, Steve Merrill, Janette, Ray Shannon, Charles Woods

Sustaining

Sunday, 8 p. m.

WLW-Mutual

A distinctive musical show with two good ideas, both rich in human interest. Concocter is Josef Chernavsky, seasoned hand in the music field and WLW musical director for some months.

Each show dramatizes the turning point in the life of a show world celeb. Added twist is the extending of opportunity for budding composers to bring their works to light. Every stanza offers one such new tune. Writers are paid \$25 and retain royalty rights in event the pieces are published and go places.

On opener, P. T. Barnum was selected as the "My Lucky Break" subject. His moment was his signing of Tom Thumb. Role of Barnum was masterfully treated by Ray Shannon.

Swell musical injections by a 20-man full ensemble, under Cherny's baton. Cherny's paid \$25 and retain royalty rights in event the pieces are published and go places.

Scripter and producer of the show is Ray Wilson. Announcements, done by Charles Woods, neatly worded and encouraging to unknown melody and lyric writers.

Shin! theme. Chernavsky's new "Strange" romantic ballad. As his new song for the first show, Cherny used another new number of his own composition, "You're First on Second Avenue."

Koll.

### 'EVERYBODY WINS' GAME

15 Mins.; Local  
KOA, Portland, Ore.

(MacWilkins & Cole)

Program uses five audience members who are given five silver dollars each, and asked to answer five questions of general knowledge each. Every correct answer nets the contestant an extra dollar, and for every wrong answer he loses a dollar. In this way any appointee from the seen audience can stand a chance of winning \$10 for five right answers, or losing nothing of his own money. That presumably brings it well inside any state and federal law against gambling. He merely uses chips given to him, whatever their value in money.

Showalter Lynch of MacWilkins & Cole Agency figured this one out, estimating a 50-50 break. In other words the sponsor puts up \$50 a show —\$25 to the five contestants and \$25 to the host. The general break is an average cost of \$25 a program for this end.

MacWilkins & Cole used two free lance announcers as the only hired talent, to get away from the station voices. Questions used on the program were of the ordinary general knowledge angle, in no way connected with car sales.

### 'PLAYHOUSE OF AIR'

Dramatics  
30 Mins.; Local  
Sustaining

Sundays, 9:30 p. m.  
WPRO, Providence

Conviction of Steve Willis, station manager, that localities could be found which could pull Providence out of its present slump. Program rating, was justified by preem offering of "Man Without a Country." Advantageously spotted between CBS offerings, group presented a high caliber production.

Tricky theme orchestral music opened offering which was back-grounded by Marshall Shantz, station announcer. Theme was paced nicely and carried Philip Nolan Hale's human derelict, through temptation, trial and 52 years on the high seas. Dramatically staged, Jerry Bron-der's production utilized sound effects advantageously to round out Walter Hackett's fast moving script. Previous work on stage and before mike helped cast avoid nervousness. Malo.

### ZINGO

Game  
15 Mins.—Local  
Sustaining

Monday, 6:30 p. m.  
KOMA, Oklahoma City

Radio game being tried out as trade watches. Provincials flooded the mail after the first broadcast which was produced aq. Expert enough to keep the program at a satisfactory level.

Records showed 920 entry blanks sent in the contest after the first broadcast. Shows is the first cities in every section of the state.

Only 24 were correct which made the sponsors feel good, as a buck of Uncle Sam's currency is being dished out for each solution.

Idea is to identify sounds heard in a short drama and check them against a "bingo" type card showing the host of pictures. Show is the copyrighted idea of Frederick Ziv of Cincinnati and has been set for 26 weeks on KOMA.

Soon.

## Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Jan. 16-22). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, \* denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
This Can't Be Love	Chappell	*Boys from Syracuse	49
You Must Have Been a Beautiful Girl	Remick	*Hard to Get	44
Thanks for Everything	Whitmark	*Thanks for Everything	41
Between a Kiss and a Sigh	Robbins	*Thanks for Everything	33
Two Sleepy People	Samtly	*Thanks for the Memory	33
Get Out of Town	Famous	*Paris Honeymoon	33
I Go for That	Chappell	*Paris Honeymoon	31
Deep in a Dream	Famous	*St. Louis Blues	27
Could Be	Harms	*Paris Honeymoon	27
They Say	Samtly	*Paris Honeymoon	27
Hurry Home	Whitmark	*Paris Honeymoon	26
I Must See Annie Tonight	Spier	*Paris Honeymoon	25
Umbrella Man	Bregman	*Paris Honeymoon	24
What Have You Got That Gets Me?	Harms	*Paris Honeymoon	23
I Long to Belong to You	Chappell	*Paris Honeymoon	21
It's a Lonely Trail	Famous	*Paris Honeymoon	21
My Reverie	Red Star	*Paris Honeymoon	21
I Found My Yellow Basket	Berlin	*Paris Honeymoon	19
Room with a View	Robbins	*Paris Honeymoon	19
Your Eyes Are Bigger Than Your Heart	Robbins	*Paris Honeymoon	17
You're a Sweet Little Headache	Bregman	*Paris Honeymoon	17
I Cried for You	Shapiro	*Paris Honeymoon	17
Never Felt Better	Paramount	*Paris Honeymoon	17
Swinging the Nursery Rhymes	Miller	*Paris Honeymoon	17
I Promise You	Miller	*Paris Honeymoon	16
Ya Got Me	Whitmark	*Paris Honeymoon	16
Love, I'd Give My Life for You	ABC	*Paris Honeymoon	16
Annabelle	Lincoln	*Paris Honeymoon	14
Sin in the Park	Stansy	*Paris Honeymoon	14
Among Those Sailing	Feist	*Paris Honeymoon	13
I Won't Tell a Soul	Powell	*Paris Honeymoon	13
Lovey Debutante	Mark	*Paris Honeymoon	12
Please Come Out of Your Dreams	Crawford	*Paris Honeymoon	12
Ferdinand the Bull	Fox	*Paris Honeymoon	12
Say It With a Kiss	Words-Music	*Paris Honeymoon	12
You Look Good to Me	ABC	*Paris Honeymoon	12
Have You Forgotten So Soon	Whitmark	*Paris Honeymoon	12
You're Gonna See a Lot of Me	Bregman	*Paris Honeymoon	11
Let's Stop the Clock	Berlin	*Paris Honeymoon	11
What Do You Know About Love?	Fisher	*Paris Honeymoon	11
Just a Kid Named Joe	Remick	*Paris Honeymoon	11
Fun Serves You Right	Mark	*Paris Honeymoon	11
Young Old Hills	Shapiro	*Paris Honeymoon	11
Jojobai	Tenny	*Paris Honeymoon	10
	Paramount	*Paris Honeymoon	10
	Paramount	*Paris Honeymoon	10

## 15 Best Sheet Music Sellers

(Week ending Jan. 21, 1939)

Umbrella Man	.....Harms
Deep in a Dream	.....Harms
*You Must Have Been a Beautiful Baby	.....Remick
*My Reverie	.....Robbins
*Jespers Creepers	.....Witmark
*Two Sleepy People	.....Famous
*This Can't Be Love	.....Chappell
*F. D. R. Jones	.....Chappell
I Must See Annie Tonight	.....Bregman
All Ashore	.....Shapiro
*Thanks for Everything	.....Robbins
You're the Only Star	.....Schirmer
*Sweethearts	.....Witmark
They Say	.....Witmark
*Ferdinand the Bull	.....ABC

\* Indicates film musical song. † Indicates stage production song.  
The others are pops.

## Par Newsreel Angers Music Pub; Wires Texas Gov. to Duck \$100 Fee

Paramount last week drew a blistering retort from Louis Bernstein, head of Shapiro, Bernstein & Co., for going over his head to W. Lee O'Daniel, the new governor of Texas, to get cello permission for the use of the tune 'Beautiful Texas' in a newsreel clip. Governor O'Daniel wrote the number while he was a hillbilly entertainer over Texas stations.

According to Bernstein, some one from the Paramount office phoned early in the week for a quotation on 'Beautiful Texas,' explaining that it was to be used in a clip showing the inaugurated governor leading some 30,000 persons in singing the number. Bernstein said that the charge would be \$100. Nothing further was heard about the matter until last Friday (20) when Bernstein got a wire from Governor O'Daniel asking that the newsreel be allowed to soundtrack the tune for nothing.

Bernstein wired back that he deeply resented Paramount's tactics, that because of other experiences with the latter he would insist on making this a business matter and that he would relay the \$100 to the governor for delivery to his favorite mount, Bernstein repeated these same words when he got a call from Paramount. Bernstein repeated these same sentiments, and then agreed to let the newsreel use the number gratis.

P. S.—Paramount later decided not to use the number under any circumstances. Bernstein then wrote Governor O'Daniel a letter of explanation and enclosed a check for \$100.

## WATCH CBS-OWNED ARC FOR COIN CASE CLUE

Music publishers are looking to the American Record Co., recently acquired by CBS, to provide the basis for a test suit in connection with the pub's drive to get phonograph record manufacturers to take out a separate license for discs used in coin-operated machines. The ARC has given notice to certain publishers of the company's intention to record some of their latest song releases, intimating that the waxed versions will be special arrangements of such tunes.

It is this special arrangement right that the pubs propose to make their springboard in a court fight against the record manufacturers. The pubs contend that under the copyright law the right to make a special arrangement is restricted to the copyright owner and that if a record manufacturer makes an arrangement without permission he becomes as liable as though he had pirated the original version.

Harry Fox, agent and trustee for most of the music industry in mechanical licensing matters, asked the pubs in a circular letter last week to furnish him with copies of notices of intent to use which have been sent them by phonograph manufacturers. He wants the copies for his records.

### Fatsy Parker Joins Weems

Chicago, Jan. 24. Fatsy Parker, swingeroo warbler, has been added to the Ted Weems band aggregation.  
Opened with Weems orchestra in Kansas City. Was brought on from Coast.

## John Paine to Dixie

John G. Paine, general manager of the American Society of Composers, Authors and Publishers, left last Friday (20) on a four weeks' trip through the south.

Main stopoff in his itinerary is Atlanta. His trip will take, in practically all district offices below the Mason-Dixon line this side of the Mississippi.

## Bill Would Ban School Band Rivalry

Albany, N. Y., Jan. 24.

Senator Clifford C. Hastings, R-senator County Republican, has introduced today AFM-AFL supported bills restricting the playing of bands o orchestras connected with public schools, colleges and departments. One measure makes it unlawful for a school or institutional unit to play at outside functions 'except where no town or village band exists and except for patriotic parades and celebrations o 'national holidays.' The other bill prohibits a band or orchestra composed principally of Civil Service employees from furnishing music at any function not associated with a public department or bureau—this is said to be aimed principally at the New York City situation. AFM officials and locals claim that school, institutional and department orchestras are taking a lot of work away from their members. With the growth of high school music organizations, the cutting in on union orchestras and bands is said to have become widespread.

Similar proposals have been up for consideration during the past several years, but the sponsors could not get them okayed by both houses. Last year, local boards of education made direct appeals to their legislators for defeat of the school band measure. Senator Hastings is reported to have been informed Troy area union which might be affected would not oppose it. Parochial or private school-college bands, of course, are exempt.

## WOODY HERMAN FREE OF R-O'K, AFM RULES

In view of the fact that no actual charges have been preferred by either side, Woody Herman's orchestra is free to book with any org it pleases, according to the AFM. Herman last week served Rockwell O'Keefe with notification that it no longer represented him, though he was under contract to R-O'K for several more years. AFM says that in such a case the crew is free unless specific charges are made by either party alleging breach of union rules.

Difficulty between the band and its manager was almost settled Monday (23) when negotiations were under way to put the crew in a New York spot with network wires. However, it was definitely set up to yesterday (Tuesday).

## Pair Arrested for Alleged Mulcting Of 'Song Writers'; Deny Any Chiseling

Detroit, Jan. 24.

Robert DeLeon and his wife, Ruth, organizers of the Radio Music Corp. here, will be examined this week before Judge Edward Jeffries on charges of violating the blue sky law. They pleaded innocent last week on arraignment.

Detectives told Judge Jeffries that the DeLeons had obtained \$2,400 on sale of stock in the corporation, with the promise of publishing songs any of the investors wrote. Carl H. Wrobel, on whose complaint the warrant was issued, claimed he had invested \$370, while another investor, Louise Tripsas, testified she had been assured her music would be published.

The DeLeons told police they had published nine songs in the last eight months but that they'd hardly call 'em successful.

## Dubin's Guarantee Demands Chill WB; Goes with Metro-Robbins Group

### MUSIC HIS SIDELINE

Burglar Main Vocation of Ray Carter—Nabbed Again

St. Louis, Jan. 24.

Ray Carter, 31, who played the clarinet and saxophone in the Atlanta prison band and with dance orchestras when not in prison, was nailed here last week while allegedly trying to peddle stolen jewelry. Authorities in Georgia, Michigan and Missouri would like to entertain him for a time. Carter admitted to gentlemen that he escaped from the Clayton, Mo., jug on Feb. 9, 1935, while awaiting trial on three burglary charges.

He hiked to Georgia where he was pinched for burglary and sentenced to 25 years in the pen. His musical ability served him in good stead and last Xmas he was given a 24-hour leave of absence. Instead of returning, Carter kept on going and landed in Detroit where he pulled a house breaking job and brought the stolen jewelry here. Local cops turned Carter over to the Clayton authorities and notified Georgia and Michigan of his current whereabouts. Carter will have no opportunity of playing the clarinet or sax in the Clayton jug, such entertainment being denied inmates.

## BUDDY MORRIS MAY GO OVER TO DREYFUS

Edwin H. (Buddy) Morris, general manager of the Warner Bros. publishing group for the past eight years, may switch to the Max Dreyfus organization. Morris is considering a proposition offered him by Dreyfus. He would be operating head of Chappell & Co. and Crawford Music Corp., and also devote himself to developing the T. B. Harms catalog, which Dreyfus recently bought back from Warners. Morris might also acquire a financial interest in the Dreyfus group.

Morris is committed to remain in his present post until May 31, but he may arrange to make his exit from the company a month or two before that date.

### Arrangement Factory

Hollywood, Jan. 24.

New wrinkle in music is the sale of special arrangements and scoring for radio and pictures. Group headed by David Brockman and Frederick Stark, conductors, and Lou Radick, concert master on Texaco Star Theatre, has been organized to specialize on orchestrations to meet any requirement. Three arrangers and four copyists are aiding on the first batch of music.

Ben Barenblatt is biz manager of the tune factory.

Harry Warren and Johnny Mercer will most likely re-sign with the Warner Bros. music publishing group, according to Buddy Morris. Al Dubin, just arrived from the Coast, is making too great guarantee demands (\$350 a week) and for that reason alone, according to the WB music head, he'll probably not be renewed. Dubin closed yesterday (Tuesday) with the Metro-Robbins music interests and will be aligned with the Feist, Robbins and Miller catalogs.

It's not the first time Warren's WB contract expired, states Morris, as in 1931 the same thought obtained and the studio decided not to tie itself up to any long song-writing commitments. This was on the tail end of the first songwriters' gold rush to California. Warners now feels that it needn't maintain staff songwriters on its payroll, but can call on any tune team as occasion arises.

It's in line with the current trend to keep filmicals at a minimum, although it doesn't mean the absolute end thereof, by any means, whether for Warners or any other studio.

Metro and 20th-Fox seem as bullish as ever on these and with Dick Powell shifting from WB to the Culver City plant the M-G-M firm will be as active musically as heretofore. Besides which the usual operetta lineup for Jeannette MacDonald and Nelson Eddy is set. R-M group is also dickering with Vernon Duke, who is currently allied with Chappell & Co.

Al Dubin by going Metro joins their staff of lyricists. He's also east on a stage production idea with Jimmy McHugh and Johnny Mercer for Harry Kaufman (Shuberts), tentatively titled 'Streets of Paris.' McHugh-Dubin would probably also write the future Eddie Cantor film tunes, as and when Cantor makes a picture for Metro and/or RKO Radio. Jimmy McHugh, Jr., is now a Cantor son-in-law, incidentally.

## American News Distrib Experiment Continues; Drug Stores Not Good

Walter G. Douglas, chairman of the Music Publishers Protective Association, has received a preliminary report from the American News Co. of the latter's experiment with the sale of sheet music in the Hartford area. The first two weeks of the tryout showed the stationery and magazine stores experiencing a substantial overturn in copies, while the drugstores as a whole did not do so well.

Experiment will be carried for another three weeks. The American News believes that by picking out the best spots it will be able to build up a worthwhile chain of sheet outlets in the Hartford territory. It will then proceed to apply the same method of selection in other sections of the nation.

### DOGGHOUSE FOR KAYE

Slight Oversight Left Syracuse Journal Out on a Limb

Syracuse, Jan. 24.

Syracuse Journal, plenty irked at Sammy Kaye. His press agent sold the Journal the idea of sponsoring a local contest to select a song hit which Sammy would use in a salute-to-Syracuse program scheduled over WOR and the Mutual chain Saturday night. The Journal plunged in heavily.

Mutual has no outlet here. Plan was to cut a wax of the Kaye broadcast and then rebroadcast several hours later for local consumption. But, it develops, Kaye didn't make the necessary arrangements with Mutual. His program was duly aired by WOR.

Resulting mix-up brought a deluge of complaints to both station and paper. So far as they're concerned S. Kaye is not okay.

Jack Mills has bought the American rights to 'The Humming Waltz' and 'Parade of the Toy-Town Policemen' from Cecil Lennox, London publisher.

Screen Music, Inc., contracted to supervise the musical scoring of three pictures for Fine Arts. Films are, 'Curio Cipher,' 'Full Speed Ahead' and 'Empire of the West.'

## On the Upbeat

Bernie Cummins opens at William Penn, hotel Chatterbox, Pittsburgh, Friday (27) for four weeks with options, replacing Little Jackie Heller, who checks in same night at Benny the Bums in Philly. Both placed by MCA.

Jean Wald's femme band into Hotel Odego, Toledo, for indef stay. Outfit works out of Pittsburgh, recently closing at Press Club, Erie, Pa.

Al Kavelin to Nixon Cafe, Pittsburgh, Jan. 30 from Jung hotel, New Orleans, for four weeks, with Fran Eichler going out after six-month stay. Placed by Joe Miller for CRA.

Richard Warren's band bowed into Sherman Billingsley's Stork Club, N.Y., Monday (23), replacing Sonny Kendis, who exited for a road tour.

Arthur Kahn joined NBC music staff in Hollywood and draws baton on 'Modern Melodies.'

John Scott Trotter will take his band to the Frisco fair for a brief engagement.

Lang Thompson replaces Bill Bardo at the Hotel Schroeder, Milwaukee, for a three-week stretch beginning Jan. 30. During stay Thompson is scheduled for airing on WTMJ and NBC.

Joe Venuti has had his contract renewed twice at the Belmont Plaza, N. Y. Latest deal takes him up to Feb. 15.

Jules Falk to Europe  
Jules Falk, concert violinist and director of music of the Steel Pier, Atlantic City, sailed Saturday (21) for a European talent quest for the pier's opera company. He will visit France, England, the Riviera, Switzerland, Belgium and Holland.  
Is due to sail March 25 from England for the U. S.

### Ecclesiastic Plug

Norfolk, \*an. 24.

'There's a Gold Mine in the Sky' is receiving unusual plugging hereabouts these days.

Rev. O. D. Poythress, pastor of South Norfolk Christian Church, is singing it at funerals he conducts in this section.

## Round-Robin Jam Session Too Costly

Heavy cost of wire charges killed a remote pickup live session planned for the Raleigh-Kool Tommy Dorsey show. Idea was to have Jimmy and Tommy Dorsey and Bunny Berigan in New York, and ring in Gene Krupa from the Coast and a member of Bob Crosby's Bobcats from Chicago for live cornered jamming.

Round Robin was nixed by \$2,500 wire charges added to the cost of the extra jivers. It would have been repeated on the rebroadcast.

### \$25,000 Needed For

#### Mpls. Sympy Survival

Minneapolis, Jan. 24.

Unless \$25,000 is raised by Feb. 1, the 36-year-old Minneapolis Sympy will fold after this season, directors have announced. Directors have pledged \$16,000 on condition that the public comes across with the balance. Orchestra requires \$45,000 a year, in addition to receipts to meet its obligations, directors say. Attendance this season has been off.

### Atlanta Bookings

Atlanta, Jan. 24.

CRA band activities in and around Atlanta:

Phil Spitalny and All-Girl band will open seven-day engagement Thursday (26) night at Lucas & Jenkins' Paramount theatre. 'Hour of Charm' will be aired from stage night of Jan. 30.

Eddie Camden, now in Spanish Room of Henry Grady Hotel here, will bow out after Feb. 9 in favor of Danny Demetry. Camden has dates for dances at Georgia U., Athens, Feb. 10 and University of South at Seawance, Tenn., Feb. 13 and 14, and a couple of club one-nighters in Atlanta before opening Feb. 16 at Southern Terrace Club in Kansas City.

Roy Maxon skedded to play for Presidents' polo benefit dances at Rome, Ga., Jan. 27, 28.

Harry Candullo and 8-pieces opened Friday (20) at Atlanta Biltmore's main dining-room for four weeks, with options, succeeding Marvin Frederic. Bands that play this spot are aired over WSB and WAGA.

### Band Bookings

Carl Moore one-niting en route to Music Box ballroom, Omaha, Neb. Plays fortnight starting Feb. 28. Rudy Bundy precedes him from Jan. 27 to Feb. 9.

Danny Demetry to Henry Grady hotel, Atlanta, Ga., for four weeks starting Feb. 10.

Charles Costello, Commodore Club, Detroit, Jan. 28, indef.

Rita Rio, Casa Manana, N.Y., Jan. 28, indef.

Eddy Rogers replaces Bill Scotti at Belvedere hotel, Baltimore, Jan. 26 for CRA.

Emerson Gill, Van Cleve hotel, Dayton, O., Jan. 28, indef.

Mike Riley, New Penn, Pittsburgh, Jan. 24 through Feb. 6.

Hal Kemp will one-nite colleges, etc., 'til mid-February, heading into south. Just ended theatre tour.

Clyde McCoy closes at Palomar, Los Angeles, March 7.

Denn Hudson will play Trianon and Aragon ballrooms, Chicago, in February after completing southern tour for Gus Edwards.

Dusty Roades playing fifth return date at Muehlebach hotel, Kansas City.

Les Brown hitting the college circuit for CRA.

Stuff Smith stays at La Salle hotel, Chicago, until Feb. 11.

Blue Barron, Chase hotel, St. Louis, March 10.

Russ Morgan, Chez Paree, Chicago, March 8 and then Rice hotel, Houston, Tex., May 28 for long stay.

King's Jesters, Rice hotel, Houston, Tex., March 9, three weeks.

Carlos Molina, Lowry hotel, St. Paul, Jan. 28.

Harry Candullo, Atlanta Biltmore, Atlanta, Ga., Jan. 21, four weeks.

Dukes and Dukes' combo, Webster Hall, Detroit, until Feb. 14.

Charles Costello, Commodore Club, Detroit, Jan. 28, indef.

Larry Clinton stays at Meadowbrook Club, Cedar Grove, N. J., until March 2.

Jimmy Lunceford playing Paramount, Newark, week March 24.

Jimmy Dorsey precedes him March 17 and follows at Strand, N. Y., March 31 for two weeks.

Ted Lewis playing southern theatres and ballrooms for R-O'K.

Benny Meroff to Strand, Brooklyn, N. Y., Jan. 27.

Tommy Chaffield, new R-O'K band, Century Club, Tulsa, Okla., Jan. 22, two weeks.

Jack Fulton and Southern Gentlemen, Nicolet hotel, Minneapolis, Jan. 28, two weeks.

Frank Trumbauer hitting midwest one-niters.

Del Courtney going into twelfth week at New Kenmore hotel, Albany, N. Y.

### Stoki's Electrical Orch

To Preem at Frisco Fair

San Francisco, Jan. 24.

Leopold Stokowski has perfected an electrical orchestra which may revolutionize the technique of symphony ensembles. The world premiere of the newly-devised orchestra will take place on Treasure Island Aug. 14-27 under Stokowski's baton, and after 10 performances at Golden Gate Exposition the leader and ensemble will leave on a tour which is already booked into the winter.

Maestro Stokowski and his electrical orchestra are now at the California Institute of Technology at Pasadena, where the last few wrinkles of the invention are being ironed out. These have to do mostly with resonance and high fidelity.

The electrical orchestra, says

## Inside Stuff—Music

Isidore Witmark who, with Jay Witmark, is the surviving member of M. Witmark & Sons, pioneer music publishing company—now a Warner Bros. holding—has authored a 600-page treatise on 'From Ragtime to Swingtime' which Lee Furman, Inc. is bringing out in a month or two. Late Dr. Isaac Goldberg, authority on music and theatrical works, collaborated. Frank Owen, journalist, completed the actual scribbling chores but Witmark and Dr. Goldberg will be solely credited since they had the book well along when the latter died some five months back.

Isidore Witmark, veteran music man, has been six years working on the book, or ever since he retired from the music business when his deal with Warner Bros. expired. In 1929, when WB took over a flock of music companies for some \$8,000,000, Isidore stayed on with the firm bearing his name for a spell, but subsequently bowed out. Brother Jay Witmark has been dabbling in the market likewise since quitting the business.

House of Witmark published 28 Victor Herbert operettas—those scores were a prime asset when WB ogled the music field—plus all of the late Ernest R. Ball ballads, Sigmund Romberg, Cohan, George Ade and other works. Considerable tin pan alley inside stuff concerning these personalities constitutes this cavalcade of 50 years in the music business. The Victor Herbert anecdotes, says Witmark, is an important component of his book.

Writers of the music of 'They Say' (Witmark), current sheet hit, are a couple of Viennese refugees, Stephen Weiss and Paul Mann. Irony part about this is that because of the pair's membership in AKM, Austrian performing rights society, which was merged several months ago with AGMA, German p.r.s., by the Nazis, the American Society of Composers, Authors and Publishers must relay Weiss and Mann's portion of the performing proceeds to Germany.

Story in the New York dailies last week to the effect Louis Armstrong was starting action against Sammy Cahn and Saul Chaplin because of the tune 'Old Man Mose Ain't Dead' was the brainchild of a N. Y. press agent. Armstrong and a contemporary are responsible for the original 'Old Man Mose Is Dead,' and have nothing in mind against the writers of the sequel in a legal way.

Considerable shift of recording talent is expected during the next two weeks or so as a result of the CBS entrance into the field via its buyout of the Brunswick setup. Several artists on CBS programs but recording for other wax outfits are considering consolidating their efforts under the CBS banner.

Expected shift in some bands will probably force others to break away from the CBS (runswick) label because of similarity of style, etc.

Abner Silver and Mitchell Parish have composed their differences over a writing partnership contract and it's now okay with Silver if Parish wants to team up with others. Silver agreed to tear up the paper which obligated the pair to divvy up their royalties on all new works whether written separately or jointly.

### St. Louis Opera Slated, Backed by \$25,000 Fund

St. Louis, Jan. 24.

With a working capital of \$25,000, the recently formed Civic Grand Opera Ass'n, has skedded Richard Wagner's 'Die Walkure' as the first of three operas to be presented during a spring season in the Municipal Auditorium. Patterned after the Municipal Theatre Ass'n., sponsor of al fresco productions in Forest Park each summer, the Civic Grand Opera Ass'n. is a non-profit organization. A permanent salaried chorus whose membership is to be restricted to natives will be formed. Tooters in the local symph will supply all music.

Laszlo Halasz and Dr. Ernest Lehr have been engaged as musical and stage directors, respectively. A cast of outstanding Wagnerians from the Met. Opera Co. is expected to be engaged for 'Die Walkure.'

Stokowski, will produce with 24 players a volume of tone equal to that now produced by an ensemble of 150 instruments. It will cover a range now rarely achieved and have more resonance and timbre.

Electric Rhythm  
New quartet at the Hotel Shelton, N. Y., is John Gart's all-electrical combination.

Vibraphone, Hammond electric organ, electrical guitar and a violin equipped with an instrument which electrifies the tone makes this an all-electric combo.

Mike Riley crew, with Marion Miller, vocalist, opened indef engagement Tuesday (24) at New Penn, Pittsburgh, succeeding Ken Francis outfit. Placed by Joe Miller for CRA.

### THE HOUSE OF 1000 HITS Our New No. 1 Ballad AMONG THOSE SAILING

Standard Novelties Always  
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A superb number in the  
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NEW YORK

## Robitschek's Straight Vaude Folds In N. Y.; Acts Lose Out on Salaries

Kurt Robitschek's straight vaude attempt at the Majestic, New York, folded Sunday night (22) after three weeks, with all acts in the show holding the bag for most of their salaries. With the exception of Eddie Garr, the money each act received for the last week's work amounted to around 26% of the contracted salaries. Garr, because of a special contract, collected in full nightly for each day's work until Tuesday (17), but from thereon received only a fraction of his pay.

American Federation of Actors is now involved in trying to collect the balance of the actors' salaries from Robitschek. Other unions are not concerned, the stage hands and musicians locals having seen that the craftsmen collected in full before the talent had been paid.

Robitschek opened the straight vaudeville policy on a shoestring, the Shuberts giving him the house straight percentage. Policy is reported to have just about broken even the first two weeks, with the gross slumping badly after the opening of a new show Jan. 15, though the trade considered the second line-up far superior to the first. Opening had the advantage of Xmas-New Year's impetus.

Acts in the show involved in the partial-payoff included Garr, Herman Bing, Wiere Bros. (3), Jack Holland and June Hart with Gloria Rich, Joey Faye, Chase Chase, Avis Andrews, Walter 'Dare' Wahl and Jonnie Trama, Jeanne Lorraine and Roy Rogan and Clare and Sanna Sisters (3). Julian Fuhs was the house pit leader with a crew of 11.

All the acts were given about 20% of their salaries after the last show Saturday night (21). When Robitschek called them in and told them he just didn't have the money to pay off in full, but added that the Shuberts were contributing the house free for Sunday and that the acts could work three shows that day and split the entire gross. First, however, Robitschek said the musicians, stagehands and house staff would have to draw their pay in full from the Sunday gross before the acts could start dividing. House grossed a little over \$800 in the three Sunday shows, actors' share coming to \$500. Divided, it gave the performers another 6% of their full salaries.

During the first two weeks of the policy, Robitschek went in for extensive advertising in the dailies. This continued until the middle of last week, when all paid space was dropped.

Garr wanted to drop out of the show after the Wednesday night performance, when his daily salary was on hand, but listened to pleas from other performers, who claimed the show would have to risk him if left. They figured they would be able to salvage most of the coin due them if the show continued till the weekend.

## B-K OK'S CHI PREVIEWS AS NEW TALENT GUIDE

Chicago, Jan. 24. Following a three-week test, Balaban & Katz will continue pre-viewing in the State-Lake each Wednesday night. Wanted to see if the previews would uncover enough new talent for its theatres. Thus far 40% of the acts to preview have received B.K. dates and an additional 30% have been booked elsewhere.

State-Lake presently is the only theatre here showing previews. Agents and bookers have found them valuable in judging acts new for the territory. Acts formerly nixed, due to the bookers' refusal to risk booking them unseen, are now getting vaude time through the showings.

## FTP Vaude Tour

Boston, Jan. 24. Massachusetts Federation of Theatre vaude project goes into rehearsal soon with Federal Varieties of 1939, with company of 50 people, white and colored, to open in Avon, Mass., Feb. 1.

Will tour state with 12-piece orchestra, new scenery and new music by Billy Curtis and Preston Sanford. Tom Senna staging.

## ARREST CAFE M. C.

Precedent in St. L. on Violation of Liquor Law

St. Louis, Jan. 24.

Local gendarmes established a precedent last week when they nabbed the m.c. in a South St. Louis nitery on a liquor law violation charge. Edward Amsler, the m.c., was juggled along with the proprietor, Michael Driska, and the bartender, John Haag. Cops say they saw customers drinking in the Glenmore Club at 2:30 a.m., which is past the curfew. Driska has been cited to appear before Excise Commissioner Lawrence McDaniel.

In previous arrests cops have only nabbed proprietors and bartenders. No explanation was forthcoming why m.c.s are now to be arrested also.

## ORIENTAL LAST TO DROP LINE IN CHI

Chicago, Jan. 24.

Next week Chicago will be without a line of girls in any variety theatre. Oriental, now operated by Jones, Linick & Schaefer, has given notice to its chorus and in the future will operate with acts only. Also exiting will be line producer Charles Niggenyer, who has been with J.L.&S. since 1933, when it took over the State-Lake. Oriental is the last to disperse with the lines.

Balaban & Katz eliminated its house line from the Chicago more than a year ago and when circuit reopened the State-Lake used its own banner last month it came in with a straight eight-act policy instead of using the standard girl line with five acts.

Oriental indicates that it will spend the money it's saving on the line for additional vaude talent. At one time Chicago had chorus lines in eight theatres. Chicago, Oriental, State-Lake, Uptown, Tivoli, Marbro, Avalon and Capitol.

Only spots left for choruses in town are a few cafes and the single burlesque house, Rialto.

## DETROITERS SHUTTER 2 MORE GAMBLING SPOTS

Detroit, Jan. 24.

Successful in shutting the Chesterfield as a gambling spot, East Detroit citizens last week caused Macomb county's two other gambling joints, the Chalet and the Tango Parlor, to fold. The Chesterfield and Chalet had reopened following seating of Gov. Frank Fitzgerald Jan. 2.

The Tango Parlor, which had operated four years at Eastwood Park, on a bingo-like policy, was closed on suggestion of Henry Wagner, manager of Eastwood, who wired his aides from Florida advising 'em to cooperate with East Detroit officials. The Chalet specialty was \$300-prize bingo parties for women. It was shuttered shortly after the Chesterfield was served with a court injunction by irate citizens.

## Socialites' Fla. Exodus Folds Waldorf Nitery

Although it normally closes during the Florida season, the Sert Room of the Waldorf-Astoria hotel, N. Y., folded prematurely when it quit Saturday (21) night. Early exodus to the south of the society crowd, main support of the room, due to exceptionally bad weather in N.Y., was responsible.

Emil Corman crew had been set to stay until Feb. 22. Crew returns with the reopening April 8.

## Stall Philly Pact

Philadelphia, Jan. 24.

Refusal of Joe Hurtig, operator of the Shubert, to name those backing his burley venture in the house, is holding up negotiations with Theatrical Managers, Agents and Treasurers union. Hurtig, at each meeting with the union, maintains he must submit all propositions to his backer in New York. T.M.A.T. says that if there is such a person, it's Izzy Hirst, burley booker and operator. Hurtig pooh-poohed the Hirst suggestion. Unless the house places union men at the boxoffice shortly, the union will picket, its execs declare.

T.M.A.T. members are expected to go into the Academy and Music ticket stalls after next week after lengthy negotiations have about been completed.

## HOLBORN EMPIRE HISTORY DRAMATIZED

London, Jan. 18.

George Black collaborated with BBC variety dept's Roy Speer and Leslie Bailly on a script for broadcast history of the Holborn Empire. Program will be last of series of eight 'Famous Music Halls,' and will be commented by John Watt. Ada Reeve, Wilkie Bard and Denier Warren will be among old-timers, who will reminisce about the theatre, which has been open over 80 years.

Recording of Gracie Fields, Holborn's biggest favorite, and broadcast from the theatre by Max Miller, will represent the modern point of view.

## Mineola Theatre Starts Part-Time Vaude Feb. 16

The Mineola, Mineola, L. I., opens with vaudeville Feb. 16. Opening bill not yet set. Spot will carry flesh only on last half of the week, with initial three days devoted to straight films. Mineola is in the Cocalis chain.

Al Rogers will book.

## Lincoln's Part Timer

Lincoln, Jan. 24.

Vaude bows into the J. H. Cooper house, Saturday (28) with Major Bowes' 'Rodeo' revue. Goes two days, as part of a vaudeville layout, then goes to A pictures. Not definite about policy, but it's understood flesh will get as regular a play as possible.

## Bert Levy Circuit Sues Blackstone for Booking

Milwaukee, Jan. 24.

The Bert Levy Circuit of Vaudeville Theatres, Inc., filed suit in circuit court here Saturday (21), seeking to collect \$205 booking fee from Blackstone, the magician.

Blackstone, in a filed answer, claims the bill was paid.

## Mildred Bailey to Europe

Mildred Bailey, who recently split away from hubby Red Norvo's crew, leaves shortly for a 12-week tour of Europe.

Before sailing, Miss Bailey has two weeks at the Strand with Artie Shaw, and a week each at the Earle, Philly; Hipp, Baltimore, and Earle, Washington.

## AFA to Seek Bonding of Doubtful Cafe, Vaude Ventures to Protect Members

Taking another cue from Equity along with agent franchising, the American Federation of Actors is expected to act shortly on a plan to bond all doubtful backers of niteries and vaudeville enterprises. Having been held holding the sack many times lately due to vaude house and niteries fops, union is out to protect its members. Latest prodger was collapse of Kurt Robitschek's Majestic, New York, Sunday (22) with acts getting only percentage of their wages.

A mass meeting of AFA member-

## Kyser Signs to Play Strand, N. Y., After Par Nixes Pic Demand Pact; Fight Orch Competition on B'way

### MUST LIKE AMS

15th Unit into Stanley, Pitt—Also Flock of Name Bands

Pittsburgh, Jan. 24.

New all-time for repeats being set this week at Stanley, WB deluxer, with 15th week for Major Bowes amateur units. Current one's billed as 'Champion Tyros of 1938.' First one came here in August, 1935, and another followed that year, five in '36, three in '37, four in '38 and one so far in '39.

Stanley inaugurates 11th anniversary month Friday (27) with lineup of five straight name bands, starting with Russ Morgan, and Ted Weems, Eddy Duchin, Tommy Dorsey and Vincent Lopez following. Repeats for all of them, with exception of Morgan, is a playing first theatre engagement here.

## AFA SETS AGENT FRANCHISING; MCA IN

With the Music Corp. of America having already signed its willingness to co-operate and sign as an American Federation of Actors licensee, the actors' union will shortly launch its long proposed plan to franchise agents and agencies around New York. Chicago and San Francisco are already ticketed to some extent at Gotham has not yet been touched.

With MCA, one of show biz's largest and most profitable combines for a nucleus, union sees a great stride toward getting smaller outfits in line. Intention is to make agencies closed shops for AFA acts and to exact from them, via franchise, promises to maintain union salaries and conditions as well.

Ralph Whitehead, executive secretary of the union, states that the William Morris office has also indicated a desire to discuss the matter with the union. MCA is virtually in the bag, according to the union. Whitehead will seek an appointment with Abe Lastfogel, of the Morris office, before the week is out. Whitehead wants to have the ball rolling as soon as possible, as former is expected to leave for the Coast shortly.

Whitehead has been trying to bring together two factions of club-date bookers in N. Y., the Associated Entertainment Directors, formed from members who quit the Entertainment Managers Association, and the latter. He figures it will be easier to deal with one combined group than two now at odds.

### Jessel's Philly Date

Philadelphia, Jan. 24.

Following a lull in name policy since early this month, Jack Lynch brings George Jessel to the Walton Roof Feb. 1.

Jessel reported getting \$2,500 a week.

Demands of Kay Kyser that his contract stipulate the picture he would play with on being dated killed negotiations between the band-leader and the Paramount, New York, with result Kyser has signed with the Strand (WB). Kyser wanted it stated in his contract that the Par deliver 'Cafe Society' (Par) for the next two weeks' salary, \$20,000, to the band.

The Warner house, now close opposition to the Paramount with pit-show entertainment, is reported paying Kyser \$10,000 for himself and orchestra, plus a standby crew, bringing the cost to around \$12,000. Standby musicians are necessary because Kyser's men are not members of Local 902 in N. Y.

Coincidence with flat refusal to specify pictures bands will play with at the Paramount, the management of this house, as well as Loew's, operating the State, which also uses bands often, are reported determined not to let orchestras steam up one house against the other on Broadway.

While it's understood orders have been sent out that the booking of Kyser for the Strand is not to be discussed, it's said that no agreement has been made as to what picture he plays with. Coming in for two weeks Feb. 17, the picture may be 'Off the Record,' a Warner newspaper story not anticipated as one of the company's biggest, now slated for that date, but understood 'Dark Victory' is a possibility instead.

While the Kyser show may be the costliest the Strand has played since emulating the Par pit policy early last fall, the house has gone to \$100 on two previous shows, including the Louis Armstrong-Bill Robinson bill and the Jan Garber-Ethel Merman layout. Kyser has played for Warners in other spots, including Pittsburgh and Philadelphia. He is claimed to have taken over \$13,000 out of the Pittsburgh date as a percentage draw and over \$10,000 from Philadelphia under similar arrangement. His demands for high coin no doubt is predicated in part on that. When he played the Par, N. Y., last May he got \$6,500 net.

High salaries, it's claimed, would place the policies of the Par, Strand and State in a precarious position through overhead. It was high salary demands that knocked the Par and Capitol out of stage shows a few years ago, in spite of a supposed gentlemen's agreement at that time to regulate and not boost salaries on acts, bands, etc., by competitive bidding.

## KNIFE-TOSSER INJURES MATE WITH FIRST MISS

Pittsburgh, Jan. 24.

Mrs. Harriett Calvert, half of a knife-throwing act at a downtown hot spot, had a narrow escape from death yesterday morning (23) when her husband-partner erred in his aim and hit his wife in the right arm, just above the elbow. It was the first time he had missed in seven years of blade-tossing, Calvert said.

Mrs. Calvert was rushed to the hospital, where it required half a dozen stitches to close the wound.

## Chi Bicycles Acts

Chicago, Jan. 24.

Two swank hotels in town, Drake and Blackstone, have instituted a doubling policy for acts.

Originally booked into the Gold Coast Room of Drake, acts taxi to the Blackstone Ballroom for a near-midnight performance.

## Smith, Burke Team

Ed Smith and Bernard Burke have opened joint offices in New York to handle their agenting. Smith recently returned from the Coast after breaking with Mark Leddy. Burke exited the Charles Allen office last week.

Fair will work together, though their association is no partnership.

# Refugee Revue Highlights Billy Rose's 10th Casa Manana Edition

Rita Rio and Jack Denny orchestras, 4 Vespers, Dorothy Fox, Jack Denny, Lillian Roth, (center), Everett Marshall, 3 Stooges (Howard, Fine & Howard), 'Franklin D. Roosevelt Jones' chorus ensemble from 'Sing Out the News', 'Refugee Revue' interpiece, with Max Willenz, Lilla Linda, Vera Kara, Beatrice Lind, Rose Garay, The D'Artois, Bob & Bertie, (Heil) Erna Ruben, Herbert Ertie, premiered Jan. 23, '39, \$15 minimum, \$2 on Sat. and holidays, plus 50c extra for preferred location charge.

This is the 10th edition of Billy Rose's 'Streamlined Varieties' and the start of his second year at the Casa Manana, New York, since taking over the now defunct Casino Theatre. It's a milestone for which Rose and all concerned, including his stager, John Murray Anderson, may well take bows. It's not only the best cabaret-tour show in its class, but America today—or, more strictly, vaudeville with dining-dancing-drinking features—but in the 'Refugee Revue', Rose has a surefire highlight that's a show in itself. This 'Refugee Revue' is further detailed under New Acts.

With the Jack Denny and Rita Rio bands alternating, the latter an all-around show in its class, a lined, jitterbugette maestro waving the stick—and that's not the only thing she waves—the eight acts play smoothly, punchily and well. The first act, a show in its class, with their standard risley, Dorothy Fox, just out of 'Sing Out the News', and formerly of Walters and Fox, and the capable band, led by her own. She's partial to the Raymond Scott tunes for musical background, and a distinguished accompaniment, it is, doing her impressionistic 'world' and kindred terps to fancy returns.

Jack Durant (New Acts), ex-Mitchell and Durant, next, a capable soloist and a sturdy singer, effectively throughout, in pacing the proceedings.

Lillian Roth, marking a Broadway comeback after retirement following marriage, proves something of a show stopper with her pops. Her stuff is nicely paced, well arranged and cannily sold. Always an expert and saleswoman, she's comely. Miss Roth is clicky stage fare.

Salici Puppets, next, seemed a revelation in the nifty atmosphere. Unquestionably, and the marionette troupes in the business, the family of five which manipulates the sticks and strings, plus the maestro-pianist who doubles for the musical interlude, have a charm that need not limit itself to theatres. Their revue is a miniature variety show on its own.

Cole and Casanova, ballroomologists, are a nice interlude here with the standard waltz, conga and fox-trot routine, professionally dispatched.

Everett Marshall, just closed in the Shuberts' revival of 'Blossom Time', lends vocal ecstacy and distinction to the lion's part through inclined to remain in the same groove, but ladinger groove throughout. His 'Rosalia' opener and 'The Night Is Young' and 'And You're So Beautiful' are more a matter of the fact. He reprises the latter because he first introduced it for Rose at the Fort Worth Casa Manana two years ago. But, in between, he's offered 'The Glory Road' (new), a concert number, 'That's Why Darkies Were Born' (introduced by him in a 'Scandals' seven years ago), and 'Shanty Boat on the Mississippi' (new, a little lull). So that it makes for three ballads in the same idiom. Despite Jack Denny's band's blasting and fast on to properly syncopated accompaniment—a detail that will be ironed out, of course—Marshall did handily, holding his audience excited. 'Gingerly' well.

The Three Stooges (Howard, Fine and Howard), ably straightened by Eddie Lawton, are an inelegant but funny combo of zanies with their in-between-eye-brows, very comical antics. The captions may question some of it, in front of an audience that's just finished dining, but by and large a nifty act, and one to be upon the program and the utmost decorum.

The second bow, on the heels of the strong variety array of talent, is the 'F. D. R. Jones' number, with its original 24 people, sans Rex Ingram, out of the just-closed 'Sing Out the News'. It's a dandy Harlem panorama, one of the best things in this ill-fated Max Cander revue, and a genuine sock, running some seven minutes.

Next, the 32-minute 'Refugee Revue', which, after being stripped of the extraneous, is a unit that can go out on its own and whom 'em. John Murray Anderson's staging might be a little better, but the pruning there are moments when the satirical 'refugee' and the razerous Heil Hitters are a bit overdone and could be curtailed to advantage. Certainly that

added starter, Herbert Ertie, singing 'Elli Elli', should be dropped. It's probably the most impudently and plaintive chant ever heard on a mixed public rostrum, in fine and fearful voice—that is not without its own due, but it doesn't quite jibe with the 'Refugee Revue' idea.

For one thing, it reduces the racial-political-liberal perspective to a purely secular premise. Up and down the point have paraded a galaxy of cosmopolites, most of them more Nordic in appearance than Hitler's entire cabinet, all of them talented, sympathetic-looking young people who seemingly prefer to brush aside any lachrymose appeal in favor of merely making their performances speak for themselves. But when capped by the 'Elli Elli' it's a curious admixture of the religious with three-quarter time.

Max Willenz, the confederer, is another who might also prune the spleen. There's more effect in disarming charm than in forceful capitulations. With his own wise, blinding one's self to the basic grime that accounts for their very presence on this side of the Atlantic. But when capped by the 'Star Spangled' finale, tongue-in-cheek as you will about it, is a patriotic something that, is beginning to mean much more to many an American who, heretofore, has pledged allegiance to the doctrine that now takes on many extra values in this day and age.

New policy of \$1.50 minimum, a cut from the \$2 table d'hoie minny, should spell turnover biz. Especially with this wimpy show. The five acts, which are the Broadway sector, he alone disproving the eastside trend. His Diamond Horseshoe (\$1 minimum) has been doing a class outsiders in the past month, giving amazing strong trade in the class of a post-holiday nifty slump.

## MAISONNETTE RUSSE

(HOTEL ST. REGIS, N. Y.)

Yvonne Bouvier, Gedda Petry, Iasha Nazarenko, Michel Greben, Boris Belostotsky, Serge Abogoff, Mathey's orch.

The Maisonnnette Russe (grill) in the Hotel St. Regis is a class high away, very Don Juan, Sheherazade and/or Casanova in its Franco-Russian class decorum. For a time the Maisonnnette had no vociferous, but came between the two and the apparently cutting into its companion Russe room, although the contrast between the two is sufficient to make it worthwhile for business in both spots.

Newest revuette in the Maisonnnette 'A Night in Luxembourg', harking back to the Balkan music, with a motif, with Iasha Nazarenko as the gay-god, aka. bafon; Yvonne Bouvier as the chanteuse; Gedda Petry as the dancer; Boris Belostotsky as the dandy; Serge Abogoff as the hoofing zoubie; and Michel Greben as a hussar.

It's a charmingly thought out little revue, a pot-pourri of class, nonsense, with much fol-de-rol and elaborate clinking of wine glasses in the song and dance specialties. Miss Bouvier, who is the star, has a French songs and a rather nonsensical bit of audience palm-reading that she does with a cleverly clever and doesn't quite belong.

Mathey alternates with his two bands, a tzigane combo and the regular band. The room's former Billy Hicks (colored) is out. Mathey servicing in both departments, and very nicely. Costuming by Paquin of Paris, very effective. Cover \$1.50, no cover to late hours, \$3.50, and no cover to late hours.

## PALM ISLAND CLUB

(MIAMI BEACH)

Miami, Jan. 21.  
Ross Wyse, Jr., June Mann, Paul & Eva Ryess, Hildegarde, Cross & Dunn, Al Donaldu, Orch and Paula Kelly, Monchito's Rumba Band.

This is undoubtedly the smartest room in the city and caters strictly to the carriage and tails set. Situated on one of the man-made islands, it has the swankiest domiciles south of New York. It is ideally located and expertly designed to catch the cream of 'cave society'. The entrance is through the cocktail lounge, a brilliantly lighted room with a blue and white color scheme. A rotating hors d'oeuvres table greets the center of the lounge, containing everything from peanuts to caviar and lobster.

The room itself is indirectly lighted. Show opens with Al Donaldu, Al Donaldu, and the other two diller numbers featuring Paula Kelly vocalizing and Charley Carroll on the drums. Carroll is a sock skinner. This is strictly an opener

and thence comes the show. Ross Wyse, Jr., and June Mann open. Wyse tells some gags that aren't particularly funny, then goes into a routine of acrobatics that's a real nite click. Miss Mann enters and together they go to town on some swivel tumbling routines that smack of vaude at its best.

Raul and Eva Ryess, who broke in here some years ago at Fred Grinham's old Country Club, have come far since last year. They open with a legit Americanized number in evening dress and come back for rhumbas in costume. They tie the show with a rumba.

Hildegarde lives up to her billing. Her personality quieted a noisy Saturday night audience. Working some punch their stuff through an accompaniment, winding up her stunt with a community sing that clicks with the trade. She's a striking looker with plenty stuff on the ball.

Cross and Dunn, faves here for many years, steal the whole works. They punch their stuff through an encore after encore, and come back smiling to continue delivering smart material. Their style and stuff is a real nite click. They're a slightly risque basis, but in an offensive manner.

Donohue, whose last Florida engagement was at the own piano, Beach Hotel 10 years ago, slams out swell howling rhythms and plays the show flawlessly. Monchito and Rumba crew fill in for Donohue.

## NIXON CAFE

(PITTSBURGH)

Pittsburgh, Jan. 21.

Fran Eichler's orch (8), Dawn & Darrow, Mack Ross, (8), Bob Carter, Angelo Di Palma, Rockets (6).

With the only hot spot in town that pays its own way come hell or high water, the Nixon Cafe actually operated right through '38 closed. Tony Conforti can afford to stall out for a while, but he's not a slacker. He's booked by Joe Hiller, represent the class of the nifty talent in these designs and current one's up to snuff.

Not exactly so, with Dawn and Darrow (New Acts) topping the layout with their slick ballroomology and adding plenty of class to the flesh display. Mack Ross, then, a close second with a smart turn of familiar genesis but done well enough to silence the copy-cat crew. It's on the order, also, has a nice of piped to the gob get-up, a combo of acro excellence and comedy tricks, with little or no emphasis on the hoofing department.

They're over big here, however, since what's accepted matter-of-factly by a theatre audience looks like a million dollars in a night. Slightly, but not a little. Still a big-time fave here is Angelo Di Palma, operatic tenor going into fourth year here and then at his late date unable to get without at least half a dozen songs. Bob Carter, featured vocalist with Fran Eichler's orch and a radio name locally, also has a nice of piped to the gob get-up, a combo of acro excellence and comedy tricks, with little or no emphasis on the hoofing department.

Xon-line of six girls is just fair on both talent and looks. Could give them a break by showing the same more often. Out of three numbers, the Nixon Cafe has a good one. There's the femmes undressed and that's the finale. Leg display is what they want at the ringside and the Nixon Cafe has a sufficient advantage of its good-looking underpinnings.

Eichler does the m.c'ing, too, sticking to straight announcements. His band, a large spot in the new category for dance and show purposes, without revealing anything stylistically out of ordinary.

## Garden Terrace Room

(Benjamin Franklin Hotel) (PHILADELPHIA)

Philadelphia, Jan. 21.  
Red Norvo's orch (13), Terry Allen.

Latest Philly concession to the stay-outs and, without a doubt one of the town's most appealingly decorated large spots is the new Garden Terrace Room in the Ben Franklin hotel. There is no floor show and none is contemplated, name bands being figured as plenty of marquee draw in this large, airy, comfortable niter. Currently occupying the stand is Red Norvo.

Room, allowing a load of elbow space, is a large, airy, comfortable room, could easily be doubled with smaller tables and less space between them. Unfortunately, except on Saturday nights, there is hardly need for additional capacity. The layout is good for that is the utter lack of publicity given spot. Levy is reasonable enough. There is no cover, but a minimum of one drink is required, and \$1.60 on Saturdays. Most drinks are 50c.

Red Norvo's newly reorganized 13-man crew consists of four saxes, three trombones, four drums and four rhythms. Eight of the men are from the old band, principal change being Les Burness at the piano. He came over from the old band. Stew (Continued on page 51)

# A Saga of 47th Street

By Bill Halligan

The Old-timer leaned against the wall of the Somerset hotel on 47th street, his flashy polo coat of ancient vintage shining like the light in an old maid's eyes. 'How about a cup of coffee?' you inquire casually and he nods acquiescence, like a judge in the stand at Belmont. 'How's things along the rialto?' you ask as you order a little brandy on the side. 'What rialto?' he snorts. 'Surely you don't mean this 'Lane of Despair'—47th street? Let me tell you something, Bill! I settled in comfort for the story.'

'When vaudeville suffered its second stroke, the fountain-head of talent in America went into a tailspin. No survivors. I don't know what put the kibosh on the two-a-day... it ain't no place... but when the boys started to come in, the 3,500-seaters, the handwriting was on the dressing room wall. Then along came the talking picture and the sidewalk comic, and the old lib wisecracker took Horace Greeley's advice, 30 years too late and headed for the last frontier, the Vaudeville Casino Theatre. The public asked for it and they got it. And how they got it! There isn't anything science hasn't done to make the public laugh, cry and applaud, but there isn't any machine invented yet that will raise a kid in a wardrobe trunk—an actor's kid.'

'That sounded like the tag to me, but that's where I was wrong. The old-timer kept right on. I ordered another brandy.'

'Tell me one thing, Bill,' he went right on, not waiting for an answer. 'How do you think the Vaudeville motion picture cut-ups know when the laugh is coming when they haven't an audience to tell them they are as dead as Kelsey Allen's last year's criticism? You ought to know yourself, Bill. You used to be a vaudeville comic. Ah, and you got plenty of bellies. A matter of fact you still have them. (I ignored the reference to my embonpoint.)'

'Remember the old days,' he continued. 'You took a batch of untold material out on the Pan time, or the Western Vaudeville circuit, and after you puttered around with it for 10 or 15 weeks, and you had all the deadwood cut out of it, every line was a laugh. Then you got a showing at the 5th Avenue, or the American Roof, and after the first show it was only a matter of how much salary you could get. It took time, but it was worth it. Now, in radio station or a motion picture studio, it's got to be perfect the first crack out of the box or you are a dead pigeon. That's why you can't tell me one first-class comic the air or the pictures have ever produced.'

'That's the old days, Bill. I nodded. 'Well, there have been a few nutshells. They have more money than I have troubles. They opened five years ago with a mammoth revue. They spent a ton of mullah for costumes and scenery. They had a cast of 200, and an orchestra of 75. And what happened? It did what it does in one all by his lonesome. It stole the show badly. A lad with some genius in his feet—Ray Bolger. Talent doesn't need a gold curtain. It wasn't long before the Radio City Music Hall found out that a lot of empty seats were a bad thing. They fired everybody and started a new deal. They hired some dancing girls—50 of them. And they got a genius named Russell Markert to teach them what to do and how to do it. They were a knockout. That was five years ago. Can you tell me one thing that's in it since then that would make a man pay a dollar to go in there if they took those marvelous girls out of the show? You know you can't. And perhaps there was something in what he said, at that.'

'The Old-timer busted right out in a laugh. 'What's so funny?' I in-

quired. 'I was just thinking,' he said, 'what Johnny Royal would do, or what Johnny Harris would do, if anyone tried to book a strip-tease artist into Cleveland or Pittsburgh in their day.' (Shades on E. F. Albee!)

'Another thing,' he rambled on. 'Do you know of any colored comic like Bert Williams, or a singer like Florence Mills, or a colored dancer like Bill Robinson? Boy, that's why darkies were born. Audience reactions made them and don't let anyone try and convince you different. The Old-timer lighted his pipe without losing a syllable.'

'I see where they just put up another monument to Will Rogers. Well, the more the merrier. Will wanted it that way. Say, after he got into those pictures he felt so lost that he rambled all over the country talking at dinners and conventions for nothing. He couldn't get the applause or the laughter out of his blood. He loved it. It listening to an audience howling with laughter and applauding their hands off isn't 50% of the salary, then tell me what is. What a thrill. You get your pay and more than your pay when you've asked that glory but you get a quick away. The Old-timer winked. 'You didn't know I could quote Sacha Guitry, did you Bill? Well, it's not all glory either. You got to put some hard work in it. I remember back in 1908 I was playing Shea's Buffalo. There was a kid named Ed Wynn who said, "He's got to be one night and said, "Charlie, I'm quitting this act next week. I'm on my way to bigger things. Some day I'm going to be one of the greatest comics in America." No tomorrow or next week, but some day. It took Wynn years, but he made it. It went home nights, dug up gags and comedy props, saved his money, sacrificed and went without. Yep, he saved his money and it's a good thing he did. If he hadn't he would never be where he is today. Wynn walked out when the actors went on. They put the bars up on him. He was a dead duck. He couldn't get a job when the strike was over. Ed Wynn sat in Abe Erlanger's outer office every day for a year, waiting for an audience with the great man. And then one day, he got tired of waiting. He got up and put on his own show. He put up his own money and he opened in an independent theatre. The audiences laughed so loud Erlanger heard it in his sound-proof office and Ed Wynn came into his own.'

## Jolson's Marathon Mammying

'I saw Al Jolson once in Lincoln. I was there with the Orpheum show. Al was in a Shubert musical. After the show was over, the other actors were over at the hotel bar, Jolson was still singing and holding them in. He sang until he couldn't sing any more. I saw him do the same thing in Victoria, B. C. As long as he didn't have to catch a train, he would stay and sing. He put up his own money and he opened in an independent theatre. The audiences laughed so loud Erlanger heard it in his sound-proof office and Ed Wynn came into his own.'

'Well, they are still up there today—Ed Wynn and Al Jolson. If ever two men deserve success those two do. One thing is a cinch. You can't get it sitting around Lindy. No more. You can lose it, but you can make you a present of it overnight.'

The Old-timer paused for station identification. I ordered two more brandies.

'I don't want to put myself away as the last word on how to get a giggle out of the straight man for a lot of comic and I have had some experiences that's true. But laughter is an elusive thing. When you are standing alongside a real comic you can feel the laugh coming, and when you have an audience in the palm of your hand you have got to hold them. You can lose it in a second if your timing is bad. But the knack takes time and practice and it can't be done with one shot in front of the greatest camera or mike that was ever invented. You might get away with tragedy or a grab dance, but after all the foundation of the theatre is laughter. I guess that goes for life, too.'

I remembered a forgotten appointment and left the Old-timer sitting in the corner. As I walked down towards Broadway I was still thinking of what he said.



THE DAILY MIRROR

### Chick Webb and Band Big Hit at Paramount

By EDITH WERNER.

True Confession! It's got us! After listening to swing bands objectively for 10 these many months, this reviewer found herself the other noon tapping her feet, beating time and humming along with all the other jitterbugs present at the Paramount. Why one beat of Chick Webb's drums and a note of Ella Fitzgerald's voice made the whole theatre swing-kin. This is Chick's first appearance at the Paramount and judging from the reception he received, he's due for a return.

'Blind Mice'-Chick Webb Combo Bats \$22,000 in Detroit

'MEMORY'-WEBB BIG \$11,500, K. C.

PHILLY HOT FOR SWING; WEBB HITS 25G

B'way Grosses Good; 'Sailor'-Webb Orch. Nifty \$40,000, '4's a Crowd' 75G

Webb Band Boosts Buffalo "Darling" \$18,400

Webb-'School' Swing \$18,000 In Baltimore

Opening 4 week Engagement..  
COCOANUT GROVE  
PARK CENTRAL HOTEL  
THURSDAY, JAN. 26

## Cleve. Cracks Down on Bingo Fraud; 20 Cafes May Be Shuttered by Police

Cleveland, Jan. 24.

Twenty cafes may be shuttered by a police cleanup aimed to wipe out bingo racketeering. Happy Hour Social Club, said to have been the chief violator, had its license to operate bingo parties revoked because of alleged fraud.

Owners tried to pre-arrange a fix with winners of a big pot, according to cops, but frameup boomeranged. A couple from Akron said they were offered \$10 if they would turn back the \$250 prize to the house. Instead of doing it, they walked out with the dough. Couple asserted they were followed all the way home by one of the irate owners, and that he attempted to kick their front door down. Cafe proprietors deny charges.

Affair created such a bad odor that police department is giving all bingo niteries until Jan. 30 to reform and get a new type of license. Under the new one operators will have to turn 40% of game proceeds over to charity and have their receipts double-checked nightly. Tax is 'oo high, answered a number of bingo promoters, who plan to close down rather than risk pinches for fines.

### Minneapolis Reform Wave

Minneapolis, Jan. 24.

Several dozen warrants have been sworn out against niteries operators here, charging violation of the gambling laws. There already have been several convictions.

Reformers have also been trying to stop after-hour and Sunday selling of liquors. Niteries claim they can't exist unless they're permitted to dispense the hard stuff into the wee hours of the morning and to run the '14' and other games.

Union leaders have stepped into the fight. They claim that if '14' is stopped nearly 1,000 people will be thrown out of employment. A move already has been started to obtain legislation to legalize '14' and to extend liquor closing hours.

## Bonney Holds Interest In Fay's Straight Vaude

John W. Bonney, actor turned lawyer, is financially interested in the straight vaudeville policy Frank Fay will introduce at the Hudson, New York, first week in February. He is one of the incorporators of Bigtime Vaudeville, Inc., the business tag of Fay's venture.

Harry Delmar has been engaged to stage the show. Ken Nichols will write the special music.

## In a Spot

(Continued from page 3)

be something the various partners wouldn't shed any tears over. They all stand to gain, since if there is complete separation, those now having a part interest in various strings would no doubt be permitted to take 100% control. At the same time, any expansion of the future would not present the questions now raised unless the Government determined to also hold the indies down.

There has been no official indication of how affiliated theatre associates of the big film companies feel concerning divorce as applied to producer-distributors and picture houses, nor whether they will go to bat for the majors which face separation—Par, Warner Bros., Loew's, RKO and 20th-Fox.

## Girl Singers.

(Continued from page 1)

the Three Barons or solos by members of the trio. It's a maybe strictly.

Jackson Teagarden, whose new crew is currently in rehearsal, is auditioning singers. Harry James, ex-trumpeter with Benny Goodman, also with an embryo crew in rehearsal, will use one, as will Teddy Wilson, who starts a new band in March.

Gray Gordon, currently at the Edison hotel, N. Y., is looking 'em over, as is Blue Barron. Tommy Tucker, Gordon's rival in 'Tick Tock' rhythm, and Woody Herman and Eddie Rogers are also in the market. Nat Brandwynne at the Essex House, N. Y., is open to suggestions, along with Benny Carter, who's angling for a colored pipe.

### Williams' Girl Trouble

Philadelphia, Jan. 24.

Clem Williams, socialite baton waver, has gal trouble. Last week he lost the sixth femme vocalist with his crew in seven months. She is Kitty Kallen, chirper on WCAU. With that, Williams has decided to give up the whole idea and will continue only with Elmer Hofmann, male warbler.

Caharies with Williams, in order of their appearance, were Joan Barrie, WIP songstress; Nita Bradley, snatched from Artie Shaw; Patti Morgan, likewise a former Shawite; Selda Castile, formerly with Mal Hallett; Betsy Ross, picked up out of a dance team where Williams was working, and Miss Kallen.

## Vaude Backfires

(Continued from page 1)

for vaude. Informed at booker's office that an 'audition' was in order. Act took it though smelling a mouse. At Fabian theatre, Hoboken, act asked others 'what they were getting for the week' and was informed it was only a one-day stand and that salaries ranged from \$2 to \$5. He had thought the date was for a week.

### RKO Time Included

Some of the N. Y. 'time' listed includes: RKO's 58th Street, 90th Street, Kenmore, Coliseum, Madison, Hamilton, Chester, Fordham, Albee, Royal, Tilyou, Franklin, Dyker, Orpheum, Bushwick and Greenpoint. Some of these houses are farmed out to indie bookers, others are booked from the theatre department.

In New Jersey, Warner and Fabian are going 'flesh' with the Lincoln and Central, Union City; Fabian, Hoboken; DeWitt, Bayonne; Embassy, Orange; Savoy and Ritz, Newark, and State, Jersey City. Globe, Bridgeport; Poli, Waterbury, and Proctor's theatres in Yonkers and Mt. Vernon. In Philadelphia the Frankford, Alhambra, Allegheny, Oxford, Kent, Cross Keys and Savoy also operate in this manner. Harry Biben books latter group.

A lot of it is being called vaudeville, revue, new talent night, etc., in an effort to get away from the labels of amateur night, opportunity, etc.

### Hire Small-Stage Workers

Many theatres limit bookings to acts that can fill small stages. Houses using small rostrums require no vaude license. License department in N. Y. has clamped down on some because of poor working conditions, such as lack of dressing rooms, fire hazards and accident possibilities due to cramped space. Only singing and music acts are permitted while costume changing, novelty, comedy or dancing acts are nixed.

Latest addition to the collection are the N. Y. Skouras houses. One-time regular vaude stands, the Riviera and Academy of Music are offering New Talent Hours. Circuit includes Crotona and Park Plaza, with Vincent Burns' band musicking for alleged tyros.

## Mono's Stock

(Continued from page 3)

change of present corporate calendar year ending July 1 to a new fiscal year ending on June 30.

At the last meeting of board of directors, a proxy committee was appointed, consisting of Johnston, O. Henry Briggs, Sol A. Rosenblatt and J. A. Sisto.

### Brokerage Suit

Monogram Pictures Corp., of New York and Delaware, will ask N. Y. Supreme Court Justice McGeehan on Feb. 1 for an order directing Charles H. Lehman and William A. Graham, agents, for a further bill of particulars in connection with the latter's suit for \$195,000 which they claim is due as commission for obtaining a prospective purchaser for Monogram stock in 1934. Other defendants in the action are Joseph A. Sisto and the estate of the late Joseph Jefferson Cohen, the last named two as individuals and co-partners in the brokerage firm of J. A. Sisto & Co.

Lehman and Graham contend they were hired by the defendants to dig up a stock purchaser and that they had obtained prospective purchasers of stock totalling over \$300,000. They demand payment on the latter amount at the rate of 5%. The defendants contend the claims are 'vague and indefinite' and want the plaintiffs to be more specific in their complaint.

## Pitt AFL-Cafe Owners' War Looms Over Employment of CIO Performers

### N.A.B. Meetings

(Continued from page 37)

Elmer of WCBM, Baltimore, former NAB president, was present and also took part in the sessions, which were conducted on a round table basis.

Other matters discussed included self-regulation, religious and political broadcasts, liquor, wine and beer advertising, copyright bureau, use of phonograph records, musicians union, wage and hour law, and legislation.

Press was excluded from all sessions by Gene O'Fallon, director for the 14th district.

### Celler's Bill Up

Washington, Jan. 24.

Proposal to free broadcasters of any responsibility for defamatory statements made by outsiders over their facilities was advanced in Congress last week in the first concrete move to reconcile the conflicts between separate provisions of the Communications Act.

Amendment to the Judicial Code which would provide a way out for bewildered station managers was introduced in the House by Representative Emanuel Celler, New York Democrat, who has sponsored several other measures in past years relating to broadcasting. From the standpoint of the industry's selfish interests, his proposition is the most important advanced so far this year, although a hedge-nodge of disaster full bills already is before the lawmakers.

If enacted, the suggested new section of the Code would bridge the gap between the anti-censorship clauses of the act and the views of the FCC that each licensee is directly responsible for whatever goes over his antenna. On precedent-creating occasions, state courts have ruled that stations are co-liaible with the speller, even in such instances as political campaigns—where the law specifically denies licensees the right to blue-pencil copy—whether the time is paid for or donated gratis.

Under the Celler measure, the owner, lessee, licensee, operator and their agents would be protected from any claims for damages for 'any libelous and/or slanderous and/or defamatory statement published or uttered' by any other individual providing 'due care' was taken in advance 'to prevent the publication or utterance of such statement or statements in such broadcast.' By implication this would temper the no-censorship clause in the section dealing with political campaigns, though there is still room for debate whether a general declaration such as Celler's would over-ride a specific statement of policy without a direct reference.

Pittsburgh, Jan. 24.

Open warfare in the niterie belt here threatens to develop between the AFL American Federation of Actors and cafe owners playing acts belonging to the newly-organized CIO United Entertainers Association in Pittsburgh. George LaRay, international rep of AFA, is demanding, closed shop agreements from cafe owners, with threats of picketing and withdrawal of union bands in event of failure to comply.

First setto came last week at Plaza cafe, when Freda Pope and Eddie Hess, co-owners, booked a turn aligned with the CIO group. LaRay informed operators that if act wasn't cancelled at once, he'd appeal to Musicians Local 60, with which AFA has a working agreement, for walk-out of Jimmy Peyton's band there.

Hasty series of conferences ensued, with Miss Pope and Hess stating they had a contract with the performer involved long before organization of CIO here, and they refused to cancel. LaRay agreed to back down on demands temporarily, with situation between two organizations in status quo over the weekend.

Plaza management stated it would make closed shop agreement with AFA only if its other competitors, Nixon, Show Boat and Italian Gardens, would do the same. So far, none of the others has given indication of signing. AFA is first actors group recognized by CIO and has membership of around 130, most of them local niterie performers.

For time being, musicians' union is keeping in background and so far hasn't called out any of its bands in any spots where CIO entertainers are employed. Turn at Plaza that brought about the trouble was Mma. Eske, and although she belongs to neither organization, her assistant, Joe Curry, is affiliated with the CIO group.

## Della Lind Bankrupt; Niterie Singer Owes 27C

Greta Natziel Steiningser, sister of Billy Rose's Diamond Horseshoe, professionally, Della Lind, and Greta Natziel, filed a petition in bankruptcy in Federal Court last week placing her debts at \$27,740 and no assets. Her largest creditor is David W. Butler of Los Angeles on a note for \$17,289, secured by a deed to property at 144 North Layton Drive, Los Angeles.

Other creditors listed and the amounts owed are: Radiotone of Hollywood, \$85; Screen Actors Guild, \$45; Dr. Roy Brownson, care Metro Studios, \$87, and the William Morris Agency, \$250.

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## CLOSE ARCADIA, PHILLY, AFTER WALKOUT

Philadelphia, Jan. 24.

Long in financial hot water, the Arcadia-International, nitery here, closed its doors 'indefinitely' Saturday night (21) after kitchen help refused to work until they got pay they claimed has been due them since before Christmas. About 100 guests were in the spot at the time and had been served the first courses of their dinners when they were requested to leave.

Warned earlier in the day that they wouldn't work until paid, Arthur H. Padula, operator of the nitery, informed the kitchen workers it would be impossible to give them back wages until the evening was over. They then walked out. Waiters, bartenders and busboys followed, but there was no picketing.

Padula is now expected to claim the union broke its contract with him. Majority of all help must approve a walkout, he claims, but waiters and bartenders were not in favor of it Saturday night (21) when they make their biggest tips. Claimed that since there had been nothing for them to do following the kitchen strike, waiters, bartenders and busboys walked out, too.

Padula will now have an opportunity to carry out a plan proposed at a creditors meeting last week. Suggested at that time that the Arcadia open only for lunch and dinner for which business is fair. It would close at about 8 p.m., eliminating the expense of a band and floor show.

Clem Williams' band, incidentally, is owed one week's back pay by the nitery, according to the American Federation of Musicians. Union had been collecting the money and doling it out to the bandmen following reports of a 'kickback.' On Friday (20) the local collected \$127 due from the previous week.

Padula and other execs are expected to hold a confab today (Tuesday) to decide on future action. Arcadia, then a straight restaurant, went bankrupt in 1932 and was completely remodeled and reopened two years later under Padula's management. Paula also owns the Anchorage.

### Saranac Lake

By Happy Benway

Jean Hersholt and his wife ogling the Will Rogers and getting ideas for building an institution of the same kind on the Coast. He's chairman of a Motion Picture Relief Fund committee.

Eddie Vogt (Vogt and Hurst) successfully took the first stage of his operation.

Mother of Dr. Henry Leetch, formerly on the NVA medical staff, passed away.

Arthur Alvarez, here years ago, and now special announcer over WNBZ here, has been penciled in for a Columbia audition.

Dennis Sullivan, formerly with the Comerford Circuit, here from Providence for a checkup and went back with the o.k.

Jack Martin's Melody Hounds, who play nightly at Foster's Grill, include two former actors' colony ozoners.

Mark Carson, who caters a lot to the colony, has pneumonia.

The James Heagneys (she's an extensor for Klaw & Erlanger, he an ex-p.a.) are both doing well now after a trying period.

(Write to those who are ill.)

## UNIT REVIEW

### Personality Parade (CAPITOL, ATLANTA)

Atlanta, Jan. 22.  
Bert Van Dusen, Four South Sea Islanders, Stewart & Folle, Cropley & Violet, Arvola Van Dusen, Bobby Knapp & Buster King, Enrico Leide house orch (7) and unit band (5); 'Devil's Island' (War).

New deal stage show policy augurs well for Capitol if this show is an example of things to come. Under new setup, Harry (Lark, Chicago producer, has been named exclusive agent for booking six shows for Lucas & Jenkins, Inc., theatres in Georgia.

This unit, titled 'Personality Parade,' has zippy tempo, being clocked in 48 mins. There's 17 in company, including five tooters under direction of Milt Henkin.

Bert Van Dusen is m.c., and, following overture, South Sea Islanders, three men and a gal, open with native and pop tunes, femme, Lois Mack, offering a hula. Sister team, Lillian Folle and Vivian Stewart, follow with a creditable soft shoe number. Rope spinning adagio turn by Slim Cropley and Violet Hornbrook, although seen by Cap patrons many times, scores. Van Dusen's then joined by his wife, Arvola, for some patter and hokum at the mike, after which femme goes to work on xylophone, pounding out 'Waiting for the Sunrise' and medley of college tunes, winding up with 'Rampling Wreck from Georgia Tech.' She was formerly member of Libinatti Trio of woodpile beaters.

Stewart and Folle return for a swift acrobatic dance, making way for Knapp and King's click acro act. Cap's stage has undergone a face lifting, including new bard car and new scenery. House maestro, Enrico Leide, now works in white tie and tails.

With Clark booking the L. & J. houses now, the Bijou, Savannah, and Ritz, Macon, have been lighted up again and units that play Cap will jump from here into those spots. Units are now playing Royal, Columbus, another L. & J. house, and it is probable that this outfit, which has nearly 60 theatres in state, will open other spots where stages have been dark for years.

Capitol's business Sunday (22) was overflowed, fully 400 standees crowding foyer and outer lobby. Luce.

### •15 YEARS AGO•

(FROM VARIETY)

Organs reported dying out as attractions in Buffalo film houses.

Columbia Amuse. Co. turned over \$1,571.45 to Actors' Fund. Collected as taxes on passes.

Germany wanted foreign vaudeville acts as result of stabilization of mark on gold basis.

Max Hart's \$5,000,000 anti-trust suit against B. F. Keith and Orpheum went into last day, with courtroom jammed.

Eddie Cantor appeared at the Palace, N. Y., to auction copies of Nellie Revell's book, 'Right Off the Chest.' He had a day off from 'Kid Boots.'

'Dumb' and acrobatic acts revived at the Hippodrome, N. Y.

Competition among vaude booking agencies grew so keen agents listed clients with numbers in their books instead of names.

'Miracle' grossed \$50,876 in first week at the Century, N. Y. Overhead \$35,000 weekly. Deficit expected, though.

Frank Gillmore, Equity head, claimed 2,000 members as he arrived on the Coast and demanded 48-hour week from film producers.



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## 'Worst' Nitery with 'World's Louiest Shows' Going Into 14th Yr. in Balto

By HOWARD BURMAN

Baltimore, Jan. 24. A nitery, in business 13 years in the same spot, featuring practically the same type of show, and mopping up in spite of a consistently frank admission of operating along entirely unorthodox lines, is a show-business paradox. The Oasis, local slumming spot, operated by 'Sheriff' Max A. Cohen, is celebrating this week the advent of a 14th lap with the ropes still up every night and customers battling to get in on the low-down whoopee.

Located in a basement in the heart of the local tenderloin section on the wrong side of the tracks, The Oasis features a colorful form of advertising which blatantly boasts of being 'the worst nite club in America' featuring the 'louiest shows in the world.' Customers are asked to 'walk down one flight and save nothing.'

The 'show' goes on intermittently and 'until exhausted,' and consists of 'specialties' by members of the line of 16, which ranges in ages from 20 to 'too late for Social Security' and in size from bantam to beeftrust. Paced by Willie Gray, who is said to have passed out in the joint 12 years ago and forgot to leave, the gals are introduced as 'from the House of the Good Shepherd' (a local home for delinquent females) or 'direct from Broadway...and Fleet street,' a particularly unsavory nabe jutting the waterfront. At the conclusion of a 'specialty,' the customers are 'warned' that if they thought it was bad they'll get a real eye-opener on the next.

Interpolated numbers are offered

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by Dianne Berten, 'Fin' and Jean Mitchell, peckers, and Alma White, who whacks out obvious vocals in lusty style. Occasionally, recruits from among the 24 waitresses essay a number, bolstered by vociferous encouragement from the customers who quickly get the feel of the spot and let their hair down in surprising ensemble number, the chorines, who may be seated all around the room, pull off evening gowns, which they wear over their abbreviated costumes, and go right into their routine.

Rigid decorum is maintained by 'Machine Gun Butch' Gardina and 'Little' Jack Horner (six-foot, six). Cash customers are representative of all social strata. Cohen maintains a no-cover-no-minimum policy with menu tariffs moderately scaled. No extra jolt is put on for week-end, holiday nights or New Year's Eve, the expressed policy being not to tax the 'good-time-Charles' on 'suckers-night-out.'

Decorations are rather lurid and an expensive air conditioning unit keeps the room comfortable and free of smoke the year round. Summer-time trade holds up as well, and sometimes exceeds winter takings. Cohen, keeps a careful eye on all that goes on, doing his own buying and supervision from opening to close. Few tabs are run, a pay-as-you-go policy prevailing with seldom a beef.

Celebrities from the political, social, sports and theatrical life of the town and nation gather here nightly, congregating in the back room adjoining the service bar. Hot foots, hot seats and the usual routine are old stuff here. Shrimp, oysters, crabs, steaks, herring or gigantic hot dogs are served to the guys in the back-room, and refusal to partake of the free lunch is treason punishable by indelicate and gaudily applied sanctions.

It's a bonanza for Cohen. Because of it, he has been able to accumulate the entire block of real estate surrounding his 'institution,' and a reputation in business and financial circles, resulting in a Dun & Bradstreet rating seldom granted a nitery.

There may be a show business lesson here, and again it may be just one of those things, but the Oasis is definitely one of the wonders of cafe society.

### Carroll's 3d Philly Cafe

Philadelphia, Jan. 24. Sky Top Club, owned by Mrs. Tillie Lockman, has been sold to Stanley Carroll. It makes Carroll's third cafe, as he already operates Carroll's and the Yacht Club here.

Carroll's lease permits him to drop the property if he's unable to make the spot show a profit in a short time.

## Burlesque Reviews

GAIETY, N. Y.

June St. Clair, June March, Lillius Cairns, Joan Dare, Betty Rowland, Steve Mills, Herbie Faye, Russell Trent, Mill Bronson, Chet Atland.

Minsky-Herk combo has had much better shows than current crop. Show is light on names, comedy, looks and ability of peep parade, except for June St. Clair, June March, and dancer, Lillius Cairns. Costuming and production are up to usually good standard, the best locally.

Steve Mills and Herbie Faye, handling the funny assignments, are hard to take following such comics as Phil Silvers, Rags Ragland, Red Marshall, et al. Neither puts much into his efforts while their bits are unfunny. Russell Trent, juve and burley's Beau Brummel, helps some, as does Mill Bronson, but it all adds up to mixed giggle. Chet Atland, singer in production numbers, helps a little.

Betty Rowland, once star of the Gaiety, is now doing a straight peep. She now has a limited dancing ability with her stylized strip, but has now gone completely to the raw beef stage, doing an awkward strut that winds up in a vulgar bumping session.

June March, a looker, stands out for ability to tease without resorting to bawdy stunts. Comparatively new to the field, she's promising. Miss St. Clair puts a little showmanship into her work by opening with a poem, 'Sadie, the Tattooed Strip Teaser.' She's a rather buxom blond, with long hair, who puts spice into her dance. Joan Dare is a lightweight skinner.

Miss Cairns, capable acrobatic and toe dancer, is spotted throughout. Nice costumes and routines. With exception of one song, backgrounded by thorus and deadpan showgirls while doing her con-tortion-dancing.

Quick-peek stripping and limited upper-story undraping of showgirls would suggest that license department's watchdogs are being heeded. Comedy is cleaner than before the cleanup, with only Mills going overboard. Chorus is as out of time as ever, but better in looks than average line. Hurl.

### STAR, BROOKLYN

Phil Silvers, Tommy Raft, Joe Lyons, Evelyn Myers, Mildred Clark, Irene Austin, Ermine Parker, Stan Simmons, Rose Heatherly, Millie & Bubbles.

With the fold of Werba's, which operated at the beginning of the season as an Izzy Hirst stand, the Star, situated in the same name, has no opposition now. Under the production efforts of Allan Gilbert and it spells better than an average show, which is reflected at the box office when the Friday (20) night was close to SRO.

Foremost appeal is Gilbert's work in laying out and dressing up the various production numbers. It's apparent the output at this house is on a bigger nut but the response seems to make it worthwhile. Biz good when right away (20).

All of the houses in New York are working under BAA agreements which, beside regulating hours, etc., also includes ban on stale. Most noticeable is the curb on line nudity. It's apparent here.

Following closely behind the production is the comedy of Phil Silvers and Tommy Raft, straightened by Joe Lyons. Silvers is one of the best laugh-getters in burley, and though he's not quite as effective as when he was teamed with Rags Ragland, goes over easily in being coupled with Raft. Material is from the book, except for one try, but with occasional changes and ad lib, draws its quota of laughs.

Outstanding is a piece Silvers has been doing for some time. Brings him on as Hitler decorating aides for their efforts in propagating the race. Opening piece, picturing Silvers and Raft as Scotchmen, gets over. Another oldie with Lyons as a cop, gets a scream when Silvers cracks: 'What did you do with those records,' referring to the missing police car. The piece in N. Y. Finale seems original, being built around the game of tossing baseballs at a live target. Raft gets the laughs here as the target, with Sil-

vers displaying a Van Mungo arm and control. Evelyn Myers heads the women list. She's supposed to be one of the topnotchers, but doesn't show anything more in style or appeal here than any dozen of her contemporaries. Works entirely too long in view of the curtain payoff, which doesn't compensate. Irene Austin, who skits as well as a strip. She's smooth and satifies. Mildred Clark precedes her turn with a vocal of 'Hurry Home.' Voice is pleasing but not strong enough to offset her real reason for being out there. She's of the bumping school and is appreciated.

Ermine Parker's strength is threefold. She also vocals 'Find Out What They Want.' Has a nice voice and strip is okay. Uses a gag variation of Carrie Finnell's animated tap and line. Good for laughs and hard when going off.

Rose Heatherly and Millie and Bubbles open the bill. Former works in two spots with the line, trying first an acro and later a ballet. Neither is very well done. Millie and Bubbles and a colored team who are better received in military. They're a little tough, but work is open to plenty improvement. Pit crew here is above average.

### CASINO, PITT

Pittsburgh, Jan. 20.

'Stripe Me Pink' unit with 'Carrie Finnell, Sam Raynor, (Fats) Hyatt, Gladys McCormick, 3 Lunatrix, Marie Cord, Ruth Brown, Charlie Harris line (16).

This is one of the peep wheel's weakest. The line it's been clapped together hastily without much material or preparation. Comics are all right, but their stuff is out of lower date. It's not funny, it's not dirty—just dull.

Only excuse for 'Strike Me Pink' is Carrie Finnell, an oldtimer in burlesque, but still one of its standbys with her popeyed specialty. What she does can't exactly be described in print, but she's been doing it so long there probably isn't any strip student who doesn't know what it is she swings and how. Buxom gal's making only one appearance, next-to-closing, and then only for a minute or two. That's not enough for all the monotony one must wade through to reach her. A slot earlier in the unit would be helpful, although doubtful if even that would redeem this one.

On the comedy, Sam Raynor and Happy Hyatt, usually dependable, are under wraps. Bits haven't any punch and sketches are long and tedious. Raynor also works with three Lunatrix, knockabout comedians, who might get somewhere with a little more originality. As it is, turns a case of Rites, three Stooges and Sailors. They've got the stuff, though.

Tease end is looked after all right by Gladys McCormick, good-looking blonde, and Marie Cord, who takes her undraping matter-of-factly. There's a pretty good acrobatic specialty by Ruth Brown, who has more s.d. than the usual burley ingenue, and some dated vaude warbling by Charlie Harris.

Chorus looks tired. Production also scraggly. Finale simulates a nitery set with all principals coming out for a bit. Cohen.

## BAA, Burley Mgrs. Snag On Pay for Extra Shows

Actual signing of contracts between New York burlesque managers and the Brother (formerly Burlesque) Artists Association, scheduled to take place a month ago, is being snagged by the BAA, who covering extra shows. Union stipulates performers must be paid one-fourteenth of a week's salary for each extra show, except the usual weekend midnight performances. Theaters want that reduced to one twenty-eighth.

Though contracts have not as yet been inked through John Masterson, recently named labor negotiator by the managers, the N. Y. houses have tentatively abided by the rules of the contract since Dec. 24.

## Oriental, Chi, Invites

Public to Rehearsal

Chicago, Jan. 24.

The Oriental has invited the public to squint vaude rehearsal each Friday morning at nine. Payees can see the feature and stage show.

Similar idea employed by Balaban & Katz, which adds a picture 'preview' on the final performance of an outgoing show at the Chicago.

## Harris Handles Ice Show

Chicago, Jan. 24.

Will J. Harris, legit and vaude producer, is handling a new ice show to open in the Chicago Arena March 1. Show is being produced by the Chicago Figure Skating Association, and deal is now on to tour it through the Midwest following its local engagement.

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LOUIS BOBOL, New York Journal-American

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# NEW ACTS

## THE REFUGEE REVUE

With Max Willenz, Halls Linda, Vera Kura, Beatrice Lind, Eda Garay, The D'Arto, Bob and Bertie Erle, Emma Rubenstein, Herbert Erle  
35 Mins.  
Casa Manana, New York

John Murray Anderson staged this "Refugee Revue" for Billy Rose's Casa Manana, which is paced as a 35-minute afterpiece to top off the regular "streamlined varieties." The fugitives from mid-Europe will probably prune their stuff to even better effect, down to around 25 minutes, after a couple more nights, but basically it's a showmanly thoroughgoing amalgam of revue, with perhaps best visualizes the plight of non-Aryan talent under existing conditions in the "annexed" countries.

To begin with, the personnel look more Nordic than Hitler. Goebels, Speicher, et al. They're young, fresh talented people, probably equally divided as to faith.

Max Willenz (Vienna) tees off a "Verboten Overture," calling for "Karlmann's" Sari Kallitz, Mendelson's "Spring Song" and "Wedding March," Oscar Strauss' "Chocolate Soldier," a couple of Offenbach excerpts and Emmerich Kalman's "Agatha" for "Countess Maritz," punctuating each snatch with an exclamatory "verboten," and a Nazi salute. It's an effective satirical interlude, and just about right for the sort of show. He might even cut down one or two excerpts for tempo, but, thereafter, minimize the palaver ribbing the Hitlerites.

Not only on the premise that this is entertainment is the modernization thought a better idea, but also for the reason it's best to understate the case than overemphasize. Halls Linda (Hamburg) and Vera Kura (Burg) and Beatrice Lind (Nuremberg, programmed; but announced as from Berlin) come on. They're three comely Austro-German females, two of them particularly lovely. Their English is a shade less accented than Willenz's. They do vocal snatches of "Vienna, City of Dreams," "Blue Danube," "Danube, No Wonder You're Blue" (American pop), "Zwei Herzen im dreiviertel Takt" and "My Widow," impressing handsily (Leipzig) and Rose Garay (Munich) essay a satirical ballroom bit, and Bob and Bertie (Helmman), who look like brother and sister, come on for twin-sylogizing of Gershwin's "Rhapsody in Blue" and a snatch of Johann Strauss. He's a handsome young man, she likewise comely; both rather typically Nordic in appearance. Next comes Rubenstein, another very blonde charmer, next with two Fritz Kreisleresque violin specialties, and likewise a click.

And then follow the discordant "Ell Bill," beautifully done, the twirling technique, by Herbert Erle, but he's more a cantor than a stage performer. His pathos seems rather silly amidst the "Viennese" pot-pourri. (It went out after the second show.)

Finally is appropriately the "Star Spangled Banner" and a rousing rhapsody to a worthy cavalcade of yesterday's claret.

Basically, the most captious can't deny the charm and appeal of the component talents. With the exception of the m.c. and Erle, all underplay the sad keynote, which can't be brushed aside altogether, because their very presence in America bespeaks of homeland sorrow. If one does choose to interpret any messages into this "Refugee Revue," there is plenty of mental fodder for the "Hearts and Flowers." But, likewise, there's enough basic good stuff, enough of another era to charm the others who would blind themselves to present-day history. Abel.

## RED BARBER

Sportscasting  
Mins.; One  
Shubert, Cincinnati

A topnight announcer of baseball and football games, Red Barber is also some pumpkins at the mike in the past five years. He is leaving to introduce broadcasting to the Brooklyn Dodgers diamond clashes for General Mills this season. His part at the WABC Shubert is in the nature of a farewell.

Around the 30-mark, Red is as keen in appearance as he is of tongue. Blends choice English with sports lingo and rustic humor, styling himself a country boy in the city. Besides a microphone, his props include National and American-league record books and a worn baseball scorebook and in-season averages on batters and pitchers in the major leagues.

After acquainting the audience with his dopo-recalling theme, Barber explains how telegraphic descriptions of out-of-town ball games are briefly transmitted and then dressed up for radio listeners. Finishes with a three-minute dramatization of the ninth-inning of Johnny Vander Meer's second straight no-hitter at Ebbets Field, Brooklyn, last summer.

A click with baseball bugs. Koll.

## SAM BARTON

Tramp Cyclist  
6 Mins.; Full  
Eda Garay, Music Hall, N. Y.

Being a tramp cyclist, the Joe Jackson analogy is inevitable, but while the pattern is the same, Sam Barton has much of his own stuff. To begin with, Barton can't be strictly new—he's merely unknown to VARIETY New Act files.

His panto with the breakaway bike is effective for a succession of chuckles, and it being new and unfamiliar. He also has new piece of business with his highly resined shoes, which skid across the stage as if they were on rollers. (Or perhaps there are miniature ball-bearing rollers built into the dilapidated pedal props, which create that skating effect; anyway, that's good for several laughs.)

His bike work, per se, is glossed over; the build-up to the "riding," such as it is, is the backbone of the act. The finale has him producing a miniature bike from guitar case, which he then proceeds to roller skate. The contortive Sam Barton rides off thereon for a nice laugh exit. It's a standard piece of biz with the acts of this type.

Good turn for any stage or cafe floor. Abel.

## Layman's Opinion

New York, Jan. 19.  
Editor, VARIETY

Will you set me straight on the following:

At 4:30 this afternoon I stopped in at the Music Hall to see the stage acts of the new show. I was delighted by the tramp cycle act, which I am old-timer enough to have seen Joe Jackson do many times over the years, but I was puzzled. The actor, from second row, looked like a young man, and yet I could not believe the ethics of the profession would permit such a substitution of a copy of a famous vaudeville act without credit given.

When I left at the end of the stage show I got a program and found in it the name of "Sam Barton." A "Cycle of Humor"—Sam Barton.

I cannot recall reading of Joe Jackson's death. On the contrary, it seemed only a year or so ago that I read that Joe Jackson had been for years delighting London music hall audiences with his same old act, and remember the story that he was still going strong (but my memory is too tricky to rely on that last part). It is just my own opinion that, even if Joe Jackson is dead, no actor has any moral right to adopt and use so famous and unique an act without giving credit in his billing to the original creator of the line. It seems to me that to do so detracts from the applause the copyist would receive.

The Music Hall has a responsibility in this case. I cannot say that they are in the clear. Secretary Byssell, with whom I have a friendly acquaintance, is on vacation; otherwise I would submit my complaint to him.

Henry W. Clark.  
(A reader of VARIETY for some 30 years.)

## Joe Jackson, Jr., Stands In

Similarity between Sam Barton and Joe Jackson's tramp bike turn brings to mind that Jackson has been grooming his son, Joe, Jr., in his routine. The billed Joe Jackson was booked into the R. C. Music Hall a couple of years ago; his son is reported to have played several of the shows without the theatre management getting wise.

Sam Barton claims he always has done a tramp bike turn, dating as far back as 1909, when he was teamed with his brother Joe. Later they split, Joe Barton doing a rube bike split, while Sam continued, he claims, the hobo routine. VARIETY has a record of Joe Barton's rube turn, reviewed in 1922.

## DICK TODD

Songs  
9 Mins.  
Strand, N. Y.

With considerable experience in radio and on records with Larry Clinton's band, Dick Todd is debuting in vaudeville with Leo Reisner's band. His pleasing voice and delivery, but can learn plenty about selling himself in person. Offered three numbers at show caught Friday night. He has obvious potential to get him offstage. He's currently on the Old Gold (Robert Benchley) radio commercial.

Personable looking lad with wavy blond hair, Todd uses the lazy bawling crooning style of Bing Crosby, but he fails to inject variety of expression, neglects to build up his numbers and consequently fails to get a good reaction. There is another contrast in the type of songs he offers. After one romantic ballad, all the others seem just so much padding. He has obvious potential, with shrewd training is a potential sock for vaude, nitery, radio or films. Hobe.

## ANN SOTHERN

Songs  
5 Mins.  
State, N. Y.

Ann Sothern, film ingenue, appears currently at the State with and as a part of Roger Pryor's orchestra. Pryor being the hubby and himself an ex-film actor. It's a nice personal appearance and handled with just a trace of joshing of the marital angle.

Miss Sothern sings a couple of ballads in disarming style, looks lovely and handles herself with easy grace. She takes over and starts directing the orchestra for a comedy touch at the curtain.

Her easy stage manner comes from long experience. She was Harriet Lake in Broadway musicals before going to Hollywood. Land.

## JACK DURANT

Comedy, M. C.  
Casa Manana, New York

Ed-Mitchell and Durant, Jack Durant is an even more effective comedian and m.c., trouping in yeoman fashion throughout the entire performance, pacing the proceedings and holding down a highly effective spot on his own.

Comes on very Earl Benham in top and tails, and simulates an on-the-level mike crooner, but soon goes into a comedy routine anent "what have I done?" (Herbert Marshall, Paul Muni) got that I haven't? adding that the only difference is they can buy me for a buck and a quarter. The topping trick in each sequence is that he can "do it" whereupon Durant harks back to his standard knockabout acrobatics, doing flips and somersaults from a standing position that are quite effective and not a little daring.

In between he does a Gable take-off — Durant's personality well matches the film star—plus bits of Mr. Marshall and an impression of Mr. Zerkow. His rib the crooners and an acro-dance finale take him off strongly. Thereafter, he's an engaging, but never obtrusive m.c. in handling the rest of the show. Abel.

## GEORGE HALE ICE REVUE (6)

With Dorothy Lewis, Eric Reiter, Jane Nicholson, Simpson Sisters, Sam Jarvis  
24 Mins.  
St. Regis Hotel, New York

"George Hale can take this snappy, six-people ice revue into any hotel, theatre or rink and wham 'em. Topped by that pittoresque Dorothy Lewis, a fugitive from Hollywood lens scout, it's a tiptop cavalcade of glacial pyrotechnics.

Miss Lewis, who came to attention when Music Corp. of America produced a "Fugitive from Hollywood" wood lens scout, it's a tiptop cavalcade of glacial pyrotechnics.

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George Hale has done an expert staging and producing job, getting plenty of business as well as the new pro, are a juvenile couple, he working in formal tails and lending a nice class touch to the ballroomology-surgance. Mary and Margaret Lewis, a beautiful and a beautiful former doubles into comedy sequences with Sam Jarvis. Jarvis requires his "Esquire" number, but this time he and his partner are in gay, S. Fritzger, formerly he was a very formal Eskay.

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## JAY AND LEW SEILER

Dancing  
13 Mins.  
Strand, N. Y.

Seiler has been around vaudeville years in various lineups, at first doing mainly a soft-shoe, high-kick routine, later adding a flock of tricks on semi-circular "skis." Currently teamed with a lad billed as Lew Seiler, though apparently merely for stage purposes, as the partner doesn't look like a brother.

Both lads are proficient at the soft-shoe, as well as on the skis, but they've also worked in a welcome bit of comedy. Jay sticks pretty much to straightening, while his partner does the laughing. Act has plenty of stuff, but would pack a more potent punch if cut almost in half. Virtually all the business could be retained, but the routine should be condensed with speed. Would be surefire if thus sharpened. Hobe.

## PEGGY HOPE

Songs  
Earle, Philly

Earle, Philly young femme was added this week by Ben Bernie as canary with his crew. Maestro's intro of her as a local lass and his inference that she

# Nitery Reviews

## Garden Terrace Room

(Continued from Page 46)

McKay is also new in the tenor sax position. Eddie Sauter continues to do the arranging and toots a trumpet. Music is solid but subtle swing. Rhythm is nicely casual, and Norvo mixes up the type of tunes well. Despite its solidity, music all sounds soft, which is at least partially due to the cork treatment given ceiling and walls of the room.

Mildred Bailey, Norvo's wife, is of course missing, preferring to tour on her own. Norvo therefor wisely refrains from adding another femme vocalist. Comparisons with Miss Bailey would be an inevitable and odious, as he explains. Terry Allen handles the male vocal department, and effectively. Lad has heart interest for the femmes and nifty chords for the men.

Norvo himself, of course, continues to thump his xylophone in easy and masterful fashion. Herb.

## Hawaiian Blue Room

(ROOSEVELT HOTEL, N. O.)

New Orleans, Jan. 9.  
Ramona's orch, Maide and Ray, Jane Claire, Flora Vestoff, Bobby Geyer, Six Jitterbugs, Lydia & Jorresco.

After getaway to disappointing crowd on opening night due to opposition from Carnival Ball, Ramona, Maide and Ray's band started packing them in the Hawaiian Blue Room Wednesday (18). Band dominates show, which features modest but good entertainment.

Ramona is surrounded with swell aggregation of musicians and her brand of music is varied and good. Rhythm section, paced by Ramona at piano, small but capable. Brass section gets good harmony, but is too forte for a room of this size.

Maide and Ray click in show with acrobatic dancing and rope twirling different from usual type to play here. Flora Vestoff's tap dancing gets over. Jane Claire is easy to look at and has swell pair of pipes, warbling several numbers in commendable style.

Bobby Geyer from band doubles in a vocal on "Old King Cole" that clicks. Lyda and Jorresco's team, mix slow waltz number with a fast fox trot and a rumba in fine fashion. Pair drew flock of encores. Six Jitterbugs, like babbling brook, threaten to run out on H. O. here for umpteenth time. Liuzza.

is getting her big chance results in hefty response, but cold appraisal, however, could hardly induce such enthusiasm.

Although a somewhat buxom blonde and quite attractive, her pipes are too high and thin for this type of warbling. Her salesmanship is also weak.

Chirps "Get Out of Town" and "They Say." Exhibits what sounds like an operatic tendency in her pipe-work and lack of a vital lower register. Herb.

## DAWN AND DARROW

Dancing  
6 Mins.  
Nixon Cafe, Pittsburgh

Young and personable ballroom tappers who show considerable promise. Femme member of team is literally girl friend of whirling dervish, for her partner escorts her through the dizzyest array of showy spins on the floor, and she packs legsters. In the straight stuff, kids are a bit ill at ease, but when they get into those tricky wind-ups they're a clinch for attention anywhere.

Dawn and Darrow have a flock of tricks that will stymie proceedings anywhere. For finishes, he has her merry-go-rounding high in air with only his mite for support. It looks plenty dangerous without losing any of the dignity tacked to their class offering.

They need only a little polish to get places. Their in-between stuff still's a bit ordinary until they swing into their knockout spins. Cohen.

## THE BILEYS (4)

Dancing  
14 Mins.  
Jack Lynch's, Philly.

Three boys and a gal, all apparently still in their teens, present a mild and appealing act. Although the technique is good, the quality of the act depends not on that, but entirely on the personal charm of each of the kids and on the socko routines. Even one of the four routines they do at Lynch's has been very clearly designed just for them, fitting perfectly their so-Irish faces and general appearance. Patnered after other family acts.

Quartet's hoofing is interpretative tap stuff. Each dance seems to have a little story to tell. They're equally good, from the three lads trying to make the girl and getting a brush-off in the opener, to the challenge rounds for the final encore. Herb.

## CHASE CLUB, ST. L.

St. Louis, Jan. 20.

Charles & Charlotte Lambertson, Three Heat Waves, Lois Best, Johnny Reese, Laurence Welk orch.

Quality rather than quantity features late shows at this West End class spot and Sid X. Hartman, who has been in charge of the place for the past 15 months, has successfully scouted the bistros for talent that might click in his club. With a clientele that demands the better brand of entertainment, Hartman must book acts from Chicago or New York.

Bringing the dancing Lambertsons, brother and sister, both deaf mutes, who follow the orch by sound vibrations, are a standout attraction. She's a looker, has chosen her gowns with care, and she is a personable young man. Their ballroom routines, done in perfect rhythm, are out of the ordinary. The Three Heat Waves, Steve LaMar, Red Fields and Johnnie Johnson, imported from the Drake Hotel, Chicago, do a combo of singing, dancing and playing clarinet, trumpet and guitar. They are above the average. LaMar is especially clever with a tap routine. Fields doubles as a m.c. for the show and sticks strictly to business, with no attempt to hog the limelight.

Lois Best, a blues canary with the orch, warbles "You're O.K.," starting off sweetly and ending with a bang, the brass section doing its share. Johnny Reese, also with the band, does a balalaika and imports a fine instrument in the band except the piano.

Club has a seating capacity of 150. Minimum of \$1 is set for week-days, \$1.50 on Saturday. Sahu.

## AVALON

(CLEVELAND)

Cleveland, Jan. 21.  
Bert Gilbert, Carol Chapelle, D'Aubour & Rene, Hy Barron Orch.

Once the most intimate, sophisticated, renowned in Cleveland, following prohibition days, the Avalon Club is slowly climbing to a comeback by restoring its original type of entertainment. Shows were never expensive at this spot, but they are long in dippant, risque humor and comedy-singers, who know how to make it sing.

Bert Gilbert, who agitates this new opera, puts on a one-man circus. A veteran song-and-dance zany, he's a loose-jointed mugger with horned-rimmed cheaters and a heavy load of dramatic energy. Gilbert tears into an indigo ditty so enthusiastically that he can call a spade a shovel without offense. His revamped parade of vaudeville, in which his skills is a belly-laugh, but his rowdy take-off on "Animal Crackers" is even better.

As adagio, Harpers, D'Aubour and Rene, who some day should twirls and spins that are familiar but containing contagious gusto. They break out into a comedy routine, and the Carol Chapelle is one of Avalon's faves. She lays the travesty and double entendre on with exuberant emphasis. Her "It's My Seat" number is a sizzler but her big response comes from the femmes.

Hy Barron's band keeps its swing more conservative than other jitterbug outfits to suit the middle-aged heavy spenders. While not a spectacular baneer, Barron's expert violin solos get attention even from noisist crowds. Pullen.

## Nitery Notes

Gail and Diane close a four-week engagement at McVann's Club, Buffalo, Feb. 13.

Bob Lido and Al Harris, cocktail diners, are at the Cafe Lounge of the Hotel Park Lane, N.Y.

Ann Francine, Philadelphia socialite, who won the deb songstress contest at Le Coq Rouge, N.Y., recently, and subsequently booked by the nitery, has been handed another six weeks at the east side bistro.

Mr. and Mrs. C. J. Warbling at Hawaiian Paradise Isle, Hollywood.

La Conga, Hollywood, putting on a talent preview of young studio players every Thursday night.

Eddy Duchin, Morton Downey and Maurice and Cordoba, current at the Persian Room, Hotel Plaza, N. Y., bow out Jan. 28. Set for new show are The Hartman, who return for an eighth season.

Marshall's orchestra and Adelaide Moffett, socialite songstress.

Medrano and Donna, current at the Sert Room of the Waldorf-Astoria, N. Y., will return to the Gran Casino Nacional, Havana, on Feb. 22.

## MUSIC HALL, N. Y.

Richard Leibert, Music Hall Symphony, Ballet, Rockettes, Sam Barton, Jan Pearce, Viola Philo, choir, The Debonnaires (9), Earl Lipsey, "The Great Man Votes" (10), "March of Time" (reviewed in this issue).

'Variety' is the caption of this Russell Market presentation, and variety it is, running the gamut of all branches. It's nicely blended and paced, rounding out an even hour, including the 'La Boheme' overture. Nat Karson's decor and the costuming by Marco Montedoro, Willa Van and H. Rogge are highly effective, particularly in the 'La Boheme' finale, 'Begone' (which is really a reprise of a former effort). Eugene Braun's expert lighting is likewise above par.

The ballroom, with Dance Piquant, actually a schoolyard frolic on toes, with all the adolescent fol-de-rol of 'potsy' games, bounding balls, rope-skipping and hoop-rolling. It fronts a Radio City Music Hall version of a schoolhouse exterior and is a truly piquant tee-off, which is a smart change of pace on the heels of the 'La Boheme' overture. Sam Barton (New York) is a tramp-cyclist who must have been around, judging by his seasoned delivery, but is not recorded in the New Act files. He has a sign, and he goes for extra values in the 6,000-capacity Hall.

Third interlude, Music Immortal, Maurice Baron's special arrangement of a Tchaikovsky overture, with special lyrics by Albert Stillman, gives Pat Pearce, Viola Philo and the choir (William Reid, director) full vocal play. It's here, too, that Braun's corking lighting comes into itself. These choral numbers, incidentally, will always be flattering to the Hall's hidden mike system, which picks up the lyrics and the values, so that nothing is lost despite the size of the auditorium. Nor are there any unseemly microphones visible to spoil the general aesthetic picture.

The Debonnaires, male hoofing sextet, like Barton and/or the Rockettes, fall within the category of sight appeal. Their concerted dance stuff is considerably better than the premise of six dandies, in formal attire, doing intricate tandem stepping. Their dance mechanic, second of their two terp numbers, has novelty in creature intelligence in presentation, plus a dash of comedy, that makes them surefire before almost any type audience.

'Cobbeban,' finale is appropriate in its winter-cue suggestion, paced by Earl Lipsey vocalizing 'Begin the Beguine.' That brings on the Rockettes in perky, Martinique costuming, under light colored, intelligent contrast of gaily mad, yet well blending spectrum of colors. Their rumba is a natural for the Cole Porter tune and the general atmosphere of the presentation. If memory serves, when this number was previously done, there was a luminous paint effect included and, probably, a corking trick back much, that's not utilized this time out.

'Biz for the 'Great Man Votes' (RKO), depicting the quality of the feature, seemed considerably below par for an opening (Thursday) night. Latest March of Time is reviewed in this issue. Abel.

## CHICAGO, CHICAGO

Chicago, Jan. 21.

Ted Weems orch; Patsy Parker, Mary Lee, Peggy Taylor 120, Beverly Bernis, Almo Tanner, Red Ingle, 'Zaza' (Par).

Always a Chicago have since the days of the Triana ballroom stay the Weems orchestra is a guaranteed entertainment item in any theatre. No lengthy comment is needed for Weems' music; it is just stuff, melodious and well-arranged. It is the style of music that will go on and on, unmindful of temporary fads or crazes.

Weems has two femme singers with him. Patsy Parker is the latest addition. She could be a blonde bombshell, with proper handling. She has a sweet, soft, and a new flame stage presence and a gusto that gives her a splendid operating basis. From there on she needs songs. She sang two numbers on the show and neither one of them really caught off her true ability.

On the other hand little Mary Lee has three songs, which are well-nigh perfect, and she sells them with plenty of juvenile wallop. Has plenty of stuff on the vocal ball. Other singers for Weems are his regular male stars, Almo Tanner, who is unquestionably the top whistler in the business today and his tonsil fluff is surefire. With Red Ingle he is a great basis for comedy, and he should develop into a strong stage routine for the hard.

Two vaude acts are with the band. Beverly Bernis is now on her own and it's a bit of a struggle for her

to handle the dance assignment solo. She knows what she is doing on the stage, but her routines are not flashy enough to make them stand out. Also her costume could be changed and the color changed to something darker for greater effectiveness. Shades of the Kitchener's Peggy Taylor is doing a comedy burlesque adagio act with a couple of male heavies. It is one of the best comedy acts seen here. They have a basis of real sensational stuff when they want to step out. They would do well to inject a bit more of solid snuff stuff to prove further to the audience that they can toss off a genuine adagio trick. Also, while the tearing of the men's costumes is okay up to a point, they cover-step the bounds by being too sloppy with torn pants and holes in the socks. The light snicker it gets doesn't atone for the generally messy effect. They are solid enough on comedy routine itself to soft pedal this biz.

Biz was pretty good. Gold.

## SHUBERT, NEWARK

Newark, Jan. 23.

Tommy Dorsey's orch, Skeets Herfut, Edythe Wright, Barr & Estes, Jack Leonard, Lowe, Hite & Stanley, Freddie Dosh.

Vaude at the Shubert is still doing lobby business right into the next show. At first show on Sunday (22), generally low-ebb at h.o., the patrons were already jamming in.

Tommy Dorsey and his orch, doing a split program of swing and sweet, got the cash customers jiggling in the aisles and right onto the stage and first show put an end to it and ordered Dorsey to warn the addicts to stick to their seats. It made page one of the *Star* and *Evening Bulletin*.

Dorsey wisely balances his sock swing music with comedy. Skeets Herfut, doing an uncanny impersonation of Louis Armstrong, and 'Kermitt the Hermit' and teams up with Edythe Wright in a bit of Suzy-Q and a couple of numbers.

For a feature, however, Miss Wright does not have much to do but does that well. Orch thrushes are now taking comedy under their wings and Miss Wright is no exception, but she is more at home in her vocalizing.

Barr and Estes, comedy dancers, are more acute than graceful, but soon they're into the comedy of the jitterbug. Male partner of the team, with his pinched-up face, does a neat job of a subway straphanger, his partner, however, is a little funny then brings on his other soloist Jack Leonard, whose 'Old Folks' got ready recognition. Stanley, the mid-get-to-giant act, are oke with their physical differences played up from several angles, with the marching band, and the 'Old Folks' then brings on his other soloist Jack Leonard, whose 'Old Folks' got ready recognition. Stanley, the mid-get-to-giant act, are oke with their physical differences played up from several angles, with the marching band, and the 'Old Folks' then brings on his other soloist Jack Leonard, whose 'Old Folks' got ready recognition.

Low, who is a comedian, ends up strong after a weak start. Dalz.

## LYRIC, INDLPS.

Indianapolis, Jan. 20.

Hal LeRoy, Professor Lambert, Ross, Pierre & Sweeney, Lester Cole & Debut, 'The Great Man Votes' (WB), 'Off the Record' (WB).

With pit band moved on stage, bill has a revue flavor, Bobby Oakley having been imported to wave the stick and into the acts. Oakley, while he has act of his own, does nothing else but act as m.c.

Shanghai Wing Troupe is a typical opening act, consisting of an entire Chinese family juggling strings, baroque dancing, and a few knives and plate juggling. A mopet wins big response with acro work.

Ross, Pierre and Sweeney follow. Ross is the entire act, with his imitation of Popeye a standout. Sweeney works in weak imitation of Ben Bernie and Ned Sparks, and joins in the vocalizing. Pierre, a femme member of trio, also mimics with French accent, then is joined by Ross, who does sound effects on 'St. Louis Blues.' Trio warble 'Aloha' to close.

Lester Cole and his Debs are an act for the eye as well as the ear. Six girls are niftily dressed in white satin evening gowns and put plenty of show in their 'tonight' sing 'Pretty Girl Is Like a Melody.' Mulberry Bush, 'Heart and Soul,' a Victor Herbert melody, and 'Wedding of Jack and Jill.' Cole had her girls at show caught and don't show. Hal Le Roy is standout in taps department with effortless rhythm, disclosing an ingratiating personality during a gaudy, but effective, breathing spell. He displays plenty of original steps and rhythm tap finish is sure mitt winner. Professor Lambert is one of the annual visitors in the business of the show. He is a comedian, his props, gags, the wad of gum, come-appeal xylophone, red flannels, dropping pants, are surefire, and when he goes for a finish he has the ticket-buyers with him all the way. Bill runs a long 88 minutes, but lack of dead spots makes it an open show. Biz good at third show Friday. Kiley.

## STATE, N. Y.

Juwels, Big Time Grip, Sid Marion and Madeline Killean, Roger Pryor Orch. Ann Sothorn; 'Sweethearts' (M-G).

A punch-less bill that nonetheless manages to be a mass pleasurable. Its deficiency is comedy. Sid Marion is the sole seeker of giggles in a big way, although there are comedy bits in the performance. Act, meant to end along amiably, but without ever touching a peak.

Juwels, man and woman, open the bill with body-balancing that is original and novel and amazing. Gin not only head-to-heads with the man, but is underdressed by one, and then two, intervening rubber spheroids. And just to be more complex, the man bolts around in this predicament and with this responsibility while teetering on a plank which in turn is rolling on a small barrel. It's something doubtful and redoubled. Here is an act that rates superlatives. It bespeaks patience, adroitness, daring and finished skill of exceptional character. It can lay the world.

New and line New with one leg and a white dress suit tailored in the extreme and generous manner of Harlem elegance. This showman's display of his own, some heat, hooding with the aid of a crutch and delivers a fast five minutes of vaudeville. He responds to the Vanvetchesque billing of 'Big Time Grip.'

Sid Marion is poorly equipped with things to say and things to do. But in the process of proving that he needs material he also proves that he can't do it. He is, in a word, a little. Madeline Killean gives him good, straight support. They may be a good act as soon as they get an act.

Roger Pryor proves likable as the slightly gabby leader of an entertaining band, which is at its best when spoofing other musical organizations. Pryor, an ex-actor of leg and limb. This means a lot in terms of poise, personality and an easy-flowing delivery of wordage. He tosses off a slice of song nicely and does a good deal of comedy. Coupled with neat appearance, he presides with solid authority. Mrs. Pryor, better known as Ann Sothorn (New Acts), comes along just ahead of the conclusion. Land.

## STATE, HARTFORD

Hartford, Jan. 21. Faith Bacon, Count Berni Vici Orch with Gene Conner and Roberta Lane & Lane, Bill Guthrie, LaRue & Carroll, Schlepperman, Edith Tarler, 'Fighting Throughboards' (Monro).

Faith Bacon carries the marquee weight this week, but the Count Berni Vici unit supplies the greater part of the entertainment. The former have fled in expecting to see Miss Bacon strip and have been disappointed, because dancer was warned away from this stage after second show.

Flavor of this week's show is entirely different from those of past months. It follows in the wake of swing and sophisticated music, bands and seven personalities. It's a fast moving show, well paced and full of a solid hour's diversities, with the line girls (8) spotted rather than the usual two or three numbers. They add substantially to the entertainment.

Unit uses a double stage. All-girl band (13) is located on a movable platform under upper deck. Led by Count Berni Vici, also m.c., band includes an electric organ and a harp. All the members play banjos, harmonicas, and other instruments besides their regular instruments.

Mechanical number by the line, with the girls resembling cogs and carrying sparklers is the opener. Next is 'Last Roundup' when the line with knockabout acrobatics. Ring the gong with two-high rope skipping. LaRue and Carroll spotted deliver an adagio number, which registers well. Bill Guthrie, in cowboy attire, warbles 'Last Roundup' effectively. In the closing spot he does well with a song, 'The Girl I Love,' which he provides the comedy. The following some crossfire patter, Roberta, a looker, slams Gory across the face with a tin cello. Gory gets the last word when he attempts to make music, using breakaway fiddle and other props. One bit, in which he has a dog drop from a cello, is a strong laugh.

Rave of 'Lester's' orchestration by the band stands out while the line goes through a dance on the upper stage. Number is started in a blackout, with only the radiote hands of the girls visible. Orch is heavy on the skins and organ in this number. Edith Tarler does nicely with imitations of stage and screen personalities in top-shelf impersonations. Faith Bacon, gags with her 'rich' dance, working with a large veil. First two days of the show, Wednesday (18) and Thursday (19), in competition for cash. The warning from the coppers. Introing himself as a 'fugitive

## B'klyn Albee's Comedy of Errors

New York is the acme of show business the world over, yet there are Class A theatres not far from the Broadway sector which neglect fundamental principles so essential to good showmanship.

After a series of RKs Albee, Brooklyn, was treated to an inexcusable presentation of a specially act introduced between the act of a double-feature program, last Thursday (19). Caught at the 7:50 p.m. show, screen trailer announced Bob Hamilton, swing organist, at the Hammond electric console. House lights remained off while a stagehand puttered around the small organ setup near wings. House still dark, screen curtain went up, front curtain came down, followed by another scrim curtain, badly askew.

After several minutes of this, with patrons fidgeting in their seats, house lights came up and organist was discovered among microphone in front of his organ, while the stagehand scurried off. Hamilton began to speak but had to apologize when the public address system failed to function. In a minute or so, it came on.

After this bad start, intimating to audience that he was overjoyed at working at the Albee, Hamilton dashed off several pops, but in the middle of one number booth began flashing a verse from a number he wasn't playing. Lyric belonged to 'F.D.R. Jones' which Hamilton next played.

Evidently minus any rehearsal, booth flashed verses on and off, entirely out of synchronization with playing of the song. In the midst of all this, backstage woke up to the fact that verses on the scrim couldn't be read, so the standard picture screen was lowered to properly catch the words. Difficulty was encountered in centering verses on the white background. Hamilton's attention was by now entirely riveted on screen trying to fit his rhythms to the disheartening business going on over head.

Hamilton's embarrassment at the entire procedure had by now spread to the audience. What might have been a satisfying organlog turned out to be a mess.

from the six flavors, Schlepperman has the next spot. Personable, he works easily, using the dialect with which he has been identified. Gets much of the plug for Joe Benary, his ex-radio associate. He scores. Line finales in a southern routine. Biz good at show caught Friday night (20). Eck.

## STRAND, B'KLYN

Four Franks (4), Emmett Oldfield & Eddie Ware, Ann Miller, Stepin Fetchit, Phil Regan, Teddy King's house orch and Madge Fellows; 'Arrest Bulldog Drummond' (Par).

Present week marks 19th of vaudville since policy was inaugurated Sept. 16 and biz has built consistently after first few weeks. W. J. McLaughlin, house manager, paves the way for a healthy opening by starting each Friday with a stunt night, currently jitterbug dance corners. Saturday and Sunday trade is usually okay, with remainder of week coasting on this impetus.

New bill leans on Stepin Fetchit, Ann Miller and Phil Regan for marquee draft, but is getting support from the house band (on stage as usual) plus vocalist Madge Fellows.

Fetchit gets applause before he appears, the latter doing the song, cueing his entrance. He's still clicking along in early part of act, using same material and pantomime. That, however, is nothing is lefty manipulated, but he might be missed a cleanup finish. Might be well to really go into that dance at accelerated pace if only for contrast.

Phil Regan, ex-gendarme from Brooklyn's force who made the films through his warbling, measures rather than the expectations. Registers better on the stage than he does in some pictures shown in same theatre. Carries his own accompanist, a hillbilly, a Brooklyn boy. Regan's crotch here because of local angle, but robust tenor gets by easily on his voice. Best in his show is 'My Own.' However, he's been around in cinema talking roles long enough to give him a better line of gab than he's presently employing.

Ann Miller, recently at the N. Y. Paramount, scores with her legman. Continues to get background behind regardless of her work in pictures, with 'You Can't Take It With You' stressed. Appears in only one costume, blue sequined blouse and trouserettes. Pert personality needs at least one change, especially in the picture, where the gowns are visible. Femme is pat on complicated tapping.

Emmett Oldfield and Eddie Ware clean up here with their clowning, kicking, balancing and gymnastics. Limbermuscles, smaller athlete astonishes with his excellent timing and skill. Four Franks, two collegiate-type boys, with a pair of femmes provide enough variety to push through for nice returns in opening spot. Routine is varied, including dancing, knockabout and musical work.

Teddy King's band is now a much smoother unit, this including King's m.c.'ing, Madge Fellows, swingster, mops up on 'Old Mary' and 'What Can the Matter Be.' King announces that his outfit and Miss Fellows are due to start a five-minute act 'Old Mary' and 'What Can the Matter Be.' Mutual Feb. 13. Jitterbug dancers, held responsible for much of Friday draw, occupied stage for about 15 minutes in competition for cash.

Biz, big at last night's show. Wear.

## STANLEY, PITT

Pittsburgh, Jan. 21.

Major Bowes' 'Champion Amateurs of 1938' act of the week, Joe Benary Smith, Moe Sperrin, Texas Rangers (4), Larry Best, Jack Martin, Lauri Bianco, Albert Hall, Merle and Gaylor, 3 Harmonica Dees, 2 W. J. McLaughlin, Lewis Sis, 'Duke of West Point' (U.A.).

So-called champ unit of the gong-bonger is that in name only. Pretty good act, but the showman, Joe Benary, won't make any difference at WB deluxer. No. 1 spot for Bowes shows ever since he's been sending 'em around on the show. In the world could be a sock here so long as it flew the Major's banner.

That's a phenomenon peculiar only to Stanley. The pros have to break their necks to get over. The amateurs on other hand can wiggle their finger and stop the show. This is the 15th Bowes unit to play house and the ordinary hillbilly instrument, though enthusiasm is growing a trifle less ecstatic.

Ted Mack's the m.c., and he's the brightest thing present. Doubles as announcer of Dave Brodsky, house orch on stage and keeps the pace fast and flip between the acts to give things a badly needed lift. Slow start disposes of Texas Rangers and Harmonica Dees, three youngsters, trio slightly on the flat side. Jack Martin draws the first blood with a neat bit of acrobatic hoofing, mixing acrobatics with soft shoe, and Harmonica Dees, three youngsters, keep it going at moderate speed. Bowes then enters the scene, a troupe of organists and over nicely with a medley of 'Alexander's Ragtime Band,' 'So Help Me' and 'Toy Trumpet.'

Lauri Bianco follows them on for an operatic solo piped fair-to-middle, Merle and Gaylor picking things up again with a corking rollick. The showman, Joe Benary, a flash neck-to-wrist sling at a dizzy pace, Albert Hall on next ostensibly playing a piccolo, but develops he's a pianist on the piano. The novelty but stiffly done and not showy enough to get everything it's worth.

No Bowes unit is ever complete without an impersonator, and Larry Best's the one this time, but the market for this sort of thing's pretty low right now. Moe Sperrin ambles on with three clarinets, first Benny Goodman a solo and then mouthing the entire collection to produce sounds not too much like those of the organ. A little different and liked.

Next-to-closing brings on Two Nit-Wits, Pittsburgh lads who appeared on the show the previous Friday (19) and were immediately sent back for present unit. They are alumni of Brian McDonald's band, and they have a good deal of minor talent but major salesmanship. Routine a rapid-fire series of impersonations, gagging the raucous crowd with a series of gags with lads getting by chiefly on their caution-to-the-winds manner. Over big here.

Joe Smith and daughter, Marie, in some new and old rug-cutting, knock out a fast hoofline session to close, with entire cast parading back onto stage again in the customary Bowes finale style for the curtain. Cohen.

## 'REFUGEE' UNIT IN B'KLYN

WHN 'Refugee Theatre of the Air,' which started a vaude tour at Fay's, Providence, last week, goes into the Rivera, Brooklyn, Friday (27) for four days. Other dates are being booked. Unit booked by Ben Shanin and Abe Feinberg.

(Continued on page 55)





## Rave Reviews Pave 'American Way's' Boxoffice Path; Previews Also Help

It was figured along Broadway that the chances of 'The American Way,' which opened at the Center, N. Y., Saturday (21), depended mostly upon its acceptance by the reviewers, and the reaction of the strong press accorded it was immediate. Monday when the boxoffice opened there were 30 people in line, despite frigid weather. The line did not break, and as many as 60 were waiting during the afternoon, when all three windows of the boxoffice were thrown open.

The management also credited the effect of previews as definitely benefiting the boxoffice for the first time. There were plenty of tickets for the opening on Saturday, but favorable word-of-mouth comment from those at previews resulted in a sellout at curtain time.

Most of the critics went to town over the season's most populous and costly production, while one, John Anderson, *Journal-American*, wrote in a vein rarely if ever accorded the drama. Alluding to the first-night audience reaction at the finale, Anderson said:

"Then followed an uproar that marked this not as a play nor a spectacle so much as a spectacle. Here was a seal of approval as deeply and solemnly made as the Great Seal of the Republic emblazoned across the proscenium; here was no longer a theatre but a place of pilgrimage; no time to sit in judgment, but to stand at attention. Salute!"

Although the cost of production is variously estimated from \$100,000 to \$200,000, it was stated after the opening that it represents an investment of \$250,000. 'Way' is scaled at \$3.30, with the matinee scale at \$2.20, and can gross close to \$50,000 weekly. It got \$9,811 on the first night, scale on the lower floor, then having three different prices, with the top at \$5.50.

### 250 in Cast

There are 50 speaking parts in the first straight play to be berthed in the 3,400-seat Rockefeller property. Claimed that the extras and musicians used on stage for parades make for a total of 250 people.

George S. Kaufman and Moss Hart, who wrote the book of 'A Night to Remember,' which attracted an unprecedented press last season, are again limelight by their first serious piece, frankly a patriotic play. Authors scored their earlier successes with laugh plays, particularly with 'Can't Take It' and 'Once in a Lifetime' which was their first collaborative work.

### Show His Angels

Sam H. Harris, who produced 'Right,' again figures in the managerial end, teamed with Max Gordon, who also was in 'Right,' as were the authors. Latter are said to have invested in 'Way,' too. Fredric March, lead in 'Way,' is reported to have put in \$50,000. The Harris office is secretive over others reputed to have taken pieces of 'Way,' but a flock of show people have been named, including Darryl Zanuck, Joe Schenck, Bill Goetz (all 20th-Fox execs), William S. Paley and Ike Lewis, both CBS.

The Rockefeller interest in the attraction is not known other than the house end, but is participating in the publicity. Trailers announcing the opening were flashed at the Music Hall prior to Christmas. Latter house, also controlled by Rockefeller, is a separate corporation, however. The screen trailering for the legit is a regular thing at the Hall.

There was some comment about the authenticity of the costuming, but it is known that Irene Sharoff, designer, had research workers on the job for months. Same applies to Donald Oenslager, who designed the scenery.

## Maplewood Continues

Maplewood theatre, Maplewood, N. J., continues its stock policy this week under the operation of L. & H. Theatres, Inc. Paul Blaufox is manager and Anton Bundsmann stage director. Frank McCoy and O. E. Wee, who had operated the house under the stock policy for 30 weeks, bowed out Saturday (21).

This week's bill is 'Missouri Legend,' with Dean Jagger in the leading part, opening last all on Broadway. 'Camille,' with Eva Le Gallienne, is scheduled for next week.

## 'Life's' New Pains

Number of new wrinkles have cropped up at the Locust theatre, Philadelphia, where the road company of 'What a Life' is experimenting with a straight \$1 scale, no-reserved-seat policy. One unanticipated headache is that in case of bad weather, such as last week's snowstorm, the receipts nosedive. Reason is that the new policy kills any advance, while an unfavorable weather break kayos the window sale.

Prize incident took place last Thursday night (19), however. Western Union messenger boy was in line early, holding two choice orchestra locations for an affluent theatregoer. Latter showed up just before curtain time, bought two admissions, paid off the messenger and took over the 'reserved' seats.

## WPA CUT CHILLS 'SUPPER' AGAIN

'Sing For Your Supper,' which established some kind of a record for long time rehearsals, is again in an indefinite status, despite the fact that it has been in preparation for approximately 18 months. Reason for the fresh delay is the cuts ordered in the WPA Federal Theatre Project.

Stated that because of the reduction of complement, the revue will have to be recast. How much of the material will be discarded was not estimated. Show has been in hot water since the start and the subject of starting, if not substantiated, allegations in connection with the mixed cast, colored and white.

In the meantime, the Adelphi, N. Y., whence 'One Third of a Nation' was ousted so that rehearsals for 'Supper' could be made, continues dark. Last week union trouble threatened 'The Big Show' at the Eliot and Wednesday's performance was cancelled when the stagehands refused to operate.

Deckhands derided when a sound technician belonging to the CIO union was assigned to work, replacing the No. 1 man who was ill. New man said he did not wish to interfere, but was merely following instructions, evidently from WPA quarters. The situation cleared and the show went on Thursday (19). Similar trouble cropped up during the 'Nation' engagement, with the WPA heads declining to take action, saying they were in no position to take sides in a labor controversy.

## FASCISTS DEMONSTRATE AT 'PINS' MONT'L PREEM

Montreal, Jan. 24.

Said by police to be group of known Fascists, a crowd demonstrated in front of His Majesty's theatre here Monday night (23) at premiere of 'Pins and Needles.' Show is being staged by the International Ladies Garment Workers' Union.

Cordon of 50 policemen were stationed around the house during the performance. As the audience fled out the demonstrators started shouting. They were driven away by the gendarmes. A short distance from the theatre, another group collected and shouted and sang.

## Keith's Chi H. O.

Chicago, Jan. 24.

Ian Keith, in 'The Copperhead' at E. Blackstone here, has clicked in such a manner that the Federal Theatre Project has decided to hold the show for additional time.

Had been originally scheduled to fold Saturday (21). After 'The Copperhead' closes, it's likely that FTF will get together with Keith for a Shakespearean production, either 'Hamlet' or 'Merchant of Venice,' the latter in modern dress.

## Current Road Shows

(Week of Jan. 23)

'Amphitryon/Sea Gull' (Lunt and Fontanne), American, St. Louis.  
'Angela Is 21' (Phillip Merivale), Orpheum, Davenport (23); Orpheum, Des Moines (24); Paramount, Omaha (25); Muny Aude, Kansas City (26-28).

'Birds Stopped Singing' (Walter Abel-Stock Gordon), Chestnut St., Philadelphia.

'Bachelor Born,' National, Washington.

'Candida' (Cornelia Otis Skinner), Grand Opera House, Chicago.

'Correspondent Unknown,' Shubert, Brooklyn.

'Kiss the Boys Goodbye,' Harris, Chicago.

'I'd Rather Be Right' (George M. Cohan), Cass, Detroit.

'Of Mice and Men,' Plymouth, Boston.

'Our Town,' Selwyn, Chicago.

'Pins and Needles,' His Majesty's, Montreal.

San Carlo Opera Co., War Memorial Opera House, San Francisco.

'Shadow and Substance' (Sir Cedric Hardwicke), Mizpah Temple, Ft. Wayne (23); Parkway, Madison, Wis. (24); Davidson, Milwaukee (25-28).

'Stars in Your Eyes' (Jimmy Durante-Ethel Merman-Tamara Tounanova), Shubert, Boston.

'Susan and God' (Gertrude Lawrence), Royal Alexandra, Toronto.

'The Women,' Forrest, Philadelphia.

'Tobacco Road,' Hanna, Cleveland.

'Victoria Regina' (Helen Hayes), Nixon, Pittsburgh.

'What a Life,' Locust St., Philadelphia.

'What Every Woman Wants' (Francine Larrimore), Shubert, New Haven (27); Bushnell Aude, Hartford (28).

'Whitecaps' (Ethel Barrymore), Cox, Cincinnati.

## Little Theatre Ballyhoo

Cleveland, Jan. 30.

Frederic McConnell's Play House troupe of community actors are going blue-network for WHK in series to glorify the legit theatre. Company will join a three-point NBC hookup, including Hollywood, Cincinnati and Cleveland, on Feb. 11 as tribute marking 100th anniversary of National Thespian Society of 34,000 members.

Major half of program is originating from stage of Play House, which heretofore has been rather cold to radio, with Larry Roller officiating. For the N.T.S. tie-up, Gilmore Brown will speak from Hollywood and Ernest Bavelly, the group's national secretary, from Cincinnati. Roller also taking charge of NBC Blue's 'Town Meeting' when it is broadcast from Cleveland in March.

## 2 Shows Take Air

'Where There's a Will,' which opened at the Golden last week, was withdrawn after a weak press. Seven performances.

### WHERE THERE'S A WILL

Opened Jan. 17, 39. Reviewers were unanimous in negative opinions. *Watts* (Herald-Trib) said it was 'one of the most wearisome plays of the season.' *Anderson* (Journal): 'Pretty strenuously tiresome.'

One Act Repertory, bill of three playlets at the Hudson, opened Friday and disappeared over the weekend. Roasted by reviewers.

### ONE-ACT REPERTORY

Opened Jan. 20, 39. Only mild interest evinced by critics. *Atkinson* (Times) said: 'Labor lost.' *Brown* (Post): 'The one-act play was made to seem like a lost cause.'

## 'Portrait' Again Ready

Cheryl Crawford, whose production of 'Family Portrait' was recently set back on the eve of rehearsals, is reported to have obtained the necessary financing and is expected to resume active work on the show within a week. Play is virtually all cast, with Judith Anderson set to play the Virgin Mary. 'Portrait' deals with the life of Christ, but only through the eyes of others. Principal character never appears on stage.

## BALTO LEGIT LOOKS UP; 2 PLAYS SKEDDED

Baltimore, Jan. 24.

Slight brightening of legit situation here impends, with George Abbott's latest try, 'Mrs. O'Brien Entertains,' by Harry Madden, set to start at the indie bookers Maryland Jan. 30, and Herman Shumlin's production of 'The Little Foxes,' with Talullah Bankhead starred, opening a three-day trial at Ford's, Feb. 2. Brace constitutes first legit doings here in weeks.

'Night of Stars,' under auspices of 'Friends of Abe Lincoln Brigade,' is underlined for one night at Ford's, Feb. 12, with Frances Farmer and Liet Erickson promised to head group of players from 'Golden Boy,' 'Sing Out the News' and 'Boys From Syracuse.'

## Actors Fund Grosses \$8,000 At 57th Benefit

By HOBE MORRISON

Gross take from the 57th annual Actors Fund benefit show Sunday night (22) at the Winter Garden, N. Y., was just over \$8,000. Capacity house pulled about \$3,000, while donations, sale of programs and program advertising accounted for the balance. Take was said to be slightly more than last year.

Show brought out the usual array of glittering theatrical stardom, both in front and behind the footlights. Several outright clicks marked the long succession of acts. Standouts included Gracie Fields, Olsen and Johnson, Walter Huston and members of the 'Knickerbocker Holiday' company, and Doc Rockwell. Among the novelties was a special English invasion-of-Broadway sketch, with Robert Morley, Gladys Cooper, A. E. Matthews and John Buckmaster trying to out-shout each other, and Raymond Massey coming from the wings to 'free the Winter Garden from the British' by dragging them offstage.

Miss Fields, who delayed her scheduled sailing back to London to appear in the show, completely reversed her previous showing on Broadway. English comedienne, who skidded some time ago at the Palace, N. Y., was making her first Broadway stage appearance since then. Obviously having adjusted her work to the U. S. meter, pace and mood, she quickly had the huge house eating from her mitt. Opening with a fairly straight (for her) version of 'The Sweetest Song in the World,' from 'We're Going to Be Rich,' she then offered superbly hoked renditions of 'I Never Cried So Much in All My Life,' a concert burlesque of Drigo's serenade, and, after an interlude of applause, encoored with 'Walter, I'm Not Off.'

Walter Hampden opened the show with a tribute to 'Uncle Dan' Frohman, Actors' Fund president. Latter subsequently spoke briefly on the differences between the theatre of today and in Shakespeare's time, and praised the democratic form of government that makes a free theatre possible. M.C.s during the evening included Bert Lytell, Jay C. Flippen, Frank Fay, Vinton Freedley, William A. Brady and Jimmy Walker.

Those taking part in the show included Misses (giving the third act speech from 'Abe Lincoln in Illinois'), Frank Gaby (from 'Here Come the Clowns'), Clifton Webb, Estelle Winwood and Helen Trenholme (in a scene from 'The Importance of Being Earnest'), Blanche Ring, Clarence and Claude Stroud, Tamara and William Gaxton (from 'Lead Me to Me'), Vera Zorina and Vivienne Segal (in a scene from 'I Married an Angel'), Olsen and Johnson (in a bit from 'Hellzapoppin'), Laurette Taylor, Florence Reed, Vincent Price, Bramwell Fletcher and Morgan Farrel (in a scene from 'Outward Bound'), Helen Chandler, Van Bronda's Negro Ballet, Walter Huston and members of the 'Knickerbocker Holiday' troupe in several numbers from the show, Hugh O'Connell and Edward Clarke Lilly in a sketch by George S. Kaufman and Marc Connelley, John Dudley and Isidore Godfrey of the O'Day Co. (from 'Oreora Co.'), Paul Haakon, Eddie Garg, Elsa Janis and the Charlie Wilkens clowns.

## 'Clowns' Close Postponed By Dowling's Act

Eddie Dowling, who produced 'Here Come the Clowns,' in which he is starring, moved the show from the Booth, N. Y., to the Golden Monday (23) after, announcing that the Philip Barry drama would be withdrawn. It is understood that Dowling has not accepted salary since the show opened. It is the second time for the former vaudeville to have agreed to such an arrangement.

When he produced 'Thumbs Up,' in which he and Rae Dooley, his wife, appeared, the budget was exceeded and the actor is said to have given his services for the length of the engagement without remuneration, nor did Miss Dooley receive salary. 'Thumbs,' which starred Bobby Clark and the late Paul McCullough, was backed by several of Dowling's friends, including one high in the Roosevelt administration. Show ended in the red.

'Clowns' was made controversial by the critics, play drawing divided notices. It is reported to have operated in the red from the start, but last week was claimed to have bettered an even break. Extra space was used to announce the show's closing. Understood that Barry is interested in the managerial end.

Barry's newest work, 'The Philadelphia Story,' which will hit the arline Hepburn, went into rehearsal Monday (23). It is a comedy, whereas 'Clowns' is a serious play.

John Farrell replaced A. H. Van Buren in the cast. He was a single in vaudeville, as was Dowling.

## Musical to Tour Six Under Local Auspices, Share-Profits Setup

Chicago, Jan. 24.

A musical show designed to tour the country under various local auspices is now ready for production under the tag of 'A Night at the Moulin Rouge.' Will hit the road some time in September according to present plans and is setting dates far into 1940.

Produced with Chicago capital and backing, 'Moulin Rouge' is designed strictly for sponsorship dates, with Ned Alford now on the road peddling its time.

Understood that the 'Moulin Rouge' setup is considerably different from other similar ventures in that 'Rouge' will demand no coin guarantee from the various sponsors. Instead, will go into all towns on a strictly cooperative and percentage basis.

General operating company label for 'Moulin Rouge' is Societe des Productions Francais.

## 'Meeting' Moving

'Spring Meeting,' English comedy which moves to the Little, N. Y., from the Morosco next Monday (30), will play nine performances weekly at the new stand. Matinees will be Wednesday, Thursday and Saturday. Although the Little has a more limited capacity than the Morosco, the management hopes the show will do as well there. Idea is that the audiences in the Morosco haven't numbered more than the capacity of the Little, and that in the more intimate atmosphere the play may go over better.

Little has a capacity of 531, of which about 300 seats are on the first floor. House will have a capacity of about \$9,000 for nine performances, that amount being more than the show has been grossing at the Morosco. Reason 'Meeting' is being shifted is to make room for John Golden's production, 'The Birds Singing,' with Ruth Gordon and Walter Abel. Although the latter show is set to open Thursday (2), it received a critical lambasting in Philadelphia, where it is trying out this week, and may be taken to Washington next week for further doctoring. 'Spring Meeting' is presented by Gladys Cooper and Philip Merivale, in association with Lee Ephraim and George Jessel.

# MORE B'WAY LEGIT JOBS

## TMAT Intimates Strike Call Unless Pinkertons Are Called Off the B.O. Men; N. Y. Storm Hurts Producers

With more chatter about a central ticket agency, there was criticism of the ticket code and its administration by the League of New York Theatres voiced during the past week. With the code being signified by most agencies, general opinion appears to be that the central office idea is mere theory at this time.

The Theatrical Managers, Agents and Treasurers union for the second time made allegations against the effectiveness of the code and complained about its boxoffice members being spied on by Pinkertons. Union charges that the use of private detectives attempting to 'police' its people is a violation of the basic agreement with the League and intimated that unless certain changes be made, a strike might be ordered tying up legit theatres on Broadway and out of town.

Gustav Gerber, attorney for TMAT, averred that those treasurers believed to have done business with agencies not signatory to the code had denied any such activity. He pointed out that the League is inconsistent, since it charges the brokers with violations, while acknowledging their importance to the theatre by allotting them 75% of the tickets.

TMAT asks for a reorganization of the code administration, in the regulation of ticket sales. It suggests that instead of a League committee, there should be a committee representing the stage groups and the public. Also that since the agencies are getting the major portion of tickets, especially for hits, the brokers should also be represented on such a committee.

Reported, too, that Equity, which is supposed to back the managerial (Continued on page 60)

### Peace—It's Wonderful

Noel Coward, whose 'Set to Music' premed Wednesday night (18) at the Music Box, N. Y., spent a hectic last few hours before the opening. Although suffering from a jumping toothache, he was up all the previous night putting the revue through final rehearsals. Then next afternoon, while the players were catching up on sleep, he was in a dentist chair having the molar yanked. He later told friends he didn't enjoy the preem very much.

Author-actor-director-producer left couple of days later for an extended vacation in Hawaii, with a stopoff in Hollywood en route.

## Equity Clears Up Haze About WPA Situation

It is now definite that no WPA-ers can join Equity on the strength of their appearance in the Federal Theatre Project shows. They must establish the fact that they worked in commercially produced shows in order to qualify. Relief operators formerly questioned the right of any union to say who is, or is not, professional in the project and contended that if players appeared in the project shows they naturally obtained the necessary experience to tab them as pros.

Equity does not take the same view. Matter came up during a meeting of Chorus Equity last Friday (20), when it was resolved that no WPA-er could join without experience other than in relief shows, or dance programs. Since the time when Equity and other stage unions questioned the status of some on WPA as to their professional status, the argument has remained unsettled.

However, when the cuts were ordered, it became evident that Equity was favored by the project directors. Dance units had been questionable in the matter of the professionalism of the talent. When an entire dance unit was dropped, it was taken as an admission that those effected had not appeared on professional stages prior to getting on the relief payrolls.

## Solly Ward's Salary Claim Vs. 'Shopping' Hinges on His Larynx

A unique claim for salary has been filed by Solly Ward against Thomas Kilpatrick, who recently presented 'Window Shopping' at the Longacre, N. Y. Showman let the actor out prior to premiere, averring that Ward could not be heard out front. Actor stated he talked as he always did on the stage, though admitting he was under treatment for a throat irritation.

A small part had been assigned to Ward, but he was principally engaged to understudy George Sidney, who was starred and who came from Hollywood to appear in the play. Because of the understudy responsibilities, Ward was to have received top salary under Sidney. He also was on the Coast last year.

Matter will be arbitrated, claim being for two weeks pay. 'Shopping' was withdrawn after playing slightly more than one week.

## BIG SHOWS HYPO EMPLOYMENT

'American Way,' Using 250 People, 'Hellzapoppin,' 'Lincoln,' 'Syracuse,' 'Knickerbocker Holiday' Cited as Cases in Point—Chorines Getting a Break

### MORE MUSICALS

Number of heavy shows currently on the boards is creating more employment among legiters than in many seasons. Survey by Equity officials reveals that the condition has been notable since the season started, but is particularly true at the moment. Unusual number of musicals and spectacles has been a factor. Fact has also been observed on the road as well as on Broadway.

Attention was called to the situation last week with the opening of the George S. Kaufman-Moss Hart spectacle, 'The American Way,' at the Center, N. Y. Patriotic show is an enormous affair, using nearly 250 people. Previous Kaufman-Hart entry, 'The Fabulous Invalid,' also used a large cast and kept going for eight weeks, although it failed to climb out of the red.

Among the other productions, either current or closed, that involved large casts are 'I Married an Angel,' 'You Never Know,' 'Hellzapoppin,' 'Sing Out the News,' 'Victoria Regina,' 'Hamlet,' 'Abe Lin Jin in Illinois,' 'Knights of Song,' 'Knickerbocker Holiday,' 'Madame Capet,' 'Leave It to Me,' 'Boys from Syracuse,' 'Great Lady,' 'Blossom Time,' 'Merchant of Yonkers,' 'Everywhere I Roam,' 'Mamma's Daughters,' 'Set to Music,' 'I'd Rather Be Right' and the incoming Dwight Wiman musical, 'Stars in Your Eyes,' and the Theatre Guild's 'Jernsland.' Pointed out that since an unusual percentage of the above are musical shows, Chorus Equity has benefited with extra employment.

No British Invasion Squawks about an 'invasion' of Broadway by English actors, always heard at least once Radio City, New York, are pooh-poohed by Equity. Stated that there are actually less (Continued on page 60)

## Erm O'Brien-Moore's Accident

### Gown Fired by Careless Smoker—Jack Pulaski ('Variety') Beats Out Flames

Erm O'Brien-Moore, stage and film actress, who was painfully burned Saturday midnight (21) when her dress caught fire while in Lyons Chophouse near Radio City, New York, will not be facially scarred. A dermatologist, called in by her husband, Mark Barron, drama editor of the Associated Press, stated that the burns on her face were superficial, her arms and legs sustaining the most severe injuries.

Miss Moore was saved from more serious injury by Jack Pulaski (VARIETY), who was escorting her home from the premiere of 'The American Way' at the Center theatre. When her filmy gown burst into flames from a carelessly dropped match, Pulaski (Ibex) pushed her to the floor and onto her face to save the latter from the flames. He beat out the fire with his hands. Jack Lyons, restaurant proprietor, and other patrons meanwhile smothered the blaze with tablecloths and napkins.

Miss Moore was removed by ambulance to City hospital, from which she was transferred to the Doctors Hospital, a private institution. Both of Pulaski's hands were badly burned, but he was able to go to his home after treatment at the same

## Shortage of Suitable Houses Faces Incoming B'way Musicals; May Have to Use Drama Spots

### Always Clowning

Marcy Westcott, one of the leads in 'The Boys from Syracuse,' at the Alvin, N. Y., tells friends she has a new ambition. 'If I can get in one more musical hit,' she explains, 'the Salvation Army has promised me an audition for one of its street singing groups.'

Broadway apparently has enough theatres for straight shows, but may run short of houses to berth musicals. That was indicated last week when the question arose over the booking of 'Stars in Your Eyes,' which opened favorably out of town. Show was originally slated for the Winter Garden, but the booking was verbal and that spot is being used by 'Hellzapoppin,' which moved there from the 46th Street some weeks ago.

'Stars' is going into the Majestic, which was made available by the withdrawal of vaudeville there Sunday (22). It was reported that Dwight Deere Wiman, who produced 'Stars,' objected to placing the musical any place but the Winter Garden, but the reputed argument with the Shubert office was settled when he accepted the Majestic, where the debut carded for Feb. 9. Wiman used that house for 'Lovely Lady,' an operetta which closed after a brief stay, heavily in the red.

Plan is said to have originally called for 'Hellz' to move back to the 46th Street, but the advance sale on that revue extends for three months and it was believed refunding and exchange of tickets would be too intricate. One switch considered was to book 'Stars' into the 44th Street, an independent house which was slated to get 'Blackbirds,' colored show which folded after an out-of-town tryout.

Most of the theatres suitable for musicals are operated by the Shuberts. However, it is possible that if more musicals are produced as expected for the World's Fair crowds, some of the straight drama houses will be booked. A new musical is being projected for the 51st Street (Warner's Hollywood). The former Colony, which was built by E. S. Moss and now devoted to Italian films, was originally built for musicals and housed 'The New Yorkers' for a run. Spot at 53rd and Broadway currently called the Cine Roma may revert to musicals with the razing of the elevated road.

The 46th Street and the 44th Street are both dark, they being the only showspots directly in the theatre district built for musicals that are not definitely booked. The Shubert, used for straight plays as well as musicals, has 'I Married an Angel,' which was reported going to the road next month. Scale for 'Angel' was lowered from \$4.40 to \$3.30 this week.

The St. James, built by A. L. Erlander when it was doubtful whether he could retain the New Amsterdam (now grand pictures) some years ago, also built for musicals, but for the past several seasons has been devoted to drama. Maurice Evans, who scored there with 'Richard III,' closed in the full length 'Hamlet' last week, but relights with 'Henry IV' next week and may again revive 'Richard' afterwards.

## 'BOUND' CAST TO BE F.D.R. GUESTS, WASH.

'Outward Bound,' which will give a one-night performance Sunday (28) at the National, Washington, in connection with the President's birthday ball, will be shipped to Capital that morning from the Playhouse, N. Y. Cast will leave by train in the afternoon and will be guests at the White House after the special showing. Production will be season's second New York hit in time to resume its run Monday (30).

This is the second season a Broadway show has been selected to give a 'command performance' in Washington to benefit the infantile paralysis fund. The musical, 'Between the Devil,' was the choice last season. Richard Widmark figured beneficial to the tune show which had not been faring too well on Broadway.

## Abbott's Publicity Revamp Brings In Ben Washer at Helm

Ben Washer, press and exploitation head for United Artists, transfers next week to take charge of publicity for George Abbott. He will rank Barclay McCarty, Abbott's present p.a., latter going out ahead of the touring 'What a Life' troupe. Frank McCarthy, currently ahead of the road 'Life,' will come in to handle Abbott's forthcoming production, 'Mrs. O'Brien Entertains,' and be general assistant. Ted Goldsmith another general assistant, will specialize on the original 'Life' company at the Mansfield, N. Y. However, permanent status of all Washer's aides will be up to him, as specified under the TMAT—League of New York Theatres contract.

Washer, who was Samuel Goldwyn's press rep, moved into the UA spot during the company's recent reorganization. He was first hired by Goldwyn to ballyhoo the film, 'Dead End,' having previously presented the legit production of the play. Stated he is giving up the film berth's assured 52-weeks-a-year because he prefers to work in the comparatively precarious legit theatre. Denied there has been any friction with Goldwyn or other UA execs.

McCarty, who succeeded Charles Washburn as Abbott's p.a., was previously on the road with 'Three Men on a Horse,' 'Boy Meets Girl' and 'Brother Rat.' It was understood at the time that the assignment was temporary, as Abbott wanted to experiment with various publicity policies. With the preem of 'Mrs. O'Brien,' Abbott will have four shows on Broadway simultaneously, his record to date. Besides 'Life,' the others are 'Boys from Syracuse,' at the Alvin, and 'Primrose Path,' at the Blithecore.

## Plays on Broadway

## Plays Out of Town

## THE AMERICAN WAY

Yama in two acts, by George S. Kaufman and Moss Hart; presented by Sam H. Harris and John H. Johnson. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

Martha Gunther ..... Fredric March  
Irma Gunther ..... Florence Eldridge  
Immigration Official ..... James McDonald  
Linda ..... Norma Crane  
Lisa Gunther as a child ..... Norma Crane  
Boy ..... Bobby Ezzon  
Another Boy ..... Bob White  
Judge Herditt ..... Bradford Hunt  
Mrs. Kennedy ..... Jeanne Warwick  
Mrs. White ..... Grace Valentine  
Dr. Spangler ..... Sydney Grant  
Oute Heinrich ..... Maurice Wills  
Clara Heinrich ..... James Moore  
Samuel Brockton ..... McKay Morris  
Political Speaker ..... Robert Hays  
Another Political Speaker ..... James Moore  
Whitfield Baxter ..... Ruth Weston  
Johnbrother ..... Mary May  
Antonio Colletti ..... John Long  
Alec Hewitt as a child ..... Buddy Buehler  
Robert Coleman ..... Robert Coleman  
Karl Gunther as a child ..... Tommy Lewis  
Ebbly ..... Janet Fox  
Factory Workers ..... Sidney Stone  
Mrs. Hewitt ..... Ellen Hurns  
Mrs. MacFarlane ..... Helen Brown  
Chairman ..... John Leary  
Mayor McEgoy ..... Hugh Cameron  
Joe ..... Allen Kearns  
Mrs. Squires ..... Mary Mearns  
Tennis Girls ..... Ruth Struss

The season's most far-reaching play, a drama of Americanism in terms that are unmistakable. "The American Way" is a patriotic display that's stirring if taken in the mood of its writing. The songs and will likely be an extra attraction for the World's Fair crowds.

George S. Kaufman and Moss Hart delivered a saga of show business during this season's "The American Way," and now come forth with a cavalcade of America since 1896. "Invalid" mostly appeared in the piece of the theater, and the people who should interest all types who realize that the U. S. is the melting pot, still the land of the free, especially more so now than ever, with the dictators abroad.

Other plays this season sought to tell the story, but none approach the ambition and scope of "Way" productionally. The play is in playing strength. Hollywood contributes the lead in Fredric March. It is his top stage performance. Direction by George S. Kaufman, wrote this saga with Moss Hart, seems to have come from the heart.

Kaufman and Hart who have delivered a number of top comedies are thought to have been apparently swayed by the terrors of Nazism and its offshoots in the U. S. Play is a cross-section of a small town in Ohio, but the scene is the story of a German immigrant. There are many Martin and Irma Gunthers, and their stories are pretty much the same, so that of the main characters in characters in this performance. The presidential campaign, too, becomes with William McKinley against William Jennings Bryan up to Herbert Hoover, are well simulated and diverting. Other highlights of public interest within the 40-year span are the election of Woodrow Wilson, the war, and the return of the home front. The war are admirably staged. The war exterior, where a picnic is held, is an other animated scene.

Most of the pageantry comes in the first act. The play is fairly well dispersed. Woman suffrage, the run on the banks, the flight of Lindbergh are but some of the occurrences which provide the drama with action and give revelations for basically "Way" appeals to the adult. Later there's a WPA bit and the voice of President Roosevelt comes from a recorded voice, causing some dissension to his on opening night.

Arrival of newcomers at Ellis Island provides the opening. There Martin Gunther and his wife and small children, having preceded to America. He is a cabinet maker and is soon able to open his own shop. His development is slow but his sense of fair play is that Samuel Brockton, the town's banker, admires him. Thus starts a life-long friendship. Gunther soon opens a factory, but when there's a run Brockton's bank he loses everything

and must start all over again. But it is the courage of a free man. Crux of the story comes when America enters the War and Irma protests the enlistment of their son, Karl. She cries because he will be hurt and she will be left alone. They firmly declaim: "We are not Germans any more; we are Americans. The boy goes overseas and does not return, leaving a young wife who is child he never sees."

The golden anniversary of Martin and Irma is the play's most sentimental scene and is affecting. It leads to the purpose of the authors, bitter resistance to the Nazi bunds here. Their grandson, fretting over being unable to find a job, attends a meeting of brown shirts. The leader and those in the mob, pointing out one after another who have no reason to subscribe to such tenets. Gunther is then slugged and dies.

Through the public square his flag-draped coffin is carried. Brockton speaks of his fine character, the townspeople, back into "The Star Spangled Banner" and as the curtains closed there were tears in the eyes of many first-nighters. The applause lasted five minutes. Funeral services were held after debut because of critical objection.

That March, carrying a dialect throughout, wholly wins audience sympathy, seems a sterling test of his acting ability. He makes the character lovable, and if subsequent audiences accept Gunther and the play as did that at the premiere, the largeness of the Center theatre, Florence Eldridge (Mrs. March) is a fine running mate as Irma, buoyant at the start and tenderly affected as she went out after her debut because of critical objection.

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There are other fine performances, topped by McKay Morris, playing the banker. Ruth Weston is excellent as the suffragette, who, too, grows old gracefully. She has most of the humorous lines, which are limited. Janet Fox, with her maniacal, brings smiles, all. The big cast, which includes about 250 players, has other familiar Broadway faces, namely, Hugh Cameron, Allen Kearns, Sidney Grant and Elsa Ersi. Some are assigned com- parative bits, but all are well.

Since the Wednesday (18) premiere, "Music" has been selling standing room, which, of course, attests indubitably to the Lillie draw. The play is a Broadway on investment or overhead.

## SET TO MUSIC

Revue by Noel Coward, presented by John C. Wilson, staged by the author. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

The new Noel Coward-Beatrice Lillie revue is "Set to Music" almost in three-quarter time. It's not quite a lazy waltz, but borders on that in a number of spots, especially when Miss Lillie is absent. Fortunately, she's a hard, generous worker, and whenever she does appear, it's a delight to the eye and ear. But by and large there are gobs of lethargic comedy. That this revue will fall flat for spell runs up more to the credit of the star rather than its creator.

"Music" is a blend of old and new, including two excerpts from previous Coward shows, "Mad About the Boy," from "Words and Music," and "Society Homes of England," from "Opportunity," presented last season in London.

After a somewhat overextended buildup, Miss Lillie's comedy entrance on a horse gives it a nice laugh start; but the bizarre Coward comedy quirk that prompted him to produce the foreign set was the Three Little Debutantes is something Philo Vance will have to solve. Said Debs are a colored femme com-

And about the Boy next is developed here as a hero-worship number, starting with a scene outside a London cinema and giving cross-section of public life for the celluloid star. Penelope Dudley Ward and Rosemary Lomax are the socialite addicts; Gladys Henson, with heavy style, is the housemaid; Hans Coura Duns, an colored prostitute, vocally paraphrases her admiration, and a nifty comedy topper has Miss Lillie and Moya Nugent as a couple. The comedy is likewise good about the picture here.

"Society Homes of England," vocalized by Hugh French, Angus Menzies, Kenneth Carlen and Anthony Pelicci, is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

loom, as economic exigency demands.

"Weary of It All" is a lampoon on the world-weary sophisticate (Miss Lillie) who, as a harassed star, is besieged by admirers and their gift offerings. Eva Gabor, party girl, congeals, leads the "Children of the Ritz" and "Never Again" numbers—one good, one n.s.g., respectively backed by the John Powers beaus who, as a harassed star, is besieged by admirers and their gift offerings.

Between Miss Lillie makes much of the scene. "Madame Dine Alone," foiled by Richard Haydn, an imported comedian, whom she's sponsoring, as the butler. Scene depicts the octogenarian in rendezvous with a ghost, and the final is a lovers' quarrel over alleged infidelity. It makes for some rather ghoulish comedy and again illustrates the play's aim as having.

Final is a sort of musical Torch-bearers, a socialite extravaganza that goes berserk. Props don't work, sequels are upset, lines blow up, costumes lead to a cue, run haywire. Miss Lillie, as the fuss-budget organizer of this charity fete, is in and out of several mishaps.

This first act, as having, its bright moments, but somehow there is no sock or any standout number. Just to put the convincer on it, Coward reprises "Children of the Ritz," "Three Little Debutantes" (twice more), and "Society Homes of England." Haydn impresses on his own with a "Fish Mimicry" monolog that is a bit awkward, but those who have seen the play as having, its bright moments, but somehow there is no sock or any standout number.

Haydn's manner is quite unique, and his piscatory stimulation is different, but it's not as devastating as the café-society Coward-Lillie first-nighters so vociferously allude to. Miss Lillie and Hugh French have a "three white feathers" scene and number wherein the pawnbroker's daughter recalls when it was "three white feathers" the couple was pre-sented-at-court "three white feathers." French makes a good comedy foil here.

"Secret Society" is a broad and not overly distinguished burlesque of international espionage, more Mask and Wig than Noel Coward. "The Party's Over Now," led by the willowy Penelope Dudley Ward and French, cues into Bronson Dudley's top specialty, about the only really enthusiastic hand-to-hand music inspection. He caricatures Bide-Dudley's son and capably does it to advantage in the forepart as well.

"Mad About the Boy" has been heard and seen by a couple of years, while "Weary of It All" and "Never Again," other feature songs, are new on this side for the first time.

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## ONE-ACT REPERTORY

Presented by One-Act Repertory Co. in association with Sam R. Gismann; staged by the author. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

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## The Birds Stop Singing

Princeton, Jan. 22.

Drama by Lenore Coffey; presented by John Abel, Nicholas Joy and Tom Helmore; staged by William Miller; settings, costumes, lighting, and music by Lenore Coffey. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

After two seasons of reviving Eisen, Ruth Gordon returns to the stage in a modern comedy, "The Birds Stop Singing," by Lenore Coffey, a scenarist. John Golden has endowed a beautifully mounted production with a splendid cast, including Walter Abel from films. Staging is expert and settings beautiful. Everything, in fact, suggests a collaboration of Grade A talents—with the exception of the plot.

Principal fault lies in the fact that it is dated. Despite the aura of modernity with which the theme has been embellished, actually it harks back to the era of melodramas with its hysterical climaxes and pointed moralizing. Miss Coffey's smart, Park avenue dialog (and there is little good to say for this) to serve as an effective camouflage. The play remains essentially something that might have served Bertha Kalish in good stead 15 years ago.

Fortunately, Miss Gordon ample opportunity to display her wares. Her charm completely wins the audience and there are many times when she makes the play above the level of mediocrity.

Her role is lengthy and sympathetic. As Linda Marsh, the perfectly-mated wife, she's completely in love with her husband, Ronnie, an Adonis who's dominated by his belief in the body beautiful. Next to his love for Linda his absorption lies in his own physical fitness. The play opens in their country home in Connecticut, at which are gathered Linda's father, Vanny, the housekeeper, who raised Linda from babyhood, and David Hudson, Ron-

while the names of the patriots seem more interesting than what they say. "The Coggerers" is the second play, let following "Mr. Banks of Birmingham," an adaptation by Sidney B. Whipple, dramatic critic of the N. Y. World. "The Coggerers" is a play so long that the audience became fidgety. There's little diversion in it.

Scene is Tahiti, where British natives come with an official to teach the natives labor, loyalty and morality. Chief of the islanders promptly offers a selection of their women to the British, so that the British can have a good time. He's shocked, but likes the idea. His wife promptly steps in, but she is offered the eligible young men as consorts. The prudish Britains are shocked, so that the British can have a good time. He's shocked, but likes the idea. His wife promptly steps in, but she is offered the eligible young men as consorts.

The Red Velvet Goat has more mediocre performances. Scene is Mexico, and is supposed to be gay. Natives caper at a benefit performance, an alleged drama written by one of the natives. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

(Withdrawn after three performances; printed for the record.)

## Where There's a Will

Comedy in three acts (four scenes), based on the play by the author, by Sacha Guitry; setting, Albert A. Ostender; staged and presented by Edward Stirling. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

This adaptation is merely another of those barely perceptible ripples on Broadway. There's nothing particularly obnoxious about the show—it just fails to register.

It's possible to imagine how such a trivial play could be fairly amusing to a volatile Parisian audience, cynically frivolous skirmish in marital infidelity, it must have had undeniable appeal. In Sacha Guitry's original text, particularly with the author playing the lead. Even so, "Le Nouveau Testament," as it was called, was only a mild success in Paris. It will be decidedly less than that in New York.

Whatever vitality there was in the original play has evaporated in the adaptation, while the direction is inept and the performance is unimpressive. There's nothing in it for Hollywood and, except that the production brings a pretty face to the evening. Probably the only backer will remember it for any time—and they unwillingly.

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## SEJANUS

Los Angeles, Jan. 21.

Drama in three acts (40 scenes) by Ben Jonson, adapted by Raymond Signoret; presented by the Los Angeles Theatre. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart. The play is a comedy in three acts, by George S. Kaufman and Moss Hart.

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## 'Kiss Boys' Opens to Fine \$16,000 In Chi; Lunts Do \$20,000 in Wind-Up

Chicago, Jan. 24. Having just finished a smash run of 'Susan and God,' the Harris immediately shot back into the limelight with what is indicated as another click in 'Kiss the Boys Goodbye,' which opened resoundingly last week.

Second company or no, 'Kiss Boys' looks like a high money-maker and a lusty gallop appears to be the show's future here.

Erlanger went dark Saturday (21) when the Lunts called it a Chicago stay after four weeks of 'Amphitryon' and two weeks of 'Sea Gull' revivals, both under American Theatre Society auspices. Last fortnight they did turnaway trade.

Into the Selwyn last night (Monday) came 'Our Town' for a month, leaving the house Feb. 20 for 'Bachelor Born.' Tonight (Tuesday) Cornelia Otis Skinner comes to town with her first regulation drama, a revival of 'Candida.' Show opens cold here following rehearsals in New York. Advance on the Miss Skinner show is encouraging.

Ian Keith clicking in the Federal Theatre's 'The Copperhead' and the show will hold over at the Blackstone for at least another week, before Keith shifts to a possible R.T.P. Shakespeare show, 'Hamlet' or 'Merchant of Venice.'

### Estimates for Last Week

'Candida,' Grand (1st week) (1,300; \$2.75). Opens tonight (Tuesday). Bernard Shaw revival looks for good stay on bright advance coin.

'Sea Gull,' Erlanger (1,400; \$2.75). Called it a Chicago stay on Saturday (21) after a swell season, finishing to \$20,000.

'Kiss the Boys Goodbye,' Harris (2d week) (1,000; \$2.75). On in fine publicity buildup and good advance smartly, with better than \$16,000. Plenty of local interest and appears cinch for weeks at high pace.

'Our Town,' Selwyn (1st week) (1,000; \$2.75). Came in last night (Monday) with satisfactory possibilities.

### WPA

'The Copperhead,' Blackstone. On Ian Keith's rep show is holding well. 'The Mikado,' Great Northern. Colored swing version is doing admirably every performance. Now in 18th session.

## COHAN SHOW'S BIG DET. ADVANCE; 'SHADOW' 12G

Detroit, Jan. 24.

Unprecedented duet sale greeted George M. Cohan's 'I'd Rather Be Right,' which opened for two weeks at the Cass here last night (Monday). Originally pencilled for only one week, but mail orders, surpassing even Katharine Cornell and Helen Hayes' opuses, prompted addition of second week. Getting season top price of \$3.85.

Estimate for Last Week  
'Shadow and Substance,' Cass (1,500; \$2.75). Bothered no rush for 'I'd Rather Be Right' duets, but came home with \$12,000.

### 'Whiteoaks' Clicks To

OK \$10,000 in St. Loo

St. Louis, Jan. 24.

'Whiteoaks,' with Ethel Barrymore in top role, clicked at the American, town's only legit, and in a week's engagement ending Saturday (21) did nicely, despite the cold Wednesday (18) that hit the b. o. Miss Barrymore and piece scored 100% with critic.

Lunt and Fontaine in 'Amphitryon' on 3d opened week's stand last night (Monday). Will be followed by 'Shadow and Substance.'

Estimate for Last Week  
'Whiteoaks,' American (1,700; \$2.80). Counted \$15,000 for high performances, good. Last three performances were near capacity.

### 'Jan. 16' Mild, B'klyn

Brooklyn, Jan. 24.

With former silent film star, Esther Ralston, playing, 'Night of January 16,' Shubert, drew mildly, Current is 'Correspondent Unknown,' Brattleboro Players closed down 'Shakespeare's Merchant—1939,' and is rehearsing Lew Rigg's 'Roadside,' which played Broadway in 1930 with Ralph Bellamy in lead. 'Roadside' opens at St. Felix Playhouse Feb. 6.

Estimate for Last Week  
'Night of Jan. 16,' Shubert (1,750; 25-35). Quiet \$2,000, despite presence of Esther Ralston.

## 'Our Town' Up in Indpls.; Columbus with \$10,800

Indianapolis, Jan. 24. 'Our Town,' playing the English for two evening performances and matinee, broke the spell of apathy that befall legit productions here recently. Got a break from the weather.

Ethel Barrymore in 'Whiteoaks' comes in next for three performances, Feb. 3, 4.

Estimate for Last Week  
'Our Town,' English (1,500; \$2.75). Three performances brought in fifty \$5,800.

'Town,' 5G, Columbus Columbus, Jan. 24.

Heralded by critics, 'Our Town' did swell \$5,000 here one week in two nights and a mat. The Pulitzer Prize play drew capacity to the Hartman, which will now be dark until Monday (4), when Ethel Barrymore comes in for three days in 'Whiteoaks.'

'Candida,' starring Cornelia Otis Skinner, is set for the Hartman next month.

## Philly Holds Own; 'Life' 5G, 'Mice,' 'Women' \$11,000

Philadelphia, Jan. 24. Legit biz generally held its own last week despite adverse weather conditions.

'Life' reported successful with \$1 top for first-come-first-served policy for 'What a Life.' 'Life' set for this week and next at the Locust which will give it six weeks in all, three with regular scale and three with new \$1 top experiment.

'Mice and Men' completed a satisfactory two weeks' stay at the Chestnut Street Opera House Saturday night (21). Boxoffice sale was nothing to boast of despite general rave notices, but sturdy American Theatre Society subscription gave the show a good start. Second week held nicely to initial pace.

'The Women' winds up satisfactory four weeks Saturday night (28). Biz at the Forrest, though, far below standard set by first company, when it tried out here over two years ago.

This week's only newcomer is 'The Birds Singing,' John Golden's tryout at the Chestnut for one week. 'House has no booking next week. 'I Married an Angel' comes to the Forrest Feb. 13 and 'Mice and Men' new play, 'Philadelphia Story,' produced by the Theatre Guild, is set for the Chestnut Street Opera House on the same date. Last-named will be fifth ATS subscription play. March 6 brings the Mercury Theatre-Guild production of 'Five Kings' to the Chestnut, and March 13 has the D'Oyly Carte season at the Forrest, where it's skedded for three weeks.

The Federal Theatre is continuing for another week with its presentation of 'The Birds Singing' at the Walnut, but switch Saturday night (28) to a revival of J. M. Synge's 'Playboy of the Western World.' Two weeks are tentatively listed.

### Estimates for Last Week

'What a Life,' Locust (4th week) (1,400; \$1). Did well with \$5,000.

'Mice and Men,' Chestnut (2d week) (1,700; \$2.50). ATS basis plus fine notices, gave this one a good fortnight; \$11,200, in second week.

'The Women,' Forrest (3d week) (2,000; \$2). Picked up enough after dreary start to give it a four weeks' stay. Biz satisfactory at \$11,000.

### Engagements

Ellen Hall, 'What a Life' (N. Y. Co.).

Van Heflin, Ann Baxter, Joseph Cotten, 'The Philadelphia Story' (John D. Lee).

John Ralston, Joyce Kilmer, Andrew, Peggy Conklin, 'Miss Swan Explores.'

St. Clair Bayfield, John Hendrick, Charles Fureulove, John McKeem, 'Jeremiah.'

Burgess Meredith, John Emery, Robert Speight, Lora Baxter, Orson Welles, 'Five Kings,' Edward Hodge, John Ralston, Elmer Jerome, Russell Morrison, Katherine York, George R. Taylor, 'What Every Woman Wants.'

Muriel Hutchison, James Rennie, Marion Pierce, Harry Bannister, Ethel Jackson, Jean Cartor, Jack Sheehan, Melba Deane, Charles Ansley, Dorothy Libaire, John Dixon, Scott Coulton, 'I Must Love Someone.'

## 'Angela' Gets Fair

\$5,800 in Twin Cities

Minneapolis, Jan. 24. Considerable publicity for 'Angela Is 22,' due to the fact that co-author and star Sinclair Lewis is a Minnesotan, helped its half-week engagement here.

Critics lenient with the play, and the audiences flocked.

Estimate for Last Week  
'Angela Is 22,' Lyceum (2,200; \$2.75). Three nights and matinee yielded \$4,300. For two nights and a matinee in St. Paul show got poor \$1,500.

## Merman-Durante Musical \$18,500, Big, in Hub Trial

Boston, Jan. 24.

'Stars in Your Eyes,' new Dwight Deere Wiman musical, starring Ethel Merman and Jimmy Durante, which came in from New Haven Jan. 17, clicked with the Boston press, with the reservation that it needed cutting. Originally slated for two weeks, 'Stars' will stay for a third frame, and maybe more, to shape it for Broadway.

'Mice and Men,' with Clare Luce, Edward Andrews and Guy Robertson, opened Monday (23) for two weeks. 'What Every Woman Wants,' by Saxon Kilmer and Esther Forbes, starring Francine Lashmore, comes in from New Haven Monday (30) for two weeks. Advance sale on WPA version of 'Booth' is heavy, due to school troops. Opens Jan. 31 for indef run at the Copley.

Other dates: Ruth Draper, Feb. 6; 'Susan and God,' Feb. 13; 'I'd Rather Be Right,' Feb. 20; 'Candida,' April 10, and the D'Oyly Carte Co., April 17.

Estimate for Last Week  
'Stars in Your Eyes,' Shubert (1,500; \$3.30). Held the town all to itself and took a swell \$18,500 for seven performances.

## 'GOLDEN BOY' KAYOED IN CLEVEL. AT \$6,000

Cleveland, Jan. 24.

'Our Town,' cautiously held to a half stanza, surprised with good \$7,000, encouraging. Bill Blair to put 'Golden Boy' in for a full week. But the Crown Theatre play died.

Erroneous rumors that Phillips Holmes was quitting cast probably hurt business, but generally poor conditions were blamed for empty \$250 seats. Holmes and Jean Muir tried to offset poor biz with personals around town, but they did little good.

Hanna has 'Susan and God' inked for Jan. 31, followed by several dark weeks before Cornelia Otis Skinner's 'Candida' Feb. 27.

Estimate for Last Week  
'Golden Boy,' Hanna (1,435; \$2.50 top). A graveyard week at \$6,000 for seven performances. Critics' helpful notices were all that saved it.

## 'Right' Smash \$25,000 For Milwaukee Week

Milwaukee, Jan. 24.

'I'd Rather Be Right' topped \$25,000 in single stanza at the Davidson, turning tide on legit jinx here. Complete sellout week in advance, here last season.

'Shadow and Substance' due Wednesday (25).

Estimate for Last Week  
'I'd Rather Be Right,' Davidson (1,500; \$3.85 top). Added up to big \$25,000 in eight performances. Show drew critical raves.

### 'Road' Plays 5th Buff.

Date to Swell \$10,000

Buffalo, Jan. 24.

Playing its fifth engagement in Buffalo last week, 'Tobacco Road,' starring John Barton, once again of the show's Broadway star, beat all of its previous grosses here.

At \$1.50 top, for eight performances, show topped \$10,000, close to capacity.

### Future Play

'Mr. Truesdale Is Waiting,' new play by Philip Yorkan, has been acquired by the new firm of Sidney Harmon and Walter Hart. Entry proposed early in March.

## 'American Way,' 'Music' New B'way B.O. Clicks; 'People' Tops Newest Plays, \$15,000; 'Steed,' 'Mamba' 11G

Two more potential successes came to the Broadway boards last week when 'The American Way,' at the Center, drew press raves and 'Set to Music,' after a Wednesday debut, quickly jumped to attendance of staid proportions. 'Music' can and should approximate \$20,000 weekly.

'Way,' a patriotic drama with a cast of about 250, is spotted in a 3,400-seater, and indications are that it'll assume the list's gross leadership. With 'Music' a definite draw, there are now four musicals in the big money, the other three leaders being 'Leave It to Me,' 'Hellzapoppin' and 'The Boys from Syracuse.' 'I Married an Angel' is still turning a goodly profit, and, with the expectation of pepping up attendance, it dropped its scale. The D'Oyly Carte are again clearing up, with takings not far from \$20,000, while 'Knickerbocker Holiday,' a more moderate musical grosser, is making a fair operating profit.

'The White Steed,' at the Cort, has a good chance, and was estimated as having taken over \$11,000 for its first full week. 'Mamba's Daughters' further improved, with a swell raised around \$11,000, same going to 'The Furber Path.' 'The Gentle People' was again rated at \$15,000, and tops the straight shows that opened earlier in the month.

'Dear Octopus,' however, is in doubt, Broadway having reversed the out-of-town opinion of the British import. 'Here Come the Clowns' moved from the Booth to the Golden, claiming material pickup last week.

Last week's other two entrants, 'Where There's a Will,' at the Gold-B, was yanked after seven performances, while the One-A-Revue, which opened at the Hudson Friday (20), was taken off the following night.

Due next week: 'The Birds Singing,' at the St. James; 'Spring Meeting' moving to the Little; 'Jeremiah,' Guild (The Merchant of Yonkers) either moving or closing; 'Henry IV,' St. James; One for the Money, Booth; and possibly 'Stop Press,' house to be chosen.

### Estimates for Last Week

'Abe Lincoln in Illinois,' Plymouth (15th week) (D-1,036; \$3.30). Front-runner varies but little. Capacity all performances with standees most of the time; \$21,000.

'Boys From Syracuse,' Alvin (10th week) (M-1,255; \$4.40). Musical close to \$30,000 right along; one of season's good things.

'Dear Octopus,' Broadhurst (3d week) (C-1,107; \$3.30). Must improve to stick; although claimed to have improved somewhat last week, takings inched up \$500.

'Gentle People,' Belasco (4th week) (CD-1,000; \$3.30). One of the new successes with several Hollywood names in cast; over \$15,000.

'Hellzapoppin,' Garden (19th week) (R-1,671; \$3.30). Getting all that's possible at the scale; nine performances topped \$34,000.

'Here Come the Clowns,' Golden (8th week) (M-930; \$3.30). Moved here from Booth after being announced to close; some improvement, \$5,000.

'I Married an Angel,' Shubert (38th week) (M-1,367; \$3.30). Scale reduced this week from \$4.40 top; latter figure applies only Saturday nights; former leader, \$23,000.

'Kiss the Boys Goodbye,' Miller (18th week) (C-944; \$3.30). Best of season's comedies; on nine performances schedule for holiday of winter period; \$16,000.

'Knickerbocker Holiday,' Barrymore (15th week) (M-1,096; \$4.40). Improved somewhat, \$17,500; looks set into the spring.

'Leave It to Me,' Imperial (12th week) (M-930; \$4.40). About tied with 'Hellzapoppin' for leadership; getting \$34,500, only variation being in number of standees.

'Mamba's Daughters,' Empire (4th week) (D-1,093; \$3.30). Materially improved; last week, \$11,600; jump of about \$2,000.

'Oscar Wilde,' Fulton (16th week) (D-913; \$3.30). Holding up better than expected and now looks set through balance of season; \$14,700.

'Rocket to the Moon,' Windsor (10th week) (D-1,049; \$3.30). Has been getting around \$7,500 right along; profitable; parties still holding.

'Set to Music,' Music Box (2d week) (R-1,000; \$4.40). Some notices strongly favorable; while there was difference in opinion, \$10,000 like money show; open last mid-week with many standees by Saturday; indicated pace, \$23,000.

'Spring Meeting,' Morosco (7th week) (D-932; \$3.30). Moving to the Little next week; profitable; \$8,500. 'The Birds Stop Singing' here next week.

house; good call for tickets reported. The Merchant of Yonkers, Guild (5th week) (CD-991; \$3.30). Another of the new shows to improve; stay indicated; approached \$11,000.

'The White Steed,' Cort (3d week) (D-1,030; \$3.30). Another new show that's building; \$11,000.

'Tobacco Road,' Forrest (26th week) (D-1,107; \$1.85). Turning some profit at \$4,500; looks like low-cost, long-run drama will run well into the spring.

'What a Life,' Mansfield (41st week) (C-1,050; \$3.30). Some profit at \$4,500, with cast on shoring basis.

'Where There's a Will,' Golden. Withdrawn Saturday (21) after seven performances.

Revels  
'D'Oyly Carte Opera Co., Beck (4th week) (M-1,189; \$3.30). Close to \$20,000 again; engagement to be extended beyond originally scheduled nine and one half weeks.

'Outward Bound,' Playhouse (6th week) (D-873; \$3.30). Should play well into the spring; over \$12,000.

'The Importance of Being Earnest,' Vanderbilt (3d week) (C-930; \$3.30). Doing fairly well, considering notices; \$6,000.

Added  
'One-A-Revue,' Hudson. Yanked Saturday (21) after two nights.

'Fins and Needles,' Labor Stage (61st week) (R-500; \$2.75). Garment Workers' Union revue profitable well over \$5,000.

'Naughty Naughty,' American Music Hall. Revived this week and may alternate with 'The Girl From Wyoming,' which played 13 weeks in night club atmosphere.

Elsie Janis, Music Box; Sunday nights.

WPA  
'The Big Blow,' Elliot. 'Andros and the Lion,' ette, Harlem. 'Pinocchio,' Ritz. 'Aweck and Sing,' Daly's (Yiddish).

## LAWRENCE'S 1ST IN PITT, \$17,000

Pittsburgh, Jan. 24.

Legit season came to life again last week after fortnight of inactivity, with Helen Hayes' current in the Nixon in 'Susan and God.' First time star's ever played Pittsburgh, and got a lot of press attention in addition to rave notices.

Helen Hayes' current in 'Victoria Regina,' her second 'Regina' engagement here, and looks like another session to absolute capacity. Advance pretty close to \$20,000 and, with balcony scaled slightly higher this time, everything points of better than the \$30,400 gross she piled up in November, 1937.

Nixon's prospects for remainder of season are brighter now. 'Tobacco Road' comes back Monday (30) for seventh week, with Talullah Bankhead's 'Little Foxes,' 'Bachelor Born' and Cornelia Otis Skinner's 'Candida' following.

Estimate for Last Week  
'Susan and God,' Nixon (2,100; \$2.75). Show got off to slow start, but wound up strongly, however, and left town with close to \$17,000, very good. Appearance in cast of Paul McGrath, long time stock favorite here, helped some, too.

## Hayes Cracks Record In Wash. with \$32,000

Washington, Jan. 24.

Helen Hayes' home town turned out to batter the s.r.o. sign for nine performances on her return engagement in 'Victoria Regina' and break house record for dramatic productions at standard \$2.75 top. Even without extra Friday matinee, figure would top week played here by show three seasons ago, \$15,000, being a record of \$22,500 held by Katharine Cornell's 'Romeo and Juliet.'

Current occupant of Cap's only legit stage is 'Bachelor Born.' Next week, black bank, with 'Of Mice and Men' due Feb. 6.

Estimate for Last Week  
'Victoria Regina,' National (1,698; \$2.75 top). Return engagement in 'Susan and God' broke house records with approximately \$32,000 for nine performances.

Plays Abroad

MADAME LA FOLIE

Paris, Jan. 14.  
Revue in two acts (32 scenes) presented by Paul Derval; produced by Derval and Maurice Hermite; stars Jeanne Aubert; staged by Georges Trepo; dancers, Rafael Garcia, Miss Bluebell; music, Pierre Larrieu; settings, Michel Grynatzky; Raymond Denbary; costumes, Mme. Derval; Jeanne Genet; Jean Dessea; Malcom Mathies; Solitaires; Max Weidy. At Folies Bergere, Paris.

Paul Derval, master of the cavalcade, has remained true to tradition this trip in presenting a colorful, speedy and well-cast revue. 'Madame la Folie' leans more on the beauty of its scenic effects than it does on top-line performers to draw distinction. The Folies formula has been followed perfectly in the former and a sufficient standard of quality is maintained in the latter to give the ensemble a character stamp.

Jeanne Aubert, who's starred, while purveying praiseworthy artistry, failed to catch the wave of applause at all times due to several momentary lapses at show caught. Absence of an outstanding male lead also detracts from the talent side.

Roger Dann, a relative newcomer, spotted for the place, lacks the voice and showmanship to keep his returns highly geared.  
But support generally is good. Irene Hilda, newcomer on this stage, sings and dances in some feature spots commendably; the Schwartz Sisters are spotted twice for songs, dances and a little dancing. A dancer, is limber enough to satisfy, but in his own dance he has too much sameness; Paul Meeres, formerly of the Casino de Paris, a team, is featured in several dances with several partners; Evelyn Grit, Gay Buisson, Virginia Angela and other secondary supports, are also satisfying. Last but not least, are Dandy and Orbal, standard comics at the Folies, who bring two of their typically French sketches to pull laughs aplenty.

Revue has less nudity than usual for this type of show, allowing costumed fineness to replace. A tendency also prevails almost throughout to revert to dated costume and settings. Both departures, however, are employed effectively.

Hugo.

MARCIUSI SZEL

('March Wind')

Budapest, Jan. 13.

Drama in three acts by Istvan Zagon; directed by Erno Tarnay; settings, Paul Veron; at the Vidoras, Budapest.  
Lily Murati  
Lilian.....Maria Sulovs  
Andras.....Andor Ajtay  
Johnny.....Imre Raday  
Koller.....Joseph Bilhar  
Janos.....Joseph Bilhar

A young student of sculpture in Paris hero-worships her middle-aged teacher and gives herself to him for one night. She does not love him but plies his art. The boy goes away when he finds it out and the girl marries the sculptor. All three are unhappy until the boy returns, discovering that although he wouldn't marry a young girl who once stepped, he didn't object to marrying a divorcee.

Though there are the makings of a somewhat old-fashioned problem play in this theme, Istvan Zagon has avoided its pitfalls by deftly handling situations in light dialog. Third act solution is rather unconvincing, but the rest is clever and enjoyable.  
Lily Murati is excellent as the girl; Andor Ajtay, as the sculptor, and Imre Raday, as the irresponsible playboy, who grows up when he is confronted with an emotional problem, also give good performances. One of the best plays of this year's crop here.

FTP's 'Merry Wives'

Detroit, Jan. 24.

Local Federal Theatre Project is rehearsing 'The Merry Wives of Windsor,' first Shakespearean play to be attempted by Detroit company. It's planned for early presentation throughout Michigan.

Project currently is presenting 'The Locked Room.'



Patriotism on Press

First four in the series of patriotic short plays to be published by the Dramatists Play Service have gone to the printers and will be issued in about a month. Two film companies and the networks have asked for advance copies of the pieces and are interested in adapting them. However, primary aim of the playlets is for royalty-free presentation in classrooms to instill in school children the U. S. democratic ideals.  
Playlets scheduled for first release are Stanley Young's 'A Ship Forever Sailing,' E. P. Conkle's 'We Couldn't Be Happy Otherwise,' Dan Totheroh's 'Seeing the Elephant,' and Merrill Denison's 'Asylum.' All are based on incidents in American history. Entire series will number 12 or more playlets. Robert E. Sherwood and Elmer Rice may contribute.

TMAT Strike

(Continued from page 57)

League, also is critical of the manner in which the code is operating. Council is said to have indicated that the League is not disciplining those managers who are alleged to have violated the ticket regulations. There has been no actual proof of violations, however. While it is generally held that a percentage of tickets for hits are being sold at prices much in excess of the 75c. code limit, a larger number are being disposed of at the regulation rates.

Acme Seeks Pre-Trial Exam

In its battle with the League of New York Theatres and Equity over the theatre ticket code, Acme Agency, through Mike Atlas and Walter Friedman, will ask N. Y. supreme court Justice McGeehan today (Wed.) for an order directing officials of the League and Equity to appear for examination before trial.

Acme is seeking a permanent injunction to restrain the League from carrying out the clauses in the code relating to the price on tickets. A week ago Justice Valentine denied a temporary stay pending trial of the suit for a permanent injunction. Court, however, ordered the trial be set for Feb. 14.

Snowstorm Hurts Prods.

One of the ways in which the ticket code is costly to producers was demonstrated by last week's snowstorm. With the adverse weather keeping last-minute playgoers at home, there was a sharp drop in the number of late calls at the brokers. As a result, large blocks of tickets were turned back to the theatre at the last minute, when there was no chance of disposing of them. In the case of 'The Primrose Path,' at the Biltmore, the amount involved ran to several hundred dollars, since a large percentage of that show's business has been through agency call.

If the code were not in operation, such returns wouldn't be dumped back on the theatre, as the show would probably be operating on a 'buy.' However, 'buys' are now outlawed under the pact. Indicated the returns represented a saving to the brokers, but an outright loss to manager.

Of course, the theory of the code's supporters is that in case of such storms, or other adverse elements, the loss must be born by someone, and that, in this case, the amount involved will be more than made up in the long run by increased business, due to the operation of the code. Explanation offered is that if there had been a 'buy,' the brokers would have had to absorb the loss resulting from the storm. Any such loss would ultimately be borne by the public through increased agency prices, it is claimed.

Syracuse Obituary

Syracuse, Jan. 24.

Once one of the finest legit houses upstate, the Empire, lately a third-run film house, is now apparently approaching the also-ran class.

Mitchell Fitzer, owner, is converting the stage of the Empire into a basketball court for games by local quintets. Syracuse ban on bingo, banko and giveaways is apparently cause of the shift from films to basketball.

Shows in Rehearsal

'The Philadelphia Story'—Theatre Guild.

'Miss Swan Expects'—William Harris, Jr.

'I Must Love Someone'—Jack Kirkland.

'Five Kings'—Guild-Mercury.

'Off to Buffalo'—Vinton Freedley.

'Henry IV'—Maurice Evans.

'The Little Foxes'—Herman Shumlin.

Mrs. O'Brien Entertains—George Abbott.

'Jernam'—Theatre Guild.

'One for the Money'—Stanley Gilkey, Gertrude Macey.

Plays on Broadway

Where There's a Will

(Continued from page 58)  
Theatre in Paris, plays the leading part, as well as being adaptor-producer-director. He is no more successful as an actor than he is in his other capacities. His performance is painstaking, but rarely convincing, and he lacks the necessary personal magnetism with which Guitry must have invested his part.

Although Jessie Royce Landis is a competent actress, she's stymied by a rapid part as well as by faulty direction and inarticulate surrounding performances. In at least one instance, her attempt to play a scene without adequate response from the other player is downright embarrassing. A. P. Kaye, normally a capable character actor, nullifies the comedy in the part of the butler by over-playing and mugging, instead of dead-panning it as he should. But he has been here in at least one way.

Frances Reid, a newcomer to Broadway, is a pretty and engaging ingenue, and although her voice is a trifle thin, she plays with appealing simplicity. Others are routine, except Donald Baker, who is palpably unequal to the part of the youthful philanderer. Albert A. Ostrander's single setting is bargain-counter stuff.

(Closed after seven performances; printed for the record.)

Legit Jobs

(Continued from page 57)

than the usual number of Broadway in current shows, both on Broadway and the road. Even with such all-English casts as 'Spring Meeting' operating and excluding the O'Dyly Carle troupe, there are not more than 20 alien actors employed in New York or the road combined, it is said. Fact that such foreign-born players as Robert Morley, Maurice Evans, Raymond Massey, Barry Fitzgerald and Beatrice Lillie have won critical raves is credited with centering undue attention on the normal percentage of non-resident actors on the boards, it is explained. According to Equity, the number of 'alien' actors is steadily decreasing. Foreign-born players may gain 'resident' rating either by playing 75 weeks in the U. S., or when they receive their dual citizenship papers, although Canadian-born actors automatically qualify as 'resident' under the Equity rules. Reason so many non-residents are acquiring resident status is a matter of conjecture, but it's figured the uncertain state of European affairs may be a factor.

Contributing angle may also be the increasing importance of the Broadway theatre as compared to that of London. Notably in the higher-salary classifications, actors can earn about double the money on Broadway that they can in London. And in some cases, notably those of Evans, Morley and Miss Lillie, they have won much more acclaim in the U. S. than in their native country.

Ruth Gordon's Illness

Philadelphia, Jan. 24.  
Illness of Ruth Gordon likely to necessitate the cancellation of tonight's (Tuesday) performance of 'The Birds Stop Singing,' at the Chestnut. Actress, who has been suffering from a cold for about a week, became worse, but managed to play last night's (Monday) opening. Expects to be sufficiently recovered to go on tomorrow night.

Lenore Coffee play, which is being tried out here by John Golden, is undergoing strenuous repairs. Producer and his general manager, Eugene O'Neill, the author and director William Miller, are huddling today on script revisions and retagging. Stated they still plan to take it into New York next week.

Inside Stuff—Legit

To a couple of principal juves in the cast, one of the recent Broadway openings was a major washout. Figuring themselves a sure click in comedy parts, the two actors splurged on silk dressing gowns, scarfs and all the toney accessories in which to greet their friends in their dressing room after the preem.

When the final curtain calls were over, the two scrambled backstage, donned their finery and waited for the onslaught of admirers. Mob of visitors to a featured actress in the adjacent dressing room extended down the corridor past their door, but not a soul approached them. They haven't worn the new duds since.

Norman Bel Geddes, who has designed special settings for a major exhibitor at the New York World's Fair, planned a novelty show of his own, but has not come to agreement with the expo management. Cost of a building is estimated at \$150,000 and the requirement is to guarantee the cost of razing when the fair is over. Fair collects 15% of the gross and the showman-designer figured the costs too high.

His idea is a spherical building with mirrors set at various angles. Illusion is that when one girl dances it looks like a whole troupe. Admission would be 15c. Half dozen girls working in shifts would comprise the whole playing complement.

Although his performance in Paul Vincent Carroll's 'The White Steed,' at the Cort, N. Y., was highly rated by critics, Harry Fitzgerald still is under Jessica Tandy and George Coulouris in the billing. All three are featured, but even before the opening some surprise was expressed in Broadway circles that Fitzgerald, who has won critical esteem in pictures as well as with the Abbey players, was billed below Miss Tandy and Coulouris, particularly since his part is the lead. Fitzgerald took the role during the out-of-town tryout, after Whitford Kane had played it for several performances. Kane subsequently resumed his part of the First Gravedigger in the Maurice Evans full-length 'Hamlet.'

Broadcast of audience comment from the lobby after the show was one of the novel stunts pulled last week during the presentation of 'The Night of January 16th' by the John Holden Players at the Dominion theatre, Winnipeg. Program was aired over station CKY, Winnipeg, and was credited with giving substantial boost to the week's gross. In addition to the radio tieup, the unusual nature of the play, which calls for jurors to be selected from among members of the audience and to give a verdict on the guilt or innocence of the heroine accused of murder, drew generous space in the local press.

Postcard campaign to bring D'Oyly Carte Opera Co. back to Pittsburgh this season has just been launched there. Note appearing in column of Harold W. Cohen, drama ed. of Post-Gazette, announcing that Savoyards would not visit Smoky City on current visit to U. S. brought a letter from English college professor wondering if flock of postcards to G-S troupe management wouldn't help. Cohen said it might. Result was hundreds of cards immediately, which will be sent on to D'Oyly Carte troupe when they stop coming in. Savoyards played Pittsburgh on last trip to this country and did a great full week's biz.

Cast of the stock at Woodcliff, N. J., across from New York, appeared before Equity's council, requesting that the association pay the missed two weeks' salaries and later collect on the surety bond which was ordered withheld.

Council declines to so act, although it was realized that in civil court procedure the case may not come up for some time. Players were told that Equity cannot guarantee the sureties deposited, though every effort to collect will be made.

Gertrude Lawrence, playing Pittsburgh last week in 'Susan and God,' was first actress ever to receive gold key to city from Mayor Scully there. She's only the third person Scully has so honored, other two having been Douglas Corrigan and Crown Prince of Sweden. Presentation was made at City Hall following opening night of 'Susan,' at which Mayor and some of his cabinet occupied a box.

Since the opening of the Group's 'The Gentle People' at the Belasco, N. Y., Franchot Tone and Sylvia Sidney have been elevated above Sam Jaffe in the billing. All are featured, but before the preem Jaffe had the top spot. Elia Kazan and Roman Bonnen are also featured. Tone, one of the founders of the Group, and Miss Sidney, drew particularly favorable reviews.

Second Carnegie Tech drama student to join up with Lunts' acting company in a month is 18-year-old Donald Buka, a freshman, who quit school last week to become bit player and general understudy with Theatre Guild stars. Other Tech student to go with Lunts was Thelma Schnee, graduate of drama department last February. She's replacing Uta Hagen, who left company upon her marriage recently to actor Jose Ferrer.

Short sketch, 'A Day in the Life of an Agent,' by Dorothy Fletcher, of the Pinker & Morrison play agency, was tested last week by the Plays & Players, Philadelphia, amateur dramatic group. Miss Fletcher, Adrienne Morrison, Eric Pinker, Dorothy Johnson and Guy Andros appeared in it. Piece will be revised with the idea of a commercial presentation.

Several candidates for the best performances of 1939 have arisen since the turn of the year. First in line is Ethel Waters, whose appearance in 'Mamba's Daughters' is her initial dramatic assignment. Show opened at the Empire, N. Y., Jan. 3.

Pat Ballard's unproduced play, copyrighted in 1937, was titled 'Off to Buffalo.' When Vinton Freedley learned of this, he made a settlement with Ballard, because Freedley's forthcoming production is similarly titled. It's the former 'Flying Ginzburgs.' Joe Cook's slated to start in it.

6 GET ROCKEFELLER \$1,000 FELLOWSHIPS

Rockefeller Foundation playwright fellowships of \$1,000 were awarded by the Dramatists Guild this week to Leopold Atlas, Alladine Bell, George H. Corey, Alis De Sola, Ben A. Simkhovitch and Arnold Sundgaard. Purpose of the grants is to give the recipients financial assistance to complete new plays. One previous award had been made to Betty Smith.

Committee, including Kenyon Nicholson, chairman; Katherine Dayton, John Golden, Paul Green and Prof. Allardree Nicholl, plans to meet every two months with the fellows and to give them financial encouragement and practical assistance. Stated that the committee members were particularly im-

pressed by the professional viewpoint of the award-winners.  
Atlas is the author of 'Wednesday Child' and 'But for the Grace of God,' as well as the unproduced plays, 'So Long, House We Live In' and 'John Doe.' Miss Bell has written 'Saturday Evening,' 'Do Re Mi' and 'Horse Tale,' none of which was produced on Broadway.  
Corey authored 'Turnip's Blood' and '5959 F.O.B.,' as well as several short stories. Miss De Sola has written 'Shadow of the Moon,' 'Oh, Baby' and 'Panic,' which were given little theatre productions. Simkhovitch is the author of the unproduced plays, 'Garmen Center,' 'The Morning Star' and 'Child's Play.' His 'Off Shore Wind' is slated for Broadway production by T. Edward Hambleton.  
In addition to the recent Broadway production, 'Everywhere,' which he co-authored with Marc Connelly, Sundgaard wrote 'Spirochete,' a play history of syphilis.

## Authors' Woe

Publication of two new radio digest mags, Listeners Digest and Radio Digest, has become a problem for authors. Deals with the question of payment for the reprint rights to broadcast material. Radio Writers Guild and its parent group, the Authors' League of America, are eyeing the situation but have formulated no official policy.

According to certain radio scribes, they should be paid for the reprinting of any of their material in the digests. However, a number of authors, among whom are Dorothy Thompson and Fanny Hurst, are lenient in granting free reprint rights for any of their works provided credit is given. In addition, both Miss Thompson and Miss Hurst are said to be unusually generous in supplying gratis material for broadcasts. A half of 'worthy causes'.

According to lesser authors, the name writers can afford to pass up minor coin involved in reprints or in scripting for 'cause' radio programs, but such generosity makes it tough for the struggling scribes who would welcome modest fees. Pointed out that as long as sponsors can get gratis scripts from name authors there is no reason why they should pay comparatively unknown writers for the job.

Apparently the Authors' League is hoping the digest reprint problem will solve itself, since both Listeners and Radio Digest have announced that they will institute a policy of paying for all material as soon as the publications are established on a paying basis. Listeners editors, in particular, are emphatic on that point, explaining that unless the mag can support itself on a pay-for-material basis, they will scrap the venture. The regular digest mag, Readers' Digest is almost alone in paying for all material.

Listeners editors say they already obtain permission from all persons concerned before reprinting any broadcast material. Explain that they consult the author, sponsor, ad agency, network or any others who might hold the copyright to the desired material. In most cases, copyright is retained by the author, but in the case of network staff writers employed on salary, the employer holds the copyright.

## Learning Fast

Arthur W. Hansen, the Fairhaven (Vt.) chief of police and fire fighter, who once a year achieves local immortality by having his annual report to the town council published in John Chapman's column in the New York Daily News, is learning the ways of big-time publicity. Hansen this year sent Chapman a copy of the report even before he submitted the original to the council. Accompanying the report was a request from the Fairhaven newsdealer for advance word when the report would be published. Explained he will be able to make about \$6 profit on extra sales of the issue.

Hansen's report is always a straight-faced account of his year's policing activities in the town and is virtually a cross-section of rural Americana. In his off hours, he's the town electrician. Chapman will run the report Sunday (29). He first published it two years ago from the Fairhaven Register, local weekly, which prints it in uncut form.

## Cooper's Bit for Justice

Courtney Ryley Cooper, the author, testified in U. S. District Court, Philadelphia, Thursday (19) against a dealer in obscene literature whom he trapped while gathering material for a book. Dealer, as a result of Cooper's testimony, was sentenced to a year and day, given an additional suspended sentence of five years and placed on probation for five more.

Cooper testified that since he was appalled by the number of sex crimes throughout the country, he had planned to effect the material for a book on the effects of obscenity on youth. Postal inspectors agreed to help him and he posed as G. F. Cooper, an illiterate farmer.

'Coming across an advertisement for spicy books,' stated the author, 'I communicated with the advertiser in Philadelphia and received books for \$1 each and wrote back for something spicier.' Cooper then got 'Midnight Intimacies' for which he paid \$15, and 'Memoirs of Madame Madeline,' which cost him \$45 for two volumes. He said they were 'the vile and rotten material ever written.'

## Testimonial to Malloy

John A. Malloy, transferring as m. e. of Boston Hearst papers to editorial assistant to Joseph V. Connolly, general manager of all Hearst

papers, was given a testimonial dinner in Boston last week.

Connolly, Walter Howey, who succeeds Malloy in Boston; Elson Stiles of the N.Y. Mirror, and Brad Kelly, of King Features, were among the guests, which included the governors of Massachusetts, New Hampshire and Maine. William Randolph Hearst wired greetings.

## Refugee Backers Party

Committee sponsoring forthcoming manuscript sale by League of American Writers and Booksellers Guild to raise funds for refugee scribblers cocktailled at the Hotel Delmonico, N.Y., Thursday (19). Guests of honor were Raymond Massey, Henry Seidel Canby and Alaine Bernstein.

Ralph Roeder, chairman of the sale, which will take place Feb. 19, others on committee include Dorothy Parker, Mrs. George Marshall, George S. Kaufman, Theodore Dreiser, Luise Rainer, Carl Van Doren, Prince, and Princess Hubertus, Loewenstein, Samuel Barlow, Irene Lewishon, Rockwell Kent, Prof. Albi Einstein and Richard S. Childs.

Also, Clifford Odets, Burton Emmett, Sherwood Anderson, Bennett Cerf, Thornton Wilder, Mrs. Edwin Vogel, Justice William Harmon Black, Dashiell Hammett, Alfred Knopf, Waldemar Kaempffert, Mrs. Joseph Swan, Archibald MacLeish, Mrs. David Levy, Lewis Mumford, Massey, Canby, Frederick Melcher, Richard Simon, Prof. Irwin Edman, Mrs. Henry Ittelson, Sr., Harold Guinzberg and Louis Bromfield.

## Hearst's Economy Move

Suspension of Pictorial Review with the March issue is in line with decision of Hearst publishing board to gradually liquidate unprofitable periodicals in the Hearst chain. Suspension followed by few days consolidation of Milwaukee News, Hearst afternoon daily, with that of the Sentinel, Hearst morning paper in the same city.

Circulation and editorial features of the Review likely to go to Hearst's other women's mag, Good Housekeeping. Just as Delineator circulation went to Pictorial Review when Hearst acquired former two years ago.

Review was founded in 1899 by Paul Annett. Lee Ellmaker became publisher in 1932, and in 1934 mag was bought by a Hearst subsidiary headed by Richard F. Berlin, general manager of the Hearst mags.

Nine mags remain in the Hearst chain. Editor of Pictorial Review was Herbert R. Mayes.

## Push Shawn's Literary Flair

Through the combined interest of Jake Wilk, Warner Bros. story chief, and John Farrar, of Farrar & Rinehart, book publishers, Ted Shawn, the dancer, is being brought along as a literary discovery. Former head of the Denishawn Dancers, when partnered with Ruth St. Denis in yesteryear ballet and stage work, still has a school around Boston, and it was through mutual friends that Wilk first spoke to Shawn about developing his reputed literary flair.

Thus it was that the Warners firm expressed suggestion to Duke, the tobacco man, as a fitting subject, which is resulting in both the book being published and WB having a possible screen subject.

## Storm Arrives in 'Good Health'

Hans Otto Storm, novelist and radio engineer, returned to his home in Palo Alto, Cal., last week from Peru, where it's said, he was told to leave the country immediately in the interest of his 'continued good health.'

The Peruvian government gave no explanation for his deportation, Storm said, but he figures it was the result of one of two things, jealous resentment of a rival radio equipment firm over his installation of wireless apparatus, by which proceedings of the recent Pan-American Conference were broadcast, or outraged nationalistic pride among readers of his novel, 'Pity the Tyrant.'

The book treats Peruvian politics unflatteringly.

## Literati Hot-Foot

Less than 24 hours after it became known that H. Allen Smith, of the N. Y. World-Telegram, was scripting a series about practical jokers, past, present and future, he was swamped with phone calls and mail. Catch was that the bulk of practical joker experiences were about the hot-foot gags and the joker's wife.

Understand that Smith was advised to duck 'cave society' for material and preferably move west as far as 10th avenue for original joker gags.

## NEW PERIODICALS

Strange Detective Mysteries and 44 Western Stories being revived by Popular-Publications. Pair had been suspended some time ago, but renewed favor of detective and westerns has prompted the revivals. Mags under the editorial direction of Rogers Terrill, who supervises most of the mags in the chain.

Good Healthkeeping being prepared by Joe Bonomo Publications. Will go in for beauty and health aids, and the like. Bonomo, silent-screen player and vaudeville strong man, has been publishing number of one-shots on health, dancing, beauty, etc. Will edit as well as publish the mag.

Insular Review, monthly designed to cement relations between U. S. and the insular possessions, makes its first appearance early next month. Joseph A. Bliss is publisher with Teddy de Nolasco editing. Bliss former newspaperman and fashion paper writer.

Southern Literary Messenger out after hiatus of some 75 years. Once edited by Edgar Allan Poe, revived mag now guided by F. Meredith Dietz, publisher in Richmond, where the Messenger is being published. Publication monthly.

Fact & Say Stories will be second in the series in mags which the newly-formed Fact Publishing Corp. is to issue. Starter, recently announced, is Fact Detective.

Imagination, monthly, going in for the weird and fantastic, in fact and fiction. Science, too, but away from the ordinary. Published on the Coast, with Forrest J. Ackerman editor.

4-H Horizons, monthly mag, will cover various youth activities. C. B. Smith, Joseph P. Egan and Charles E. Eshbach to edit.

## Belated Garland Tribute

At the turn of the century midwest mixed stip Hamlin Garland wrote about the locality, yelling he did the section dirt.

However, Garland pieces, though derogatory to the midwest, and to the Dakotas in particular, now deemed among the most praiseworthy things ever penned on the locality. As a means of making amends, South Dakota Writers' League has gotten up a 'Hamlin Garland Memorial' volume, intended as a tribute to the author 'for what he's done for the Dakotas.'

## Foreign Nationalism in U.S.

Increasing nationalism abroad reflected in U.S. by rapidly growing number of mags along nationalistic and racial lines. Generally in English, their aim is to water foreign roots of those U.S. citizens with European antecedents.

Typical are such periodicals as Swedam and The American Slav. First-named, designed for the American of Swedish descent, and latter as indicated by title. Until nationalism came in with the dictatorships, nationalistic and racial press here had declined.

## Macfadden's Look Abroad

Bernard Macfadden has sailed with Asa Blish, one of his publishing executives, to look over the five editions of the Story Magazine published in Europe.

Understand that some changes and new appointments will be made by Macfadden while abroad, with the reputed possibility that Blish may remain there in a high post.

## Deal to Write 25 Novels

Neil Swanson and Farrar & Rinehart have completed deal calling for Swanson to do 25 novels for the publishing house.

Novels will comprise a series on the creation of the U. S., although each will be complete in itself. Swanson will do around one a year, with F&R to maintain steady exploitation of the series.

## Foto Comes Back

Foto, one of the many picture mags to come out in the wake of Life, and which subsequently dropped out, has been revived by Dell Publishing Co. Edited by West F. Peterson, who gets out a number of other periodicals of Dell.

Return of Foto raises number of picture mags published to six. Besides Life, others are Look, Click, Pic and Peek.

## Distrib Books-Banned in Reich

Number of German-language book publishers outside of Germany have set up a 'Aktion' to distribute books in New York under direction of Friederich Krause, Agency, carrying Krause's name, to be known as Friederich Krause, publisher.

Books to be distributed by Krause here will be those banned by Nazis

as well as new ones by Reich refugee scribblers. Krause will additionally handle U. S. film, radio and dramatic rights to the books distributed by him.

## N. Y. Guide for Fair Index

Extra influx of millions to New York during the World's Fair resulting in a flock of guide books on the town. Guides leave no stone unturned for the gawkers, exposing the metropolis from the Bronx to Staten Island. In all sizes, from a two-bit tuck-me-in-your-pocket to \$2 book.

Some of the more important guides being published are 'Here Is New York,' by Helen Worden, of the N. Y. World Telegram; 'Metropolis: A Study of New York,' by Mary Field Parton; 'New York, the World's Fair City,' by Dr. Frank Monaghan, and the Federal Writers' Project's 'Almanac for New Yorkers.'

## Whitehall Fabs Formed

Whitehall Publishers formed in New York to sponsor non-fiction books on variety of subjects.

Heads are Emanuel M. Solomon and Samuel Azen, advertising men, but understood they are fronting for others.

## Take Over M'w'ke Daily

The Milwaukee Evening Post, formerly the Milwaukee Leader, is the successor to the Milwaukee News, Hearst rag which folded Jan. 14.

Former News writers bought the Leader, typical farm paper, and United Press features.

## Fadiman Presides at Feed

Clifton Fadiman to preside at fourth Book and Author Luncheon Feb. 14 at Hotel Astor, New York, at which prominent scribblers will speak.

Monthly affair, which has for its purpose familiarizing book-buying public with authors, proving extremely popular.

## Galleon Fabs Subsid

Panart Publishers being formed by Rudolph Loewinger to supplement his Galleon Publishers.

Galleon is general publishing house, and will take some of its books will be put out under the Panart imprint for better concentration.

## LITERATI OBIT THIS WEEK

Paul Shannon, 64, veteran Boston Post sports writer and president of the Baseball Writers' Association, drowned last week in St. Petersburg, Fla. Shannon, who has spent last 15 winters in Florida covering major league teams' spring training, left his home night before his death to take walk and was last seen sitting on seawall. Coroner's inquest attributed death to accidental drowning. He had been connected with the Post for 35 years. Widow and sister survive.

## CHATTER

Anna Louise Strong back from Europe.

Henry Seidel Canby doing a life of Thoreau.

Nat Karson doing a book on stage designing.

Frank Bruce Lockhart here for a lecture tour.

Gladys Egginton working out a publishing idea.

Royal Publishing Co. formed by Sam Schonwald.

Daniel Locke Parsille has moved his typewriter to Key West.

Frank Graham, sports columnist on N. Y. Sun, writing a novel.

'Jeannette Marks back from a cruise to Trinidad and Jamaica.

Samuel Harden Stille has a fall-able Book House under way.

Patterson McNutt sold his story, 'One Big Happy Family,' to Satevpost.

New newspaper syndicate, Press Alliance, formed by Frances F. Dobo.

Scribner's have bought Susan Goddyear's third novel, 'Such Harmony.'

Russell Birdwell's 'I Ring Doorbells' being brought out Feb. 15 by Messner.

Digest Year Book, offshoot of World Digest, to be issued semi-annually hereafter.

The Ballston Spa (N. Y.) Daily Journal, after 44 years, becomes a weekly next month.

Leo Discher, Jr., of the Charleston (S. C.) Post, has joined the AR bureau in Charleston, W. Va.

Dorothy Baker, who authored 'Young Man With a Horn,' has sold a short story to Harper's Bazaar.

Irving Reis, far scripter, accompanying the N. Y. police emergency squad for 'Emergency Squad.'

Heywood Brown and Walter Winchell did special forewords for the 'Damon Runyon Omnibus.'

Jack Goodman and Albert Rice,

short story collaborators, have sold another to Cosmopolitan, 'Candid Candidate.'

London publishers, Chapman & Hall, have taken English rights to Darwin L. Teilhet's 'Journey to the West.'

Kenneth Collins joins the N. Y. Times next month as assistant to the general manager, Col. Julius Ochs Adler. Collins is a department store ad exec.

Tiffany Thayer has signed with Dial Press for new series of novels which he starts writing in the spring.

George Hartrap, Ltd., has secured the British publication rights to 'We Saw It Happen,' by 12 N. Y. Times writers.

Aiden Nash said 'The Boss Walks Out' a prizefight yarn, to the Toronto Star News Syndicate for serialization.

Nathaniel G. Benchley, Robert Benchley's boy, on the N. Y. Herald-Tribune, engaged to wed Mary Bradford.

Closing date for the Harper prize novel competes is Feb. 1. Best novel will net the author minimum of \$7,500.

Robert Benchley's 'My Ten Years in a Quagmire and How They Grew' goes into a reprint soon by Blue Ribbon.

Construction got under way in Herty, Texas, on \$6,000,000 newspaper plant of Southland Paper Mills, Inc., last week.

Tom O'Connor, of the Evening News, is new president of the Los Angeles Newspaper Guild, succeeding James Crow.

Dorothy and DuBoise Heyward's play 'Mamba's Daughters,' to be published by Farrar & Rinehart, comes out Feb. 2.

Scribblers publishing Helen Willis Mondy's novel, 'Murder on the Center Court,' in serial form, beginning late next summer.

Robert Penn Warren, managing editor of The Southern Review, has completed a novel on a Houghton Mifflin Fellowship.

Joseph H. Schmalacker, Brooklyn Eagle, has been elected president of the Legislative Correspondents' Association in Albany.

Thornton Delehanty is doing a daily Hollywood column for the N. Y. Herald-Tribune instead of the former weekly coverage.

Jonathan Cape, the British publisher, goes in N. Y. Saturday (28) to gander likely American book material for the other side.

DuBoise Heyward, whose 'Mamba's Daughters' is current on Broadway, has completed a book about an Easter bunny, for juvenes.

Lloyd C. Douglas back to his Coast home after a short spell in New York following his return from a trip to Central and South America.

Thomas Smith's unexpurgated 'Topper Takes a Trip' has been reprinted by Sun Dial Press in a tieup with United Artists, which preleased the film.

Jonathan Daniels, editor of the Raleigh (N. C.) News and Observer, made the 1938 honor roll of The Nation for his book, 'A Southerner Discovers the South.'

Albert J. Perkins and Gregory Dickson writing a comic whodunit, located in the Walt Disney studio. Book will also tell how animated cartoons are made.

No. 35865 at Michigan State Prison, who turned out humor for numerous mags under the pseudonym of Lew York, has done a book on prison humor, due for publication soon.

William Haggard, m. e. of the Rochester Democrat & Chronicle, is laid up with a broken leg suffered in a fall as he stepped out of bed. Joseph Adams, assistant m. e., is pinching him.

Ed Gordon Garfield, of the N. Y. Times editorial staff, will have his third book, 'Albert Einstein: Maker of Universes,' published by Funk & Wagnalls, on March 14, Einstein's birthday.

Leslie Charteris, assistant of 'The Saint,' has new title to appear in March in the Post-Dispatch.

The Happy Highwayman. RKO shortly to preview his third 'Saint' film, 'The Saint Strikes Back.'

Reader's Digest has contracted with Random House to use as a forthcoming book supplement Philip van Doren Stern's 'The Man Who Wasn't There' February choice of the Literary Guild.

Clifton Fadiman doing a game book on his 'Information, Please' radio program for Simon & Schuster publication early in the summer.

F. P. A., John Kieran and other regulars on the program continuing.

Charles G. Brown, Post-Dispatch editorial writer, has been appointed contributing editor and will be stationed in Washington, where he formerly headed the paper's news bureau for 16 years. Ralph Coughlan succeeds Ross in St. Louis.

## Broadway

Jack Oakie in town.  
Harry Archer back with a Miami tan.  
Earle Larimore fell and hurt his chest.

Mayris Chaney (and Fox) in hospital with grippe.  
Don DeFore, legit player, convalescing from his triple operation.  
Phil Reisman, who has been vacationing in Florida, has gone on to Havana.

Clay Morgan, NBC, hosted a large party at Actors Fund performance Sunday (22).

Harold Koenigsberg of American Federation of Actors to be married next June 11.

Eugene Ford, 20th-Fox director, back from European vacation, left for the Coast last week.

Burgess Meredith going around with a beard and moustache he's growing for 'Five Kings.'

Walter Winchell back to Florida end of this month to do his column and broadcast from there.

Louis Brandt, Bernard Brandt and Mary Lewine 'Mikado' Circuit, to Florida on two-week vacation.

Franchot Tone says he's going back to Hollywood and pictures in June, but probably not for Metro.

The Beatrice Lillie and 'American W.' premees were put on markets for the theater elites after the openings.

John Hammell, formerly with Par's production code division on the Coast, has returned to N. Y. after a world cruise.

Gladys Hurlbut in town on a visit. Her 'Lovers Meeting,' which was produced in London, recently bought by Universal.

Ken Nichols missed Yacht Club opening for which he wrote the numbers. Mother's death took him to Milwaukee.

Joe Glick now g.m. for Mike Todd's 'Swing Mikado.' Alfred de Lagrange, Jr., is abandoning his plans for a jazzlike 'Mikado.'

John Howard Lawson has returned to the Coast after confabbing with Group Theatre strategists on his incomplete, untitled play.

Charles Boyer came in from the Coast last week to meet his mother, arrived from Europe, and then accompanied her back to Hollywood.

Cole Porter, recently returned from a Caribbean cruise, huddling with Vinton Freedley in an effort to unearth a plot for a new musical.

Irving Reis, Paramount scenarist, after several years in N. Y. is circulating local color for 'Emergency Squad,' left Friday (20) for the Coast.

Gladys Unger in from Hollywood with script of 'Saints Tomorrow,' which she co-authored with Dorothy Presnell. Matson & Duggan handling it.

David (Loew's v.p.) Bernstein's son Arnold, has joined the firm. Abeles' law firm. Latter is special copyright attorney for Loew-Metro and 20th-Fox.

William J. Fadiman, Metro eastern story editor, flew to the Coast for story conferences with Edwin Knopf and Kenneth MacKenna. Back east, three weeks.

Jack of standard brand doughnut and milk bars springing up all over town. Primed for the floating population due for the '39 Fair. A mass 'crazy' crowd is expected.

Hazel (Red) Hickey, professional, being sought by her brother, Andrew M. Hickey, Kansas City, to advise her that their mother died Nov. 4 last. She probably doesn't know it as yet.

Betty Lawford's post-meridian chill can come parties are proving tough competition for the class joint—she takes em on in groups from the Stork and 21, depleting the customers there.

The Stork Club, which prides itself on being choosy about gets by the tape, had a curious nitery loafer in Tony Galento the night after his fight with Jorge Brescia last week. Sherman Billingsley had his joke by introducing the pug to Noel Coward.

## Minneapolis

By Les Rees

Friends and groups urging W. A. Stettes to file for Mayor.

University of Minnesota Theatre to offer 'It Can't Happen Here.'

Joe Stern, indie distributor, to motor to Texas with the missus.

'Schmickelfritz' band back at Hotel St. Paul for indefinite engagement.

George Granstrom over his illness and back at his Grand View theatre.

Cornelia Ois Skinner in 'Candida' pencilled into Lyceum for two days, Feb. 7 and 8.

Bob Long, M-G-M auditor, at Mayo clinic at Rochester, Minn., to learn what ails him.

After 13 years with Elliott Film Co., Clara Eisenberg resigned to join Universal's office staff.

Joe Podoloff, 20th-Fox branch manager, adopted 10-week-old baby girl from The Cradle, Evanston, Ill.

Phil Dugas, Columbia district manager, unable to keep local date with

'Hy' Chapman because he had to go to hospital for operation.

Charles St. Paul, promoted from checking supervisor to M-G-M sales staff, succeeding the late Walt McKee as North Dakota representative.

In 13 games to date, Minneapolis A. professional hockey team has pulled more paid attendance than it drew in all last season's 24 contests.

Yeggs gave up before they reached cash boxes in sales at El Lago and Leola beaches, nabe houses, missing out on more than \$1,000 in the former.

John J. Friedl and L. J. Ludwig, Paramount circuit manager and assistant, respectively, back from New York, where they ironed out product deal details.

R. H. Stahl transferred by Universal from Des Moines to replace Fred Finnegan, office manager and head booker, on indefinite leave because of illness.

## Paris

By Hugo Speck

'Juliette' closed at de l'Oeuvre. Harry Lachman in from London. Gaby Marces spotted at Lida Club.

Writer O. P. Gilbert turning megger. 'Suez' (20th) still grossing good returns.

Madeleine Spencer opened dancing school in London. Niedzielski piano recited at Salle Pleyel.

Riviera winter season expected to be big. Arthur Schnabel concert at Salle Gaveau.

June Duprez winter sporting at St. Moritz. Samy Sirlitz sailing for America Jan. 28.

Georges Marton packing for Hollywood visit. Earl Mainman in from America for concert tour.

Comedie-Francaise planning 1939 London season. Ray Goetz in from London and on to Paris.

Geoffrey Capstick, of Felman Publications, to London. Waverly Root out as Timc. mag's Paris correspondent.

Investment of the Natan scandal continuing on the q.t. Wilson Keppel and Betty featured at Tabarin Vaux, Nice.

Ernesto Rossi, short tour with Paris Philharmonic. Mistinguett revue moved to Alcazar from Moulin-Rouge.

Jan Klepura recovering from grump in American hospital. Pierre Sandrini planning to open his Moulin Rouge in the spring.

Last year saw 120 French and 160 foreign films released in France. D. Koster of Metro Music Corp. in and then back to Amsterdam.

Paris' oldest cafe, Procope, will celebrate 250th anniversary this year.

Writer Jerome Tharaud, member of French Academy, expelled from Italy.

Blanche Baretta-Worms, outstanding actress early in century, dead at 84.

Jean d'Esme off for Morocco to shoot exteriors of his next, 'Pour la Gloire.'

Three Peters Sisters in from London via plane to top Cirque Medrano bill.

Stella Adler in from London looking for plays prior to returning to America.

Auguste Frediani, acrobat and circusowner of a half-century ago, dead at 83.

French film productions for 1939 set for 200, but doubtful if they'll all be finished.

Queen Victoria pageant planned for Artistic Annual Benefit gala at Cirque d'Hiver.

Roland Toutain putting on impromptu performances at Restaurant des Ambassadeurs.

Cinema b.o.s. racing in record takings after three-day shuttering, following tax protest.

Robert Sidomak selected 'Pieges,' adapted from the original play by Ernest Neuville, as his next.

Russian Prince Troubetzkoy, once cowboy in Hollywood horse operas, one of stars in 'Serge Panine.'

Marcel Carne, readying to make 'Le Jour se Leve,' from Jacques Viot original, starring Jean Gabin.

Fernand Gravet signed with Abel Gance to make 'Regenbogen-dans la Glace' opposite Maurice Poesque.

Jacques Foder to make 'Telle Elle Etait de son Vivant' from Constantin Weyer story and will star Michèle Morgan.

Pierre Fresnay to meg 'Le Duel,' Henri Lavedan play, adapted by H. G. Clouzot and J. Villard. Yvonne Printemps to star.

Leon Treich, writer, suing Louis Ferdinand Celine for \$1,350, charging; latter slandered him in his book, 'L'Ecole des Cadavres.'

National Education and Minister of Culture Jean Lay attended opening ceremonies celebrating 100th anniversary of invention of photography.

Three Waltzes' operetta, with music by three Strausses, to be revived at the De la Michodiere, with Pierre Fresnay and Yvonne Printemps still in the leads.

## London

Fred Duprez left \$14,165.

George Valentine in from Vienna. Sir Seymour Hicks now a grand-pop.

The Terry Sheltons expecting a child in June.

Earle Leslie expecting addition to the family in July.

Minna Schaefer sailing home to South Africa Jan. 26.

Frances Day out of the London Hippodrome show, due to flu.

Jack La Rue to play vaudeville here, opening for the Hyam Bros.

Jenny Robbins (Mrs. Lucien Sammet) getting over serious illness.

Earle Leslie to produce the next three Grosvenor House floor shows.

Phinnias Balcon (Michael Balcon's brother) joining the T. Hayes Hunter film agency.

Basil Sydney to star in picture to be done by Associated Talking Pictures at Basing.

A. A. Balaban figuring on returning to America and crashing into the restaurant business.

'Richard the Conqueror,' a comedy, to be tried out Feb. 13 at Richmond. Stars Jack Melford.

Doreen Stevens of the Myron Selznick London office off to New York in a couplea weeks.

Henry Cass wants to produce a legit 'Prison Without Bars,' with Vickie Lister in lead.

Weston Drury to be casting director for London Films, leaving Warner Bros' London office.

Bud Flanagan out of the London Palladium show for a week, due to illness. Ernest Shannon replaced.

Grafton Films to do 'I Killed the Count,' legit, which had a good run at the Whitehall over a year ago.

Syd Walker of the Mr. Walker Wardrobe London office, features, has been booked for the Stoll circuit.

Al Devito (formerly Devito, Denny and Co.) now doing single in Bebe Daniels-Ban Lynn vaudeville unit.

Captain A.C.N. Dixey, one of the founders of London Films, is now operating the Griffin hotel, Leeds.

Athene Seyler deputizing for Sybil Thordike in 'The Corn Is Green' while latter recovers from operation.

Fred Russell elected King Rat for the fourth time at the 50th anniversary of the Grand Order of Water Rats.

Carroll Lewis figuring on going to N. Y. in July or August to line up a couple of acts for his vaudeville road show.

Buster Shaver, with Olive and George, slated for the new George Black revue at the London Hippodrome.

Charles L. Tucker and Sam Bischoff renewing a 20-year-old acquaintance. Were brought up together in New York.

Steve Calgary's hobby is amateur photography, while his brother, Andre, has made a study of watch mechanism.

Diana Ward off to Excelsior Casino, Alexandria, for one month, with another month set for Shepherd's hotel, Cairo.

Paul Murray quit the Reeves & Lamport office, having become manager of Pavilion theatre, Weston-Super-Mare.

Toni Hankey getting first directorial assignment at Warner Bros. (London). Picture is 'Too Dangerous to Live.'

'Tour of Bobby Get Your Gun' may not materialize due to Hownes, now in Switzerland, having financial trouble.

Isabel Jeans cabled dramatist-husband Gilbert Wakefield from Hollywood that she signed to do another picture for Par.

Claude Luxembourg presenting new comedy, 'Happy New Year,' by authors of 'Come Out to Play,' at Grand theatre, Croydon.

Billy Watts, late of the Brown Derby, Hollywood, operating Doddy's cafe, readying to make it an actors' rendezvous.

Gypsy Nina's mother coming over from New York, and off to Africa Feb. 2, where her daughter is due for a vaudeville tour.

Leslie Banks will be resident star for Alec Rea at the Apollo theatre, where he will be presented in several plays after 'Gaslight.'

With Tom Walls in vaudeville, Parnell & Zeitlin are looking for vaudeville acts for any attraction, with partner in several legit productions.

Ethel Shutta, who finished her four weeks at the Cafe de Paris with the Bachelors, brought over as part of the act, is being held over with latter.

Thornton Freeland and June Clyde (Mrs. Freeland) off to the Bahamas as soon as Freeland finishes directing 'The Gang's Here,' Jack Buchanan's latest film.

'Pygmalion' and 'The Lady Vanishes' held over as dual at Stoll's Picture Palace, Kingsway, for two weeks, a record for any attraction at this house since it became a picture theatre.

'Ma Vlast' ('My Country'), Czechoslovakian revue, comprising company of 23, being booked by Hyams Bros. and Sidney Bernstein for their picture theatre. Show opens at Troxy Jan. 30.

Sole representative of show business in this year's New Year's Honors list is W. J. Gell, director of Pathe Pictures, Ltd., who becomes a Commander of the British Empire, for his work on official and documentary films, particularly on the coronation.

Not generally known that when Jack Whitney was here he proposed to Erich Pommer to make 'Jamaica Inn' in Hollywood, in color, starring Charles Laughton. Film would have been under supervision of Selznick, but Pommer turned down the proposition.

## Palm Beach

Gilbert Miller in and out.

Mr. and Mrs. Paul Block have arrived.

E. V. Richards yachted in on his Loretto.

Staples and Cerny, song duo, now at Biltmore.

Prince Omar, in from College Inn, crystal-gazing at 52d St.

Altor, Koessler, manager of WOL, Rockford, Ill., here.

Sally Gay is singing with Paul Sparr orch at the Biltmore.

Jackson Hines singing at Gabrielle's during the cocktail hour.

Frederick G. Koch replaces Moe Morton as manager of the 52d St.

George Shelley, Myrus and Jean Brokaw added to show at the Whitehall.

Four Arts Society began showing foreign pictures with 'Grand Illusion.'

Mary Jane Walsh of 'Sing Out the News' here several days, then back to N. Y.

Francine Francis and George Vignone are with the Murray dancers at the Whitehall.

P. B. Biltmore show featuring Roy de Valliere, Enters and Borgia, and Carmelia. Paul Sparr's orch.

Arthur Hammerstein and George Jessel huddling on biggest theatrical show of season in colony, the annual Kiwanis benefit. Set this year for Feb. 28 in Paramount theatre. Sam Harris comes down Jan. 28 to join Hammerstein in handling, pair having worked on charity affair for 13 years.

## Chicago

Herb Lutz to New York on song big confab.

Lou Cowan slated for South American cruise, shortly.

George Browne revealed as an expert on cattle raising.

Niles Trammel, exec v.p. of NBC, visiting local offices on trip back east.

Mrs. Ed Voynow has shipped her stake horse, Rommy, to Santa Anita.

Edith Griffith in town on call from NBC for a couple of commercial auditions.

Bill Rice, outdoors and carney agent, has gone to a St. Louis hospital for a general once-over after being in the health for some time.

Phil Fein, of the Chicago City Opera Co., directing a production of 'Manon' for the St. Paul Civic Opera Association in St. Paul, set for Feb. 8-11.

## Pittsburgh

By Hal Cohen

Jimmy Barker convalescing after operation.

U office led Film Row bowling league at half-way mark.

Polly Rowles will be starred in 'Tonight at 8:30' at Playhouse.

Margaret Route extra to Eddie Metcalfe, of Dick Barrie crew.

Indie exhib Sam Gould convalescing in Florida after long illness.

H. H. Parnell and Art England among the latest Florida-bound.

Mary Jane Thomas and Leroy Hoon, from Film Row, engaged.

All health has sent Warner manager Lou Gilbert home several weeks.

Dolly Fritz sailing for Rio Saturday (28) with night club dancing line.

Cuddy Cutshall quitting Al Marzio's band at Show Boat Jan. Savitt.

Louise Carroll quitting solo dancing to joint Betty Nylander's new ensemble.

Actress Mary Morris here from New York for couple of weeks to visit friends.

Roger Ferger new biz mgr. of morning Post-Gazette, succeeding R. Kent Hanson.

Reggie Wilson, of the William Penn, named general manager of Roosevelt hotel.

Lyron Chisler in from Chicago to join Maurice Spitalny's orchestra as featured vocalist.

Charlie Danver and Dick Fortune joining newspaper party to opening of San Francisco fair.

W. Va. exhibitor to honor Charlie Dortic and Bob Dunbar at testimonial dinner Feb. 28 in Clarksburg.

## Hollywood

Cliff Reid home with flu.

Sol Hurok in from New York.

Joseph I. Breen out of hospital.

Joseph H. Seidelman in from N. Y.

Spyros Skouras in from New York.

Allen Jenkins motoring to Florida.

Harry K. Thaw gandering studios.

Harry Sherman in from eastern 'our.'

Jane Withers back from personal tour.

Frank Nugent here for the N. Y. Times.

Tony Martin to Chicago for personals.

Robert Taylor in from Broadway holiday.

Ernst Laemmle joined Paul Kohner agency.

Marion Davies to hospital for check-up.

Harry Davenport celebrated 73d birthday.

John Davis recovered from sinus operation.

William Powell recovering from operation.

Dario Faralla back from Manhattan.

W. Ray Johnston here for three-month stay.

Clark Gable bought Raoul Walsh's Encino estate.

John Wayne on motor vacash in the southwest.

J. J. Milstein in for huddles with Edward Small.

Helen Castle around again after nervous attack.

Princess Luana recovering from appendectomy.

Francis Lederer took out first citizenship paper.

Dick Dickson back from northwest inspection tour.

Mitchell Woodbury here gandering for Toledo Blade.

John Lowmley to Wisconsin to settle mother's estate.

Gradwell Sears in from N. Y. for production huddles.

Harry Pickford to make New York her permanent home.

Beatrice Cruikshank recovering from appendectomy.

Robert Dell here from Manchester, England, to ogle studios.

Y. Frank Freeman back at Par after New York conferences.

Lou Irwin flew in from Broadway for the second time in two weeks.

Sam Harris and Melvyn Douglas hosting the New York Gahagans.

William B. Davidson named seidelmaster for Masquers' dinner-show (30).

Stephen Slesinger gandering studios from a New York publisher's slant.

Louis R. Lipstone checked in as head director, Paramount's studio music department.

Tony Gaudio, film cameraman, awarded a decoration by King Victor Emanuel of Italy.

Harold Lloyd first actor elevated to illustrious potentate of Al Malak Temple of the Shrine in Los Angeles.

## Honolulu

By Mabel Thomas

J. J. Shubert spent vacation on the beach.

W. Beely new musical director at the Royal Hawaiian hotel.

Dick Berlin, heart rep, honeymooned at the Royal for 10 days.

Consolidated Amus. Co. building another house in the Moiliili district.

Edmund Goulding sailed on William B. Leeds' yacht, Moana, while here.

George Brent has completed three round trips from Hollywood to Honolulu within 30 days.

Mrs. Harry Hartman, wife of the film director, arrived to make permanent home on the islands.

John Halliday directed and headed the cast for Honolulu Community Theatre Players in 'Rain from Heaven.'

Shirlann Quinn, writer, home from California, where her play was produced at the Pasadena Community Playhouse.

# Frisco Fair Brags

(Continued from page 2)

got them. It was indicated that a punch attraction in the amusement area would be welcomed, although Lennox R. Lohr, NBC news, who was in charge of Chicago's fair, declared the list of concessions already arranged for assured New York's exposition of plenty of diversion for visitors.

Fact that Hollywood nixed the idea of showing how pictures are made was brought out, film men repeatedly saying they did not care to expose the "secrets" of the studios. That was immediately nailed as the wrong answer from the Coast, where thousands visit the studios annually. It was decided to take the matter up with Hollywood execs.

William A. Brady in a spirited address called for action with Martin Beck suggested that the general committee be split into smaller bodies and in that way secure better results. Eddie Dowling hit Hollywood's answer and he speculated on the use of the Fair site after the exposition ended, saying it would be space for a number of studios, which, he thinks, will move east.

## No Competish to B'way

Whalen stated that it is not the intention of the Fair to compete with Broadway, but rather to supplement the attractions in the greater city. He said that the progress made in getting the fair so far advanced over the schedule was the result of team work, not the efforts of one man. While one of the committee declared that the success of any fair depends on the success of the nature of the amusement area, Whalen gave the opinion of one important concessionaire. It was to the effect that he did not fear the competition of other shows in the zone, but the entertainment slanted by the exhibitors, indicating that so much diversions of that nature is being arranged for that visitors may get their fill without even entering the amusement area.

John Krimsky, head contact for amusements, explained the type of shows already contracted for, discounting a report from outside sources that a goodly portion of space in the amusement area is still available. Latest estimate of the number of people expected to visit the fair is 33,000,000. Estimated that the subway, which will provide a nickel ride to the grounds, will disgorge 50,000 persons hourly.

Emphasized that where admission is charged, no additional money is to be called for, save for food and merchandise. Most of the new rides

are based on the principle of the airplane, while polarized light will be largely employed for illumination. There is no change in the plan to charge 75c admission at the main gates, but whether a federal tax will be ordered has not yet been decided. If the government seeks a tax, the admission fee will then include the levy. Tax may be dropped on the premise that the fair is Orchids in M. H.?

As yet the policy of the 2,400-seat music hall is not definite, but the most recent plan is to use it for name bands. One group has offered to take over the theatre guaranteeing the showing of some 25 leading bands and orchestras. It is proposed, however, that personal appearance of film, stage and radio names would be expected to assure boxoffice support. Origination of commercial broadcasts at the fair is also being considered.

One of the industry was strongly opposed to a bill reported due to be introduced in Albany which would close the fair on Sundays. Frank Gillmore said he would appear before Equity's council and request a resolution in opposition. Equity for itself has consistently opposed Sundays for legit, but this may again come up for reconsideration.

Individual committees have partly been named. Whalen requested that there be more frequent meetings. Friday's session having been the most satisfactory to date.

**Film Slant**  
Special committee which has been named by the New York World's Fair to seek a feature production, to be made at the exposition, is not expected to obtain any results from the industry. Haysians indicated this week that the industry's contribution to the New York Fair, as well as to the San Francisco Exposition, would be feature-length cavalcade of American history features. The one the industry is making for the New York show, now known as 'Cavalcade of America', is nearing completion.

While individual companies might be interested in such a project on a modified scale, no all-industry picture plan is likely. Several major companies are reported considering using the N. Y. Fair as backgrounds for forthcoming releases, while an independent company also is said to be dickering for a similar production.

Sacramento, Jan. 24.  
Governor Culbert L. Olson signed a legislative bill exempting exhibits brought from outside California to the Golden Gate International Exposition from the sales and use tax.

## Kinnair Fair Director

W. H. Kinnair has been named manager of the Ohio State Fair by John T. Brown, new director of agriculture.

Kinnair was state fair manager in 1916 under former Gov. Frank Willis, but resigned to become secretary of the grand racing circuit. He succeeds W. W. Ellenwood.

## MOON HEADS S. C. GROUP

Spartanburg, S. C., Jan. 24.  
J. P. Moon has been reelected prexy of South Carolina State Fair Ass'n.

Spartanburg County Fair Association has purchased a large area near here and plans big 1939 building program to be completed before autumn opening. Mayor Tom Woodworth is president.

## BIRTHS

Mr. and Mrs. Frank McFadden, son, in Los Angeles, Jan. 15. Father is Universal exploiter.

Mr. and Mrs. Phil Bloom, son, in New York, Jan. 23. Father is head of Music Corp. of America's vaude department in N. Y.

Mr. and Mrs. Charles Brennan, daughter, in Milwaukee, Jan. 9. Father is engineer at WISN, Milwaukee.

Mr. and Mrs. Bill Mickel, daughter, second, Jan. 22 in Omaha. He manages the Orpheum, Omaha.

Mr. and Mrs. Sam Marx, son, in Hollywood, Jan. 21. Father is Columbia story editor and producer.

Mr. and Mrs. William J. Heinemann, son, in Jamaica, N. Y. Father is western sales manager of Universal Pictures.

Mr. and Mrs. Andy Devine, son, Jan. 24, in Hollywood. Father is the film actor.

## No Nudes at Fair

'Once and for all, there will be no Sally Rands or similar attractions at the forthcoming New York World's Fair 1939.' Concessionaires were thus informed by Grover Whalen.

Whalen had called all boys together for a luncheon. One of the more intrepid asked the Fair head for a final statement on nudes, etc.

## Traditional White Out, Ringling Gets Blue Tent

Sarasota, Fla., Jan. 24.  
Folk who flock to the Ringling Bros.-Barnum Bailey circus next season will sit under a big top in shades of blue. The traditional white will give way to a brilliantly shaded blue ceiling, with the top center in dark blue and other shades gradually tapering off to white. Blue and white stars will provide a background for the aerial acts.

Circus employees say it will be the first colored big top in history. Oldtimers recalled that P. T. Barnum years ago had blue in the two middle sections of his tent, using it as a backdrop for a 'Queen of Sheba' spectacle.

## B.O. Murder

(Continued from page 1)

in celebrity and salary concentration.

List of programs emanating from Hollywood, with most of them loaded with film names, by days of the week and their estimated payrolls follows:

Sunday	
Silver Theatre.....	\$6,000
Jose Laszky's Gateway.....	5,000
Jell-O (Jack Benny).....	12,500
Screen Actors Guild.....	11,500
Chase & Sanborn.....	15,000
'Joodbury (Tyronne Power).....	7,000
Irma Rich dramas.....	3,000
Kellogg's Circle.....	20,000
Total.....	\$80,000
Monday	
Camel-Eddie Cantor.....	\$15,500
Lux Radio Theatre.....	11,000
'Those We Love'.....	1,500
Total.....	\$28,000
Tuesday	
Pepsodent (Bob Hope).....	\$7,800
Al Johnson show.....	10,000
Big Town.....	9,000
Total.....	\$26,800
Wednesday	
Texaco.....	\$11,000
Thursday	
Rudy Vallee Hour.....	\$8,000
Good News.....	18,000
Kraft Music.....	10,000
Total.....	\$36,000
Friday	
Burns & Allen show.....	\$6,500
Jack Haley program.....	4,500
Total.....	\$13,000
Saturday	
Joe E. Brown show.....	\$4,000

## Lewis' Yen

(Continued from page 1)

Herman, gave the 'lowdown' on members of the troupe during his speech. He told the audience that Mary Howes, one of the principals, was beautiful, sweet, but a bit dumb. Members of the cast were lined up behind Lewis when he made the speech, and Miss Howes laughed with them and the audience at the ribbing, but she resented it, and afterwards told the novelist where to get off.

After the first scene of the Saturday night performance here, Lewis relinquished his role to Philip Merivale. At the same time, a partially rewritten version of the play was presented.

Lewis, however, will continue to tour with 'Angela Is 22'. He will be co-starred with Merivale because of the supposed boxoffice value of his name. But his stage duties will be confined to presentation of a prolog and epilog.

Show is headed for Broadway, and, according to present plans, will hit there late in February.  
At a reception, Lewis, among other things, paid his compliments to New York, his present home. He asked listeners to believe that 'there are decent people in New York—if you search long enough among the thugs.'

# OBITUARIES

## GEORGE GORDON HAMILTON

George Gordon Hamilton, 55, stage and screen veteran, died at Fort Lee, N. J., Jan. 16 from a heart attack. Hamilton's screen career dated back to the time when Fort Lee was the film center of the east. He had appeared in 'The Perils of Pauline' with the late Pearl White. During recent months he had appeared in Federal Theatre Project productions, the last of which was 'Macbeth.' His most important stage role in recent years had been that of Captain Flag in 'What Price Glory,' in which he had succeeded Louis Wolheim.

He had been a member of Equity and the Actors' Guild. Widow, a sister and two nieces, known on the stage as Fanny and Kitty Watson, survive.

## WILLIAM E. KERSCH

William E. Kersch, film veteran of more than 35 years, died in Pittsburgh last week of a heart ailment following a long illness. He joined Harry Davies enterprises in 1905, later going with 'Columbia, Pennsylvania and General Film companies. With organization of Rowland & Clark circuit Kersch went along in 1915 and served as its booking executive through latter's purchase by Stanley-Davis-Clark.

For last decade, Kersch had been employed by Loew's and Ross Federal as a checker. Widow and two sons survive.

## ABE HOLZMANN

Abe Holzmans, 64, formerly a composer and during recent years advertising manager of the International Musician, died Jan. 18 in East Orange, N. J., after a long illness.

Holzmann, born in New York, had once been with Leo Feist as a composer, later joining Remick. Most of his compositions antedated the jazz era. He had been a member of the American Society of Composers, Authors and Publishers.

Widow, daughter, three half-brothers and four sisters survive.

## CHARLES BAKER

Charles R. Baker, 70, for the past 40 years press agent and advance for operatic troupes, died Jan. 16 in Los Angeles of a heart attack. In 1897 he brought to this country Henry, Hungarian, gypsy violinist. He later joined San Carlo and Sol Hurok's opera companies.

During the Spanish-American war he was military press censor at Key West naval base. For the past two years he had been with L. A. Federal Music Project as publicist. Widow survives.

## THOMAS RICKETTS

Thomas Ricketts, 86, one of the earliest film directors on the Coast, died Jan. 20 in Hollywood from pneumonia. He had been playing a bit part at Universal when taken ill.

Ricketts went to the Coast in 1906. He directed J. Warren Kerrigan, Ethel Clayton, Bryant Washburn and others. At one time, stage manager for the Shuberts, he made his stage bow in 1882.

His widow, an invalid, survives.

## FLORENCE PETERSON

Florence Livingston-Kellogg Peterson, 49, who had sung with the Metropolitan and New York Opera companies, and who received the personal thanks of President Woodrow Wilson for her Liberty Loan recitals during the World War, died in Schenectady Jan. 18. A native of Chatham, N. Y., she had been a resident of Schenectady 20 years. Widow, four daughters and a son survive.

## OTTO KRAUSE

Otto Krause, 56, former Austrian cavalry officer and husband of Lottie Lehmann, the opera singer, died Jan. 22 at Saranac Lake from tuberculosis. Miss Lehmann had cut short a concert tour in Spokane and had been rushing east to him at the time of his death. They were married in 1926.

Four sons by a previous marriage also survive.

## ROBERT H. WRIGHT

Robert H. Wright, 42, program director and announcer at CJCB, Sydney, Nova Scotia, died recently in Sydney. He created the radio program,

'L. e. Cotter's Saturday Night,' which, after being limited to CJCB for several years, went on the Canadian Broadcasting Corp. newrk for six years. It was eliminated from CBC last year.

## KENNETH A. REID

Kenneth A. Reid, 38, formerly manager of Loew's theatres in Cleveland, Canton and Columbus, died Jan. 17 in Cuyahoga Falls, O., after he had been struck by a locomotive as he walked along the railroad tracks.

Widow and a daughter survive.

## O. K. ANDRESS

O. K. Andress, 51, for 16 years secretary of the Loudonville (O.) Agricultural Society, sponsor of the annual Loudonville free street fair, died Jan. 14 from a heart ailment in an ambulance en route to a Mansfield hospital.

Widow and a son survive.

## IVAN MOSJOUKINE

Ivan Mosjoukine, 50, Franco-Russian player of silent films, died in Paris last Wednesday (18) after a long illness.

He had been starred in 'Casanova,' 'Michael Strogoff' and other French silents, but retired from the screen with the advent of sound.

## ISAAC L. HORNSTEIN

Isaac L. Hornstein, pioneer builder and operator of chain of local colored picture houses in Baltimore, died Jan. 13 in Miami Beach, after a long illness.

Widow, daughter, three brothers, sister and grandson survive.

## MERRITT J. HULBURD

Merritt J. Hulburd, 35, former associate producer for Samuel Goldwyn and associate editor of the Saturday Evening Post, died Jan. 22 in West Palm Beach, Fla., of a heart ailment.

Details in the picture section.

## ALBERT M. RUSSELL

Albert H. Russell, 66, composer of popular music, died in Anaheim, Cal., Jan. 13 after a long illness.

His best known composition was 'Hiawatha.' Widow survives.

Mrs. Charles Sisson, 90, widow of former manager of Sampson theatre, Penn Yan, Pa., died Jan. 8 at her home in Penn Yan. Her husband was widely known when stage shows were in vogue in Western New York villages. She leaves a daughter, Miss Eva Sisson of Penn Yan.

William J. Meenan, 74, father of Bill Meenan, WGY, Albany, publicity director, and assistant foreman of the composing room of the Amsterdam Evening Recorder for years, died in Amsterdam, N. Y., Jan. 18. Widow and daughter also survive.

Mother, 62, of Ken Nichols, vaude and niter act writer, died Thursday (19) of a heart attack in her Milwaukee home.

Mary Farrell, 86, mother of Tommy Martelle, vaude actor, died Jan. 18 in Los Angeles.

Glyde Kerr, 43, Metro technician, died Jan. 18 in Hollywood.

## Craft Spreading Canvas

Los Angeles, Jan. 24.  
Crafts' 20-Big Shows, after wintering in Southern California, opens its regular season Jan. 2 at Riverside county fair, Indio, Cal. This date will be followed by tour of the Imperial valley, heading back to San Bernardino for national orange show March 16-26.

Carnival outfit is angling for several new attractions for 1939.

## B-C Gets Canada Show

Chicago, Jan. 24.  
Barnes & Carruthers, fair agency here, snatched off the prize chicken at the Winnipeg outdoors meeting last week when it was awarded the grandstand shows for the Canadian A. circuit.  
Royal American shows grabbed off the carnival contract. Royal American is one of the 'Big Three' group, directed by J. C. McCaffery.

## Michigan Bill Asks

# \$200,000 as Ad Fund

Detroit, Jan. 24.  
Bill calling for \$400,000 to bally Michigan resorts during next two years, has been introduced in state legislature by Senator William Bishop.

Total of \$200,000 would be distributed to various tourist associations by state administrative board, with remainder spent at direction of governor and board with principal emphasis on state's agricultural products. About \$150,000 is now spent annually advertising state's resorts.

## MARRIAGES

Vaill Patterson to Buck Rath, in Bethany, Mo., Jan. 11. Bride is acro dancer; he's tenor with the North-easterns, hillbilly unit on KRNT, Des Moines.

Mrs. Ann D. Franklin to Nelson Eddy, in Las Vegas, Nev., Jan. 19. Bride is ex-wife of Sidney Franklin, film producer; he is the radio and screen singer.

Betty Jean Lennert to Ralph Bates, in Des Moines, Jan. 21. Bride is in the KRNT-WMT, Des Moines, 'Sunshine Club'; he's KSO-KRNT engineer.

Peggy Greppin to Stuart Palmer, in Beverly Hills, Jan. 20. He's a screen writer.

Mary Jo Dehnell to John C. Flinn, Jr., in Beverly Hills, Jan. 22. Son of John C. Flinn (VARIETY) is with Selznick-International on the Coast.

Fred Beiber, announcer at WHTF, Hartford, and Adelia Cullen, Manchester, Conn., Jan. 14 in Hartford.

Catherine Riley to Dan Hancock, in Philadelphia, Jan. 11. He's organist on WFIL.

# A MONTH OF SUNDAYS!

A black and white photograph of a hand, with the index finger pointing directly at the word 'SUNDAYS' in the main title. The hand is positioned over the word, making it the focal point of the advertisement.

A prominent exhibitor said:

"Without M-G-M this past year, it would not only have been tough sledding for the average exhibitor, but it would have been nothing short of a calamity."

We announce easy sledding again this year, for M-G-M exhibitors!

Hop on your sleds, boys! "SWEETHEARTS," "STAND UP AND FIGHT" are just samples.

Followed by A MONTH OF SUNDAYS!

Honestly, have you ever in your career as a showman witnessed the like of this:

Four weeks in a row! Look!

NORMA SHEARER, CLARK GABLE in the powerful "IDIOT'S DELIGHT".

"HONOLULU", the Darling of Musicals, starring ELEANOR POWELL, ROB'T. YOUNG, GEO. BURNS, GRACIE ALLEN.

MICKEY ROONEY, the box-office kid himself in "Adventures of HUCKLEBERRY FINN".

JOAN CRAWFORD in a million dollar role "ICE FOLLIES of 1939" with James Stewart, Lew Ayres, Lewis Stone.

**And more easy sledding thereafter!**

Scanned from microfilm from the collections of  
The Library of Congress  
National Audio Visual Conservation Center  
[www.loc.gov/avconservation](http://www.loc.gov/avconservation)

Coordinated by the  
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