

VARIETY

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56 PAGES

RADIO INSURES PIX VALUES

UNIONS RUINING U. S. LEGIT— COWARD

St. Louis, Jan. 31.—The end of the American theatre is threatened by high production costs occasioned by the demands of organized labor, according to Noel Coward, who stopped off here last week while on his way to a vacation in the South Seas. Coward said the theatre in New York is in grave danger because the unions are making it extremely difficult and expensive to produce a play. Only a small handful of the management has a chance to show a profit, Coward added.

"A moderate success means red ink," Coward continued, "and it is impossible to have enough dress rehearsals. In England one can rehearse for four or five weeks with scenery and everything, but not here. I am all for good pay for everybody connected with the theatre, but the demands of the unions go too far. In New York the rehearsals of my revue, 'Set to Music,' cost \$70,000 and that was very little for things so new. An example of differences of costs in the United States and England can be noted in 'Dear Octopus,' a simple play with only three changes of scenery. It cost five times more to put it on in New York than in England.

Ten or 15 years ago we would have had four or five shows on Broadway instead of one. When you get a manuscript that promises to be a moderate success, if not a hit, you ought to be able to try it out. Sometimes if you have a chance to nurse a play like that along for a few weeks, it proves to be a success. But with business agents walking in and raising hob because a man carries two chairs, instead of one, you just can't take a chance."

Keith Vaude Out of Chi For 1st Time in History

Chicago, Jan. 31.—Palace has given notice to stagehands and musicians, and will go into straight picture policy in three weeks, with possibility of double features. This will cut loop to three vaude houses, and eliminate RKO Keith vaude from Chicago for the first time since the Keith-Orpheum circuit began.

Hopes for some sort of a vaudeville 'revival' have dwindled. Present playing time detailed on page 41.

'Rheumatic Troubadour'
Philadelphia, Jan. 31.—Henry Patrick, billed as 'The Romantic Troubadour' on commercials on WFIL and WIP, currently has little regard for the title. Fan letters received addressed him as 'Dear Rheumatic Troubadour.'

Campus Coolies

San Francisco, Jan. 31.—George Wahlgren, who has the ricksha concession at the Golden Gate Exposition, can't get any Chinese youths to haul the buggies at the Fair, which opens Feb. 18. The lads say it is coolie work. So Wahlgren has signed some students from the University of California and Stanford University.

Food-Bar Tabs, New Gag to Cut Cafe Acts' Coin

Many New York night clubs have developed a wrinkle to escape minimums set by the American Federation of Actors by having acts sign food and bar vouchers for amounts equaling the cut in scale salary. The scale set by the AFA is ostensibly maintained through acts collecting full salaries, minus tabs held by managements.

Method is to present acts with the tab immediately upon being booked or while booking is being negotiated. Agents are in many cases aware of the chisel, but accept it as a necessary evil, encouraging artists to sign anyway.

Vouchers are sometimes good for food and liquor in amount specified. In that case managements still realize a profit. However, in many other instances it is an outright cut which isn't returnable in any form.

National Anthem's Wide Song Plug In Public Amus. Places

A wave of patriotism is sweeping the nation's showplaces, though not officially inspired. The Star-Spangled Banner is growing in popularity in theaters and cabarets, reminiscent of the period just prior to and when America was in the World War.

The trend has especially taken root on Broadway, with the National Anthem now an important part of several theatrical and cabaret entertainments. 'The American Way,' Kaufman-Hart's cavalcade at the Center in Radio City, ends with a flag-draped casket moved across stage augmented by a choral rendition of Star-Spangled Banner. Billy Rose's Casa Manana has the National Anthem as the blotto for its German Refugee afterpiece. Both the Paramount and the Strand theatres on Broadway are throwing a patriotic reel on their screens at the beginning and end of each day's performances. Theatrical houses are flashing the nation's standard and anthem at the finale of their programs.

Warner Bros. made the patriotic (Continued on page 55)

NEW LUSTRE FOR HOLLYWOOD STARS

Not Only Guarantees Longevity but Stimulates Film Salaries—Edward G. Robinson's Salary Boost Due to Radio Series — Went from \$40,000 to \$100,000 Per Pic

AIR YEN STRONG

Regular affiliation with a commercial program has begun to prove a potent asset for film names when it comes to remansuring their value at the theatre boxoffice. Talent agents who have recently returned to New York from Hollywood declare that the majority of the screen luminaries are convinced that popularity gained through the home loudspeaker, not only reinforces the standing of those in the upper brackets but serves as a mighty pusher-upper for highrangers who have begun to slip, or for featured players.

Various film stars literally hound their agents for radio dates, either permanent or guest. This is not alone for the money immediately involved, but for the insurance value in Hollywood. Stars on the skids notably appreciate what a 'good break' on radio means in reviving the enthusiasm of the notoriously fickle film producers, directors and casting execs. Several female stars have been rescued from an almost certain professional washup by the revitalizing influence of a radio connection.

Hollywood's entire attitude toward radio has been drastically changed in the last two years so far as the (Continued on page 55)

'AVOID STRIKE,' RADIO'S INTENT

Up until going to press last night (Tuesday), frenzied last-minute efforts to stave off a nationwide performer strike against network commercial broadcasting continued behind closed doors.

After an all-night huddle on Monday (30), representatives from the American Federation of Radio Artists and the agency group (which has sponsor sanctions behind it) again went into parlay yesterday (Tuesday) afternoon. Site of the get-together was the Biltmore hotel, N. Y., though pains had been taken to keep the meeting place a strict secret.

The agency group patently (Continued on page 21)

Vote-Snaring Idea Via Television Strangely Intrigues D. C. Solons

Not So Fair for N. Y.

Not everyone in New York gleefully anticipates the coming World's Fair. Clerks in the stores think it's poison. First, because it means a tough summer behind the counter. Second, because most of the clerks are being compelled to take their vacations this month, rotten time for having fun on a small budget. Hotel clerks and other hired hands are equally peeved for like reasons.

Also it's noticeable that there's a surprising number of tenants who are anxious to sublet until October and duck the crowded city during the siege.

\$4,000,000 Gross So Far, Domestic, For 'Snow White'

'Snow White' has grossed \$1,000,000 in domestic rentals to date, according to sales information in RKO, while second biggest distribution business-getter for its owner, 20th-Fox, during the past year, Alexander's Ragtime Band, is now around \$3,500,000.

'Band' has already taken around \$2,000,000 out of the foreign market and it is estimated will build to \$2,500,000, while 'Snow White' has already gone well over \$2,000,000 abroad. It should end at \$3,000,000 or better in the foreign markets and on world gross will be the biggest business-getter RKO has ever had. For 20th-Fox, 'Band' also will be the top world grosser of that company.

There have been numerous repeats on 'Snow White' since it was first sent on national release and a few on 'Band,' both of which are expected to be frequently re-dated, especially 'White,' around holidays when kids are out of school.

Laemmle Would Evacuate His German Home Town

Carl Laemmle, who gave much to his home town of Laupheim, Germany, prior to the Hitler regime, is now attempting to evacuate as many refugees from that spot as possible. The former film tycoon brought over four Thursday (28). All adults. Having signed the necessary affidavits of responsibility and putting up the essential cash bonds, Laemmle is not only bringing out relatives but others as well. His ambition assertedly is to bring every refugee out of Laupheim now living there.

Washington, Jan. 31.—Congress was quick to see the possibilities of television when NBC last week set up its experimental plant at Washington to give the boys a peek.

Remembering the advantages which radio brought to the political campaign, the lawmakers are now pipedreaming of the days when future voters can be contacted by sight as well as sound. More than two-thirds of the entire House membership of 355 turned out for the free show—with several braving snow and rain at the mobile transmitter site to be televised and introduced to an unseen audience by Announcer Gordon Hittenmark.

Unusual interest in Washington's first television show also shown by many other public figures who depend on speeches and public appearances for their job.

Installed in the National Press Club, experimental RCA receiving sets gave approximately 4,000 gawkers their first glimpse of television between Friday (28) and Monday (30). Shows ran every 10 minutes from 11 a. m. to 3 p. m. each day and guests were whisked free of charge from the Press Club to the Agriculture Department, on whose grounds the two NBC mobile units were parked, for a gander at the cameras and transmitter.

Unusual interest displayed in the performance and almost universal surprise at the clearness of the images. Some difficulty in sound reception, however, when a diaphanous machine in the neighborhood of the Press Club sounded off.

Affair was widely advertised by NBC, with engraved invitations sent out to Congressmen, Cabinet officers, diplomats, newspapermen, etc. Each guest received a pink carnation with compliments of the network after leaving the show. Besides reaping rich rewards in publicity, NBC handed several cuffs to prominent Washington merchants who turned up at the Agriculture Dept. With approximately 200 persons mugged over the weekend, Press Club look-and-listeners were treated to sales talks by automobile company officials, owners of large Washington department stores, etc., whenever the supply of Congressmen, public officials and newspapermen ran out.

Announcers Gordon Hittenmark, Bill Crago and Bryson Rash handled the broadcasts with Hittenmark and Crago showing the effects of the long vigil by the fourth day.

Circus Men Start Young

Owatonna, Minn., Jan. 31.—Glenn J. James & Bailey Bros. railroad circus, wintering here, is co-headed by the world's youngest showmen, aged four and two years. Behind that 'Bailey Bros.' billing are Jimmy and Jackie James, sons of Glenn J. James, prez and g. m. of the circus outfit.

Dramatists Collected \$11,199,456 For Film Rights in Past 12½ Years

Figures to support the claim that the present minimum basic agreement has not brought about a decrease in Broadway production and has increased the amount of money from legit film sales are contained in a report being sent this week to Authors League of America members. Article is by George Middleton, Guild council member, and is contained in the January Authors League bulletin.

Report states that the total coin collected from film sales by the Guild's negotiator (Sidney Fleischer) under both old and new basic agreements has amounted to \$11,199,456.66. It concludes that the amount has not fallen off under the new agreement, since old plays are still being sold to pictures and that sales since the new agreement went into effect have totaled \$1,440,650, on which the authors received 60% (instead of 50%, as formerly.) Also claimed that such coin is now distributed immediately to author and manager instead of being collected by the manager and the author's share paid at some subsequent time, as was previously the practice.

Report argues that motion pictures (particularly since the advent of sound) have been a major factor in the decline of the road and the disappearance of stock, both of which were once a lucrative source of income for authors. As evidence, it is pointed out that the Guild assessments on stock (\$1 a week for each play) fell from nearly \$4,000 to practically nothing. Concludes 'so the question remains whether the average income of a playwright was more or less than today, even with picture sales and the contracts at a weekly Hollywood "scale".'

Problem of motion picture backing is described as 'a simple one to state; difficult to resolve. The Guild does not want the American theatre to be exclusively picture-controlled so that a play without picture possibilities may have difficulty finding production elsewhere. It wishes managers with private capital to be able to finance such plays under conditions which will enable them to do so equitably. All managers would not welcome picture money in the theatre under any unrestricted circumstances; they, too, are sharply divided on this.

Wants Highest Pic Price

'The Guild also wishes the highest price for its members' picture rights, obtained through real competitive bidding. Failing that, the highest price, or other returns, depending on a value which can be freely established. Further, it wishes the author to have proper control over cast and direction. It wants the play honestly to be allowed to have its full legitimate stage life in New York and on the road. It does not want it withdrawn by the enforced release of a picture version of itself, thereby killing it as a stage proposition.'

Article refers only vaguely to the current negotiations for an agreement to bring about the return of Hollywood financing. 'For the first time, authors, managers and picture company representatives happily are trying to find a just solution for all concerned by recognizing one another's problems.' Also mentions 'somewhat inconclusively' the growing problem of television rights to written works.

For the first time, an official Authors League publication openly refers to the possibility of a 'closed shop' for all writers. States, 'Out of his experience with the Dramatists Guild, in this writer's opinion, an Authors League shop is not an impossible goal. There is only one factor needed to bring it about or prevent it—the authors themselves.'

Article places the present membership of the Guild at 565 active and 1,687 associate (latter become active with the right to vote, on having a Broadway production of a play for three successive weeks). There are 66 British members, most of whom are associates. There were about 200 British members when the Guild was reorganized in 1926.

ritish Tieup

Regarding a tie-up with the British Society, the report states that the Guild would welcome a compulsory or reciprocal group membership and advisory committees for even close cooperation. Many Guild members belong to the British Society, but there is no minimum basic agreement in effect in

Hitchcock's Duo for S.I.

Hollywood, Jan. 31. Before 'Gone With Wind' is gone, David O. Selznick will start 'Titanic' with Alfred Hitchcock due in from London within two months to direct. Briton will also pilot 'Rebecca' for Selznick.

NOV. AMUS. TAX INCOME TOPS FOR 1938

Washington, Jan. 31.

Fall upswing in film business kept on through November, and sent the Treasury's tax receipts from the 10% admissions levy during December to the highest peak in 12 months. Increasing patronage put \$2,020,376 into the Federal till, first time the total has lifted the \$2,000,000 mark since December, 1937.

The December payments to the Government showed the sixth month-to-month rise this year but the \$35,249 gain over November was only one-tenth the jump over October. Smallest of the half-dozen increases.

On the year-to-year basis, the December total was materially behind 1937 and the Treasury's books reflected a slump in 10 of the 12 months of 1938. Drop below the same stanza of prior year was \$269,651, which was the largest difference during the entire annum.

On the Treasury's bookkeeping basis, the collections during calendar 1937 were off \$1,312,697 but a little more than \$1,200,000 better than in 1938. Mid-year turn of the business tide was evident, though, with the second-half collections running nearly \$1,000,000 over the first six months. Last year the spread was almost \$2,000,000 between the July-December and January-June totals.

'SEQUOIA' ENCORE

Hollywood, Jan. 31. A sequel to 'Sequoia' being whipped up at Metro.

Beasties of the wild have lead roles.

SAILINGS

Feb. 11 (New York to London) Cass, Owen and Topsy (Paris).

Feb. 10 (New York to London) Benjamin Miggins, F. L. Harley, Murray Silverstone, Morris Helprin (Queen Mary).

Feb. 4 (New York to London) Budd Rogers (Aquitania).

Jan. 31 (South American Cruise) (J. H. Seidelman (Gripsholm).

Jan. 28 (New York to London) Graeie Fields, Monty Banks, Donald Ettlinger, Carl Tunberg, Harry Par-Davies, Eva Turner, Alexander Korda, Irving Asher, Mr. and Mrs. Joseph Friedman, Jacques Irwin, Martin Licht, Argentina, Pilar Lopez, Mr. and Mrs. Ogden Nash, Andre Mertens, Paul Vincent Carroll, Sylvia Sanders (Champlain).

Jan. 28 (London to New York) Abe Berman, Herbert Wilcox, Chester Hale, Nick Long Jr., Madeleine Carrol, Irving Kiepara, Marta Eggerth (Normandie).

ARRIVALS

(At the Port of New York)

Mr. and Mrs. Sam Bischoff, Maurice Eisenberg, Betja Miskaya, Max Schmeling, Paul Makanovitski, Miss Standstrom, Jean Francaix, Monteverdi Singers, Edith Turnbull, Sam Eckman, Jr., Madeline Carroll.

London and consequently no Guild shop.

Middleton, who wrote the article, was chairman of the committee which drew up the first minimum basic agreement and was Guild president from 1927 to 1929. Explained that the opinions expressed are his own, but that all data has been checked by the office staff and the motion picture negotiator. Report runs 22 pages.

CALIF.'S PROPOSED NEW INCOME TAX %

Sacramento, Jan. 31. Governor Olson recommended to the legislature a state budget of \$557,163,355 for the 1939-41 biennium. In the new tax program is a proposed increase on incomes which are as follows:

Par-mutual horse racing license fees would be increased from the present flat rate of 4% of the money wager to a graduated percentage ranging from 4% to 7%, depending upon the amount of money handled. This increase is expected to yield an additional \$2,000,000 per biennium.

Corporation franchise tax will come in for adjustments and closing of loopholes from 4 to 5%.

What's This, More Taxes?

Los Angeles, Jan. 31. New 20% amusement tax bill, aimed chiefly at football games and horse races, was introduced by State Assemblyman Rodney Turner in Sacramento. Bill does not affect admissions of 60c or less.

Another bill, introduced by Assemblyman Ernest Voligt, is directed at the chain system in stores and theatres. It is a graduated tax, running from \$3 to \$250, according to the number of units in the chain.

Shelves Lamarr Pic After 76 Days Of Rough Going

Hollywood, Jan. 31.

Hedy Lamarr's first picture on her home lot, 'This Woman' was shelved indefinitely by Metro after 76 days of troublous shooting. Spencer Tracy, co-starring with actress, checked in yesterday (Monday) at 20th-Fox to start work in 'Stanley and Livingstone'.

Trouble has dogged 'This Woman' from the start. Josef von Sternberg, original director with idea of his own, was displaced along with his ideas after a week's shooting. Frank Borzage, who succeeded him, had to re-route the story and was further delayed by script problems and illness in the cast.

Miss Lamarr and Robert Taylor are paired to go into 'They Call It Glamour,' yarn about a professional model.

Warners' Baseball Pic

Hollywood, Jan. 31.

Warners figures to cash in on baseball's 100th anniversary with a picture titled 'Hit and Run,' with Pat O'Brien and Wayne Morris topping the batting order.

Big league-clubs with spring training camps in California will act as atmosphere.

HATHAWAY ENDS IT

Hollywood, Jan. 31. Henry Hathaway gets the directing job on 'The End of the World,' a Vina Delmar yarn bought by Paramount a year ago.

Charles Martin is treating the story, due to roll in March.

Franco Gov't Would be Liberal, Due To Need for Coin, Yank Cos. Believe

So. Cal.'s Fund Lift

Los Angeles, Jan. 31.

Film patrons of Southern California contributed \$33,396.54 to the infantile paralysis drive fund. Of this amount, \$31,774.86 was turned in by Fox-West Coast theatres.

This year's figures for the same district run almost 100% above the 1938 collection.

ACADEMY MAILS OUT 4,000 BALLOTS

Hollywood, Jan. 31.

The Academy of Motion Picture Arts and Sciences has mailed out 4,000 ballots for nominations for annual achievement awards in the motion picture field. First group to respond was the committee on art direction. Following productions have been named for consideration:

'Robin Hood' (WB), 'Tom Sawyer' (Selznick), 'Alexander's Ragtime Band' (20th), 'Algiers' (Wanger), 'Carefree' (RKO), 'Goldwyn Follies' (Samuel Goldwyn), 'Holiday' (Col.), 'If I Were King' (Par), 'Mad About Music' (U), 'Marie Antoinette' (M-G), 'Merrily We Live' (Roach).

Committee is composed of Roland Anderson, Lionel Banks, Henry Ferguson, Charles B. Hall, H. A. Hornung, Jack Otterson, Hans O. Peters, Bertam Teitelbaum, Lyle Wheeler. Academy has ruled that commercials will not be accepted as eligibles in short subjects awards. Committee handling nominations in this division has already started viewing the nominations, but winner will not be selected until a few days before the annual Academy banquet Feb. 23.

Mayer's Trainer's Ranch

Sacramento, Jan. 31.

Howard Oots, Kentucky horseman and newly appointed manager of the racing and breeding interests of Louis B. Mayer, has purchased the 1,500-acre ranch near Yreka, but denied he was acting as Mayer's agent in the deal.

Oots said he purchased the ranch, which has a six-mile training track and 60 box stalls, on his own account and plans to breed and train horses there.

Mayer Protests

Hollywood, Jan. 31.

Louis B. Mayer does not care to be a stooge for race track press agents, even though he does own a stable of horses. Metro flacks filed a protest with L. A. sporting editors against the yarn that Mayer is trying to buy the Narragansett track in Rhode Island.

Story, planted in the local papers by a freelance press agent, was that R. I. Taub, supposed to represent Narragansett stockholders, had been dickering with Mayer for a week. Metro exec says he never saw or talked with Taub.

CATLETT, JR., TO WED

Sacramento, Jan. 31.

Richard Catlett, 25, adopted son of Walter Catlett, film comedian, this week filed notice of intention to marry Alexandra Romander, San Francisco department store cashier. Young Catlett is an advertising decorator.

Foreign department heads with American companies are watching developments in Spain closely to determine just what domination of the Spanish government by Franco and his forces would mean to the picture business.

While it may be several weeks before the scope of the Franco victory in Barcelona is fully determined, just how strongly fascist the new government would be should Franco ultimately gain control is not predictable. Because of the insurgent tieup with Germany and Italy, there are those who see the possibility of a Rebel victory resulting in a restrictive distribution alignment similar to that now effective in those countries.

Other American companies believe a liberal government in Spain is conceivable because of obvious need of revenues to replenish treasury coffers emptied by the conflict. Understood that U. S. distributors would not object strenuously to applied war taxes if uniformly applied because it would open a market that has been more or less closed by the warfare.

While American companies have attempted to maintain some semblance of their old exchange setups in Spain, distribution has been confined almost entirely to oldie features. The revenue that has come out has been negligible, with American distributors carrying on at a loss in hopes of cessation of fighting.

RADIO SERIES MAY WIND UP IN FILMS

Lawrence Bearson, adaptor of the Paul de Kruif series, 'Men Against Death,' for the Federal Theatre Radio Division, has an offer from Hollywood to aid in adapting the series for the screen. Query on ownership of rights to the books and other details was made through Walter Kane, Hollywood agent.

Unnamed film company is said to be interested in transferring the medical dramas to the screen. FTRD received rights to their use gratis from the author.

L. A. to N. Y.

Julian Blaustein.
Nate Blumberg.
Mort Blumenshtock.
Hugo Butler.
Ralph Clark, Sr.
Richard Condon.
Jack Cummings.
James Ellison.
Don Ettlinger.
Leon Frommkes.
Edward Golden.
John Hinton.
Henry Hathaway.
Robert T. Kane.
Milton Krims.
Arthur Kemp.
Johnny Murphy.
Capt. Dennis F. O'Brien.
Ernest Pagano.
Edward C. Rafferty.
Roy Rowland.
James Saphier.
Dore Schary.
Ed Schiller.
S. S. Schneider.
Gradwell Sears.
Murray Silverstone.
John Stone.
Carl Tunberg.
Alma Wallis.
Walter Warr.
George W. Weeks.

N. Y. to L. A.

Andre Algyaz.
Clark Andrews.
Mr. and Mrs. Sam Bischoff.
J. Cheever Cowdin.
Edna Ferber.
Fran Frey.
Robert M. Gilham.
Edward Everett Horton.
Sidney Howard.
Ludwig Lawrence.
Arthur Loew.
Mr. and Mrs. David Loew.
Lleanor Powell.
Edward G. Robinson.
Leon Schlesinger.
John Shea.
Claire Trevor.
John Hay Whitney.

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D. C. SEES 'CONSENT' NEAR

U. S. INDIES NIX DISTRIB OFFER BY ITALY

Although several independent production-distribution companies have been approached in New York during the last two weeks by the Italian envoy regarding possible shipment of product in Italy, no indie firm thus far has agreed to distribute under the new Italian monopoly decrees. This was regarded in the trade as an obvious circuitous attempt to break down the solid front maintained to date by U. S. major companies against the nationalization of film distribution in Italy.

Monogram, Republic and Grand National are reported to have been those approached, and their refusals have been indicative of the cooperative spirit existing in U. S. currently on the Italian situation.

Spokesmen for the indies expressed doubt as to the amount of money they might receive or the merit of any guarantee once they began shipping pictures into Italy. The majors pulled out of Italy Dec. 31 when the decree controlling all foreign distribution became effective. They contended they were forced out by the terms of the decree, flat rental terms fixed by the Italian government making it unprofitable to operate in that country.

Nazi Beef on M. of T.'s 'Refugee' Short in Mont'l; French Put Ban On Also

Montreal, Jan. 31.

'The Refugee,' March of Time short, was pulled after showing at the Capitol several days last week, following complaints from Nazi sources received by the Board of Censors of the Province of Quebec that film was propaganda. Censors had o.k'd film previously but took another gander following protests and then sent the short back to the theatre in time for regular showings. No further scissoring of 'The Refugee' reported aside from any deletions which may have been made prior granting of original okay.

French Ban on 'Refugee' Pic

Paris, Jan. 31.

Orders from Foreign Minister Georges Bonnet are believed to have caused the ban of the March of Time film, 'The Refugee,' in France. Film was taken out of circulation in this country last week. French authorities had attempted to delete objectionable portions of the film, according to Richard De Rochemont, European manager for M. of T., but then notified him that the film could not be shown in France.

Main reason for the withdrawal of the film is believed to have been the government's desire to nix the possibility of increased popular sympathy for Spanish refugees with the showing of the film.

About 1,100 theatres are showing the film throughout Great Britain in its original form.

Selwyn Shoves Off As M-G Producer with Pair

Hollywood, Jan. 31.

Edgar Selwyn, recently added to the Metro producer staff, makes his debut this week with two pictures rolling.

First to go is 'Maiden Voyage,' featuring Robert Young. Second is 'The Kid from Texas,' with Dennis O'Keefe and Ruth Hussey heading the cast.

Doping the Jubilee

Plans for a Golden Jubilee celebration, in honor of 50 years of the motion picture in this country, probably will not be taken up by the industry until April or May.

Idea would be to get the Golden Jubilee—patterned after the Greatest Picture Year idea, but executed in a different manner, with a different setup—under way during the summer, with the actual campaign breaking just as the new season product is being released.

Hearst's Adv. Stunt

Hollywood, Jan. 31.

Hearst's L. A. Examiner is going to town with a special edition on the Golden Jubilee of motion pictures, hitting the newsstands in March. Bally is being built up by a raid on studio publicity departments, followed by a mop-up squad of ad salesmen.

Campaign is patterned after the New Year's drive of the L. A. Times, which put a fast one over on the Hearst men.

BREN LEAVES ROACH, MAY JOIN RKO

Hollywood, Jan. 31.

Milton Bren left Hal Roach last week after two and half years as executive vice-president in charge of production. A settlement has been effected on his contract, which had four years to run. Bren is negotiating for an RKO production berth.

Vacated post is not being filled, as Roach is assuming those duties. All production halts for three months on the Hal Roach lot, after completion of 'Capt. Fury' about March 6. Letdown is the result of a switch in the production schedule, which advances 'Water Gypsies' to a spot on the current year's sked and sets 'Housekeeper's Daughter' back to the 1939-40 slate.

'Daughter' was due to roll immediately after 'Fury,' but Murray Silverstone, United Artists operating head, pointed out that 'Gypsies' had already been sold in many spots. Picture will require about 12 weeks of preparation before hitting the cameras.

NOW IT'S FEB. 10 FOR THE RKO REORG OKAY

Confirmation of the RKO reorganization plan will not take place at least until Feb. 10 it was decided last week by N. Y. Federal Judge William Bondy at a brief hearing at which John J. Stover, representing the chief opponent to the reorganization plan, sought an extension of date of confirmation. Judge Bondy has already set Feb. 4 as the final day for withdrawals to consents to the plan. Col. Hamilton C. Rickaby, counsel for the Atlas Corp., principal proponents of the plan which was signed last week by the court, consented to an adjournment of the next hearing from Feb. 7 to Feb. 10 at 3:30 p. m.

'As one of the attorneys said, 'It (the plan) will be confirmed at that time, but the Lord knows what Stover will do.' Judge Bondy's attitude in the matter is that everybody should have his say in the matter and that he wished to make certain on final confirmation in every proper way in order to avoid a possible reversal on appeal.

N. Y. Federal Judge William Bondy yesterday (Tuesday) authorized Irving Trust Co., as trustee of the old RKO Corp., to engage the accounting firm of Price, Waterhouse & Co., to audit the books of the old concern for the fiscal year of 1938.

The accountants are also hired to make a detailed report and consolidated statement of RKO and its subsidiaries for that period.

NEW ATT'Y GEN'L TO BAT THURS.

Giving the Anti-Film Industry Monopoly Suit. His Personal Attention—Not Superseding Thurman Arnold, However—Murphy Strong for the Indies

TALENT SWAPPING

Washington, Jan. 31.

Vital announcement concerning the Federal anti-trust suit against the majors is set for later this week, causing conjecture whether the battling parties have reached some common ground and strengthening rumors that a consent decree is not far off. Attorney General Frank Murphy is due to discuss the status of the unit at his Thursday (2) press conference.

Personal supervision of the drive against the picture companies has been one of the first developments since Murphy took the helm last New Year's Day. Former Michigan governor is determined to crack down and insists upon sweeping relief for independent theatre owners.

While not supplanting assistant attorney general member dived in enthusiastically and has summoned a detachment of the industry lawyers to his sanctum for more direct conferences. Last week on his trip to New York he is understood to have talked with the Government staff as well as the defense battery in regard to the consent decree possibilities.

With the D. of J. tight-lipped, observers hear Murphy is hopeful of winning a compromise without expensive courtroom forensics and despite the industry's assertions it cannot yield the concessions demanded. Chief stumbling block is the divorce issue, with Murphy insisting there must be relief for the indies from the competition of producer-controlled houses.

An understanding is said to have been reached on one of the points which drew loud wails—swapping of talent. Details vague, but pipeline reports have the majors agreeing to change their habits in the way of loaning stars and directors. Government insists the eight principal studios have so much raw material tied up that indie producers have been unable to get a toe-hold.

The progress on the block-busting question is unknown here, although Murphy is represented as determined to get broadscale concessions for the benefit of the indies who have applied strong pressure to him. Hinted he will not be satisfied with the proposals advanced by the committee working on the self-regulation plan.

PATHE PROXIES SLOW, DELAYING RECAP PLAN

Proxies of stockholders sought for approval on the revised capital set-up of Pathe Film are coming in slowly, according to check this week. Although only 66 2/3% of the total common stock is necessary to pass the revised capital plan, proxies thus far have appeared in disappointing numbers, being even slower than when asked on the original liquidation plan, defeated because 80% total was not obtained.

Main point of Pathe Film recap plan is to make present corporation a holding company and set up a new corporation to handle the laboratory business. Some Pathe stockholders have indicated they did not consider the new plan as satisfying as the old, but admit its possibilities. Pathe owns about 86,000 shares of Monogram stock to date, this ownership assuring printing biz from Mono. Company also has option to buy an additional number of shares in Monogram.

Silverstone in Hollywood Denies London Report That Teddy Carr's Quitting UA Abroad for Other Co.

After All

Hollywood, Jan. 31.

Gus Edwards has asked Universal to drop the proposed title, 'After School Days,' for its forthcoming Deanna Durbin picture.

Title, he declares, is too much like his own 'School Days,' sold to Warners for the screen.

U DOUBLE A'S 13 FILMS FROM 600G UP

Hollywood, Jan. 31.

Heaviest feature program in years, calling for 24 major-budget pictures, was mapped out for the 1939-40 season at Universal after a series of studio huddles headed by Nate Blumberg, president, and J. Cheever Cowdin, board chairman.

Features are divided into two classes, 13 double-A's, running from \$800,000 up, and 11 A's, budgeted around the \$500,000 mark. Plan also calls for some 20 smaller budgeters, four serials and six westerns.

Newly slate does not include Danielle Darrieux, although the studio has a large investment in 'Rio,' prepared with her in mind. French actress does not like Hollywood, and her husband, Henri Decoin, likes it even less. 'Rio' may be used as a star-er for Marlene Dietrich.

Studio plans picture deals with top names, including Edward G. Robinson, Cary Grant, Douglas Fairbanks, Jr., Irene Dunne and Charles Boyer, in addition to a number of leading directors.

BALABAN AND OTHER PAR EXECS IN MIAMI

Barney Balaban left Saturday (28) for Miami, purportedly on a vacation, and will not return to New York for three or four weeks, under plans. At the same time, J. B. G. Frawley, comptroller of exchanges, also went south. Stanton L. Griggs, recently back from Florida, where he holidayed on his yacht, may return there before Balaban and Frawley pull stakes.

Two of Par's largest operators, Marty Mullin and Sam Pinanski, now also in Miami, are expected to remain about three weeks. Tracy Barham, Par's Ohio operator, reached New York Monday (30) to confer with Leon Netter and other h.o. theatre executives. He comes in often for a few days at a time.

Rep Likes 'Conquest' To Tune of \$900,000

Hollywood, Jan. 31.

Republic loosened the bankroll after early rushes of 'Man of Conquest' and added \$150,000 to the original budget of \$750,000.

Picture, starring Richard Dix with Gail Patrick in the female lead, has another month before the cameras.

Paul with Small

Hollywood, Jan. 31.

Val Paul, former studio manager for Universal, joined Edward Small as production manager, succeeding Joe Nadel, resigned.

First assignment is 'The Man in the Iron Mask.'

London, Jan.

Arthur W. Kelly may take over the sole managing directorship of the United Artists Corp., Ltd., British sales organization of the American UA, according to local inside. He may succeed Teddy Carr and George Archibald, present joint managing directors, who assumed complete control of British sales after Murray Silverstone's elevation to general managership of the parent company and transfer to N. Y. headquarters.

According to an unofficial report, Carr is planning to resign his post and become sales head in England of another American major film company. Should Kelly succeed Carr, Archibald would most likely retain another UA post, possibly that of managing director of United Artists Export, Ltd.

Kelly is awaiting arrival of Silverstone in London, with latter scheduled to sail from America on Feb. 10.

Silverstone Says—

Hollywood, Jan. 31.

When report from London regarding rumored resignation of Teddy Carr was referred here to Murray Silverstone, he stated that he had not heard of Carr's impending resignation and indicated that Carr's contract was of indefinite duration. Carr would have to give one-year notice of any intention to resign.

Silverstone expressed satisfaction with Carr's ability and value to United Artists, and if Carr does leave UA it will not be because of lack of effort on part of the company to hold him. With regard to possibility of Kelly taking over the British managing directorship, Silverstone refused to credit the move. Kelly is the v.p. of UA in charge of foreign sales.

Silverstone is remaining here for the time being to confer with John Hay Whitney, due here from New Orleans, where his plane was grounded last Sunday (29). Purpose is a final conference with Whitney on renewal of Selznick-International releasing contract with UA.

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Loew's Readjusting Admissions To Encourage the Downtown B.O.; Nabes' Quick Clearance a Factor

Baltimore, Jan. 31.—First slash in downtown admission prices in years takes effect here Thursday (2) when Loew's Century will discontinue its stage shows and cut its scale to 25c. and 40c. after 6 p.m. for the entire house. Children's prices remain at 15c. Previous scale called for 35c., 40c. and 55c. Of other exhibitors, only the Ritz follows suit, with the New and Stanley undecided, and the combo Hipp determined to stick to its present setup at 66c. top.

Discontinued stage shows at the Century were the latest of several experiments in this direction. Originally essaying a combo policy utilizing straight picture policy after disagreement with local musical union agent scale. Maintained admission prices for straight pic and recently instituted new policy of half-hour stage flashes employing 40-piece orch, set in at special scale approved by union in effort to make work for toeters. Latter no hype to b.o., however.

Announcement of lowered scale brought with it a statement that following a survey made by Loew's in other key cities, deluxers' prices had to be brought closer to current nabe scales in order to bring back downtown the large numbers of stub holders shopping strictly for price. Local subsequent runs maintain scale of 15c. to 35c. at present, and they have expressed themselves as determined to stick to it in spite of current move. Feeling among other first-run exhibitors is that best means of combating nabe intrusions into their biz is not by price-cutting but rather by a stricter maintenance of present 2-day interval between deluxe and nabe showings.

Certain situations, not only Loew's, but other houses, have been known to waive protection and clearance almost entirely so that the second runs, at considerably lesser scale, get pictures direct from their downtown (or loop) pre-release.

This has created a let's-wait-'til-it-comes-around attitude in the nabes, especially with films clearing their first runs so fast.

Small reduction in prices at scattered neighborhood theatres of Loew's circuit is expected to be followed by a few readjustments in one or two RKO circuit theatres, but this regarded in the trade as entirely a minor New York City reallocation. No general revision of the scale downward in Manhattan or elsewhere in the east is anticipated.

Changes made by Loew's, announced Jan. 27, to become effective Feb. 4, lowered prices 5c. to 10c. for weekends, and generally for early-bird shows, at the 175th St., the Rio, Sheridan, Alpine, Oriental, 46th St., Coney Island, Boro Park and Kings theatres. Biggest changes were for last six named, when early-bird matinees were trimmed in on Sundays and holidays (up to 2 p.m.).

Understood that it's the desire of circuit operators to bring starting prices more in line with Times Square competition and also to meet certain independent competition on early shows. One operator said that some theatres in his major circuit actually had been starting the day with prices higher than those charged by the RKO and other midtown cinemas at early-bird matinees.

Experience of major circuits with early-bird prices has been that, although indies wanted them wiped out when they were removed, so as to conform with the scale for the full afternoon the majors found that there always was one independent who failed to eliminate his cut-rate early scale.

Saenger's 75 Houses' Thurs. B.O. for Refugees

All Saenger Theatres in Mississippi, Louisiana and Alabama set aside the full day's receipts Thursday (26) for benefit of the German refugees. The circuit numbers around 75 theatres. Final tally not computed as yet.

Recently Interstate circuit, operating in Texas and Oklahoma, turned over a day's grosses to the same cause.

Yachters Four Again

Hollywood, Jan. 31.—Yacht Club Boys, recently reduced to three by the departure of Jimmy Kern, are four again with the addition of Jimmy Craig. Other members are Billy Mann, Charlie Adler and George Kelly. Kern is now a Paramount writer.

MCA has booked the quartet for tour of Interstate Theatre circuit, starting Feb. 25.

Ritzes' 'Gorilla' Jam with 20th; Balked at 'B' Pic

Hollywood, Jan. 31.—The Ritz Bros. were suspended and their pay stopped on Monday (30) for refusing to accept roles in 'The Gorilla' at 20th-Fox. It's indicated that legal action will be taken by the studio and that the Ritzes will be held accountable for all losses due to their walkout.

Screen version of the stage chiller was written expressly for the Ritzes and may have to be shelved after preparations cost around \$175,000. Underscored an executive order was issued at the studio to buy no more material for the Ritzes.

'Gorilla' is a B-budgeter, and the comedy trio is known to have balked at being taken off the A production roster.

U.S. MAY REVIEW N.D. DECISION

Washington, Jan. 31.—Ruling on the legality of the North Dakota film divorce law appears probable following conditional granting of Paramount's petition for review of the lower tribunal decision holding the legislature has the right to prohibit producer ownership of theatres. In two appeals presented by Par and a pair of subsidiaries, the U. S. Supreme Court Monday (30) noted "probable jurisdiction."

Up to the attorney to convince the jurists that there is reason for Federal action. Failure to develop an appealable interest may cause the matter to be tossed out.

Sluething M-G Again

Los Angeles, Jan. 31.—Uncle Sam's investigators, seeking anti-trust violations in motion picture distribution, moved temporarily into the Metro exchange after eyeing the Fox-West Coast books.

Metro is the spot where the G-men teed off in their investigation nearly a year ago.

WB TO FIGHT BACK

Reported Tired of Indie Philly Exhibits Sniping

Philadelphia, Jan. 31.

Plan sprung last week by Dave Shapiro, operator of the Admiral Theatre, to force better runs for his house by reducing admissions and then getting an injunction when refused film, came to a sudden end yesterday. He announced the sale of the house to Fred Gladdeck, son-in-law of Bob Lynch, manager of the Metro exchange here.

Other exhibs who were pondering suits against Warner Bros. to obtain better runs were doing considerably more pondering after it was learned that the circuit had decided to stiffen its attitude and fight back, since the influx of lawsuits would make it unprofitable to do otherwise.

Continental Cocktail

By BILL HALLIGAN
Oh, those good ole pre-1929, prohibition days when you had to go abroad to really enjoy a vin com-pris dinner. We were going along fine. Sleeping until noon, lunching with prime ministers of Europe and dining with the world's great writers and dramatists. Supper with the town's most attractive belles and bed at dawn without a care in the world. Then one day I walked over to the American consul's office and there was a letter from Eddie Bran-nick with a pass for the Polo Grounds enclosed. I left Budapest that night.

We had visited Charles Cochran in London, seen Pauline Lord and George Marion in 'Anna Christie.' (I remember we took the three Brox Sisters.) We sat in a box. Then one night Ethelwyn Tennay went dancing at the Grafton Galleries and we had seen the Prince of Wales. Make no mistake, the Prince had seen Ethel, too. Doubt if there was ever a more beautiful brunet. We had lunch at the Savoy Club with Hanne Swarner and one night we dined with George Kaufman and Paul Whiteman at Simpson's on the Strand. Hugh Ford was along, too. He had just staged 'Merton of the Movies,' but the British couldn't make head or tail of the Kaufman satire on Hollywood. It was a dismal flop and we were sorry.

We left New York with more baggage than Adolphe Menjou. As a matter of record, the stuff in the trunks were the costumes of 'Romance.' Doris Keane had asked S. Jay Kaufman to lug the stuff over as she was going to do 'Romance' in London and wanted the costumes copied in Paris. When Doris got to Paris a few weeks later she had an attack of something or other and sent to America for a doctor. The medico took 10 days to make the trip and after taking one look at Doris ordered an operation the following morning at the American Hospital in Neuilly. Doris grabbed a coat and she was away about 10 minutes. We shoved off the next day for Vienna on the Orient Express and the following night we were dining with Dr. Arthur Schnitzler in his garden in the Austrian capital. Schnitzler told us he got \$400 for the 'Affairs of Anatole' from a Hollywood producer and he was wary about letting any of his other works be filmed.

Vienna was still suffering from the after-effects of the war so we pushed on to Budapest. We were just in time for the opening of Franz Leh- har's operetta, 'The Yellow Jacket' (not to be confused with the Ben-timo production) in which the show Leh- har played for us in a little back room of the Press Club over a seidel of beer and a glass of tokay. He told me he would come to America if he was assured that he would have an orchestra of 60 pieces. I thought it would be a great attraction and he was right about letting us conduct the 'Metra Widow' and other Viennese operettas. He has never been to America. Like a lot of other dreams, it never came to pass. He was always talking about Willy Pogany. The kronen was 1,000 to the dollar and we were having a hard time trying to get over a day, although we amazed Molnar with the size of the tips we bestowed on the Gypsy orchestra at the Jardin de Paris and the boys who played at Jarpeus in the Park late after- noons.

We lived at the Gellert hotel on the not too blue Danube and the Prime Minister's car with two men on the box, was always waiting to take us some place, so we didn't miss a thing. S. Jay Kaufman had collected \$3,000 in America for the relief of the Budapest Press Club and they were so grateful—and their hospitality is so wonderful anyway—that at times it was embarrassing.

Dead Enders Chase DuPont from 'Kitchen'

Hollywood, Jan. 31.—Trouble with the Dead End Kids on the set at Warner's caused R. A. DuPont to be removed from his directorial job on 'Hell's Kitchen.' He was replaced by Lewis Seiler, who directed the Dead Enders in 'Crime School.'

Official explanation was that Du- Pont had been taken ill. He had been learning piano for two weeks.

DuPont checked off the lot Monday. WB studio announced he had finished out his term stipulated in his contract.

Court Troubles Multiply for J. P. Nick; Ouster and Injunction Suit Aim at Calif. Nazis

Sacramento, Jan. 31.

Aiming at Nazi anti-Jewish propaganda in California, Assemblyman Jack Tenney, Los Angeles, introduced a measure in the legislature preventing the publication or broadcast of any information tending to incite 'religious, color or race hatred.' Exempting the publication of news as such and fixing an 'intent' clause to protect regular newspapers in the publication of news, Tenney aimed the bill at a pro-Nazi group which he said is becoming increasingly more active in California.

Minority Loew Stockholder In An Appeal Move

First attempt at an appeal from the recent decision by N. Y. Supreme Court Justice Louis A. Valente in the stockholders' suit against Loew's, Inc., occurred yesterday (Tuesday). Attorneys for Max Falkula, of Brooklyn, holder of 20 shares of preferred stock, asked leave to intervene in the case in order to enter a subsequent appeal from the judgment. Justice Ferdinand Pecora reserved decision on the request. The petitioner was not one of the original plaintiff stockholders.

Plaintiff in the present action contends that the \$500,000 in bonuses which Judge Valente ruled should be returned to the corporation by the five leading executives of Loew's is much too small and should be jacked up to a much greater amount, although he does not specify what the amount should be. Emil K. Ellis, who handled the plaintiffs' case at the trial of the action, has not indicated an appeal would be taken from the decision. In fact, the latter has indicated his clients are satisfied with Justice Valente's decision so far as the return of the bonuses and the amount is concerned.

Ellis Fees
Emil K. Ellis and counsel associated with him in suit of 12 stockholders of Loew's, Inc., will file their applications for fees and allowances with Judge Valente some time this week. No specific amounts will be asked, counsel to leave this up to the court, based on findings of fact and law.

The five defendants, Nicholas M. Schenck, Louis B. Mayer, J. Robert Rubin, David Bernstein and estate of Irving Thalberg have not yet decided whether to comply with Justice Valente's decision ordering rebates of over \$500,000 to Loew's, Inc., or to appeal the decision. Counsel for Loew's, Inc. in the suit, Joseph M. Proskauer, is studying the decision and action of the five executives will depend on his advice.

Studio Contracts

Hollywood, Jan. 31.
RKO renewed Leigh Jason's director ticket.

Edward Norris inked player pact at 20th-Fox.

20th-Fox picked up Joan Valerie's player option.

William B. Davidson signed two-picture deal at Warners.

Mary Maguire's player ticket renewed by 20th-Fox.

20th-Fox picked up Esther Brodelet's player option.

Dorothy Dearing's player option hoisted by 20th-Fox.

Paramount lifted Janet Waldo's player ticket.

John Littel's option taken up by Warners.

20th-Fox extended Amanda Duff's player pact one year.

Joe C. Gilpin was signed as a production executive by Columbia.

Universal took up Nan Grey's option.

Universal signed Irene Hervey to make two pictures annually for a term up to five years.

St. Louis, Jan. 31.

Court troubles are multiplying for John P. Nick, v.p. of the ITASE and head of MPO Local No. 143, indicted jointly with Edward M. Brady, State legislator, on an extortion charge several weeks ago, and a new action filed at St. Louis Circuit Court requires Nick, Clyde A. Weston, business agent of the local, and George E. Browne, prez of the IATSE, to appear in court on Feb. 9 to defend several charges. Nineteen members of the local, joint plaintiffs in the suit, ask that Nick, Weston and Browne be removed from control, authority, supervision and operation of Local No. 143; an order for an election of officers under supervision of the court, with voting restricted to those found by the court to be bona fide members; appointment of a receiver to take charge of the local union's affairs and assets, to receive any funds due, and to recover from the defendants any funds found to have been appropriated by them and converted to their own use.

The petition alleges that acts of the defendants have brought the union into public disrepute and put the plaintiffs in constant fear of their lives. The petition further alleges the defendants have converted to their own use assets of about \$45,000 belonging to the Projectionists' Educational Society, a benevolent corporation affiliated with the union. Members of the union also bring charges of embezzlement and fraud. The petition further alleges the defendants claim a property right in the society's assets. It is averred in the petition that the defendants control large sums in union dues, assessments and initiation and permit fees, without bond. It is currently reported that an annual collection of approximately \$50,000 is made from dues and assessments.

A further charge made in the petition is that the defendants intimidated the plaintiffs and other members of the local by threats of bodily injury and threats of depriving them of their livelihood through tearing up their union cards. Additionally the petition alleges that on numerous occasions when the plaintiffs and others attempted to assert their rights they were removed from the stage jobs by the defendants 'who brought into this jurisdiction and made members undesirable individuals possessing police records, who have so conducted themselves as to require police intervention.'

Asserting, in the petition, that they were forced to acquiesce in acts of the defendants, the plaintiffs declare they did not really acquiesce but by reason of fear failed to act in defense of their rights. Nick and Weston, according to the petition, have refused to permit an audit of the accounts, although the defendants had absolute charge of the books, property and business affairs. Nick and Weston are charged in the petition, with having been guilty of such acts of misconduct as to bring disrepute to the local, MPO No. 143 and labor organizations in general into public disrepute and disfavor.

The suit was filed by William Robinson, L. C. Chambers, J. G. Westermeyer, E. Schorer, Ben Hess, C. A. Reinhardt, J. C. Chambers, W. J. Weaver, Osborne Reed, Myers, Charles W. Mische, Charles B. Johnson, Harry G. Witte, Edward Siegfried, T. O. Savage, H. A. Dewett, Al Gasser, Al Friedland, Robert Thomsen and George Palmie, on Friday (27), and within a few hours Circuit Judge Ernest F. Oakley issued the order requiring the presence of Nick, Weston and Browne in court.

Nick, suffering from arthritis that has settled in both knees, is at liberty on a \$25,000 bond on the extortion charge, and has been confined to his home for more than a month. Whether he will be a spectator in court as skeddied is problematical.

Palestine Pic Plan

Oklahoma City, Jan. 31.
A film based on the present civil strife in Palestine is to be produced this summer if plans of George Lahan, owner of the Bay theatre at Blackwell, materialize. Lahan has other big business interests in the southwest.

He has announced that he has the completed story ready, has secured backing of \$150,000 for the film, and will leave for Hollywood in March to discuss production and distribution for the film.

NLRB CITES 10 STUDIOS

Move to End Jurisdictional Fight Among the 11 Studio Labor Unions

Hollywood, Jan. 31. Move to end jurisdictional fights in studios has been undertaken by the unions, with Aubrey Blair of the Screen Actors Guild as arbitrator. Eleven crafts were represented at Monday's peace meet.

Studio technicians affiliated with the IATSE notified Pat Casey that the organization considers the studio union basic agreement to be in full force and effect. This statement followed reports that the IATSE was withdrawing from the agreement.

IA OK's Local Autonomy

Long battling for the local autonomy enjoyed by other unions of which the International Alliance of Theatrical Stage Employees is the parent organization, studio locals on the Coast in the future will be permitted to make their own agreements subject, as in all cases, to approval of the IATSE.

In the past, the IA itself has negotiated all deals in the studios to the locals involved as a signatory to the five-year studio basic agreement. These locals are the studio technicians, photographers, laboratory technicians and sound technicians. Ruling of the IA during the convention of the American Federation of Labor to which George E. Browne is a delegate, was reached at a meeting of the IA executive board held also at Miami during the past week. AFL convenses goes another three days at Miami, Browne probably returning to New York early next week.

Agreement to let the four studio locals of the IA do their own bargaining with the film plants is not likely to remove the IA from the annual negotiations over studio workers in which the IA, the American Federation of Musicians, Carpenters and others figure in determining scales and conditions for the coming year; although the procedure will undoubtedly be changed in that the IA will sit in as a single representing agency for all the locals involved, subject to latter's desires.

The stage hands and operators in Los Angeles and Hollywood are separate and distinct from the other four locals there. They negotiate their own deals. Under the IA rules, if a local breaks a contract or in other ways violates regulations, the IA may revoke the charter of such a local. It could continue the local itself or it could form a new one.

Boys from Syracuse Chain to Lecture At Local U. on Theatres

Syracuse, N. Y., Jan. 31. Film house operations will go academic in Syracuse next week with inaugural of a new course in practical moving picture theatre management by Syracuse University. Branchin of Harry Unterfort, manager of Keith's here, the stunt promoter not only to provide good ball-buo for the Schine chain, operators of 135 houses in the east, but as a training ground for a number of college lads anxious to get on ground floor of theatre management.

In addition to absorbing theories in the classroom, students enrolled in the course will observe practical operations in the Schine outfit's four laboratories in Syracuse, using them as a laboratory and for field studies.

Lectures in the course, organization of which has been aided by Gus Lampe, city Schine manager, will be delivered by men from the executive ranks of Schine enterprise and at completion of year's studies they will interview best students with view to giving them start in their chain-gang.

Scheduled lecturers are J. M. Schine, L. W. Schine, George Lynch, John May, Unterfort and Lampe of the Schine organization, and Fred Myers, RKO, and Sidney Samson, Fox.

Studios' IA Worry

Hollywood, Jan. 31. Following the election of Samuel Goldwyn to membership in the Producers Association Monday (30) night, studio heads studied for several hours the IATSE's announced withdrawal from the studio basic agreement. Legal opinion is being sought on what effect such action will have on agreements between producers and studio unions.

There is some talk about dealing directly with various locals.

U TRAILERIZING THE LATIN MARKET

Idea of staging previews of new product in each large port visited will be launched by Joe Seidelman, v.p. in charge of foreign sales for Universal, on his 60-day swing through South America which he began yesterday (Tuesday). He sailed with special facilities and equipment arranged for these showings on board his boat. It is Seidelman's idea of developing interest for U product in Latin-American market, and presumed it will be followed by similar projects by other major companies.

Seidelman is carrying a special three-reel print (in Spanish) consisting of scenes from the new Durbin, Crosby, Jackie Cooper-Bartholemew, Fields-Bergen-McCarthy and 'Frankenstein' pictures. Several stars talk in Spanish. Special reel also contains announcement of new Irene Dunne production and fact that Charles Boyer will play opposite Miss Durbin in her subsequent vehicle. In addition there will be a trailer on 'The Mikado' previewed, with prolog in Spanish. Also announcement of Universal's Spanish program, with trailer on first film finished.

FLEISCHER-DISNEY RACE

'Gulliver' vs. 'Pinnocchio'—May Be Released Together

A race is threatened between Max Fleischer and Walt Disney in getting to the market with their respective cartoon features, 'Gulliver's Travels' and 'Pinnocchio'. Present indications are that neither picture will be ready for release until November or December.

Fleischer is at work on 'Travels' at his new studio in Miami, while Disney is under way with 'Pinnocchio' on the Coast. Former will be released through Paramount, while Disney's pen-and-ink feature goes out through RKO, distributor of his 'Snow White'.

All of Fleischer's cartoon operations have been concentrated in his new Miami plant, with Popeye and other cartoon shorts all being turned out there. Recently Paramount sent Howard Hampton down there to handle publicity and exploitation for Fleischer.

Sued Actor Sues Agent

Los Angeles, Jan. 31. Claud Allister entered a counterclaim in answer to \$12,825 commission suit filed by Thelma Weisser, agent, in superior court. Actor charges agent with collecting fees in excess of 10% on 'pretense of paying off additional monies to unnamed persons in a studio casting department.'

Allister asks the court to declare him within his rights in dismissing the agency on Feb. 18, 1938.

HEARING SLATED FOR L.A., FEB. 13

**Wagner Act Violations
Charged to Major Studios
—U. S. May Compel Negotiations with Unions**

COERCION CHARGES

Washington, Jan. 31. Serious indictment of 10 Hollywood studios on charges of Wagner Act violations last week reopened the tiff between major producers and the Screen Writers Guild. Next move in the union trouble will be a hearing in Los Angeles, Feb. 13, on which the National Labor Relations Board will gather evidence that will determine whether a formal order is issued compelling the companies to negotiate with the union.

Refusal to bargain was charged against Paramount, RKO, Loew's (M-G), 20th Century-Fox, Columbia, Universal, Selznick, Goldwyn and Roach, following analysis of complaints from the Guild. Board last August certified SWG as bargaining agent for scribes at these and three other studios.

A mass of accusations was contained in the citation, with varying offenses charged against different defendants. General allegation was all of the studios 'interfered with, restrained, and coerced... employees in the exercise of their rights' (Continued on page 18)

Geo. Burns' 1-Yr. Sentence; \$17,000 Fines; Smuggling

Federal Judge William Bondy imposed a fine of \$8,000 and a suspended sentence of a year and a day on George (Nat) Burns yesterday (Tuesday) in Federal Court, N. Y., on the alleged smuggling indictment involving less than \$5,000 worth of diamonds studded jewelry into the United States. Burns had already paid civil penalties amounting to \$9,770 in addition, it was disclosed. This brings his monetary penalties to \$17,770 on items totaling less than \$5,000.

Judge Bondy suspended the prison sentence on a promise of good behavior, and Burns was put on probation for the duration of the term. He got 10 days in which to pay the fine.

Burns' plea for leniency, made through his attorney, Carl Newton, was based on the fact that the actor had cooperated with the Government investigation since its inception. Assistant United States Attorney Joseph Delaney had originally recommended a fine of \$12,000.

Comedian, it was announced, would be available as a witness in 'another' impending trial, growing out of the smuggling activities of Albert N. Chaperau. This was taken to mean the trial of Jack Benny, who comes up on like charges Feb. 14.

Burns arrived in New York yesterday (Tuesday) after the plane he boarded on the Coast was grounded in Chicago by snowstorms and forced his transfer to rails. He avoided interviews after the case was cleared.

'Liberty' Budget Upped

Hollywood, Jan. 31. Budget for Warners' patriotic short, 'Sons of Liberty,' was upped to \$80,000, highest of the series.

Cast is headed by Claude Rains and Donald Crisp.

Fight Over Licensing Film-Radio Agents Before Cal. Gen'l Assembly; Would Make SAG the Arbitrators

Hollywood, Jan. 31. Fight over licensing of film and radio agents was taken to the California General Assembly this week, with drafting of a bill by the Screen Actors Guild taking arbitration of disputes involving private employment agencies out of the hands of the State Labor Commission. Amendment takes 'must' on arbitration out of Labor Code, paving way for the SAG to handle any disputes that may arise after bookers are placed on franchise basis.

Strategic move by Laurence W.

Beilenson, general counsel for the SAG, is believed to have taken fight out of the Artists Managers Guild, which now controls all Coast agents through associate memberships. Move will have support of Senator Robert Kenney, law partner of Beilenson.

Agents had been counting on the Labor Commission to aid them in securing terms with actors. This move will give SAG the necessary ammunition to clinch its licensing program, which will be pushed to completion as soon as the tilt between the advertising agencies and the American Federation of Radio Artists is settled.

The SAG has deferred action on its agents' licensing program until threatened radio strike is settled. Actors financed the organization of the radio actors, announcers, et al., and are centering attention on this fight.

Threat of another studio strike developed this week, with formal withdrawal of the International Alliance of Theatrical Stage Employees from the Studio Basic Agreement, George E. Browne, international prexy of the IATSE, sent a special delivery letter from Miami to Pat Casey, producer labor contact, notifying him that in the future all negotiations would be handled by the four IA studio locals. Copy of notice also was sent to W. L. Hutchesson, international head of the studio carpenters and vice-chairman of the committee handling the Studio Basic Agreement.

Peace Move Speeded

Hurried conference of all film union heads was called by Dr. Towne Nylander, regional director of National Labor Relations Board in an effort to iron out jurisdictional disputes and avoid a general walkout. Studio carpenters, machinists, Studio Utility Employees Local 724 and American Society of Cinematographers have petitions before the NLRB asking certification as bargaining representative for their members and involving the IATSE.

Threatened strike of studio painters was averted this week when the major studio managers agreed to pay time and half for men employed on the 'graveyard' shift. Agreement must be okayed by the producers, but this is considered a mere formality since it has approval of the studio bosses and Pat Casey.

The Screen Publicists Guild, which expects certification this week by the NLRB as bargaining agent for all studio flacks, has elected Billy Edwards, of Paramount, as president to succeed Marvin Houser. John Woolfenden, Metro, was selected as vice-president; Katherine O'Neill, Columbia, as secretary, and Norman Rivkin, Universal, was reelected treasurer. Flacks have amended their demands for shorter hours to conform with the Federal Wage-Hour Law.

Stewart McKee, banker and brewer, has been approved as third member of the Standing Committee appointed to arbitrate differences arising over the Screen Actors Guild Modification Agreement. Other members are Murray Kinnell, SAG, and Lou Anger, producers. Meeting will be called this week to select permanent headquarters and hire staff.

Recognition for Designers

Screen Set Designers have been recognized by the producers and are now negotiating wage agreement. Union is asking minimum of \$80 for 40-hour week and improved working conditions. Workers now receive an average of \$65 to \$70 for 44-hour week.

A resolution condemning nepotism and calling for abolition of alleged favoritism and preferential hiring in employment of extras is pending before the SAG. Class B Council deferred action on resolution until legal opinion as to its validity could be secured from SAG counsel.

20TH SELLING GB'S 'LADY' ON OWN PROGRAM

Philadelphia, Jan. 31. Plan of 20th Century-Fox to feed in Gaumont-British's 'The Lady Vanishes' as part of its own 1938-39 contract is raising a mild rumormongers in spots where 20th and G-B compete. Mixup results from G-B shutting its distribution offices here and turning over booking and distributing to 20th. Under terms of the 20th contract, it has the privilege of delivering four foreign-mades, and is taking advantage of this to use 'Vanishes' as one of them. Legally, exhibs feel, there can be no kick at 20th's action, but they maintain that it violates the fair trade practices code.

It is pointed out that where an exhib 'bought' G-B, but not 20th, he is, of course, still entitled to 'Vanishes.' His competition may have bought 20th and not G-B, but he will get the pic, too, and he will sell. Thus the house which purchased the film originally will be relegated to second run, which is felt to be unfair.

Metro's Foreign Execs In U. S. on Powwows; Eckman Arrives Thurs.

Sam Eckman, Jr., head of distribution for Metro in Great Britain, arrives in New York tomorrow (Thursday) for an extended confab at the home office. He arrives while Arthur Loew, Metro's foreign chief, is on the Coast with Lady Lawrence, continental boss for M-G. They went to the Coast Monday (30) to give once-over to story and production possibilities that may fit into European plans.

Eckman will remain in the east until Loew and Lawrence return, although visiting Hollywood later as part of a vacation jaunt.

Outgrew His Role

Hollywood, Jan. 31. Because Paramount postponed the Irene Dunne-Fred MacMurray starrer, 'Invitation to Happiness' five months and Donald O'Connor grew too fast, he lost the featured part. Young O'Connor transfers his added altitude to the studio's 'Beau Geste.'

GONE WITH THE

Hollywood, Jan. 31. High wind ripped cloth covering off the cyclorama stage at 20th-Fox at a cost of \$5,000 for replacement. Breeze also cost a day's shooting time for the second unit of 'The Hound of the Baskervilles,' piloted by Otto Brower.

'James' Shoots to Wham \$43,000 In Snowbound Chir; Duals-Vaude 14G, Duke 'Icy 9 1/2 G, Palace N.G.

Chicago, Jan. 31.
The loop is digging out from Monday's (30) snowstorm, the worst in 10 years, with less than \$500 in some houses. 'Jesse James' is still a big smash at the Chicago in spite of the blizzard. Though costing in plenty of coin, 'James' is leading the procession to 'James' in spite of the gangster and blood theme, and picture will stick at least a fortnight.

Oriental currently goes into a double feature with its regular vaudeville lineup. Bargain is getting a big afternoon play at 25c admish. House has considerable seating capacity, so doesn't have to worry too much about turnover.

Palace continues to have something of a struggle on its hands, with the problem being the cut-rate prices at the State-Lake and Oriental. With Ozzie Nelson's band on stage currently, Palace still finds it a battle and indications are that it will slice its scale shortly to meet the competition.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-75) 'Zaza' (Par) Moved here from Chicago but doesn't figure for much better than mild \$40,000 on the session. Last week 'Sweethearts' (M-G), turned in okay.

Chicago (B&K) (4,000; 35-55-75) 'James' (20th) and stage show. Picture is a wallop and stage show means absolutely nothing currently. Powerful \$40,000 in the week. Last week 'Zaza' (Par), okay \$30,200.

Garrick (B&K) (900; 35-55-75) 'Devil's Island' (WB). With plenty of newspaper build-up, crime flicker looks for light \$4,000. Last week, 'Dawn Patrol' (WB), \$4,800, okay.

Oriental (Jones) (3,200; 25-40) 'Spy Ring' (Col), 'Miss 7-Step' and 'The Double Features' plus vaude is a new one in this town and the bargain seekers will pour, modest \$14,000 in the coffers. Last week 'Manchegos' (U), \$10,000.

Palace (RKO) (2,500; 35-55-75) 'Heart North' (WB) plus vaude. Ozzie Nelson band on stage. Competition struggling despite names and doesn't look better than mild \$13,000. Last week 'Man Votes' (RKO) and vaude, flabby \$16,100.

Roosevelt (B&K) (1,500; 35-55-75) 'Duke' (U). Heading for no more than about \$5,000, not so good. Last week 'My Heart' (M-G), disappointing \$9,900.

State-Lake (B&K) (2,700; 25-40) 'Smashshots' (20th) and vaude. House being held to about \$11,000, only fair. Last week 'Blondie' (Col) and vaude, good \$13,500.

United Artists (B&K-UA) (1,700; 25-55-75) 'West Hardys' (M-G) (2d wk). Picture was a little late in local release, which is holding down take considerably, plus the blizzard. Current week took good \$17,100 last week. 'Idiot's Delight' (M-G) next.

INDPLS. B.O. POWERFUL; 'JESSE' TERRIFIC \$15,000

Indianapolis, Jan. 31.
Grosses continue on the upgrade here after a period of slack trade, but Monday's (30) snowstorm, which 'Jesse James' is pocketing the Indiana's figures to its highest level in recent seasons, surpassing the record take of 'Snow White'. Linked with 'King of Underworld', Ted Weems and his orch are becoming the smaller vaudeville Lyric's gross to its best mark in six months. 'They Made Me a Criminal' and 'Torchy in Chinatown' are managing to withstand this powerful competition with nice business at the theatre, while Loew's also gets by in fairish fashion with a dual of 'Duke of West Point' and 'There's That Woman Again'. Apollo is the only house where a couple of bills of 'Pacific Liner' and 'Fighting Thoroughbreds'.

Estimates for This Week
Apollo (Katz-Dolle) (1,100; 25-30-40) 'Pacific Liner' (20th) and 'Fighting Thoroughbreds' (Rep). First picture is given edge in ad campaign, but gross is very poor at \$11,000. Last week, 'Swing, Sister' (U) and 'Newsboys' (U), also in red at \$1,800.

Circle (Katz-Dolle) (2,600; 25-30-40) 'Mac Me Criminal' (WB) and 'Torchy in Chinatown' (WB). Former given big publicity campaign and is standing up well against strong opposition. Take \$6,200, good. Last week, fifth, 'Kentucky' (20th) and 'Down on Farm' (20th), did remarkably \$6,000.

Indiana (Katz-Dolle) (3,100; 25-30-40) 'Jesse James' (20th). Best house has had in a couple of weeks, almost tripling last week's biz. Will hit \$15,000, smash take. Last week,

'Son Frankenstein' (U) and 'Disbarred' (Par); fair \$5,500.
Loew's (Loew's) (2,400; 25-30-40) 'West Point' (UA) and 'Woman Again' (Col). Former picture given all the space in the ads. Satisfactory \$6,000. Last week, 'Stand Up' (M-G) and 'Spring Madness' (M-G), dandy \$8,000.
Lyric (Olson) (1,900; 25-30-40) 'King Underwater' (WB) and 'Ted Weems orch'. Latter popular here and elevating recent level of business to swell \$13,000, best in several months. Last week, 'Off Record' (WB) and vaude, mild \$8,100.

'SWEETIES' DUAL BIG \$43,000 IN BOSTON

Boston, Jan. 31.
'Sweethearts' dualled with 'Girl Downstairs' at Orpheum and State, flitting with new house records. Holding assured for at least one more week.

'Great Man Votes' and 'Lady Vanishes', at Memorial, is another big-getting combo, though not in the same class as the week's Criminal, getting good response at the Met.

Estimates for This Week
Boston (RKO) (3,200; 20-30-40) 'Orphan Annie' (Par) and 'Criminal' (WB) dual with vaude, first three days; and 'Sub Patrol' (20th) and 'Swing, Sister' (U), last-half. Moving toward moderate \$7,500. Last week 'Exposure' (U) and 'Last Express' (U), dual with vaude for three days, and 'Secrets Nurse' (U) and 'Marry' (RKO), for four days, good \$8,100.

Fenway (M&P) (1,332; 25-35-40-55) 'Dawn Patrol' (WB) and 'Nancy Drew' (WB), dual (2d run-3d wk. in town). 'Pale \$6,000 indicated. Last week, 'Duke' (U) and 'WB' and 'Off Record' (WB), dual, good \$8,000.

Kelth Memorial (RKO) (2,907; 25-35-40-55) 'Great Man Votes' (RKO) and 'Lady Vanishes' (GB). Garnering hefty \$18,000. Last week, second stanza of 'Son Frankenstein' (U) and 'Exciting Night' (U), tepid \$10,000.

Metropolitan (M&P) (4,367; 25-35-40-55) 'Cowboy and Lady' (U) and 'Moto's Last Warning' (20th). Hitting good \$17,000. Last week, holdover of 'Dawn Patrol' (WB) and 'Nancy Drew' (WB), n.g. \$11,000.

Orpheum (RKO) (2,900; 25-35-40-55) 'Sweethearts' (M-G) and 'Girl Downstairs' (M-G). Aiming at record bracket, possibly \$24,000. Last week, 'Cowboy and Lady' (U) and 'Spy Ring' (Col), good \$19,000.

Paramount (M&P) (1,797; 25-35-40-55) 'Dawn Patrol' (WB) and 'Nancy Drew' (WB) (2d run), weak \$8,000. 'Cowboy and Lady' (U) and 'WB' and 'Off Record' (WB), good \$9,500.

Scollay (M&P) (2,538; 25-35-40-55) 'Kentucky' (20th) and 'U. River' (2d run). Good \$6,500. Last week, 'Homey Moon' (Par) and 'Storm Bengal' (Rep) (3d run), \$8,000.

State (Loew's) (3,600; 25-35-40-55) 'Sweethearts' (M-G) and 'Girl Downstairs' (M-G). Smash \$19,000 forecast. Definite holdover. Last week, 'Cowboy and Lady' (U) and 'Spy Ring' (Col), okay \$12,500.

'CRIMINAL' FAIR FOR \$4,200 IN OKLA. CITY

Oklahoma City, Jan. 31.
After setting a new record at \$11,000, 'Jesse James' looks like best bet for the average week. 'They Made Me a Criminal' also o.k. All others just so-so.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40) 'Mac Me Criminal' (WB). Looks like fair \$4,200. Last week, 'Jesse James' (20th) hit new record on 40c prices with \$11,000. Only other high gross was 'Kentucky' (20th). 'Cimarron' (RKO) which did \$12,000 at 75c. top. Liberty (Stan) (1,200; 20-30) 'Dark Rapture' (U) and 'Exciting Night' (U). Mild \$2,000. Last week, 'Heart North' (WB) and 'Nancy Drew' (WB), \$2,800.

Midwest (Stan) (1,500; 25-35-40) 'Birth of Baby' (Special). Under average take \$3,000. Last week, 'Zaza' (Par), poor \$3,900.

Piazza (Stan) (750; 25-35-40) 'Kentucky' (20th). Set for another week here all right, so-so. Last week very good \$2,750.
State (Noble) (1,100; 25-35-40) —

First Runs on Broadway (Subject to Change)

Week of Feb. 2
Astor — 'Pygmalion' (M-G) (8th wk).

Capitol — 'Idiot's Delight' (M-G) (Reviewed in VARIETY, Jan. 25)
Criterion — 'Federal Manhunt' (Par).

(Reviewed in VARIETY, Jan. 11)
Globe — 'Lady Vanishes' (20th) (7th wk).

Musie Hall — 'Gunga Din' (RKO) (2d wk).

Paramount — 'Paris Honey-moon' (2d wk).

LaRo — 'Homicide Bureau' (Col).

Rivoli — 'Son of Frankenstein' (U) (2d wk).

Rox — 'Jesse James' (20th) (4th wk).

Strand — 'Wings of the Navy' (WB) (3).

(Reviewed in VARIETY, Jan. 18)
Week of Feb. 9
Astor — 'Pygmalion' (M-G) (10th wk).

Capitol — 'Idiot's Delight' (M-G) (2d wk).

Criterion — 'Ambush' (Par).

Globe — 'Lady Vanishes' (20th) (8th wk).

Musie Hall — 'Made for Each Other' (UA).

(Reviewed in Current Issue)
Paramount — 'St. Louis Blues' (Par) (3).

Rox — 'Jesse James' (20th) (5th wk).

Strand — 'Wings of the Navy' (WB) (2d wk).

VAUDE QUITTING CINCY; 'IDIOT'S' BIG \$19,500

Cincinnati, Jan. 31.
'Idiot's Delight' is romping away with top money currently. It's smash pull at the Albee, where 'Jesse James' did the same thing last week. Has cinema circle's combined box. at an okay level. Place dough this week is being copied by 'Son of Frankenstein' at the Palace, after fresh release, 'Off the Record', at Keith's, is getting lukewarm returns. Biz is down under at the Shubert. Last week, 'Lower Wolf' 'Spy Hun' linked with vaude topped by Billy House. After next week, when Ozzie Nelson's band will be on the stage, house will drop fresh and re-ignite. Straight piz. Since opening Nov. 18 with vaude, theatre has had only three weeks of good biz.

Estimates for This Week
Albee (RKO) (3,300; 35-42) 'Idiot's Delight' (M-G). Smash \$19,500. Last week 'Jesse James' (20th), great \$18,500.

Capitol (RKO) (2,000; 35-42) 'Jesse James' (20th) (2d run). Big \$7,500. Last week 'Kentucky' (20th) (3d wk) (2d run), dandy \$5,500.

Family (RKO) (1,000; 15-25) 'Dr. Meade' (Col), 'Federal Man' (Rep), 'Torchy Set Her Man' (WB), separate. Normal \$2,000. Same later week on 'Touchdown Army' (Par), 'Last Warning' (U), 'Secrets Nurse' (U), singly.

Franklin (RKO) (1,200; 25-40) 'Kentucky' (20th) (5th wk) (3d run). Very good \$3,800. Last week 'Zaza' (Par) (2d run), poor \$2,000.

Kelth's (Libson) (1,500; 25-42) 'Off Record' (WB). N.sh. \$4,000. Last week 'Stand Up' (M-G) (2d run), slow \$3,500.

Lyric (RKO) (1,400; 35-42) 'Homey Moon' (Par) (2d run), Limp \$3,000. Last week 'Devil's Island' (WB), good \$5,000.

Palace (RKO) (2,600; 35-42) 'Frankenstein' (U). Fairly good \$2,500. Last week, 'Homey Moon' (Par), fair \$1,000.

Shubert (RKO) (2,150; 35-40-60) 'Spy Hun' (Col) and vaude topped by Billy House. Sad \$9,000. Last week, 'Lower Wolf' and stage show headlined by Blackstone, fair \$10,500.

Shooting Back
Hollywood, Jan. 31.
'Shooting High', scheduled to roll yesterday (Monday) at 20th-Fox, was set back to Feb. 13 for additional scripting.

Delay permits Tony Martin to extend his personal appearance tour in the midwest.

B'way Firm Despite Storms; 'Gunga' Socko \$102,000, 2 Crosbys Big 40G, 'Frankie' 20G, 'Stand Up' Fawdown, 18G

In spite of rainy weather Sunday and Monday (29-30), following several days of intense cold, the tone of business in the country's No. 1 key is decidedly firm. On top of the heap, as numerous strong pictures turn into the stretch, is 'Gunga Din', which should get the Musie Hall \$102,000 or better the first week, by far the best business this house has had since the holidays.

The balance of the field is showing generally good interest except for 'Stand Up and Fight', which got away rather stiff-leggedly Thursday (26) at the Capitol and is falling far behind. Failing badly here is its disappointing star, the picture will be lucky to nab \$18,000, which means just one week for it.

'Jesse James' continues a fast pace at the RKO on its current (3d) week against 'Gunga Din' and other new pictures as well as the hold-overs, led by 'They Made Me a Criminal', with Leo Reisman in person, which is going to hit the box a likely \$25,000 on the second week. 'James' rode to a fancy \$64,000 last week, its second, and on the third week is likely to reach \$50,000 or close, giving a fourth.

'Paris Honey-moon', with Bob Crosby on the stage, knocked out a cool \$40,000 on the first seven days at the Paramount ending last night (Tues.) and inaugurates its holdover today (Wed.). Other shows that are proceeding at a good clip are 'The State', with 'Marie Antoinette' and the Ina Ray Hutton band, which looks about \$24,000, and 'Son of Frankenstein' at the Rivoli. Latter opened Saturday (28) and while not powerful is getting well enough to suggest \$20,000 or better. Picture is one that may build.

'The Girl Downstairs' is lifting the

Criterion to a possible \$7,000, best since New Year's, and 'Lady Vanishes' (20th) in its sixth week at the Globe, is holding up sturdily, looking about \$8,000. The staying powers of 'Pygmalion' means that it will get \$12,000 or thereabouts on its current (8th) week, very little of a drop from the \$13,000 it pulled the prior stanza. The English-made is getting one of the longest pop runs Broadway has seen since 1929. It continues on, with no departure date as yet considered.

The second lap of 'Pacific Liner' at the Rialto ending Monday night tops was \$300, a little over hoped, due to weather conditions, but all right, and it will stick another two or three days, to be followed by 'Homicide Bureau'.

Estimates for This Week
Astor (1,012; 25-40-55-65) 'Pygmalion' (M-G) (8th week). Still piling 'em in, \$12,000 or around that this week (8th). This is not much of a drop from the prior stanza's business which counted to a little over \$13,000.

Capitol (4,320; 25-55-55-125) 'Stand Up and Fight' (M-G). This one is laying down to die, \$18,000 tops, and out. 'Stand Up and Fight', 'Shining Hour' (M-G) was anything but bright although coming close to \$24,000, fair profit.

Criterion (1,662; 25-40-55) 'Girl Downstairs' (M-G). The wheels are turning, a little faster, and change, maybe \$7,000, fair. Last week, 'Disbarred' (Par) took it on the chin, under \$5,000.

Globe (1,275; 25-40-55) 'Lady Vanishes' (20th) (6th week). May increase pace to get \$35,000 after five strong preceding weeks, fifth of which snared \$7,800. 'Devil's Island' (WB), long run, ready for opening, is now set back to Feb. 15, with 'Vanishes' to go two more weeks.

Palace (1,700; 25-55-55) 'Going Places' (WB) (2d run), and 'Moto's Warning' (20th) (1st run), dual. Combination not likely to reach \$7,000, probably not over \$6,000. Last week, 'Kentucky' (20th) (2d run) and 'Gambling Ship' (U) (1st run), with former added for drawing majority of the business, \$8,500.

Paramount (3,634; 25-55-55-89) 'Paris Honey-moon' (Par) and 'Paris Honey-moon' (2d-run week). 'Paris Honey-moon' today (Wed.) after pushing through to a cool \$40,000 the first seven days. 'St. Louis Blues' and a stage bill including Vincent Lopez, Betty Hutton, Arletta Ellis and John Boles scheduled for Wednesday (8). The final (3d) week of 'Zaza' (Par) and Benny Goodman here was \$26,000, okay.

Radio City Music Hall (5,980; 40-60-80-100-125) 'Gunga Din' (RKO) and stage show. A very fine \$102,000 in view for this week, with show holding over. This is the best since 'They Made Me a Criminal' since then has met with disappointing results, including 'Great Man Votes' (RKO) last week which ended at close to \$60,000.

Earle (WB) (2,540; 25-40-55) 'Pacific Liner' (RKO) (2d wk). Went to \$11,000, very good, on the first week and wound up its second Monday (28) at \$7,000, with no weather interference, but satisfactory and is being held another day or two. 'Homicide Bureau' (Col) opens here today (Wed.) or tomorrow (Thurs.).

Rivoli (2,200; 25-40-55) 'Son of Frankenstein' (U). Opened here Saturday (28) after a powerful run of 'Beschermer' (Par) and off satisfactorily though not in smash fashion. Picture is type that very likely may build beyond what now looks like a first week of about \$20,000, as strong as it is.

Rox (2,400; 25-40-55) 'Jesse James' (20th) and stage show (3d wk) (2d run). Strong showing in competition on Broadway. 'Rox's' spectacle of the early west is holding to its guns for a possible \$50,000 this week (3d), excellent, and goes a fourth. Last week (2d) made but beyond early expectations to a fancy \$64,000. 'Tailspring' (20th) is next here.

State (4,350; 35-55-75) 'Antoinette' (M-G) (2d wk). Went to \$29,000, band. Down here from a recent disappointing week at the Capitol on its first run pop engagement, following \$2,000 at the Greaser-Power customer, is doing nicely and shows about \$24,000, aided by the Hutton orchestra. Last week, 'Sweethearts' (M-G) also did very well here on second week, \$11,000. With Ann Sothern and the Roger Pryor band on the stage as company.

Strand (2,167; 20-40-55-75-85-90) 'They Made Me a Criminal' (WB) and 'Leo Reisman band' (2d-run week). Rode through to \$35,000 last week (1st) and is holding up stoutly on the second, looking \$25,000, fair. 'Wildcat' (WB) (2d wk) and Artie Shaw band comes on Friday (3).

F.D.R. BIRTHDAY HURTS WASH. PIC SPOTS

Washington, Jan. 31.
Galaxy of stars in town for President's Birthday events stealing space and interest away from film houses, especially since very few names are adorning the marquees. What business there is, and only one spot is really bad off, is almost in direct proportion to star draw.

Tops is Power-Ponda-Scott combo in 'Jesse James' at Palace. Second is Lionel Stander, p. a helping 'They Made Me a Criminal' at Earle. 'Thanks for Everything' and Roscoe Atkins revue at Capitol poor third.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-60) 'Thanks Everything' (20th) and vaude topped by Roscoe Atkins. Poor \$13,500. Last week 'Stand Up' (M-G) and vaude, dropped toward end of week to finish with still good \$19,000.

Columbia (Loew) (1,234; 25-40) 'Cowboy and Lady' (UA) (2d wk). Return of Western after one week at Palace, headed for average \$4,200. Last week, 'Sweethearts' (M-G) (2d run), took good \$4,500 for third downtown stanza.

Earle (WB) (2,216; 25-35-40-60) 'Made Me Criminal' (WB) and vaude. Lionel Stander, p. a, helping toward solid \$15,500. Last week 'Zaza' (Par) and vaude, fair \$14,500.

Kelth's (Libson) (1,830; 35-55) 'Lady Vanishes' (20th). Critics raving and may beat no-name jinx for oke \$6,000. Last week 'Great Man Votes' (RKO), good \$7,000.

Met (WB) (1,600; 25-40) 'Off Record' (WB). Looking at average \$4,300. Last week 'Homey Moon' (Par) (2d run) after oke week at Earle, average \$4,200.

Palace (Loew) (2,424; 35-55) 'Jesse James' (20th). Power-Ponda-Scott leading town with good \$18,500. Last week 'Kentucky' (20th), fair \$13,500.

Cagney in Stripes

Hollywood, Jan. 31.
'Each Dawn I Die', prison story starring Jimmy Cagney, rolled yesterday (Mon.) on the Warner lot.

Another high budget picture, 'Confessions of a Nazi Spy', starring Edward G. Robinson, goes into production Thursday (2).

'Gunga' Sockeroo \$43,700 in Two L.A. Spots; 'Zaza' 16G, 'Criminal' \$15,000, Eight Acres on Solo Fare, H.O.s Firm

Los Angeles, Jan. 31.—'Gunga Din,' on first showing in the west, is duplicating heavy grosses being piled up in New York, and first week at the day-date RKO and Paramount looks like hefty \$43,700. This includes around \$4,000 garnered at two premieres at Varieties Wednesday night (25). At least four weeks run at each house predicted.

'Zaza' moved into Paramount after three-day holdover at the El Comodoro, which failed to catch as hoped. Peculiar angle in this hotbed of all bill runs currently is that eight of the 11 first run houses are soloing. Only duels are at the Orpheum, United Artists and Wilshire, and in each instance these are all first runs.

Estimates for This Week
Chinese (Grauman-F-WC) (2,024; 30-40-55-75) — 'Jesse James' (20th) (2d week). Okay \$3,700 on holdover, after initial week piled up excellent \$15,900.

Downtown (WB) (1,800; 30-40-55-65) — 'Made Me Criminal' (WB). Hitting fair pace and could show \$3,000. Last week, 'Off Record' (WB) and 'Thoroughbreds' (WB), poor \$5,900.

Four Star (F-WC-UA) (900; 40-55) — 'Pygmalion' (M-G) (6th week). Very little letup in interest and attendance so current week should add another \$4,500. Fifth stanza ended (28) with \$5,200.

Hollywood (WB) (2,756; 30-40-55-65) — 'Made Me Criminal' (WB). Running somewhat behind its day-date, Downtown, and answer will probably be \$7,000. Last week, 'Off Record' (WB) and 'Thoroughbreds' (WB), fair \$6,100.

Orpheum (Evergreen) (2,280; 25-35-50-40) — 'Illegal Traffic' (Par) and 'Long Shot' (GN) dual and vaudeville. Couple of first runs with stage vaude helping toward \$7,500. Last week, 'Ladies' (WB) (40-50) and 'Comet Broadway' (WB) just fair \$7,000.

Pantages (Pan) (2,812; 30-40-55) — 'Gunga Din' (RKO). Off to terrific start with more than \$4,000 at 23 prem. and started (25) at regular admissions, with likely \$23,200 the answer. Last week, three-day holdover of 'Frankenstein' (U) and 'Next Time Mary' (RKO), okay \$3,000.

Paramount (Par) (3,559; 30-40-55) — 'Zaza' (Par) and stage show. Rushed in (28) after three-day holdover on second stanza of 'Paris Honeymoon' (U). Last week, 'Honeymoon' on the holdover \$5,000.

RKO (2,872; 30-40-55) — 'Gunga Din' (RKO). A mopup at this downtown house and first seven days to no admission most looks like territory \$20,500. Single house record of \$4,800 rung up Sunday (29). Opening day biggest in more than two years. Last week, final four days of 'Frankenstein' (U) and 'Next Time Mary' (RKO), good \$3,400.

State (Loew-Fox) (2,414; 30-40-55-75) — 'Jesse James' (20th) (2d week). Holdover profitable at \$9,700. First week brought big \$21,000.

United Artists (F-WC) (2,100; 30-40-55) — 'Dramatic School' (M-G) and 'Chan Honolulu' (20th) dual. Two first runs here because of 'Jesse James' holdover. Last week, 'Jesse' not very encouraging at \$2,000. Last week, 'Trade Winds' (UA) and 'Thanks Everything' (20th), on mopover started at \$1,400.

Wilshire (F-WC) (2,296; 30-40-55-65) — 'Dramatic School' (M-G) and 'Chan Honolulu' (20th) dual. First runs bringing so-so \$3,900 to Wilshire district seat. Last week, holdover of 'Kentucky' (20th) with 'Ferdinand' (Disney), strong \$5,600.

'CRIMINAL' WOMAN' GOOD 28G IN B'KLYN

Brooklyn, Jan. 31.—Banner setup of flicker attractions in principal downtown deluxes. Socko attendance at Paramount, where 'They Made Me a Criminal' and 'There's That Woman Again' are on screen. Loew's Metropolitan holding 'Marie Antoinette' second stanza, also will come out on black side of the ledger.

Strand has first-rate vaude bill featuring Benny Meroff's band, plus 'Smashing the Spy Ring' on screen. Albee is good with 'Great Man Votes' and 'Gambling Ship'.

Estimates for This Week
Albee (3,274; 25-35-50) — 'Great Man Votes' (RKO) 'Gambling Ship' (20th). Neat \$18,000 anticipated. Last week 'Arizona Wildcat' (20th) and 'Mr. Moto' (20th), weak \$13,000.

Fox (4,089; 25-30) — 'Going Places' (WB) and 'Disbarred' (Par). Mild \$15,000 in 10-day run, including part of last week.

Met (3,619; 25-35-50) — 'Marie Antoinette' (M-G) (2d wk.). Okay

Broadway Grosses

Estimated Total Gross
This Week.....\$326,000
(Based on 12 theatres)
Total Gross Same Week
Last Year.....\$331,500
(Based on 12 theatres)

\$14,000. Last week Shearer flicker got nice \$18,000.

Paramount (Hamrick-Evergreen) (2,600; 32-37-42) — 'Thanks Everything' (20th) and 'Girl Downstairs' (M-G). Indicate fair \$4,200. Last week, 'Going Places' (FN) and 'King Alcazar' (Par), \$5,600, good.

Falema (Sterling) (1,350; 32-42) — 'Strange Faces' (U) plus Sally Rand on stage. Heading for immense \$10,500 at upped scale. Last week, 'Dark Rapture' (U) and 'Orphan Annie' (RKO) plus vaude, good \$5,900.

Paramount (Hamrick-Evergreen) (3,039; 32-37-42) — 'Honeymoon' (Par) and 'Tarnished Angel' (RKO). Anticipate \$5,000, fair. Last week, 'Zaza' (Par) and 'Road Reno' (U), \$4,500, disappointing.

Roosevelt (Sterling) (800; 21-32) — 'If King' (Par) and 'Mr. Doodle' (RKO). Expect \$2,000, okay. Last week, 'Can't Take It' (Col) and 'Mr. Wong' (Mono) (2d wk.), good \$1,700.

'WINDS' BLOWS GOOD \$12,000 IN K. C.

Kansas City, Jan. 31.—Biz slightly better this week on the average, with the spotlight on 'Jesse James' holdover, and 'Trade Winds' at Midland.

'Paris Honeymoon' moved into Newman day early (Wed.) and doing medium biz. Boves' unit at Tower upping biz some over previous week, but still in the lower register.

Exhibits had rainy weather to contend with over week-end, and snow in middle of previous week.

Estimates for This Week
Esquire and Uptown (520 and 1,200; 10-25-40) — 'Jesse James' (20th) (2d wk.). Biz holding up and looks for \$11,000, very good. Last week saw near capacity, \$15,000.

Midland (Loew's) (3,573; 10-25-40) — 'Trade Winds' (UA) and 'Spring Madness' (M-G). Good week at \$12,000. Last week 'West Point' (UA) and 'Homicide Bureau' (Col), slow \$7,000.

Newman (Paramount) (1,900; 10-25-40) — 'Honeymoon' (Par). Biz in medium class at \$6,000. Last week 'Zaza' (Par), so-so \$5,000.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) — 'Thanks Everything' (20th) and 'Girl Downstairs' (M-G). Lightweight bill and biz, in same trend, \$4,500. Last week 'Man Votes' (RKO) and 'Torchy' (WB), average \$4,000.

Loew's (Loew's) (2,050; 10-25-40) — 'Mr. Moto' (20th) and Major Boves' arms. Latter helping to bring biz up over last week, but still light at \$6,000. Last week 'Young Mr. Lincoln' (20th) and 'Tommy' (U) and vaude, very poor \$6,000.

'Jesse,' 13½G, 'Idiot's,' 12G, Socko in Denver
Denver, Jan. 31.—Fair weather is putting folks in show-going mood and two houses, Denver and Orpheum, are in the big money class.

Estimates for This Week
Aladdin (2,400; 10-25-40) — 'Kentucky' (20th) (2d wk.). Okay at a week at the Denver. Nice \$4,000. Last week, good \$4,500.

Broadway (Fox) (1,100; 25-40) — 'Stand Up' (M-G) and 'Peck' (Bad Boy) (RKO) (2d wk.). After week at Orpheum. Poor \$1,500. Last week, same bills, nice \$3,000.

Denver (Fox) (1,750; 25-35) — 'Besenbom' (RKO) (2d wk.). Okay \$6,200. Last week, fine \$5,500.

Denver (Fox) (2,525; 25-35-50) — 'Jesse James' (20th). A smash at \$15,000. Last week, 'Thanks Everything' (20th) and Major Boves' unit, good \$11,500.

Orpheum (RKO) (2,600; 25-35-40) — 'Idiot's Delight' (U) (A) and 'Idiot's' (20th). Great \$12,000. Last week, 'Man Votes' (RKO) and 'Girl Downstairs' (M-G), only fair \$7,000.

Paramount (Fox) (2,200; 25-40) — 'Underworld' (U) and 'Arizona Wildcat' (20th). Nice \$4,000. Last week, 'Going Places' (FN) and 'Sharpshooters' (WB), good \$4,500.

Bialto (Fox) (878; 25-40) — 'Thanks Everything' (20th), after a week at Denver and 'Secrets Nurse' (U). Poor \$1,500. Last week, 'Dawn Patrol' (WB), after week at each house, Denver and Aladdin, and 'Nancy Drew' (WB), good \$2,000.

'CRIMINAL' WOMAN' GOOD 28G IN B'KLYN

Blue Moose (Hamrick-Evergreen) (850; 32-37-42) — 'Trade Winds' (UA) and 'In French' (Par). Mopover from Fifth heading for good \$2,500. Last week, 'Stand Up' (M-G) and 'Nancy Drew' (WB), six days, \$1,600, fair.

Coliseum (Hamrick-Evergreen) (1,900; 21-32) — 'Citadel' (M-G) and 'Submarine Patrol' (20th). Indicate fair \$4,000. Last week, 'Stabbed' (M-G) and 'Just Around Corner' (20th), eight days, oke \$3,100.

Colonial (Sterling) (800; 10-21). This week, subsequent run; last week, 'Rhythm of Saddle' (Rep) and 'Tough Kid' (Mono), split with 'Border G-Man' (Mono) and 'Ses O'Reilly' (GB), fairish \$1,900.

Fifth Avenue (Hamrick-Evergreen) (2,349; 32-37-42) — 'Idiot's Delight' (M-G) and 'N. Y. Streets' (20th). Getting great \$9,000. Last week, 'Trade Winds' (UA) and 'In French' (Par), four days of second week, okay \$3,700.

Liberty (J-V-H) (1,800; 21-32-42) — 'Dr. Meade' (Col) and 'Little Adventure' (Col). Slow \$3,300. Last week, 'West Point' (UA) (2d week), \$3,400, fair.

Musie Box (Hamrick-Evergreen) (850; 32-37-42) — 'Going Places' (FN) and 'Singing Ship' (20th), poor \$3,800. Last week, 'Stand Up' (M-G) and 'Nancy Drew' (WB), good \$2,000.

Mayfair (Parker-Evergreen) (1,500;

poor \$1,500 and out after five days. Last week, 'Sweethearts' (M-G) (4th wk.), okay \$2,200.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) — 'Thanks Everything' (20th) and 'Girl Downstairs' (M-G). Indicate fair \$4,200. Last week, 'Going Places' (FN) and 'King Alcazar' (Par), \$5,600, good.

Falema (Sterling) (1,350; 32-42) — 'Strange Faces' (U) plus Sally Rand on stage. Heading for immense \$10,500 at upped scale. Last week, 'Dark Rapture' (U) and 'Orphan Annie' (RKO) plus vaude, good \$5,900.

Paramount (Hamrick-Evergreen) (3,039; 32-37-42) — 'Honeymoon' (Par) and 'Tarnished Angel' (RKO). Anticipate \$5,000, fair. Last week, 'Zaza' (Par) and 'Road Reno' (U), \$4,500, disappointing.

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Newman (Paramount) (1,900; 10-25-40) — 'Honeymoon' (Par). Biz in medium class at \$6,000. Last week 'Zaza' (Par), so-so \$5,000.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) — 'Thanks Everything' (20th) and 'Girl Downstairs' (M-G). Lightweight bill and biz, in same trend, \$4,500. Last week 'Man Votes' (RKO) and 'Torchy' (WB), average \$4,000.

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Denver (Fox) (1,750; 25-35) — 'Besenbom' (RKO) (2d wk.). Okay \$6,200. Last week, fine \$5,500.

Denver (Fox) (2,525; 25-35-50) — 'Jesse James' (20th). A smash at \$15,000. Last week, 'Thanks Everything' (20th) and Major Boves' unit, good \$11,500.

Orpheum (RKO) (2,600; 25-35-40) — 'Idiot's Delight' (U) (A) and 'Idiot's' (20th). Great \$12,000. Last week, 'Man Votes' (RKO) and 'Girl Downstairs' (M-G), only fair \$7,000.

Paramount (Fox) (2,200; 25-40) — 'Underworld' (U) and 'Arizona Wildcat' (20th). Nice \$4,000. Last week, 'Going Places' (FN) and 'Sharpshooters' (WB), good \$4,500.

Bialto (Fox) (878; 25-40) — 'Thanks Everything' (20th), after a week at Denver and 'Secrets Nurse' (U). Poor \$1,500. Last week, 'Dawn Patrol' (WB), after week at each house, Denver and Aladdin, and 'Nancy Drew' (WB), good \$2,000.

'CRIMINAL' WOMAN' GOOD 28G IN B'KLYN

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Coliseum (Hamrick-Evergreen) (1,900; 21-32) — 'Citadel' (M-G) and 'Submarine Patrol' (20th). Indicate fair \$4,000. Last week, 'Stabbed' (M-G) and 'Just Around Corner' (20th), eight days, oke \$3,100.

Colonial (Sterling) (800; 10-21). This week, subsequent run; last week, 'Rhythm of Saddle' (Rep) and 'Tough Kid' (Mono), split with 'Border G-Man' (Mono) and 'Ses O'Reilly' (GB), fairish \$1,900.

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Musie Box (Hamrick-Evergreen) (850; 32-37-42) — 'Going Places' (FN) and 'Singing Ship' (20th), poor \$3,800. Last week, 'Stand Up' (M-G) and 'Nancy Drew' (WB), good \$2,000.

Mayfair (Parker-Evergreen) (1,500;

'James' \$20,000, Shearer-Gable \$15,000, Set Pace in Forte Frisco

Key City Grosses

Estimated Total Gross
This Week.....\$1,653,400
(Based on 26 cities, 177 theatres, chiefly first runs, including N.Y.)

Total Gross Same Week
Last Year.....\$1,640,300
(Based on 24 cities, 165 theatres)

30-35-40 — 'Stand Up' (M-G) and 'Girl Downstairs' (M-G) (3d week). Still okay at \$2,500. Last week, good \$2,900.

Orpheum (Hamrick-Evergreen) (1,800; 30-35-40) — 'Made Me Criminal' (WB) and 'Army Girl' (Rep). Average at \$4,500. Last week, 'Woman Again' (Col) and 'Gangster Boy' (Mono), fair \$3,700.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40) — 'Jesse James' (20th) and 'Torchy' (WB) (2d wk.). Still strong at \$3,500. First week mopped up terrific \$8,000.

Rivoli (Indie) (1,100; 20-25) — 'Slave Ship' (M-G) and 'Mr. Moto' (20th). Average \$1,800. Last week, so-so (20th) and 'Numbers' (20th), Co-Ed \$1,600.

United Artists (Parker) (1,000; 30-35-40) — 'Idiot's Delight' and 'Broadway Muskeeters' (M-G). Big \$7,500. Will hold. Last week, 'Going Places' (FN) and 'Spring Madness' (M-G), five days, poor \$2,500.

'JESSE,' \$15,000, HI-DE-HO IN L'VILLE

Louisville, Jan. 31.—'Jesse James' is pulling the natives to the Riato calling for extra b.o. help to handle the crowds. Opening day Friday (27), biz topped everything with exception of 'Snow White'.

'Trade Winds' and 'Dramatic School,' on a dual at Loew's State, also pointing to bumper gross, and 'Kentucky' sixth on stage next week at the Strand shows no signs of slackening profitable pace. 'They Made Me a Criminal,' at Mary Ann, feeling effects of potent opposish.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,500; 15-30-40) — 'West Point' (UA). Last week, \$1,800. Getting a little attention after okay stanza at Loew's State. Looks like average \$1,800. Last week 'Stand Up' (M-G) and 'Spring Madness' (M-G), fair \$1,600.

Kentucky (Switow) (900; 15-25) — 'Blondie' (Col) and 'Brother Rat' (WB). Pointing to oke \$1,700. Last week 'Around Corner' (20th) and 'Randy Rhythm' (WB), split with 'Service De Luxe' (U) and 'Man Remember' (U), fair \$1,500.

Loew's State (Loew's) (3,100; 15-30-40) — 'Trade Winds' (UA) and 'Dramatic School' (M-G). Both items on this double header stacking up plenty strong, \$8,000. Last week, 'West Point' (UA) and 'Woman Again' (Col), okay \$8,500.

Mary Anderson (Libson) (1,000; 15-30-40) — 'Made Me Criminal' (WB). Copping some trade on strength of John Garfield's fine acting, but opposish a little too much to overcome. Windup should be medium \$3,500. Last week, 'Off Record' (WB), light \$2,800.

Ohio (Settos) (900; 15) — 'Robin Hood' (WB) and 'Circus Girl' (Mono), split with 'Old Corral' (Rep) and 'Accidents Happen' (Par). Fair \$1,400. Last week, 'Bird of Baby' (Indie), split with 'Sea Rake' (Rep) and 'Torchy Blane' (WB). 'Baby' disappointed here and pulled after four days. Week wound up with mid \$1,000.

Rialto (Fourth Avenue) (3,000; 15-30-40) — 'Jesse James' (20th) and March of Time. Biggest thing to hit this house since 'Snow White'. Hefty exploitation, Tyrone Power's name and fact that outlay operated in this state for a time, all combined to interest local patrons. Pointing toward terrific \$15,000, and h.o. a certainty. Last week, 'Frankenstein' (U) and 'Marry' (RKO), under expectations at \$5,400.

Strand (Fourth Avenue) (1,400; 15-30-40) — 'Kentucky' (20th) and 'Down Farm' (20th) (6th downtown week). Still romping along at profitable clip and has already broken town's consecutive run record. Aiming at fine \$3,000, and indications are it still another stanza here. Last week, average \$4,000.

'Idiot's,' \$15,000, Shearer-Gable \$15,000, Set Pace in Forte Frisco
San Francisco, Jan. 31.—Strong pictures with top-notch casts are faring well at the b.o. this week. Biggest grosser is 'Jesse James,' which got off to a big start after a good advance exploitation campaign.

Norma Shearer and Clark Gable, in 'Idiot's Delight,' will be right next to the Fox in the matter of money. Lynn Fontanne and Alfred Lunt, in legit version of 'Idiot's,' did record biz at the Curran some time ago. Severe rainstorm yesterday (Monday) hurting biz.

Estimates for This Week
Fox (F-WC) (5,000; 35-55-75) — 'Jesse James' (20th). Technical version of this horse optry doing sweet biz. Although picture has plenty of competition can't complain with take of \$20,000. Last week (2nd), 'Stand Up' (M-G) and 'Thanks Memory' (Par) dismal \$7,500.

Golden Gate (RKO) (2,500; 35-55) — 'Fisherman's Wharf' (RKO). Natives are suckers for pictures with a San Francisco locale. P. by Bobby Breen, Henry Armetta and Leo Carillo opening day helping gross to fine \$15,500. Last week, 'Marry' (RKO) and John Boles in person, healthy \$16,500.

Orpheum (F&M) (2,440; 35-55) — 'Thanks Memory' (Par) and 'Sweethearts' (U). Instead will do \$8,500, which is good, but not nearly as big as expected. Last week 'Woman Again' (Col) and 'Spy Ring' (Col), okay \$8,000.

Paramount (F-WC) (2,740; 35-55-75) — 'Idiot's Delight' (M-G) and 'Torchy Blane' (WB). Take of \$15,000 is helmsman. Last week 'Zaza' (Par) and 'Disbarred' (Par), \$12,500, disappointing.

St. Francis (F-WC) (1,470; 35-55-75) — 'Stand Up' (M-G) and 'Thanks Memory' (Par). House had nothing else available and had to take this bill, which went sour in second stanza at Fox. Will be lucky to get \$3,500. Last week (4th wk.) 'Sweethearts' (M-G) pallid \$3,900 in six days.

United Artists (Cohen) (1,200; 35-55-65) — 'Trade Winds' (UA) (3d wk.). Calming down a bit at \$5,500. Last week, \$5,000.

Warfield (F-WC) (2,680; 25-55-75) — 'Devil's Island' (WB) and 'Off Record' (WB). Biz poor at \$3,500. Last week, 'Idiot's Delight' (M-G) and 'New York Streets' (20th), \$12,000, fair.

Ans Revive Stage Show
In Lincoln, Nice \$3,600

Lincoln, Jan. 31.—'Jesse James' is looking a fancy gross at the Stuart. 'Ozark' terrorist in technicolor is figured tasty entertainment meat, and house planted it early so it'll get a nine or 10-day run. 'Idiot's Delight' should be a cinch for fancy \$6,500, or better.

Vaude made its first bow in 1939 at the Lincoln (28) after it was finally put off the stage. Major Boves' unit, 'Rodeo Rhythm,' is the starter for two days only with 'Spring Madness'.

Orpheum, almost ready to re-light, will be re-opening the brackets unless a contest on now uncovers a better tag.

Estimates for This Week
Coliseum (NTI-Noble-Monroe) (750; 10-15) — 'Kid Back' (WB) and 'Saddle' (Rep), split with 'Mystery House' (WB) and 'Cattle Raiders' (Col). Okay, \$800. Last week, 'Pioneer' (WB) and 'Invisible

Rain Swamps Philly; Dorsey-'Fate'

Poor \$22,500, Laughton Fair \$13,500

Philadelphia, Jan. 31.—Despite nifty marquee practically all down the line, big is extremely disappointing. Some fair figures are being hung up, but they're not what was expected. Aiding and abetting the slump is old man weather, rain hurting over the weekend and practically annihilating it yesterday (Monday).

Most welcome sight is 'Idiot's Delight' at Boyd. Queues are frequent at the house, pushing up gross to nifty \$22,500. Beachcomber on the other hand, though heavily ballied, is running along in slow gear. Clinching \$13,500, fair for the house.

Even the dependable vaudeville Earle is falling to meek in the accustomed manner with Tommy Dorsey on the boards. While the trombone tooter last March did better than \$27,000, he's set for only more than \$20,000 this time. That's hardly profitable on the heavy nut 'Jesse James', in second session at Stanley, softening considerably, down to \$12,000.

Estimates for This Week
Aldine (WB) (1,303; 42-57-68-75)—'Beachcomber' (Par). Probably hurt by so-so reviews, despite strong clicking. Bidding for only \$13,000, fair but will probably hit. Last week 'Topper' (UA) (2d wk) weakened badly for cold \$7,500.

Boyd (WB) (2,350; 37-57-68-75)—'Idiot's Delight' (M-G) tonight got off to midtown with nifty \$22,000. Last week, 'Zaza' (Par) (2d wk), very sad \$7,100.

Carle (WB) (2,758; 36-37-42-57-68)—'Flirting Fate' (M-G). Tommy Dorsey orch on stage. Mediocre showing at \$22,500. Last March, with a pile of about equal strength, band regarded better than 'Idiot's Delight', 'Off Record' (WB) and Ben Bernie and Mary Small on stage, \$19,100, poor.

Fox (WB) (2,423; 37-57-68-75)—'Made Me Criminal' (WB). Very tepid at \$14,000. Last week, 'Son Frankenstein' (U), \$11,000, extremely disappointing after swell big dollar 'Idiot's Delight' (M-G) and 'Dracula' at Studio a couple doors away.

Kriton (WB) (1,068; 37-42-57-68)—'Son Frankenstein' (U) (2d run). Repeating its poor showing at the Fox with measly \$3,000. Last week, 'Artists and Models' (Par) (2d run), unimpressive \$2,200.

Keith's (WB) (1,870; 37-42-57-68)—'Topper' (UA) (2d run). Making poor showing at \$3,100. Last week, 'Woman Again' (Col) (2d run), poor \$3,000.

Stanley (WB) (2,918; 37-57-68-75)—'Jesse James' (20th) (2d wk). Satisfactory, but skidded far more than expected to \$12,000 after hitting nice \$18,900 in initial sell.

Stanton (WB) (1,457; 26-42-57)—'Disbarred' (Par). Failing to make any sort of showing at the Fox with \$3,000. Last week, 'Ambush' (Par), likewise set the house behind the black ball with \$3,500.

'Idiot's Delight' AT \$22,000 DELIGHTS PTSBG.

Pittsburgh, Jan. 31.—Practically all of the coin available for entertainment this week is accounted for by the Alvin. 'Jesse James' is packing 'em in, and the Penn, where 'Idiot's Delight' is headed for top biz. Elsewhere it's grosses hitting rock bottom.

'James' giving the Alvin its best take since 'Alexander', and will stay there for second week instead of going to Senator. 'Idiot's Delight' to Warner for its h. o. first attraction in Stanley's 11th birthday celebration, 'Great Man Votes' and Russ Morgan's band, 'taking it on the chin, while 'Son of Frankenstein' now at Senator after nice sell at Alvin, isn't going anywhere, either.

Estimates for This Week
Alvin (Harris) (1,875; 25-35-50)—'Jesse James' (20th). Nothing like it here since 'Alexander' and a cinch to clean up big. Won't hit figure much, but should have a trouble getting at least \$20,000. Last week, 'Frankenstein' (U), fell off after big start and finished up just short of \$10,000.

Fulton (Shen) (1,750; 25-40)—'Little Women' (RKO) (reissue), and 'Marry' (RKO). Biz fair enough, but house can't get any turnover, bill running more than three hours. Looks like around \$2,300. May stay few extra days since Fulton hasn't any product on tap until 'Till Spin' (20th) opens Feb. 10. Last week, 'Pacific Liner' (RKO) (20th), 'Bad Boy' (RKO), in nine days at night at \$3,200.

'Idiot's Delight' AT \$22,000
 'Idiot's Delight' (M-G), shares and Gable together in 'Dr. Sammler' and raves for both performance and picture are shooting this one right into upper brackets. Had the biggest Saturday (28) since 'Alexander' and paced for an easy \$22,000, fine. Moves to Warner Friday (3) for second week. Last week, 'Dawn Patrol' (WB), fazed to \$2,000.

'Frankenstein' (U). Here for h. o. after nice Alvin week, but just staggering along and will be lucky to get even \$2,000. Last week, second for 'Kentucky' (20th), here—ran previously had seven days at Alvin—fair \$2,500.

Stanley (WB) (3,600; 25-40-60)—'Man Votes' (RKO) and Russ Morgan's band. Flicker well received but getting no b. o. attention and orch, despite impressive radio rep, isn't helping any. Looks like poor \$1,500. Last week, 'Bowen's' and 'West Point' (UA), fair \$1,650.

Warner (WB) (2,000; 25-40)—'Crooked Mile' (RKO) and 'Tom Sawyer' (Par). Another back week in store here. Couple of weakies won't better \$2,800. Last week, 'Devil's Island' (WB) and 'Annabel' (RKO), \$4,000, okay.

'IDIOT'S' STRONG

\$17,000 IN CLEVEL.

Cleveland, Jan. 31.—Except for a spell of warm weather, again blizzard which struck yesterday (Mon.), there's no other explanation for the sudden spurt of business at the Palace to zingo \$18,000. 'Idiot's Delight' only one notch below that, cleaning up the rest of the day for the State. Hipp made mistake in keeping 'Jesse James' after last week's slump.

Estimates for This Week
Alhambra (Printz) (1,200; 10-20-35)—'Dr. Meade' (Col) and 'Little Tough Guys' (WB). Nice \$2,000 for four days. Last week, 'Lucky Vanishes' (GB) and 'Last Warning' (U) (2d wk), good \$2,800.

Allen (RKO) (3,000; 30-35-42-55)—'Pacific Liner' (RKO). Not so army at \$3,000, average. Last week, 'Frankenstein' (U), chilled to \$2,000.

Hipp (Warner) (3,700; 30-35-42-55)—'James' (20th) (2d wk). A bit better than last week, \$2,500. Last week, liberal last week, \$12,500, good in spite of unexpected drop.

Palace (RKO) (30-35-42-55)—'Off Record' (WB) plus vaude with Arthur Pryor orch, Ann Sothera and Eleanor Whitney. Latter being a localite, boosting solid bill some more for excellent \$18,000. Last week, 'Going Places' (M-G), bright \$17,000.

State (Loew's) (3,450; 30-35-42-55)—'Idiot's Delight' (M-G). Yanking the femmes and smart plugging sets for healthy \$17,000. Last week, 'Honeymoon' (Par), Crosby's poorest to date, \$7,500.

Stillman (Loew's) (1,750; 30-35-42-55)—'Four Girls' (M-G). Just getting by with \$3,000. Last week, 'O'Connor' (M-G), dived with the rest of town to \$2,000.

Labor Board's Contempt

Charge Vs. L. I. Exhibs

State Labor Relations Board will ask N. Y. Supreme Court Justice Ferdinand Pecora today (Wednesday) to punish for contempt several Long Island, N. Y., motion picture theatre operators for failure to comply with the board's order of last April relating to motion picture machine operators employed by the theatres. The board's order, later upheld by the court, directed the theatre operators to stop interfering with machine operators from joining Local 308 and also to reinstate six workers who had been fired for union activities.

The board claims the defendants have failed to comply with the order and now wants the court to impose penalties. The theatre operators complained of are: Long Island Theatre Corp., Cross Island Amus. Corp., Northern Amus. Corp., Laurelton Amus. Co., Merrick Gales Amus. Corp. and the Linden Operating Corp.

Metro's Ballet Testes
 Tamara Toumanova, ballet dancer in 'Stars in Your Eyes', tonight will make her first appearance Feb. 9 at the Majestic, New York, has been optioned by Metro.

She'll be tested during the show's Broadway run.

Some Storm

Chicago, Jan. 31.—The heavy snowstorm here yesterday and today (Tuesday) is playing havoc with loop and nabe theatre business.

Some 15 inches of snow has fallen. Which is about three inches taller than Jr. Laemmle.

No B.O. Punch

In Mpls.; 'Idiot's' 10G Paces Town

Minneapolis, Jan. 31.—Grosses continue to suffer from a lack of vitality. In at least two instances, 'Idiot's Delight' and 'Man to Remember', takings rate better than fair, but are still far below what could be termed highly impressive grosses. Gable-Shearer opus at State, will lead town by a wide margin. 'Man to Remember', in third week at World, continues to knock 'em dead at that sure-seater, but its \$2,000 is a lot of money only for a 380-seater.

Gopher, with 'Going Places', still doing well, but here, too, a \$3,500 bill means plenty of patronage, without counting as really big coin. 'Stand Up and Fight' will wind up eight pretty fair days at the Orpheum, but 'There's That Woman Again' at State, which is doing none too well for the Century.

Stage shows still are conspicuous by their absence.

Estimates for This Week
Asar (Par-Singer) (900; 15-25)—'Moto's Last Stand' (20th) and 'Swing Sister' (U), first-runs, split with 'Newsboys' Home' (U) and 'Crooked Mile' (RKO), also first-runs. Headed for \$10,000.

Capitol (Par-Singer) (1,600; 25-35-40)—'Woman Again' (Col). Pleasing enough picture, but having plenty of boxoffice trouble. Will do well to reach high \$3,500. Last week, 'Automatic School' (M-G), \$4,000, light.

Gopher (Par-Singer) (998; 25)—'Going Places' (FN). Dick Powell means nothing to boxoffice here any more. 'Going Places' is doing well with policy that apparently spells consistently profitable grosses. Looks like pretty good \$3,200. Last week, 'My Heart' (UA), \$4,400, last week, 'Honey Moon' (Par) (2d run), \$2,800; 25-35-40—'Stand Up' (M-G). Picture in for eight days and giving good account of itself. Pretty good \$5,500 indicated. Last week, \$5,000 for 'Zaza' (Par) (2d run) and 'Long Shot' (GN), former film moved here from Michigan.

United Artists (United Artists) (2,000; 30-40-65)—'Idiot's Delight' (M-G). Ballyho nicely and should get good enough \$11,000 and holds. Poor \$6,000 last week for 'Stand Up' (M-G).

Estimates for This Week
Palace (C-T) (2,700; 25-45-55)—'Citadel' (M-G). Big bally on this one is getting results; \$7,000, very good. Last week, 'Hardys' (M-G), disappointing, \$5,000.

Capitol (C-T) (2,700; 25-45-55)—'Woman Again' (Col) and 'Spy Ring' (Col). Won't see better than \$2,500. Last week, 'March of Time's Refugees' (M-G), good \$5,000.

Loew's (C-T) (2,800; 30-40-60)—'Mantons' (RKO) and 'Berni Vici' unit. Stage show may jack up gross to \$10,000 with increased admiss, very good. Last week, 'In French' (Par) and vaude, poor \$5,000.

Princess (C-T) (2,300; 25-35-50)—'Dr. Kildare' (M-G) and 'Swing Sister' (Par). Good enough \$3,800. Last week, repeat session of 'Beachcomber' (Par) very good \$4,500.

Orpheum (Ind) (1,500; 25-40-50)—'Topper' (UA) and 'Women Prison' (RKO). Looks like \$3,500, good. Last week, 'King' (RKO) and 'Happened One Night' (Col) (reissues), \$1,800, poor.

Cinema de Paris (France-Film) (600; 25-50)—'Cortez de Lyon'. Fair \$1,800. Last week, 'Prison de Femmes', repeat, \$1,000, so-so.

St. Denis (France-Film) (2,300; 20-35)—'La Goulueuse' and stage show. Pointing to very good \$7,000. Last week, 'Barnabe' and 'Gosse de Riche', \$7,500, excellent.

Loew's Admish Cut May Set Off Price

War in Balto; 'Topper' Fair \$10,000

derworld' (WB) and vaude, swell \$4,000.

State (Loew) (2,300; 25-35-50)—'Idiot's Delight' (M-G) and 'Homicide Bureau' (Col). Headed for peppy \$12,000. Last week, 'Trade Century' and 'O'Connor' (M-G), nice \$11,000.

Majestic (Par) (2,300; 25-35-50)—'Made Me Criminal' (WB) and 'Going Places' (WB). Stepping nicely for swell \$8,000. Last week, 'Heart North' (WB) and 'Smiling Along' (20th), weak \$5,000.

Strand (Indie) (2,200; 25-35-50)—'Girls School' (Col) and 'Mysterious Rider' (Par). Looks good for \$8,000. Last week, 'In French' (Par) and 'Disbarred' (Par), meek \$4,500.

DET. SKIDS, BUT

'IDIOT'S' OKAY

\$11,000

Detroit, Jan. 31.—Slippery boulevards and snow are combining with strong counter-attractions to hand downtown Tin boxoffice plenty of trouble. The blizzard yesterday (Mon.) and today is believed to have cut business 65% below normal. 'Jesse James', plus vaude, continues to pull 'em in at the Fox on holder, while 'Idiot's Delight' is getting favorable play at the United Artists.

Estimates for This Week
Adams (Balaban) (1,700; 30-40)—'Pacific Liner' (RKO) coupled with 'Annabel' (RKO). Won't get more than \$3,500, mild. Last session, about \$3,700 for 'Secrets Nurse' (U) and 'Down Town' (20th).

Fox (Indie) (5,000; 30-40-65)—'Jesse James' (20th) (2d wk) with holdover stage show. After clicking off smash \$35,000 first stanza, Power opus should come home with okay \$18,000 currently.

Michigan (United Detroit) (4,000; 30-40-65)—'Cowboy and Lady' (UA) plus 'Ambush' (Par), dual. Headed for \$10,000. Last week, 'Honey Moon' (Par) and 'Off Record' (WB), only fair \$11,500.

Palms-Stage (United Detroit) (3,000; 30-40-65)—'Stand Up' (M-G) (2d run) plus 'Federal Man-Hunt' (Rep). Taylor-Beery flicker moved here after poor stanza at UA; figures tower fair \$5,500. Last stanza mild \$5,000 for 'Zaza' (Par) (2d run) and 'Long Shot' (GN), former film moved here from Michigan.

United Artists (United Artists) (2,000; 30-40-65)—'Idiot's Delight' (M-G). Ballyho nicely and should get good enough \$11,000 and holds. Poor \$6,000 last week for 'Stand Up' (M-G).

'Mantons' Vaude Fine

\$10,000 in Montreal

Montreal, Jan. 31.—Loew's looks like the best bet for the week with 'Mad Miss Mantons' and Count Berni Vici unit. 'Citadel' at Palace should also do well. Balance of theatres are spotty.

Estimates for This Week
Palace (C-T) (2,700; 25-45-55)—'Citadel' (M-G). Big bally on this one is getting results; \$7,000, very good. Last week, 'Hardys' (M-G), disappointing, \$5,000.

Capitol (C-T) (2,700; 25-45-55)—'Woman Again' (Col) and 'Spy Ring' (Col). Won't see better than \$2,500. Last week, 'March of Time's Refugees' (M-G), good \$5,000.

Loew's (C-T) (2,800; 30-40-60)—'Mantons' (RKO) and 'Berni Vici' unit. Stage show may jack up gross to \$10,000 with increased admiss, very good. Last week, 'In French' (Par) and vaude, poor \$5,000.

Baltimore, Jan. 31.—Decision of Loew's Century to cut admission scale beginning Thursday (2) heaping additional blues on downtown exhibs. Slice, coincident with elimination of stage show at Century, will cut former top of 55c to 40c and set a 25c admission up to 6 p. m., instead of 12:30 noon heretofore. Keith's is expected to follow suit, though it will hold to present scale. New and Stanley are uncertain.

Considerable jerking around of dates last week to offset better takings last week. 'Stand Up' (M-G) 'Say It in French' on Wed. (25) and rushing in 'Zaza', previously set for Sat. (28). Keith's, too, yanked 'Newsboys Home' short by inserting 'Devil's Island', also previously planned for later booking. 'Jesse James', at New, continues strong in its second week, and Hipp, thanks to strong vaudeville, headed by Ben Blue and Helen Morgan, hitting it off in pleasing style.

Estimates for This Week
Century (Loew-UA) (3,000; 15-25-35-40-55)—'Topper' (UA). Holding fairish pace; possible \$10,000. Last week, 'West Point' (UA), unexciting \$2,200.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55-66)—'Spring Madness' (RKO) and vaude, headed by Ben Blue and Helen Morgan. Okay \$12,000. Last week 'Man Votes' (RKO) and p. a. of Connie Boswell, fair \$10,800.

U.S.'s (Schamberger) (2,408; 15-25-35-40-55)—'Devil's Island' (U). Starting second week tomorrow (Wed.) with midish \$5,500 under its old 'Idiot's Delight' run in to replace 'Newsboys Home' (U) which couldn't get anywhere at \$2,200.

New (Mechanic) (1,558; 15-25-35-50)—'Jesse James' (20th) (2d wk). 'Idiot's Delight' (M-G) is still satisfying \$6,500 after rosy opener to \$9,900, biggest here in moons. Third week set.

Stanley (WB) (3,250; 15-25-35-40-55)—'Zaza' (Par). Rusher to replace 'In French' (Par), which hobbled along to bare \$2,700. 'Zaza' will run until Sat. (4), when 'Wings of the Navy' opens. Last days of Colbert pic headed for fairish total of \$7,000.

POWER SOCKO

IN OMAHA, 15G

'Jesse James' is looking best of records at the Orpheum here with an estimated \$15,000 take, beating 'Alexander'. Opening day set a new mark and Sunday show socked another \$10,000.

'Jesse' pumping up business all around, with 'Paris Honeymoon' at the Orpheum clicking nice \$8,600. Son of 'Frankenstein' holding up well in spite of competition.

Estimates for This Week
Avenue—Dundee—Military (Goldberg) (950-810-850; 10-25)—'Hardys' (M-G) and 'Young Heart' (UA), split with 'Girls School' (Col), 'Comet Broadway' (FN) and 'Mr. Moto' (20th), tripler. Very good \$2,300. Last week 'Angels' (FN) and 'Fours' (Crown) (FN), split with 'Giant's' (FN) (RKO) (20th) and 'Numbers' (20th), tripler, very good \$2,300.

Brands (Singer-RKO) (1,250; 10-25-40-55)—'Frankenstein' (20th) and 'Annabel' (RKO). Good \$4,800. Last week 'Pacific Liner' (RKO) and 'Girls Prigade' (FN), \$4,400, good.

Omaha (Blank) (2,200; 10-25-40)—'Honeymoon' (Par) and 'Flirting With Fate' (RKO). Excellent \$5,500. Last week 'Zaza' (Par) and 'Up River', (20th), \$8,700, good.

Orpheum (Blank) (3,000; 10-25-40)—'Jesse James' (20th) and 'Swing Heart' (UA). Good \$2,000. Last week, 'Kentucky' (20th) and 'Down Farm' (20th), \$13,000, socko.

Town (Goldberg) (1,250; 10-25-40)—'Western Ambrose' (Rep), 'Gang of the West' (M-G), first-runs, and 'Mr. Moto' (20th), tripler, split with 'River Range' (Rep), first-run, 'Young Heart' (UA), and 'Swing Heart' (U). Good \$2,000. Last week 'Flight Path' (Crown) and 'Numbers' (Col), first-runs, and 'Giant's' (FN), tripler, split with 'Tombstone' (RKO), 'Four's Crowd' (WB) and 'Angels' (FN), \$1,800, good.

Horton Back to Par
 Edward Everett Horton left yesterday (Tues.) for the Coast to return to the Paramount studio which gave him a leave of absence that he might make a movie about.

Completing 'Gang's All Here' in London, Horton returned to the States Thursday (26), accompanied by his sister.

Radio City's first six days, with record cold and blinding rain sweep it into that coveted "over \$100,000," top money class!

•

Los Angeles Hillstreet and Pantages go to all-time money record!

•

Miami Beach beats the former record holder . . . moves to the Paramount, Miami, for extended run!

•

***JUST THREE OPENINGS-AND
A DEMONSTRATION OF BOX-
OFFICE POWER THAT THE
BUSINESS HASN'T SEEN IN
MONTHS!***

GUNGA DIN



WE'RE GOING PLACES!

BRIT. LABOR'S QUOTA BEEF

British-Aussie Pact on Quota Films Would Help Production Down Under

Sydney, Jan. 13.

Great Britain may heed a proposal that ultimately might enable Australian pictures to enter England as quota credit films, according to information current in political channels here. If approved, it would aid film production here, since Australian-made pictures might be included as quota credit productions by U. S. and other foreign companies complying with the British quota.

Whole thing is tied up with the reciprocity treaties. Previous to the new British quota, pictures made in Canada, Australia, India and other British dominions could be counted as quota credit vehicles. New quota act wiped this out, much to the discomfort of producing outfits here and in Canada.

Permission grant came on the heels of the decision by the New South Wales government recently to permit a 15% quota on British films for exhibition in this state. This stipulation requires an exhibitor in N. S. W. to make up 15% of his year's program with British-made pictures. At the time, it was mentioned that continuance of this clause in the new law depended largely on whether the British government made a reciprocal agreement.

Now it is reported that British producers have been constantly in touch with politicians in England. Britishers of course are pleased by the stand taken by N. S. W. and it has been learned that proposals have been made to federal officials in Australia to make the proposal national in scope. It has been hinted that Victoria, South Australia and Queensland would fall in line with N. S. W. in assuring British pictures at least 15% showing.

Officials in N. S. W. have met contentions that the public will not buy British pictures by pointing to the boxoffice success here of 'Lady Vanishes,' 'Pygmalion,' 'It's in the Air' and 'Citadel.'

AUSSIE AFTER EUROPEAN PIX

Sydney, Jan. 13.

Effort being made this year to cultivate a market in New South Wales for top features from Europe. A new company may be formed here to bid for product turned out in Russian, French and German studios. Universal success of 'Mayerling,' French-made, is regarded as being back of move.

Biggest difficulty in selling such pictures is that at theatres are controlled by Hoyts, Carrolls, Greater Union Theatres and Metro.

N. Z. Seeking Product

Auckland, N. Z., Jan. 13. New Zealand group here is reported seeking foreign product, particularly ex Russian and French features. Recent success of certain foreign-produced films in U. S. is said to be the basis for this new interest.

A. W. Andrews, of Gisborne, reported making deals in London for French and Soviet features with strong boxoffice possibilities.

Jewish League Active

Berlin, Jan. 21. Jewish Cultural League here is announcing a number of American films to be shown. The list includes 'In Old Chicago,' 'Lord Jeil' (M-G), 'Manuel' ('Captains Courageous') and 'Camilla' (see 'Rebecca') of Sunnyside Farm.

Organization was ordered to fold after the Rath murder in Paris. General upheaval following resulted in members disbanding, but upon official command the League has been forced to raise its curtain once more. Mostly upon empty houses.

Clark to N. Y.

Ralph Clark, Warner Bros. manager for Australia, who arrived on the Coast from Down Under, last week, is expected to come to New York Friday (3) for homeoffice duties.

Clark will confer with Sam E. Morris, WB v.p. in charge of foreign affairs, in N. Y.

MARKS HEADS ANZAC COMMISH

Sydney, Jan. 31.

The government of New South Wales has appointed F. W. Marks as chairman of the Films Commission, provided for in the new laws passed about 30 days ago.

Other members of the commission are Stewart Jamieson, attorney here and picture critic for the Australian Broadcasting Commission; F. W. Kitching, former industrial registrar, and Commissioner A. Weir, recalled from the government's London office to become permanent secretary.

Marks is well known in the picture industry, but others are comparatively unknown to the business. The new Quota Act for New South Wales becomes operative Feb. 1. The section requiring exhibitors in this state to make up their programs with 15% British product will not be placed in force until later.

FOUR JEWISH ARTISTS BANNED FROM EGYPT

Cairo, Jan. 15.

Consternation has been caused among Jewish cabaret performers and musicians intending working in Egypt due to refusal of the Egyptian government to allow three members of an Italian orchestra to enter the country, and one cabaret singer to extend her working stay, ostensibly because they are Jewish.

In the case of the musicians, they held visas to enter Egypt, but were refused admittance on arriving in Alexandria after they had told passport officials their faith upon questioning. Second instance of w. k. opera singer who had finished her contract at one cabaret and had been offered a spot at another club.

Current London Plays

(With Dates When Opened)

- 'Robert's Wife,' Globe—Nov. 23, '37.
- 'Me and My Girl,' Victoria Palace—Dec. 16, '37.
- 'The Fleet's Lit Up,' Hippodrome—Aug. 15.
- 'Running Riot,' Gaiety—Aug. 31.
- 'Fishing Stream,' Lyric—Sept. 1.
- 'Room for Two,' Comedy—Sept. 6.
- 'Dear Octopus,' 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. 18.
- 'Geneva,' Seville—Nov. 22.
- 'Under Your 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.
- 'Let's Pretend,' St. James—Dec. 26.
- 'They Walk Alone,' Shaftesbury—Jan. 19.
- 'Chauve Soir,' Kingsway—Jan. 17.
- 'Western Chamber,' New—Jan. 20.
- 'Magyar Melody,' His Majesty's—Jan. 20.
- 'Design for Living,' Haymarket—Jan. 25.
- 'Tony Draws a Horse,' Criterion—Jan. 26.

QUANTITY HIT BY REGULATIONS

New Law Restricts Quickie Producer Under Stipulated Credit Provisions — Influence of Politics May Help Alter Present Setup

PLENTY FIREWORKS

London, Jan. 31.

Although the new British quota law will not wind up its first year until the end of March, dissatisfaction from the labor group in Parliament has started to gain momentum. Fact that there are numerous empty picture studios in Great Britain and that labor has not obtained the anticipated employment under the new statute makes plenty of ammunition for those seeking revision.

Films Council, an integral part of the British quota setup, must recommend changes to the Board of Trade. After this body acts, any change has to be approved by Parliament. Meantime, unless there's a change enacted before April 1, when the second year of the quota starts, foreign distributors will have their quota percentages tilted from 15 to 20% during the second year.

Labor is badly disappointed with the way the new quota has worked out. New law also has proved disappointing to the quickie producer. Statute with its triple and double-credit quota production rules has resulted in fewer productions but the lesser number has been of higher quality than in recent years, under the old quota law.

Banks won't finance quickies because these minimum-budget films do not comply with new quota act provisions, and hence are wastage. It was the mushroom growth of quickie films that was responsible for considerable activity in studios during the past. This kept labor busy. When the new quota wiped out the quickies, the labor group naturally felt it was being abused. Because labor government leaders now are influential something may come of the present move to alter the present quota statute.

New York Slant

Drive by the labor group in England to have the British quota law changed so that studio workers receive more employment is regarded in New York by film officials as being a revival of the old squabble over Great Britain's quota.

'Laborites are beating the war drums again, calling together the whole anti-American group,' said one executive, 'in another attempt to push through their pet ideas on how the quota law should read.'

'Some branch of the business is almost sure to suffer under any quota law concocted but the present one seems to promise most for the substantial development of Britain's picture business.'

Trade Squabble

London, Jan. 22.

Battle is being stirred up by leaders in the trade here over results obtained thus far by the British quota in its first year. It all started at a luncheon given by General Films Distributors prior to the trade showing of 'The Mikado,' when Charles M. Woolf criticized the English quota law and claimed it was responsible for the large unemployment in British studios.

The luncheon preceded an award given by the Cinematographic Exhibitors Association to 'The Mikado.' Statement of George Elvin, secretary of the Film Industry Employees' Council, outlined his reasons for disagreeing with Woolf. He said Woolf gave the impression only good films could be made in Great Britain if only a few are made.

Jerusalem Cafe Biz Up with Ease Of 100-Year-Old Ban on Shows

Say It Ain't So

Jerusalem, Jan. 15.

Americans resident in Palestine have been complaining of late about their cinema fare, yelping that most of the pictures necessitate explanations to their native friends that 'America isn't really like that at all.'

The latest to raise their ire was a resurrection of the Metro musical, 'Fosala,' which made West Point look to them like a training center for chorus girls.

Jerusalem, Jan. 15.

Jerusalem's cafes have perked up considerably of late owing to the relaxation of a century-old edict that no stage shows or acts were to be performed in the Holy City.

In the Vienna Cafe, popular haunt of local and foreign journalists, British army officers, musicians on the prowl, and whatever cafe society there is, the owner has put on a singing act three times weekly. With a versatile four-piece orchestra, the singers, drawn from local talent, warble popular classics, but stay away from the hot numbers. Such persons as Marcel Noe, once a favorite tenor of Berlin's Opera House, and others have appeared at the Vienna Cafe.

Owner of the house, Max Adler, a Viennese, has also introduced Friday night dancing and Saturday tea shindigs. Previously, the authorities would have frowned on this, but with 25,000 British soldiers here, with nothing to do on those evenings (cinemas are closed because of the Jewish Sabbath, and all houses are Jewish) they have let up a bit.

Even the staid German restaurant has blossomed forth with a show. The latter never went in for a band before this year, when it remodeled the place, went moderne, and put in an orchestra for Friday and Saturday nights, Sunday morning and Sunday night. It's a rowdy joint, but it's coming money with its new policy of music and acts.

The mortality rate of performers from the outside is very high owing to the fact that local talent is so abundant local people feel it a slight if outside acts are brought in, resulting in a corresponding letdown in the cafes.

Several hotels in town have put in small-time bands for Friday nights and Saturday afternoons, and are doing quite well. This has made the deluxe King David, ex hostelry in Palestine, feel the pinch at its Saturday and Sunday tea dansants. The King David last year broke out with a 'snack bar,' where food and drinks were cheaper than in the regular bar and restaurant, and where the quality was high. Once of Egypt, does the chores. Samely is a versatile lad with the sax, but he complains he can't get the new numbers out fast enough to suit the crowds. He's still on the 'Lambeth Walk,' which still wows them, though.

ROGERS' BRITISH SALES CONFERENCE

Budd Rogers, American distributing representative for British producers, such as Mayflower Pictures and Alliance Films, sails for London on Saturday (4) to confer with John Maxwell, head of Associated British Pictures, and Eric Pommer and Charles Laughton of Mayflower.

U. S. sales plans for Alliance line-up, 20-24 pictures for '39-40 season, and two productions from Mayflower will be discussed. There is little likelihood of talk being revived about proposal brought forward by Rogers last year that all British producers should lump their American distribution through one releasing outlet. Scheme fell through when Maxwell, Herbert Wilcox, the Ostrers and other producers failed to see eye to eye in the matter.

Boreo Opens Big At Coliseum in London

London, Jan. 31.

Emile Boreo was outstanding in opening on the new Coliseum bill here yesterday (Monday), topping the card of four American acts. Clifford and Marion, mixed comedy team, clicked with their sure-fire repertoire and the Four Bachelors, singers, only so-so. They fit better in cabarets or intine spots. Gautier's Steeplechase, canine circus, in opening bill.

REVIVE COWARD PLAY IN LONDON

London, Jan. 31.

'Design for Living,' John C. Wilson's presentation of the Noel Coward play, was revived Wednesday (25) at the Haymarket here. Reception was favorable but reviews were generally unfavorable. Cast generally considered unsatisfactory.

This is the first offering of the play here by Wilson, and stars Diana Wynyard, Rex Harrison and Antogn Walbrook. Harold French directed. Roger Fry handled the decor.

'Tony Draws a Horse,' light comedy bordering on farce, which was introduced at the Criterion Thursday (26), lacks sufficiently sustaining story. Limited stay is indicated.

H'WOOD'S POLISH MUSICAL

Hollywood, Jan. 31.

First of a series of four Cinecolor musicals in the Polish language, chiefly for distribution in Poland, has been completed by Polish Pictures, Inc., under direction of Alvin Wykoff.

Feature, 'The Peasant's Wedding,' was authored by B. Rostrowski, president of the company, and had an all-Polish cast.

HOLD YOUR SIDES...AND WATCH YOUR HEART... *here comes the big new Bobby Breen Show!*

Laughs, thrills and unique screen adventure midst backgrounds never before used for a picture — the colorful colony of fisherfolk who work and sing their way through life along San Francisco's colorful "Dead End" — that little bit of the Old World that begins at the foot of Taylor Street, and ends in the mists of the Golden Gate! . . . New, novel entertainment brought to you by a sterling box-office cast and a producer who knows what you want!

**BOBBY
BREEN**

Fisherman's Wharf

WITH
**LEO
CARRILLO**
**HENRY
ARMETTA**

R K O
RADIO



LEE PATRICK and SLICKER ^{THE SEAL}
PRODUCED BY SOL LESSER
DIRECTED BY BERNARD VORHAUS
SCREEN PLAY BY BERNARD SCHUBERT • IAN HUNTER
HERBERT CLYDE LEWIS

Our Hats Off to Warner Bros.

And why shouldn't we congratulate Warner Bros. on this ticket-selling trailer!

After all, our entire business life for twenty years has been exclusively dedicated to helping the exhibitor boost his ticket sales.

Any and every trailer that accomplishes this purpose, whether furnished by us through the co-operation of our producer distributors... or made by any company that distributes its own trailers, helps the exhibitor.

That, after all, is the purpose of the trailer... and that is why our hats off to Warner Bros.

**NATIONAL
Green
SERVICE**

Prime Baby of the Industry

Did you ever hear
rave about a trailer?
This one did! The
famous Archer Winslow of
the N. Y. Evening Post

Between shows, there is a "they" trailer announcing a picture. "I defy you to get a Garfield. Make Me a Criminal doesn't look at it as a longer session of the performer is no longer impression of the trailer, and the Nine out of ordinary of it. But the Nine out of ordinary all is indelible feature. occupy all is a full-length per-he makes won't establish feature. authority in a trailer is a movie per-Unless Garfield's second his widely-acclaimed first without trying.

**THIS SAYS YOU CAN CONVINCE ANY
AUDIENCE IN 2½ MINUTES THAT
WARNER BROS. MADE JOHN GARFIELD
A SENSATION WITH THE 'DEAD END'
KIDS IN 'THEY MADE ME A CRIMINAL'**

REPRODUCTION OF
ADVERTISEMENT IN
N. Y. DAILY JOURNAL 12

Weisman Bows Out as Fox Theatres Corp. Receiver After Five Years

Liquidation of the remaining assets of the old Fox Theatres Corp., as proposed in a plan submitted several months ago by Special Master in bankruptcy, was finally approved Friday (27) by N. Y. Circuit Court Judge Martin T. Manton. The court also concluded the services of Milton C. Weisman, who has acted as receiver for the corporation for the past five years. The latter requested his discharge after filing a final report which was also approved by Judge Manton. (This was virtually the last official act by Judge Manton before his resignation, in the face of serious charges against him.)

In his opinion, the Court held that the plan as submitted was "feasible and equitable" both to creditors, secured and unsecured, and to stockholders, pointing out that eventually the creditors will benefit more under the plan than they would had the matter been one of reorganization. The remaining work of liquidating the assets and for the final payment to creditors whose claims have been allowed will rest in the hands of two trustees to be appointed by the court. As the assets are all in New York state, further business will rest primarily under the jurisdiction of the state supreme court.

The current assets of the defunct corporation are \$150,585 in cash; ownership of four subsidiary companies, the assets of which are estimated at \$338,957, and a claim for \$7,500,000 against William Fox, which is yet to be settled in the bankruptcy adjudication of Fox.

The liabilities are estimated at \$3,100,350 in addition to a contingent claim of \$7,138,000 filed by Fox. Up to the present an 8% dividend has been paid on all claims allowed by the Court.

Judge Manton at the same time denied a motion to disaffirm the Special Master's ruling disallowing the claim of the assignee of Alfred E. Fiegel for \$200,000 damages against the theatre corporation for breach of an agreement entered into in 1930, under which Fiegel was to dig up advertisements for the Fox Weekly. Judge Manton approved the Special Master's findings that the contract had been made with Fox Metropolitan Theatres Corp., through Jack Leo, after the latter had quit as president of the subsid.

Zanuck and Johnson's Exam. on the Coast

Quizzing of Darryl Zanuck and Nunnally Johnson, 20th-Fox production chief and writer respect, will take place at Los Angeles at the request of attorneys for 20th Century-Fox Corp., according to an order handed down Monday (30) by N. Y. Federal Judge Murray Hulbert. The interrogations are in connection with a plagiarism suit brought against 20th by Morgan Wallace and Lawrence Shubert Lawrence, playwrights, who claim the picture, "Thanks a Million," was thieved from their play, "Congratulations." They are seeking an accounting of the profits of the picture and an injunction.

Marching On with Time

Hollywood, Jan. 31. Deanna Durbin grows older in 'After School Days,' her next picture at Universal after 'First Love.' Stephen Morehouse Avery and Frank Partos are working on the screen play, a yarn about a high school alumna.

'Career' for Sisk

Hollywood, Jan. 31. Bob Sisk gets the production job at RKO on 'Career' to be made with winners of the Jesse Lasky radio contest. Bert Granet is working on the script.

TWO SCRIBES SCRAM

Hollywood, Jan. 31. Julien Josephson, three years at 20th-Fox as a writer, checked out after finishing script on Stanley and Livingstone. Pay argument caused split.

Hal Hudson, another scripter, left the studio after turning in treatment on 'The Man from Home.'

CONCURRENT AIR FILM DRIVES BY 20TH, WB

Two national exploitation drives on airplane pictures are under way at the same time and the pictures are scheduled for release Feb. 10 and 11. 20th-Fox will release 'Tail Spin' Feb. 10 and Warners will put out 'Wings of the Navy' Feb. 11. Each has a release schedule scheduled.

Since Saturday (28), 20th has had two plane parties headed east by north and south routes with nine stops scheduled for the northern party and eight for the southern group. Each has studio players, publicity and advance men, and luncheons and dinners are being held at each stop. They are due in New York Feb. 7, with a dinner and showing of the picture scheduled at the Waldorf-Astoria hotel Feb. 9. This is a Marc Lachmann stunt.

Meantime, Charlie Einfeld has scheduled former premieres for Warners' navy picture in Washington, Pensacola, San Diego, New York, Los Angeles and on board the U. S. S. Lexington in the Caribbean on Friday (3). He has them tied up with a national advertising campaign and will have featured members of the cast at each opening.

He's also staging flyers' luncheons. One of these ran into weather difficulties in Camden Sunday (29). About 200 flyers had arrived by plane to have breakfast as guests of Alfred L. Wolf, former executive director of the Philadelphia Aviation Commission, and to see 'Navy' afterwards.

About the time the picture started Wolf dashed in and announced that the air ceiling was closing in over the port due to the fog and rain and the flyers would have just 10 minutes to get away or be grounded for the day. They made it. Wolf is a Warner attorney.

Berkeley of Warners Assigned Metro's 'Babes'

Hollywood, Jan. 31. Busby Berkeley has been handed the direction of 'Babes in Arms' at Metro which teams Mickey Rooney and Judy Garland. Originally signed by Warners as dance director, 10 years ago, Berkeley has since become a full-fledged film director.

Hoffman Takes Off

Hollywood, Jan. 31. M. H. Hoffman, new Republic producer, starts his first production rolling Feb. 15. Titled 'Under Cover Woman,' it is still without director or cast. Maxwell Shane wrote the script from a story by Albert LeVino.

Frisco Fair Film

Hollywood, Jan. 31. World's Fair forms the background of 'Captain Frisco,' an Edward Small production for United Artists, slated to roll late in spring. Victor McLaglen and Jackie Cooper are signed for the top spots.

NEW WB WILLINGTON HOUSE

Wilmington, Del., Jan. 31. Gov. Richard C. McMullen, Mayor Walter W. Bacon, and Joseph Bernhard, general manager of Warner theatres, are slated for ceremonies to open the new Warner theatre Feb. 8, in the kind of name promotion that is possible only in a vest pocket state.

Arrangements being made by A. J. Vanni, Philadelphia, Warner zone manager. Lewis S. Black, manager of the Aldine, will take over the Warner, with Leonard Howard as assistant. First show will be 'Wings of the Navy' (WB).

Cabot Top Grimer

Hollywood, Jan. 31. Bruce Cabot tops the cast in the next Crime Club whodunit rolling at Universal this week. Shooting starts as soon as Cabot returns from the east.

GN SPARRING WITH KRASNE FOR OATERS

Hollywood, Jan. 31. Grand National is dickering with Philip N. Krasne to take over the production of his series of 'Trigger' Pal' westerns, one of which has been finished. Five remaining box films will be turned over to Jack Skidball's Arcadia unit if the deal goes through. Deal includes two completed screen plays and player contracts of Art Jarrett, Lee Powell and Al St. John, who are pacted with Krasne.

WB More Than \$1,500,000 Under 1st Quarter in '38

Net operating profit of Warner Bros. and subsidiary companies dipped more than \$1,500,000 for the first quarter of the current fiscal year as compared with similar period in the previous year. Warner Bros. statements showed that net for the 13 weeks ended Nov. 26 last totalled \$108,894, after all charges including amortization, depreciation and federal income taxes, as against \$1,685,599 reported for the corresponding period of 1937.

Gross income was \$25,418,166, after eliminating intercompany transactions, which was nearly \$2,000,000 lower than comparable gross income in 1937 for 13 weeks. Company showed \$2,595,289 before charges and taxes including amortization and depreciation of properties.

Warner Bros. net profit for its first quarter in the new fiscal year was equivalent to \$1 per preferred share on 103,107 shares of preference issue outstanding. Company showed the preferred dividend payments to be \$238,000 for the quarter ended Dec. 1, 1938. This left only \$4,564 available for common stock, probably the smallest per-share earnings for common in several years.

Company report noted that the 6% convertible debentures mature Sept. 1 next, and that the company has submitted a plan of exchange whereby the 6% series due this year will be offered for exchange for 8% convertible debt. Warner Bros. has reserved 394,273 shares of common for conversion of principal amount of convertible debentures due in 1939 and for payment of interest thereon to maturity in common stock.

Paramount Pictures declared its regular quarterly dividend on both classes of preferred stock at the session held last Thursday (26). The divvy is \$1.50 on first preferred and 15c on second preference issue. Both distributions will be made April 1 to stock on record March 15.

PENNSY BLUE LAWS' SHOWDOWN THREAT

Pittsburgh, Jan. 31. Threatening to demand strict enforcement of ancient Pennsylvania blue laws among all tradespeople if authorities extend their prosecution to his employees as well, Bert Dattois, indie theatre operator in New Kensington, Pa., has announced he'll continue Sunday shows and keep on paying weekly \$50 fines under Sunday act of 1935.

Following veto on Sunday referendum by New Kensington last election, both Warners and Dattois there, and Dattois were approached by Junior Patto to operate on Sundays and turn over percentage of receipts to that civic organization. WB and indie agreed to operate one house each on Sunday and they went along undisturbed until outside pressure was brought to bear on New Kensington officials recently.

At that time Warners decided to drop Sunday performances at their spot but Patto has continued for last three weeks, paying \$50 fine and \$7 costs each succeeding Monday when brought before local justice of peace. Understood now that authorities plotting to force Dattois and players to stop under Sunday act but an old blue law. If they do, Dattois insists, he'll bring action to stop all businesses in New Kensington from operating under the same law.

After State Censors OK Film, Can Individual City Ban It?—Test Case; Flock of Anti-Show Biz Bills

Lynchburg, Va., Jan. 31. Statewide test of individual city's right to censor films has developed from court fight here over 'Birth of a Baby.' City officials, threatening to jail Willis Crist, Jr., Dominion Theatres' city manager, if the picture is shown to mixed audiences, have been made defendants in suit filed by theatre chain. Attorneys claim that under Virginia law, the State has sole right to censor, and that after the Board of Censors has okayed a film no individual city can ban it.

Lynchburg contends it has specific power under its charter to prohibit the showing of any film deemed 'vicious and immoral.' Corporation Court refused immediate decision, declaring question is of far-reaching importance and may upset general idea about city police powers. Board okayed 'Birth' after first turning it down. Exchange handling film appealed Board's order to Richmond Circuit Court and won reversal, after which Board issued a certificate.

'Mamlock' Okayed
Cleveland, Jan. 31. 'Prof. Mamlock,' controversial Russian film dealing with persecution of Jews in Nazi Germany, is finally going into Harry Pincus city theatre Friday (Feb. 3) after being held up by Ohio censors for six weeks. Although it caused no trouble in other states, censors contended it would incite dissension and ill-feeling if released in Ohio. Pincus retaliated by holding a special preview for educators, critics and city officials to prove that it was not 'damning.'

LOPERT ASKS FOR PAX... FILM CO. DISSOLUTION

Dissolution of the Pax Film Co., 723 Seventh avenue, N. Y., requested by Elias I. Loper, its president, and several other officers who hold over 50% of stock, will depend on the action taken by Robert E. Manley, of 63 Wall Street, N. Y., who was appointed referee yesterday (Tuesday) by Supreme Court Justice Aaron J. Levy to inquire into the affairs of the outfit.

In his application for an order to dissolve the company, Loper stated that, despite the fact that the concern made money since its organization in 1937, through the sale distribution of foreign films in the United States, the profits were offset by the expenses entailed in running the outfit and because of outstanding credits. Added to this was dissension among the officers and directors. The concern held the sole right of distribution on such pictures as 'Mayerling,' 'Edge of the World' and 'Courier de Louis.' Justice Levy's order directed that all interested in the firm and who may oppose the dissolution show cause at a hearing before the referee at his office on March 10.

Schwartz Re-elected Cleveland Unit Head

Cleveland, Jan. 31. Ernest Schwartz was reelected president of the Cleveland Exhibitors' Ass'n for the sixth time by acclamation last week. Others elected were: A. Plak, v.-p.; G. W. Erdman, secretary for the 13th straight year, and M. B. Horwitz, treasurer. For the board of trustees L. G. Baldwin and Frank Porozynski were named for three-year terms; John D. Kalafat and M. Berkowitz for two years; Henry Greenberger, Perc Eslick, John Shulman and Meyer Kaplan, one year.

Film Delivery Jams

Denver, Jan. 31. Strike of truck drivers caused films to be shipped via express when Film Delivery men went out. Difficulties with early settlement looked for.

Chicago, Jan. 31. Local storms played havoc with film deliveries.

gerous in theme or subversive in propaganda."

Newspaper campaign against censors staged by W. Ward Marsh, film critic for morning Plain Dealer, was instrumental in convincing board to reconsider the pic. Another wedge was a resolution introduced in city council asking that the 'silly and unfair ban' be lifted. Board did it last week, but insisting upon several deletions which were considered unimportant.

Del. Sunday's Look NSG

Wilmington, Jan. 31. One of the first bills slapped onto footsack for introduction at the current biennial session of the state legislature calls for legalizing Sunday pictures, but its chances are thin. Evidently broached far too early in the session, giving the opposition plenty of time to wind up. Methodist and Baptist churches already have put out petitions and arguments to prevent the bill from going to the floor. Episcopalians, Catholics and others are strictly hands off, but the aggressive tactics of the Methodists and Baptists—in sermon and circular—are likely to hold the field.

Exhibits, who don't care for the idea of dough going across the Pennsylvania line to Sunday pic in Chester, 15 miles north, are encouraged by the fact that racing legislation skated through two sessions ago and made possible the track at Delaware Park.

But the exhibitors' even took up at the coln that is in and behind racing in Delaware. If the exhibs could put up on that scale they wouldn't be Delaware exhibs. Only solid chances for Sunday pictures currently appears to be reported impasse among one of the duPont mob at the holiness staff. When determination starts to gather in that quarter, anything can happen.

Only Sunday picture house in Delaware now is the post house at Fort duPont, an area reservation, 14 miles south, which draws to worthwhile rural trade. But for Wilmington, Chester is just as near and the roads are better.

Conn.'s 201G Tax Aim

Hartford, Jan. 31. Governor Baldwin, in signing his 1939-40 budget to the General Assembly, estimates that the state will garner an approximate \$201,000 during that biennium in amusement taxes. This will include taxes on athletics also.

In his budget the Governor points out that only \$198,003 was raised during the current biennium.

N. Y.'s 1 1/2% Tax Idea

Albany, N. Y., Jan. 31. A tax on business turnover at the rate of 1 1/2%, which would have an estimated yield during the next fiscal year of \$30,000,000 was one of the levies recommended by Governor Lehman in his budget message to the legislature Monday night. It revealed a probable deficit of \$33,000,000. The turnover tax recommendation included a clause to the effect that New York City should retain power to continue its existing tax of 1/10% on turnover. The governor also suggested a direct state tax on real estate at the rate of \$1 on each \$1,000 of valuation. This would have an estimated yield of \$28,000,000.

The new budget would total \$415,000,000, compared to the present \$381,000,000, an all-time high.

Pennsy's Watchdog

Philadelphia, Jan. 31. Patrick Duffy, member of the State Board of Censors, may become an employee of united film interests in Pennsy, if a plan now being discussed here goes through. Idea is to hire Duffy to watch the interests of Harrisburg. He would become a spokesman for the trade and contact legislators, as well as keep close to their activities. Duffy is slated to be supplanted on the Censor Board as soon as Governor James gets around to handing the plea out to a Republican.

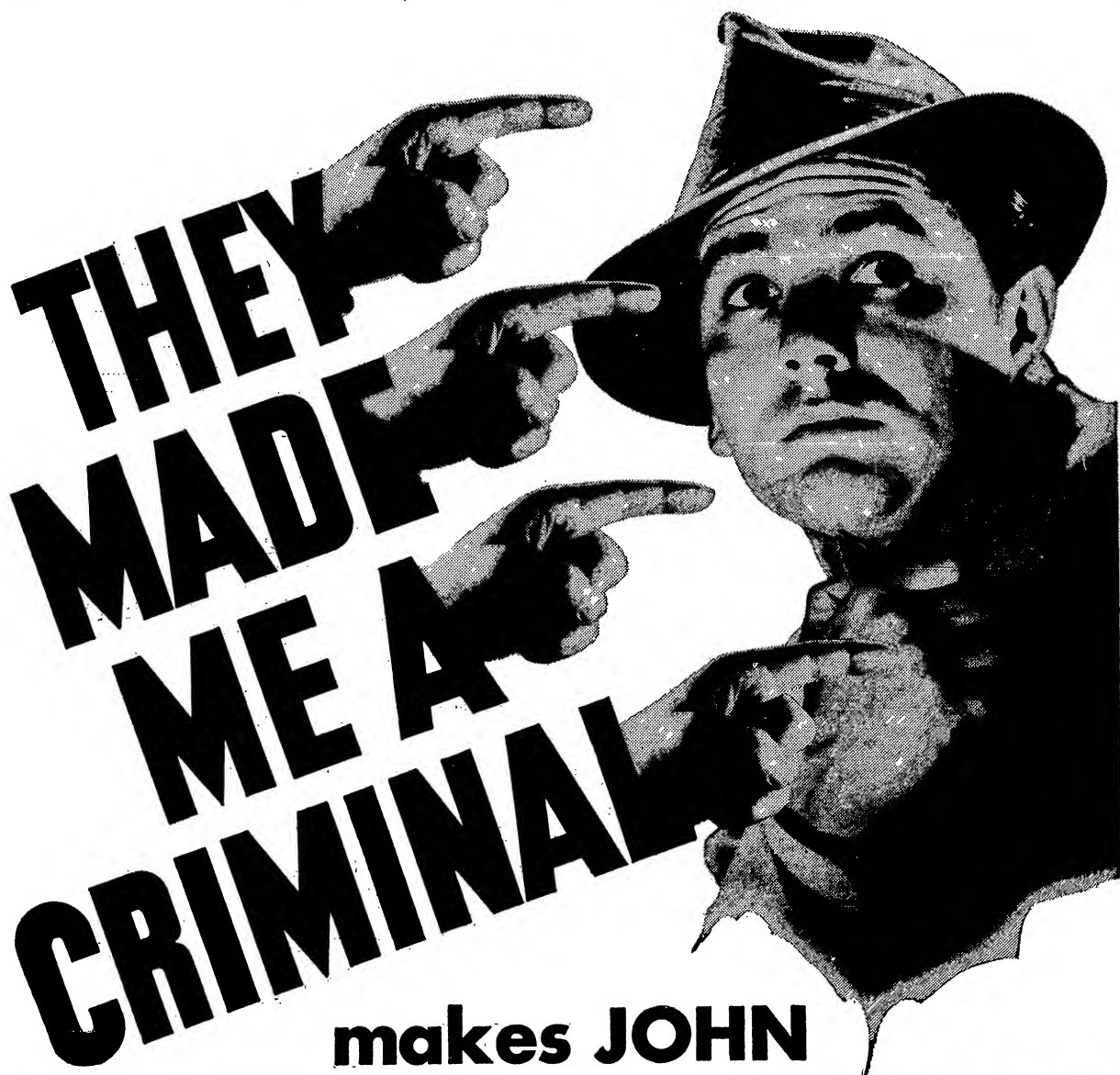
Although a theistic divorcee bill is principally feared, the only measure affecting the industry introduced so far is to legalize horse racing with pari-mutuel betting. Income would be used for relief.

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 releases 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
11/18/38	THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY ANGELS WITH BAY FACES	E. B. Derr J. Manckiewicz Cliff Reid Wm. Burke Sol Wurtzel Sam Goldwyn Sam Bischoff	MGM Mono Far Rep 20th UA WB	Meller Rom-Com Rom-Com Western Action Rom-Com Drama	J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Cagney-F. O'Brien J. Wayne-R. Corrigan B. Donlevy-L. Bari G. Cooper-M. Oberon J. Cagney-F. O'Brien	Frank Borzage Lambert Hillyer G. Archinbaud G. Clary-T. Brown Geo. Sherman Jas. Tinling Wm. Wyler Michael Curtiz	75 62 75 75 56 63 81 97	11/16 12/28 11/9 11/30 12/7 9/21 11/8 10/26
11/25/38	GLORIA OUT WEST WITH HARDYS LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME ON RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOWN GUN 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 Evelyn Foy	Col MGM Mono Far Far Far Rep EKO Drama WB WB	Com-Com Western Comedy Mystery Western Rep Rom-Com Drama Meller Meller	M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg R. Milland-O. Bradna J. Howard-H. Angel E. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gillis M. Greene-N. Kelly-Bancroft M. Boland-E. Horton B. Granville-J. Lital	Frank Strayer G. H. Seitz A. Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. F. Cline John Ford Erie Van Dyke Wm. Clemens	69 84 70 76 58 64 68 95 76 67	11/2 11/23 11/23 11/23 11/23 2/1 11/23 11/23 12/7 12/7
12/2/38	FLIGHTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE ROAD DEMON STRANGE FACES	David Loew John Speaks Harry Grey Sol Wurtzel Bert Kelly	MGM Far Rep 20th U	Comedy Comedy Western Sports Com-Dr	J. E. Brown-L. Carrillo-S. Duna A. Gillis-R. Kent-J. Travis G. Aulry-S. Burnette H. Arthur-J. Valerie D. Kent-J. Jinks	F. MacDonald Ben Holmes Ralph Staub Otto Brower Earl Taggart	70 57 57 60 66	12/14 11/30 12/14 12/14 12/7
12/9/38	BIG GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE NEXT TIME I'M HERE 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 Far Far 20th U WB	Western Rom-Dr Meller Rom-Dr Com-Dr Meller Drama Meller	C. Starrett-A. Doran L. Rainer-A. Marshall J. Carroll-M. Kornman A. Tamiroff-F. Farmer L. E. Brown-E. Hansen T. Martin-F. Brooks E. Lowe-H. Mack B. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green C. B. Brown Alfred Werker Arthur Lubin Lewis Seiler	58 78 73 71 63 75 68 74	1/11 12/7 12/7 12/7 12/7 11/9 11/16 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FANTASIES A CHRISTMAS CAROL THE FRONTIERSMEN DOWN ON THE FARM PIRATES OF THE SKY SWING, SISTERS, SWING GHOST TOWN RIDERS COMET OVER BROADWAY	Col Monroe Shaf Joe Manckiewicz Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Trem Carr Bryan Foy	Col M-G M-G Far 20th U U WB	Drama Rom-Fan Western Comedy Action Musical Western Drama	J. Holt-B. Roberts-N. Beery E. Jones R. Owen-T. Kilburn W. Boyd-G. Hayes-E. Venable J. Trout-S. Bryington K. Taylor-R. Hudson K. Murray-S. Kane B. Baker K. Francis-J. Lital	Lewis D. Collins Elmer Clifton E. L. Marin Les Selander Mal St. Clair Joe McDonough Joseph Santley Geo. Waggener Busby Berkeley	65 55 58 74 69 63 65 65	12/14 12/14 12/14 12/28 10/12 12/14 12/21
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATEMBA WILD HORSE CANYON TOM SAWYER, DETECTIVE FIGHTING THOROUGHBREDS SHINE ON, HARVEST MOON RED RIVER RANGE THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME THE DAWN PATROL	E. B. Kahane Harry Rapt Robt. Tansey E. T. Lowe Armand Schaefer C. E. Ford Wm. Burke H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Far Rep Rep 20th 20th UA UA WB	Rom-Dr Drama Western Rom-Dr Rom-Dr Western Musical Rom-Dr Drama Drama Drama	M. Douglas-V. Bruce F. Gaal-Tone-V. Connolly R. Bobb D. O'Connor-B. Cook E. Byrd-M. Carlisle E. Rogers-M. Hart J. Wayne-R. Corrigan A. Menjou-J. Oakie F. March-J. Bennett J. Cooper-W. Barrie E. Flynn-B. Babbone	Al Hall Norman Taurog Robt. Hill Louis King Sidney Salkow Joe Kane Geo. Sherman Wm. A. Seiter Ray Garnett Harold Young Edm'd. Crouding	70 51 64 63 64 65 70 93 78 103	1/11 1/18 1/18 1/18 1/11 1/11 12/7 12/21 1/25 12/14
12/30/38	SMASHING THE RING CLIMBING HIGH SWEETHEARTS TOUGH KID ARTISTS AND MODELS ABROAD BOY TRU FEDERAL MAN-HUNT KENTUCKY DUKE OF WEST POINT GOING PLACES	Irving Briskin G.B. Hunt Stromberg Linsley Parsons A. Hornblow, Jr. Wm. Wright Armand Schaefer Gene Markey Edw. Small Barney Glazer	Col M-G M-G Mono Far Far Rep 20th UA WB	Comedy Comedy Musical Meller Musical Comedy Rom-Dr Rom-Com Musical	F. Wray-B. Bellamy J. Mathews-M. Redgrave J. MacDonald-N. Eddy F. Darro-J. Allen J. Benny-J. Bennett C. Ringling-M. Boland E. Livingston-J. Travis L. Young-R. Greene L. Hayward-J. Fontaine D. Powell-A. Louie	Chetty Cabanne Carol Reed W. S. Van Dyke H. Bretherton Alfred Leisen Geo. Archinbaud Nick Grinde David Butler Al Green Ray Enright	62 120 60 59 64 95 107 85	1/18 12/21 1/11 11/2 1/11 12/21 12/21 1/11
1/6/39	STAND UP AND FIGHT DISBARRED PACIFIC LINE 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 Far Far 20th 20th U WB	Rom-Dr Meller Rom-Com Melodrama Mystery Mystery Melodrama	E. Taylor-F. Rice-Beery G. Patrick-O. Kruger V. McLane-M. Barrie M. Whalen-J. Rogers M. Lockwood-M. Redgrave P. Foster-F. Robinson E. Karloff-N. Harrigan	W. S. Van Dyke Robert Florey Low Landau H.B. Humberstone Alfred Hitchcock Al Rogell Wm. Clemens	88 58 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 MYSTERIOUS MISS X THE GREAT MAN VOLES 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 John Roach Hal Roach Rowland V. Lee Ben Glazer	Col M-G Far Far EKO 20th 20th U WB	Western Com-Com Rom-Com Mystery Comedy Mystery Comedy Melodrama Drama	C. Starrett-L. Meredith O. Keefe-C. Parker C. Culbert-M. Hart M. Whalen-M. Hart J. Barrymore-P. Holden S. Toler-F. Brooks C. Bennett-R. Young-B. Burke B. Karloff-B. Lugosi J. Garfield-C. Rains	Sam Nelson Edw. Sedgwick Geo. Cukor Gus Meins Garson Kanin H.B. Humberstone Norm. Taurog Rowland V. Lee Busby Berkeley	67 83 62 60 75 80 94 92	1/4 1/25 1/11 12/28 12/21 1/18 1/18 1/25
1/20/39	FRONTIERS OF '49 CONVICT'S CODE AMBUSH ARIZONA LEGION SMILING AT SMILING MR. MOTO'S LAST WARNING GAMBLING SHIP OFF THE RECORD	Col E. B. Derr Wm. Wright Bert Gilroy Robert E. Kane Sol Wurtzel Irving Starr Sam Bischoff	Col Mono Far EKO 20th 20th U WB	Western Melodrama Rom-Dr Western Mystery Mystery Drama Comedy	R. Elliott-L. De Alencaz H. Kent-A. Nagel-M. Eburne G. Swarthout-L. Nolan G. O'Brien-L. Johnson G. Fields-M. Maguire F. Lorrer-C. Cortez E. Wilcox-H. Mack P. O'Brien-J. Blondell	Sam Levering Lambert Hillyer Kurt Neumann Dave Howard Monty Banks Norman Taurog Aubrey H. Scott James Flood	61 61 71 72 71 70	12/14 1/25 1/25 1/25
1/27/39	LONE WOLF'S DAUGHTER FOUR GIRLS IN WHITE IDIOT'S DELIGHT DRAFTING 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 Far Rep 20th UA WB	Meller Rom-Dr Com-Dr Rom-Com Rom-Com Rom-Dr Drama Rom-Com Drama	W. William-L. Lupino A. Marshall-F. Rice Shearer-Gable Jack Randall E. Cravay-F. Gaal J. Dunn-R. 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 65 105 90 69	1/25 1/25 12/21 2/1 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 Far EKO 20th UA U WB	Com-Com Western Far Com-Dr Com-Dr Rom-Dr Drama Melodrama	E. Powell-R. Young T. Ritter-D. Fay-C. King L. Nohr-D. Lamont B. Green-L. Carrillo J. Withers-L. Carrillo C. Trevor-J. Wayne E. Hudson G. Farrell-B. MacLane	Eddie Buzzell Al Herman Kazuo H. Walsh Vernard Vorhaus Herb. I. Leeds John Ford Joe McDonough Wm. Beaudine	85 75 81 69	2/1 11/9
2/10/39	TEXAS STAMPEDE NORTH OF SHANGHAI HUCKLEBERRY FINN NAVY SECRETS ONE THIRD OF A NATION BOY L. WOLFSON WOMAN DOCTOR HOME ON THE PRAIRIE TAIL SPIN WINGS OF THE NAVY	Irving Briskin W. McDonald J. Manckiewicz Wm. Lackey Harold Lorob P. J. Wolfson Sol C. Siegel Harry Grey Harry J. Brown Lou Edelmann	Col Col M-G Mono Far EKO Rep 20th 20th WB	Western Drama Com-Com Drama Drama Drama Drama Western Drama Drama	C. Starrett-L. Meredith R. Furness-J. Craig M. Rooney-V. Connolly G. Withers-F. Wray-D. Robinson S. Sidney-L. Erickson A. Shifley-J. Daniel F. Innes-C. Wilcox G. Aulry-S. Burnette A. Faye-C. Bennett-C. Farrell G. Brent-O. de Havilland	Sam Nelson D. R. Lederman Richard Thorpe H. Bretherton Dudley Murphy J. J. Wolfson Jack Salkow Jack Townley Roy Del Ruth Lloyd Bacon	70 65 83 88	1/18 2/1 1/18
2/17/39	FAST AND LOOSE KING OF CHINATOWN FORGER PASSPORT GUNGA DIN THE THREE MUSKETEERS YOU CAN'T CHEAT AN HONEST MAN NANCY - W. REPORTER	F. Stephani Stuart Walker John H. Auer George Stevens Raymond Griffith Lester Cowan Bryan Foy	M-G Far Far EKO 20th U WB	Com-Dr Melodrama Meller Drama Mus-Com Comedy Melodrama	E. Montgomery-R. Russell A. M. Wong-A. Tamiroff F. Kelly-J. Lang C. Grant-D. Fairbanks, Jr. A. Amecche-Ritz Bros.-B. Barnes W. C. Fields-Edgar Bergen B. Granville-J. Lital	Ed Marin Nick Grinde John H. Auer Geo. Stevens Allan Dwan Geo. Marshall Wm. Clemens	70 65 83 67	1/18
2/24/39	LET US LIVE ICE FOR THE 1939 PYGMALION STAR REPORTER PERSONS IN HIDING I WAS A CONVICT BEAUTY FOR THE ASKING PARDON OUR NERVE THE KEY WOMAN	Wm. Perlberg Harry Rapt G. Pascal E. B. Derr Edw. T. Lowe Herman Schlom B. P. Fineman Sol Wurtzel Ken Goldsmith	Col M-G M-G Mono Far Rep EKO 20th U	Rom-Dr Rom-Dr Comedy Comedy Meller Meller Rom-Com Com-Mel. Drama	H. Fonda-M. O'Sullivan J. Crawford-J. Stewart L. Howard-W. Hiller L. Hall-M. Hunt L. Overman-J. C. Walsh B. McLane-B. Roberts L. Ball-A. Lane L. Bari-J. Gale-G. Williams P. Foster-L. Hervey	John Brahm R. Schunzel A. Asquith H. Bretherton Louis King Aubrey H. Scott Lew Landers H.B. Humberstone Joe May	70 65 83 88	1/18



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**THE 'DEAD
END' KIDS**



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Directed by Busby Berkeley • Screen Play by Sig
Herzig • From a Novel by Bertram Millhauser
and Beulah Marie Dix • Music by Max Steiner

"HONOLULU!"



SHAKE your records loose with "HONOLULU" M-G-M's uproarious and spectacular entertainment starring ELEANOR POWELL, ROBERT YOUNG, GEORGE BURNS and GRACE ALLEN. Original story and screen play by Herbert Fields and Frank Partos. Music and lyrics by Harry Warren and Gus Kahn. Directed by Edward Buzzell. Produced by Jack Cummings.

Barbers Picket Theatre's 'Jesse J. Club'; Grow Whiskers and Crash Gate

Claremore, Okla., Jan. 31. The local barbers are picketing Turner Morrisett's Yale theatre following organization on Turner's part of a Jesse James Gang as a promotion stunt for the 20th-Fox film of that name. Applicants for 'gang' membership had to promise not to shave or have their haircut until debut of the picture Feb. 9 and, in return, had freedom of the house until then.

The idea went over with a bang and the Claremore men immediately joined the club. The barbers began losing business so they started to picket the theatre, carrying signs, 'This Theatre Unfair to Local Barbers.'

'James' \$100,000 Campaign
With the national release of 'Jesse James' Friday (27), 20th-Fox tied its former record for advertising costs on a feature. 'James' cost \$100,000; a similar amount was spent on 20th's 'Alexander's Ragtime Band.' Only aim to spend more this year was RKO, which layed out \$200,000 for 'Gunga Din.'

'Bulk' of advertising space was in trade papers, 14 fan magazines and newspapers in 59 cities. This newspaper advertising was what 20th-Fox calls 'assist' ads, meaning the cost is shared with local exhibitors. Releases of the picture Jan. 13 in New York and Los Angeles were given the effect of advance showings. The N. Y. campaign was timed two weeks in advance with a 75-ft. x 98-ft. banner on the back of the Roxy and a big lobby display with a relief map of the United States showing all the places where the James brothers had lived or robbed. Two hundred lines were taken in each of the New York dailies the Monday (6) before the Friday (13) opening. This was increased to 350 on Tuesday (10), 425 on Wednesday (11) and 900 on Thursday (12) and Friday (13).

In Greater New York 170 24-sheets were posted for a month and 480 one-sheets were used in BMT and Eighth avenue subway stations. The Roxy distributed 10,000 reprints of the first Jesse James dime novel and 10 horsemen on Manhattan streets were part of the ballyhoo. In the first two weeks of an expected four-week run the feature grossed \$140,422 and was seen by 360,872 persons. All the magazine advertising was

timed to appear about the middle of January. The Jan. 30 issue of Life carried four pages of pictures, one in color.

Pre-release showings were staged in 22 cities Jan. 20, one week before the national release date, and the plan worked out by Charles E. McCarty.

One of the campaign novelties was a new type of four-color stills in two sizes with big blowups.

'U. P.' Freem in Omaha

Omaha, Jan. 31. World premiere of Cecil B. DeMille's 'Union Pacific' will be held in Omaha, it was announced here last week following a conference among officials of the local Tri-States organization and Cliff Lewis, studio advertising and publicity director for Paramount. Freem will be some time in April, and will bring DeMille and several members of the cast to Omaha. General headquarters of the Union Pacific railroad is located here.

Omaha saw its first premiere last fall when 'Boys Town' was unveiled. Father Flanagan's Boys Home, theme of the picture, is located here.

Art Students Aid Stunt

Hartford, Jan. 31. First exploitation tieup with any of the local high schools was contest staged among art students by Hollis Sweeney, of the Palace. Stunt was to plug 'Peck's Bad Boy with the Circus.' Drawings ranged from water colors to crayons and depicted what the students visualized circus life to be.

Winning eight were given free duets by house with holder of first place having his drawing reproduced in The Hartford Times. Winning posters were arranged in a window display in a leading downtown store. Contest and display rated quite a bit of comment and space in the Times.

'Pygmalion' Plug

Loew's staged a stunt on 'Pygmalion' in Dayton, O., in which Miss Peg Malone was transferred from an unattractive into an aristocratic, stylishly-dressed person. The papers followed the process all the way through the beauty parlors and shops until she was turned out in evening wraps.

In the advertising approach two

angles were used—small ads with caricatures of George Bernard Shaw, to impress those who admire his literary output, and large ads in which the Cinderella theme of the story was emphasized. These were intended to put over the mass entertainment values of the picture.

Par Tieup Gets Started

Paramount's Pan-American Petroleum tieup gets started today (Wed.) in four states with 'Cafe Society' the first picture to benefit. Five hundred 34-sheet will be used. The picture title will appear in all Pan-American newspaper ads and in 500,000 copies of Movie News, a four-page picture sheet distributed in filling stations.

Similar campaigns are scheduled for other pictures each month.

Stages 'Spy Ring' Parade

Veterans of Foreign Wars parade, with a 60-piece band and drum corps and men carrying banners inscribed, 'Wake Up America Before It's Too Late,' was the principal feature of a campaign put up by Paul E. G. manager of the Embassy, Reading Pa., for 'Smashing the Spy Ring' (Col).

Trailer was run two weeks in advance. Restaurants and lunchrooms, distributed 3,000 napkins and a five-and-ten used 3,000 paper bags with the theatre's imprint. Forty-eight neon signs, with 11 x 14-inch stills, were used in store windows, a classified contest was staged in the Reading Times and daily announcements were made on WEEB and WRAW. In the lobby two 40 x 60's and two 60 x 80's were set up.

U.A.'s 'Stagecoach' Stunt

United Artists is testing a new stunt for 'Stagecoach.' Double size car cards are to be used in 117 cities in 32 states and the District of Columbia, and also in Toronto and Montreal.

Under the agreement with the Barron Collier organization, theatre names and playdates can be inserted in each city. Drawings will appear during the week of Feb. 17. Figure there are 23,000,000 rides daily in the territory covered.

Pick M-G Contest Winners

Winners have been chosen for two contests staged by Metro-Goldwyn-Mayer with theatres on 'Test Pilot.' In the contest for theatre managers, exploitation and publicity men, H. H. Maloney, Loew's, Port Worcester, won first prize, \$20. Second went to Dave Wesner and associates, and to Leonard Worley, manager of the

'First prize in the essay contest for theatre patrons went to Roger F. Parkhill, private in the Air Corps Technical School, at Fort Monmouth, N. J. Second prize, \$10, went to Denver. This was a free roundup American Air Lines ticket to the Coast. Second prize, also a round trip by air to the Coast, was won by Walter Johnson, Jr., Wayne, Ill. Third, a Pilot radio, was won by Quintin E. McCredie, Milwaukee.

Six Openings for 'Wings'

Charlie Einfield has arranged a six-city premiere of 'Wings of the Navy' Friday (3) in Washington, Pensacola, San Diego, New York, Los Angeles and on board the U.S.S. Lexington in the Caribbean sea. Naval officials will attend each showing, and featured members of the cast will be present at the San Diego and Washington screenings.

A radio hookup also is being arranged. The picture is scheduled for national release Feb. 11, 'National Defense Week.' Many of the scenes in the film were made at the Pensacola air station, so last week the fliers there cooperated in the crowding of Shirley Sexton, 18, Miss Wings of the Navy. Mayor Connor Hagler officiated.

Vitaphone Contest

Nine Warner theatres here, Philly Daily News and WFIL will cooperate in a 10-week contest to select a 'Vitaphone Boy and Girl.' Following eliminations, the winner of each of the houses, final choice will be made on the stage of the Earle. Winners—who may exhibit talent along any lines—will get a \$100 prize for a one-week Vitaphone shorts and a 10-week cuff sustainer on WFIL. Radio station plugs the contest with 10 spot announcements a week. WB runs a daily column, and other WB houses use trailers promoting it.

TITLE CHANGES

Hollywood, Jan. 31. 'Let Freedom Ring' is release title on 'Dusty Road,' see 'Song of the West' at Metro. Twentieth-Fox switched from 'Big Drum' to 'News Is Made at Night.' 'Code of Secret Service' is final tag on 'Smashing the Spy Ring' (WB). 'Susannah' at 20th-Fox went back to its original title, 'Susannah of the Mounties.'

'The Gambler and the Lady' is final title for the 'Lady' from Kentucky' at Paramount. 'Six-Gun Rhythm' is release title for 'Rhythm Rides the Range' at Grand National. 'American Family' gets the final call over 'Fly Away Home' at Warner.

Theatres—Exchanges

Koff Forced Out of House

Philadelphia. Dispossess notice has been served on Mel Koff, operator of the Darby Theatre has been bought out from under him and, despite the fact that his lease has two years to run, he is being forced out. He has a plea for an injunction pending in U. S. District Court.

In the meantime Koff is making plans to build another house in opposition to his present one when he is pushed out. He has a site, but is having difficulty obtaining pictures. Also competing is Warners' Parker, across the street.

Koff claims that Henry Robinson, a real estate man, was unfairly allowed to purchase the second mortgage at the low price of \$1,000 from a closed bank in the hands of receiver. He then forced holders of the first mortgage, who include Harry Waxman, Koff's brother-in-law, to sell, and obtained control. Koff gives first opportunity to purchase the second mortgage. Arcadia, only midtown house not operated by Warners, may shortly be forced to change its policy to foreign pix because of its inability to get product. In the midst of its worst season in 11 years, Larry Mackey, manager, is attempting to convince owner, Arthur Sablosky and Charles Segal of the advisability of the switch to linguists. Some almost phenomenal hit recently hit by the arty 350-seat Studio here has caught the eye of all exhibitors in town.

Arcadia gets half of Paramount second run and half of Metro second run, plus some Monogram and other indie product on initial showing.

L. A. Exhibit Matters

Los Angeles. James Edwards, Jr., refurbishing his Fillmore theatre, damaged by fire two weeks ago.

M. D. (Doc) Howe new manager of Herb Rosener's Portland theatre. Earl Peterson, manager of Fox Inglewood theatre, won first of three weekly prizes for house exploitation on Fox West Coast circuit.

E. D. Harris, recently of Chicago, new manager of Fox Glendale, succeeding John Carroll, resigned.

Excessive Assessment

Hartford, Jan. 31. Claiming the Board of Relief is excessive, Ernest M. Buck of East Hartford has taken an appeal, from an assessed valuation of \$785,750 given the Palace Theatre Building here, to the superior court. Action is returnable Tuesday (7).

Building was valued at \$365,000 and land \$420,750 by the Board of Assessors in the 1938 Grand List. Reduction in assessment was refused by the Board of Relief.

Par, Frisco, Shifts

San Francisco. Warren Pechner, publicity manager at Paramount here, named manager of Varsity, Palo Alto, Fox West Coast house. Al Dunn succeeds Pechner at Paramount, where he formerly was theatre manager. Operation of the El Rey, swank 1,200-seat nabe, taken over by Golden State Theatres, bringing the latter chain to 13 houses. J. H. Miller is new theatre house manager of El Theatre which was formerly operated by San Francisco Theatres, Inc.

Pat McGee's Spot

Syracuse, N. Y. Appointment of Patrick McGee of Boston as manager of the Eckel theatre announced by Gus Lampe, g.m. of RKO-Schine in Syracuse. McGee, formerly operator of string of second-run house in Oklahoma City, went to Boston year ago. William Freeman, formerly Eckel headman, moves to RKO Strand.

Black's S. I. Berth

Troy, N. Y. Harry Black will leave his managerial post at Proctor's here this week to supervise operations of a new theatre in Shelbyville, Ind. Harris Dudelson succeeds him here, moving up from the sales staff.

Max Stahl Feted

Cincinnati. Film row tendered a banquet to Max Stahl, retiring branch manager for United Artists, in the Variety club Jan. 30. Stahl recently opened a new theatre in Shelbyville, Ind. Harris Dudelson succeeds him here, moving up from the sales staff.

Billing Tiff

Des Moines, Ia. The Singer-Waterloo Corp. will appeal to the supreme court against enforcement of temporary injunction prohibiting its use of the word 'Iowa' in connection with the Mort H. Singer Iowa theatre interests in Waterloo, according to announcement by John Dostal, manager. The injunction was issued last week to

Rosenthal Bros., Inc., operators of Iowa

Following changes made in Tri-States managerial setup: Henry Plude, former manager of the Garden here, goes to the Paramount, Cedar Rapids, as house manager under Hal Sheridan, city manager. Bob Leonard, former manager of Uptown, becomes manager of Garden, and E. L. Peterson, former assistant of the Paramount, now manager of Uptown.

Tri-States Theatre Corp. launched new management drive from Jan. 27 through April 6, and the wife of the winner will receive a complete spring outfit from head to toe, with the shopping to be done by A. H. Blank, G. Ralph Branton and the lucky Madame Tristano.

Genter Upped to K. C.

Pittsburgh. Flock of promotions announced by Burt Bishop, Jr., Metro chief here, with transfer of Ed Genter, city salesman, to Kansas City exchange. Saul Gottlieb moves up from Main Line to Genter's post; Milt Braun, office manager, takes over Main Line territory, and Eddie Wilkinsburg, who took over the Gates, chief booker, gets Brauman's old job. John Zomir from assistant to chief booker; Max Shabason becomes his assistant, and Irving Kimmell, who took over the Gates, resigns. McGough was in Fairmont, W. Va., for Warners several weeks before being assigned to Wilkinsburg spot.

Norfolk Switches

Norfolk, Va. Leo Greenwood returned to theatrical biz as manager of the Warwick, Newport News, succeeding Jay Kimmell, who took over the Gates, Portsmouth. Harry Valentine, who had Portsmouth post, comes to Norfolk to become advertising mgr. of the Wilder chain.

OKLA. CITY TALKING ORG. OF ALLIED UNIT

Oklahoma City, Jan. 31. Much discussion is going about on possible formation of an Allied exhibitors theatre association in this state. For several months it's been heard that A. B. Momand of Shawnee has been getting set to hold an organization meeting, but he refuses to make any statement to that effect.

There are a number of exhibitors scattered about the state and MPTO members who would look favorably upon such an organization, although ratio of membership to MPTO would probably be 8 to 1 at the lowest figure.

Griffith Amus Co. is charged with having domination of the MPTO. Most officials of the MPTOA allied organization are independent operators, some in tough competition with the Griffith group.

HEAT UNDER 'HOT'

Hollywood, Jan. 31. 'Some Like It Hot' went in production at Paramount yesterday (Mon.), with George Archainbaud replacing Kurt Neumann as director. Neumann has another assignment.

Studio recently won an argument with the Hays office over the title.

STORY BUYS

Hollywood, Jan. 31. RKO purchased 'The Hunchback of Notre Dame' from Metro.

William Wyler took an option on John Huston's historical story, 'Prelude to Freedom.'

Paramount bought 'Tenderloin,' original by Charles Emmett Rogers and James E. Grant.

Leo Birinski sold his original yarn, 'Full Confession,' to RKO.

Walt Disney closed for 'The Sword in the Stone,' novel by T. H. White, published by Charles Scribner's Sons, to do with King Arthur and his Knights of the Round Table.

Universal purchased James B. Lowell's original, 'They Asked for It.' Robert Thoren sold his yarn, 'The Prisoner,' to Solar Films for production in France.

Install **Onliwon Paper Towels**
ECONOMY WASHROOM SERVICE

New York Theatres

THERE'S A BETTER SHOW AT THE

ROXY

Capitol
WALLACE BEERY
ROBERT TAYLOR
in 'STAND UP AND FIGHT'

Astor
Doris Day
in 'THE BRIDE WEDS A MAN'

Pygmalion
Lillian Gish
in 'PYGMALION'

Son of Frankenstein
Bela Lugosi
in 'SON OF FRANKENSTEIN'

Rivoli
Broadway
in 'RIVOLI'

Shearer - Power
Marie Antoinette
in 'SHEARER - POWER'

STRAND
JOHN GARFIELD
THE DEAD END KIDS
THEY MADE ME A CRIMINAL

Leo Reisman
in 'THEY MADE ME A CRIMINAL'

ROXY
Held Over
in 'JESSE JAMES'

PARAMOUNT
Bing Crosby
in 'Paris Honeymoon'

MUSIC HALL
Held Over
in 'GUNGA DIN'

Gunga Din
Spectacular Stage Productions

'AVOID STRIKE'—RADIO BIZ

MAJOR HOPE IS LENGTH OF SESH

(Continued from page 1)

went into the session with three things in mind: (1) To avoid a strike if possible; (2) toicker adamantly for a pay scale less than the one AFRA had demanded; and (3) to denounce a 'closed shop'. AFRA, on the other hand, also went in with three salient purposes in mind: (1) To avoid a strike; (2) to stick to pay demands; and (3) to stick to a 'closed shop'. By evening the conflicting views were far from

Hummerts Vs. Dumas

New York Post on Monday (30) carried a feature article by Michael Wok dealing with Frank and Anne Hummert's 'mass production' radio script writing.

Compared their system and rate of output to the fabulous Alexander Dumas, pere, who in his day operated a one-man literary factory (with anonymous assistants) in Paris.

settled, but the huddlers doggedly kept up their session.

The fact that the meetings continued, and did not immediately fly to pieces, was deemed a ray of hope in a situation that otherwise looked very gloomy. But, as the protracted sessions were on, it became apparent that—as always in such situations—war or peace hung by a hair. The sponsors, whose views the agency men largely represent, are known to be dead set in favor of lower pay scales and 'open shop'. That point, therefore, remains the principal hitch in the situation. It is also known that lawyers have interposed all sorts of queries and points, this way and that, further disturbing the troubled waters. Another all-night session at press time last night (Tuesday) looked imminent, unless frayed nerves and a complete conflict over pay, etc., would end the meeting abruptly, after its lengthy run, and precipitate a strike.

Although some of them had been up all Monday night (30) in conference, the agency men held a closed meeting yesterday morning to discuss their policies and plans in preparation for the huddle with the unionists in the afternoon. Similar session took place Monday morning before the initial meeting that afternoon. Representatives of the sponsors and the networks attended the conferences with AFRA. Also Kenneth Thomson and Laurence Bellinson, of the Screen Actors Guild, planned in from the Coast to sit in with the AFRA execs.

Wax Standbys

It was learned that the agencies, momentarily anticipating a strike call last Thursday (26) and Friday (27) had office boys standing by at the studios with transcription for broadcasting on the commercial network time in case the performers walked out. Network officials did not reveal their attitude in regard to the possible use of waxed shows, but it was presumed that the admen must have received assurance that they could go ahead with ethering of recorded programs, or they wouldn't have been so obviously prepared to do so. Doubtful that the move was a gesture to bluff the union.

Although the network regulations ban the use of recordings, it was conceded that the rules might be relaxed in case of a strike emergency. Pointed out that if a strike were to force commercials off the air, the broadcasters would not only lose the income from time sales but (unless they used wax programs) would be faced with a staggering bill for talent for sustaining shows.

CONTRASTING VIEWPOINTS

One thing stands out at this point concerning the relationship of employing sponsor and employed actor in radio: neither really knows the other. They are separated by the intervening elements, advertising agencies and networks. To the average sponsor an actor is some sort of a clown or mountebank not very high in the social scale, who is already handsomely paid for what seems to be very simple work indeed. To the performer the sponsor is a mysterious millionaire, about as real as Mr. Crex of Monte Carlo, who could pay him more and therefore should do so. A conspicuous lack of sympathy, one for the other, is manifest. This may very well be the dominant psychological factor behind whatever happens.

Already the bitterness behind-the-scenes is disquieting. That is why those who deplore a solar plexus blow for radio hope that drastic action of a strike can be avoided either now or hereafter.

The business man comes into the entertainment world reluctantly, and against every normal instinct he has as a business man. This was an important handicap to the networks in the early days. It has never been entirely overcome. Nor do the actors and show people on their part like some of the hicks and visiting firemen that are periodically identified as Mr. Big Works, himself, in the flesh. These underlying and rather personalized frictions have always played a part. They have prevented

the entertainer understanding advertising and the advertiser understanding entertainment.

A certain 'ready contempt' (working both ways) may be regarded as a conditioning factor in the flare-ups of temper on both sides, and the charges of duplicity and insincerity that have been tossed about rather loosely the past fortnight.

Either or both sides, and probably both, are no doubt indulging in a little old-fashioned poker. Which is pretty good American horse-trading and nobody will take it amiss if that's all it is. Unfortunately, this whole question has been approached obliquely and comes to a show-down under circumstances that makes compromise difficult unless tempers are tightly reined.

The sponsors who are meanwhile angry at the networks (and some of them at their ad agencies, too) are harking back to a very old showmanship question often made in past years (and no further away than these columns) that the logical responsibility for radio entertainment seemed to rest with the networks. That's dim history now and not germane to the present crisis. It does serve as a new reminder that, in the light of the way things did develop rather than mere theorizing, the sponsor cannot ignore all the inter-play within entertainment, save at the risk of abrupt unhappiness such as has descended upon him in the last two weeks.

ONE EXTREME

(ACTORS)

1
The admen have deliberately stalled us, still are not sincere, are taking counsel from a labor-breaking lawyer, and are playing for time to chill the actors' ardor for aggressive action. It's old stuff in strike tactics and there is no real open-mindedness on the admen's side. They have refused to get down to cases and have brushed aside our grievances with irrelevances about their ideals, love of people and the American way.

2
They told us they had no authority to negotiate but they talked for 10 months. After we threaten to strike they bob up with the statement that they have now been authorized by 70% of the advertisers. They presented a proposed scale of wages that seemed to say one thing, but the payments were whittled away by an ingenious system of frequency discounts. The Four A's offer amounted to less than the existing averages at Blackett-Sample-Hummert. It's a question of our scale versus theirs, and theirs is 'ridiculous'.

3
There's a tide in the affairs of a union that must be taken at its crest. Now is the obvious time to strike. Time is precious to our prestige. Our membership is behind us now; we have the advantage of being mentally prepared for a struggle and convinced that delay is fatal to our interests.

IN-BETWEEN

1
Radio is a good advertising medium. The admen need it and the actors should appreciate it. Sponsors accept a closed shop in music as a matter of course. 'Why the big hitch over the Guild shop?' If both sides will give a little a strike will not be necessary.

2
Emotionalism is beginning to dominate both sides. A strike would be most unfortunate. It is an ugly head-on clash that will harm radio. There must be common ground for compromise. Once the strike is called all sorts of bitter results may ensue.

3
Both sides are partly to blame. The actors' union naively expected the Four A's to clear the path, to do the union's work for it. At the same time the sponsors were apparently shockingly uninformed on what was going on, what might happen. States of mind have been created which are probably the greatest barrier at the moment to an amicable settlement.

4
Some of the agency men feel that if the situation had been tackled three or four months ago the employer camp might have been able to effect a much more favorable compromise.

OTHER EXTREME

(SPONSORS)

1
The actors' union lost the only real test of strength they ever faced (KWK, St. Louis). They are not fair. They want to coerce us. They will not listen to what we have to say. They are indifferent to the rising costs and think we are kidding them. Their leaders have been emotional and badly informed; when serious matters have been brought up they have acted like vaudevillians, brushing aside serious points with flippancies.

2
The actors are demanding \$185 a week for radio but accept much less for same work on sustaining programs, and the Equity minimum is only \$40 a week, with five days free rehearsal. We are bludgeoned into a choice between an impossibly high scale and a threatened walk-out. Our relationship with our clients is always a delicate one. We had to proceed with the utmost caution. Sponsors would pin our ears back plenty fast if we didn't.

3
They are trying to stampede us. This is a complex question. They demand signatures, refuse to change any clause, say they won't accept a tentative agreement in principle to allow details to be worked out. Most of the sponsors have just recently learned of this matter. As for our stalling them, this again comes back to their emotional bias against us. We're always wrong, always scheming, never business men with legitimate motives.

Admen's Statement

Committee for Advertisers released the following statement in New York Sunday (29) in advance of the Monday meeting with AFRA: 'Members of the Committee for Advertisers who will begin negotiations tomorrow (30) with the Radio Actors Union on the threatened strike of radio artists will enter the meetings with a determination to eliminate any abuses in commercial broadcasting, but with the realization that radio broadcasting already is the highest paid industry in the world.

'There may be some justification for a drastic general pay increase in broadcasting, but so far no one has produced any convincing evidence

SAG, AMG MEET ON AFRA STAND

Hollywood, Jan. 31.

Board of the directors of the Screen Actors Guild was in session until early this morning (Tuesday) laying plans in the event of a strike call on the part of AFRA. At midnight a call went out for Eddie Cantor and other AFRA leaders, who stayed in session with the Guild board for several hours.

Artists Managers Guild also went on record in favor of full support for the union in case of a walkout. The AMG announced that no contracts for network commercials would be signed with advertisers unless the agreement contained a clause releasing the actor in the event of a strike.

Union's Statement

In comment upon the Monday meeting AFRA issued the following statement in advance of the event:

The American Federation of Radio Artists has agreed to meet beginning Monday (30) with a newly-appointed committee from the American Association of Advertising Agencies, empowered to act for 80% of the commercially-sponsored network programs, and confer without recess until a conclusion has been reached. The request for a meeting came from Chester LaRoche, chairman of the agency committee, on the eve of a nationwide walkout of radio actors, singers and announcers on national commercial programs. It was followed by an urgent appeal from officials of CBS and NBC with

AGENCIES-WEBS LESS WORRIED

Feeling earlier yesterday (Tuesday) among advertising agencies was that the conferees had found the key to the controversy's solution and that the possibility of a walkout had appreciably been dimmed. The suggestion that the networks be made the other party to an AFRA agreement had been advanced by the agency side of the table. Sentiment here was that this compromise granted the fundamental demands of the actors' union, the closed shop, and at the same time relieved the

Audience Subs

Several of the agencies yesterday (Tuesday) continued taking precautions against a walkout of performers by scouting around for likely replacement material. Most of the inquiries directed at talent agents were of audience participation shows.

advertiser of directly accepting or aligning himself with this principle. Many of these sponsors have local labor policies which are completely inimical to this union principle.

These agency officials considered this way out as both logical and sound. Though they hire their own musicians, the agencies are under compulsion to abide by wage scales and working conditions embodied in contracts existing only between the networks and the musicians union. If there is a question of a violation, it is the network that steps in and insists that the sponsor or agency adjust the complaint.

Network executives had not been participants in the parity between the agency coterie and the AFRA delegation until the proposal that the webs assume the sole statutory obligation to an AFRA contract had been broached. Succeeding meetings found Mark Wood, NBC v.p., serving as liaison officer for his organization, and Lawrence Lowman, CBS v.p., on hand to do the listening and suggesting on Columbia's behalf.

Writers and Producers Next?

By the time the initial session had broken up, the small, hours of Tuesday morning, the conferees had hardly touched on the question of price scales or conditions. After the agency reps on the special committee had reported to their offices around mid-day on the progress of the parity up to the time of early a.m. adjournment, a defeatist feeling spread among the higher-ups in these quarters. Bellet was voiced that the union would get practically all it demanded and that the employer camp would have to reconcile itself to a similar sally from writers and production men.

In network ranks there was a tendency to belittle the agency men's predictions for dire after-effects for the business of commercial broadcasting. Network officials pointed out that the additional talent costs deriving from an AFRA agreement would prove insignificant to an advertiser when compared to the total time and talent bill. These web sources were confident that the value of the medium had become too deeply ingrained in the economy of advertisers for them to turn elsewhere with their budgets because of this increase in talent costs.

FOR MOTORISTS

Program Aimed at Drivers on Way To Day's Job

Cleveland, Jan. 31.

By recognizing the fact that majority of auto's turn on their dashboard radios while driving to work, WHK sold Jack Cresson's morning program to an auto-and-body repairing company at the first try.

Cresson putting on a five-minute resume of all previous night's sport activities from times weekly now at 8:30 a.m. for road dieters.

CIO GESTURES SUPPORT TO AFRA

American Communications Association, technicians union and affiliate of CIO, has entered the radio-actor fray. Union wired Eddie Cantor, prez of the AFL-affiliated American Federation of Radio Actors, on Saturday (28) a declaration of support in event of a walkout.

Under signature of Mervyn Rathborne, prez of ACA, following telegram was sent: 'The American Communications Association, which numbers among its membership radio technicians in radio broadcast stations, wishes to convey to the American Federation of Radio Actors, its fullest support in the fight of radio actors for increased wages and improved conditions. Please feel ready to call on us for any help we may be able to give.' Cantor was addressed care of the Screen Actors Guild.

The ACA when queried on extent aid would reach stated that any action on its part would be contingent on stand taken by the actor union. Wire only signifies a willingness to lend aid when and if desired, despite that the two parent unions are at war.

ACA recently lost out in CBS election which was to decide whether or not panelmen wanted ACA to represent them or their union, the Associated Broadcast Technicians. An election is coming up at NBC on same situation. ACA still claims heavy membership in all three networks.

Union's Version

(Continued from page 21)

which AFRA concluded amicable agreements over six months ago, that nothing be left undone to effect a settlement without strife.

AFRA Strategy Committee then consented to confer with the agency committee. Although AFRA had been negotiating with a committee from the American Association of Advertising Agencies for over a year before it decided that strike action must be taken to win its demands, the new agency committee, according to a release of the American Association of Advertising Agencies to the newspapers is the first committee that has actually been empowered to conclude an agreement. Mrs. Emily Holt, national executive secretary of AFRA, made this statement in connection with the impending conferences with the agency committee.

'Our preparations for action are complete. We hold a mandate from our entire membership with respect to the scales and working conditions and the action to be taken to establish them. At the eleventh hour we have been approached by the new agency committee which informs us that it desires to conclude an agreement.'

'In spite of our readiness for immediate action our Strategy Committee has felt that it must take into account the possibility of avoiding a strike, especially in view of the fact that we have no quarrel with the public or the network companies, and desire to consider their interests.'

'We are confident of our record of efforts made in good faith during the last 12 months to stabilize working conditions for our members. During this period we have carefully analyzed our problems and those of the industry and have formulated a Code of Fair Practice embracing minimum wage and working conditions which we know to be fair.'

'This Code has received the endorsement of all performer unions affiliated with AFRA. These unions are the Associated Actors and Artists of America, the Screen Actors' Guild, the American Federation of Actors, and the American Guild of Musical Artists.'

If the committee appointed today by the sponsors had a sincere desire to dispose of this issue amicably we are prepared to sign with them.'

NBC Mikemen Vote Against AFRA Tie

San Francisco, Jan. 31.

Asserting that they have 'everything to lose and nothing to gain' by becoming members of the American Federation of Radio Artists, announcers on the staff of KPO and KGO (NBC) voted against joining the nationwide union at a midnight meeting here last Thursday (28) night.

The KPO-KGO mikemen are members of the Associated Radio Employees, an organization of NBC workers. Under A.R.E. agreements the announcers are paid \$25 for commercial programs on regional networks, whereas AFRA is seeking a fee of \$15 plus \$5 for rehearsals. The KPO-KGO boys also have a higher wage scale than that demanded by AFRA.

According to proxy John B. Hughes and secretary Vic Connors of the local AFRA chapter, KFRC is the only local station whose 'spielers' are not 100% AFRA members, with the exception of the two NBC outlets. Attempt will probably be made in March to force KPO-KGO mikemen to join AFRA by prohibiting artists from working on commercial shows announced by non-members, if AFRA's present difficulties with agencies over fees are settled by that time.

REBROADCASTS TO COAST IN JEOPARDY?

As the negotiations between AFRA and the special Four A's committee proceeded yesterday (Tuesday), the fear spread among West Coast broadcasters and their sales reps that the Pacific area's income from network commercial broadcasting was becoming seriously jeopardized. Some of these reps had become convinced that if the agencies yielded to the union's demand for payment of an additional two-thirds salary on re-broadcast programs there would follow a wholesale cancellation of all day-time rebroadcasts to the Coast.

This gloomy forecast was predicated on what the reps described as simple arithmetic. The area west of Denver represents but 15% of the country's potential retail sales, and, as they reasoned it, the chances of an advertiser paying an additional 66 2/3% for this potential 15% in sales couldn't be figured as especially broad.

Same extra rate would prevail for transcribed versions taken off the network line.

Ross Trio on WHK-WCLE

Cleveland, Jan. 31.

Ross Trio, New York nitery vocal team, stepped into three WHK-WCLE spots as the result of twin-stations' staff reorganization and search for new talent. Singers from WJZ were picked up by R. W. Richmond, program director, for two programs per week over WCLE.

Also will do one mutual weekly and a new Friday 8:30 p.m. show over WHK, with hefty build-ups for sponsorship.

Radio on Tractor!

Philadelphia, Jan. 31.

Science and invention have done much for farmers to make life easier and less monotonous. But tops has been reached.

Minneapolis - Moline tractors have been introduced on which a Philco radio is standard equipment.

SAMPLE ON B-S-H STAND

Editor, VARIETY: Chicago.

With regard to the American Federation of Radio Artists, our agency has not been represented in the negotiation between the American Association of Advertising Agencies and the American Federation of Radio Artists, and I notified the American Association of Advertising Agencies to that effect the first part of September, 1938, because we do not feel that any Association of Advertising Agencies or our advertising agency has any authority to negotiate a matter of this kind without first securing the authority of the advertisers whom they represent to act in this capacity.

We have always been and are willing at all times to discuss the matter with any authorized representative of the American Federation of Radio Artists. However, due to the fact that the AFRA told us that in negotiating with the American Association of Advertising Agencies they thought they were negotiating with all of the principal agencies, no one from the AFRA approached us until last week, when their authorized representatives talked with Mr. Hummert in New York and with me in Chicago.

Our agencies in New York, Greenwich and Chicago are one corporation. However, Mr. Hummert, vice-president of our company, is in charge of New York and Greenwich agencies and represents the advertisers whose accounts we handle in those offices.

Mr. Blackett and I are in charge of the Chicago agency of our company and we represent the clients whose accounts we handle here.

However, we do not have any authority to negotiate for the clients whose accounts we handle from our Chicago agency, but our attitude has been that we are willing at all times to confer with the American Federation of Radio Artists and be of as much constructive help as possible, and when their plans have been finally decided upon we will take their proposals to the advertisers represented by our Chicago agency and carry out the instructions of each individual advertiser.

In my discussion Saturday with Messrs. Heller, Jaffe and Jones, of the AFRA, we merely went over the various points involved, and no final conclusions were reached and I have heard nothing further from the AFRA since that meeting.

We feel that anything that will hurt the radio industry will, at the same time, hurt the radio advertiser, the AFRA and ourselves—so we have a very selfish motive in trying to be of as much constructive help as possible before the final proposal of the AFRA is decided upon.

BLACKETT - SAMPLE-HUMMERT, Inc.

J. G. Sample, President.

THE HUMMERT PROGRAMS

1. Contractor: Air Features, Inc.

SHOWS

JUST PLAIN BILL
DAVID HARUM
JOHN'S OTHER WIFE
OUR CAT SUNDAY
ROMANCE OF HELEN TRENT
STELLA DALLAS
BACKSTAGE WIFE
YOUNG WIDDER BROWN
LORENZO JONES
MR. KEEN
SECOND HUSBAND
ALIAS JIMMY VALENTINE

INCEPTION DATE

Sept. 19, 1932.
Jan. 17, 1936.
Sept. 14, 1936.
March 29, 1937.
July 24, 1937.
Oct. 25, 1937.
Feb. 15, 1938.
Sept. 22, 1937.
Sept. 26, 1937.
Oct. 12, 1937.
April 14, 1937.
June 22, 1937.

2. Contractor: Gustave Haenschen

AMERICAN ALBUM OF FAMILIAR MUSIC

Oct. 11, 1931.

3. Contractor: Abe Lyman Enterprises

WALTZ TIME
MANHATTAN MERRY-GO-ROUND

Sept. 27, 1933.
Nov. 6, 1932.

LOG OF THE AFRA CONFLICT

AFRA and a Four A's 'fact-finding' committee began negotiations in January, 1938, at about the same time that the union started dicker with the networks. Huddles were sporadic through last summer, but were actively resumed in the fall.

Revised wage-scale was approved by the union membership at its national convention at St. Louis in mid-November and was submitted to the Four A's committee Dec. 15. AFRA set a deadline of Dec. 22 for a 'final' answer from the committee.

Several postponements followed and finally the Four A's 'fact-finding' committee offered its counter views Jan. 10, 1939. Union turned them down flat and walked out of the meeting.

AFRA national board passed a resolution Jan. 12 favoring a nationwide strike and the New York, Chicago, Los Angeles and San Francisco locals endorsed it in the ensuing few days.

With the union on the verge of issuing a formal strike call, the networks interceded Friday (27) to bring the two groups together for further negotiations. Agency committee 'representing 70% of all radio advertisers' (thus working in coordination with sponsors) went into a huddle with AFRA reps at 2 p.m. Monday (30), conferred continuously until 5 a.m. yesterday (Tuesday) and reconvened at 2 o'clock that afternoon for further dicker.

Admen's Version

(Continued from page 21)

to that effect,' said Chet LaRoche, chairman of the Committee.

'Our investigations show very few instances of low pay, and in those instances pay is not low in comparison with other entertainment fields, but only when compared to other pay in broadcasting.'

'In our own inquiries on this pay question, the minimum rate now prevailing for an actor's use found to be \$24.00 for five hours' work. This is the type of low pay 'abuse' about which the AFRA organizers have complained. Yet the artist who earns \$24.00 for five hours' work is free to engage in other programs. Many actors do engage in five or six programs a week and obtain comparable pay on all of them.'

'In this instance of the lowest prevailing pay rate disclosed, the actor obtained much better pay than the minimum for performance on Broadway. Working in broadcasting, he could make \$48.00 for only 10 hours' work, and on Broadway has to work a full week, including six evening performances and two matinees to make \$40.00.'

'It is well known that top performers get from \$10,000.00 to \$15,000.00 weekly in radio. Nowhere else in the world is there a parallel for the pay rates that have grown up in commercial broadcasting.'

An Actor's Views

The following letter, whose views and opinions are naturally entirely those of the writer, is still another contrasting view on AFRA and the possible strike.

New York.

Editor, VARIETY:
I want to tell you what I think about this radio strike business. I am not a featured star like Eddie Cantor, or Benny, or Tibbett, or Fred Allen, but I am making a living because of radio, which is more than I could do on a Broadway stage.

Now it's all right for Cantor and his crowd to form a union and start a strike because they haven't got a thing to lose. They won't get fired and they can stand the time off. But it's entirely another matter for me—and there are thousands like me. By changing his show, my sponsor can cut me out entirely and I'm not kidding myself that he won't. In fact, he'd be a sucker if he didn't—and I don't think he is a sucker.

I'm satisfied, I tell you, and I'm tired of being blackjacked into a union just to pay dues to support Jaffe and Holt and that crowd. And I am not willing to be sacrificed just to build up Cantor and Tibbett and their bunch as great saviors of the working class. Nuts! It's publicity they want, and money that Jaffe and Holt want—money.

I'm not going to sign this for obvious reasons and I can't blame you if you don't publish unsigned letters, but, believe you me, if I lose my job because of a lot of crackpots, I'm going to be the sorest guy on the relief rolls.

A Radio Artist.

Robert T. Engles, junior at Brown University and son of George Engles, executive (on leave) of NBC, had a role in 'Fall of the House of Usher,' second production of 'Playhouse of the Air,' on WPRO, Providence.

ACA MOVES IN ON SOCIALIST WEVD

Having lost its appeal for an election on station WEVD, New York, the American Communications Association, CIO technicians union, is preparing further evidence to present to National Labor Relations Board for claim to represent men on the station.

WEVD (Socialist affiliated) is already signed with the International Brotherhood of Electrical Workers and has been for several years. Contract runs to December, 1939. ACA claims men are without protection and working under poor conditions and wages despite the present union setup. ACA also claims that it has a majority of the panelmen, etc., willing to switch, but needs more evidence, now being gathered.

ACA's contract with WBNX was renewed last week. WBNX, Bronx station, was first in New York to sign up with the union about three years ago. They were silenced by a strike for a couple of hours before okaying agreement. It is also nearing conclusion of negotiations with station WQXR, high fidelity outlet. Increases, time off, vacations, overtime, etc., have already been secured for men though an agreement has not yet been signed.

BOB BURNS' BROTHER PUTS SELF ON BLOCK

Farrar Burn, Seattle, Jan. 31.
Farrar Burn, brother of Bob Burns, has gone commercial. In his paper, the Puget Sounder, Burn carries an 8-inch single display with his pan and a guitar with 'This is Farr with his mellow guitar' and captioned under the picture of the brother of the famous station player is 'clubs, schools, churches. Farrar Burn is now available for speaking engagements anywhere on Puget Sound.'

Price: 'In Seattle, \$10; outside of Seattle, \$14; for overnight distances, expenses should be added.'

Jolson's \$15,000 Radio Rap Upheld in Pennsy

Pittsburgh, Jan. 31.
The \$15,000 verdict against National Broadcasting Co. for allegedly slanderous comment made by Al Jolson on a radio program three years ago regarding the Summit hotel of Uniontown, Pa., was sustained by three judges today (Tuesday) sitting in common pleas court. Verdict was returned last fall when jury found NBC responsible for remarks of its entertainers. Plaintiff originally sought \$100,000 damages.

Derogatory remark attributed to Jolson was made during an interview with Sam Parks, former national open golf champ, then a golf pro at Summit hotel.

Solon at WFIL

Philadelphia, Jan. 31.
Additional news commentator was put on the WFIL staff this week. He is Jack Solon, graduate last June from Notre Dame. While at South Bend he did some airing on WSBT.

Washington State Law Has Flaws; Broadcasters Hope ASCAP Will Get Off Its Perch, Show Sympathy

Seattle, Jan. 31.

Pacific Northwest station owners don't want to continue war with ASCAP if latter will meet the air moguls half way. Following the meeting of the radio execs with Neville Miller in Portland, broadcasters expressed themselves as certain ASCAP could save itself plenty of grief and trial charges if the organization would get off its "holier than thou" stance and come down to earth with some constructive ideas for a 'fair peace'.

Radio chiefs who visited with Miller in Portland, and incidentally heard Claude Mills of ASCAP spiel while there, are waiting for ASCAP to make a gesture. However, they feel they have an abundance of friends in both houses of the state legislature who will do their bidding as a part of an obligation which the station feels the lawmakers owe them. State politicians, 'tis said, might want something from the air lanes when they run for office again, and ASCAP couldn't help them in that.

Motion picture people in this state are saying nothing one way or the other.

Alfred J. Schweppe, attorney, was present at the Portland session and brought up the matter of repealing the present state law and legalizing an ASCAP measure that would be beneficial to both the radio boys and copyright owners. (Schweppe's law firm, McKicken, Rupp & Schweppe, is also legal representatives of the Pacific Telephone & Telegraph Co.)

Radio heads do not deny that if compelled to follow the present Washington law, the final cost in carrying out its provisions would add up to a greater sum than originally exacted by ASCAP before the act was passed. The matter is in such a ticklish state, it is hard to even surmise what the final result will be.

If the radio owners in the state finally decide to fight and hold ASCAP to the present provisions of the law, in case they win in the higher court, they are going into the open market for music in a big way with a view of proving to ASCAP it would be money in their pockets to play ball. They admit policing of air music through ASCAP would be much better for all concerned provided the copyright owners will scratch the radio boys' backs.

Competition Oddities

Move among major radio stations in Washington State to repeal the local statute is being taken by the National Association of Broadcasters. This anomaly of charging ASCAP to be a menace in one breath and in another urging that the organization's right to do business be legalized carries curious explanation. The major stations figure that it is easier to compete with the 100-odd stations when all have to pay music fees.

Issue of music fees served as the dominant topic of discussion when 14 reps from Pacific Northwest stations met in a district conclave last week with Neville Miller, president of the National Association of Broadcasters. The broadcasters again complained about ASCAP's system of collecting on all commercial business when only 60 of it used music. Impression was gained from comments of major station operators was that the system was okay so long as it helped them keep down the opposition from small stations, but once this competition was well under control they would like to do away with the nuisance of music fees altogether.

Meanwhile E. C. Mills, of ASCAP's home office, has also been in Portland to see what support could be won in repealing the Washington state law which outlaws his organization. He has for the past three weeks been popping in and out of Olympia, Washington state capital, keeping tabs on a repeal measure which is before the senate.

Jack Louls opening quarters in Hollywood for Needham, Louis & Broby to handle Fibber McGee and Molly show.

Bowes' Influence

Middletown, O., Jan. 31.

George Culpepper, nine-year-old Negro boy, missing from his home in Cincinnati for more than two days, was located by police near the city limits here propelling a scooter. On his back he displayed a sign: 'Major Bowes, New York, please.'

He told officers that he had negotiated practically the entire distance from his home on small conveyance which he was operating with one foot.

FAIR TO REG. RADIO STUNTS

N. Y. World's Fair radio dept. has established a two-fold system to regulate broadcasts from the expo grounds this summer. On the one hand, the expo itself will concert various special events and stunts which will be announced four weeks ahead. Stations or networks may apply up to three weeks ahead. Later date becomes deadline. Stunt then belongs to whoever has requested permission for the pick-up. As few, or as many, as ask will share the program.

To protect those who think up novel stunts, an 'idea registry' will be established to give broadcasters a clear field against imitators. Clearance system of assigning programs to those that express an advance interest is modeled after the policy of the British Broadcasting Co., which treats all American webs on a par.

Expo will provide free office space for any radio station.

STIRTON WITH NBC AS CHI HEAD BOOKER

Chicago, Jan. 31.

James Stirton has been brought in by Sidney Strotz, NBC midwest chieftain, to take over the guidance of the local artists bureau.

Stirton was formerly with NBC in New York, and recently will take over job recently vacated by Alex. Robb, who went to NBC on coast.

Pedroso Heads S. A. Programs for W3XAU

Philadelphia, Jan. 31.

Nicholas Pedroso, San Salvadorian consul to Philly and former public relations director, has been named chief of South American programs on W3XAU, short-waver operated by WCAU. Pedroso also does all the gabbing.

Spieler is a native American, born in Tampa, Fla. He has traveled extensively through Europe and South America and directed publicity for American utilities in Central and South America. He presently operates a trading organization here.

W3XAU beams towards the Equator from 1 to 2:30 p.m. and 3 to 7 p.m. daily.

Sanforized on Coast

Hollywood, Jan. 31.

Sanforized-Shrunk will start a Coast series of Nancy Dixon shopping talks about March 1. Sam Cherr, Young & Rubicam account exec, and Bob Dowling, Sanforized advertising manager, are here to lay out the program and set the network.

Auditions are under way for the femme narrator.

WKY Man Is Winner

Oklahoma City, Jan. 31.

When the winner of the RKO 'Search for Talent' contest conducted in the studios of KOMA here was announced he was found to be Ben Morris, WKY staff announcer.

Mary Jane Barnes was the lucky lady.

FOR FARM STATIONS

Dupont Men-Geop Material Invading Spot Radio

Cello-Glass, a Dupont structural material for chassis, tubes, entering the spot field the middle of February with a spot campaign. Stations with dominantly farm audiences will be used. List calls for 50 stations spread out through New England and the northern states extending to the Coast, while the schedule stipulates a maximum of three announcements a week. B.B.D. & O. is the agency.

MAY NOT HOLD N.A.B. CONFAB IN FRISCO

San Francisco, Jan. 31.

Congested condition of San Francisco hotels this summer because of the exposition on Treasure Isle may prevent the N.A.B. confab to convene in fashionable Del Monte down the California coast rather than in Frisco proper.

Neville Miller canvassed the situation while here recently and realized that the setup in San Francisco might not be too convenient to convene on subject after Miller confers with his directors.

Shouse Debuts Market Research with College Tie-Ins; Study Cereals

Cincinnati, Jan. 31.

Crosley's marketing research division kicked off last week with a new idea in field surveys. Set-up in with the commerce departments of seven colleges in this section. Each of them has assigned three senior students to study wholesale, retail and consumer angles in their respective towns. Co-op plan displaces conduct of such surveys for WLW and WSAI by private bureaus.

Schools in line are the University of Cincinnati and Dayton, Ohio State, Morris Harvey, Charleston, and Marshall, Huntington, W. Va.; University of Tennessee, Knoxville, and Butler, Indianapolis.

Students engaging in the work had their first hypo session here over the week-end. At a dinner in the Netherlands Plaza they heard from Jim Shouse, general manager; Wilfred Guenther, director of sales promotion; Bee Starway and Meredith Runk, marketing researchers, of WLW-WSAI. Next they huddled in a local grocery store and were instructed in questionnaire methods.

Besides receiving subject credits, the college trade quizzers are paid 25 cents for each questionnaire turned into the Crosley office.

Initial study is on cold cereals.

U. S. Rubber Show Finally Gets Title

After weeks of indecision and attempts to clear the title '100 Men and a Girl' which is owned by Universal Pictures, the new U. S. Rubber show with Raymond Paige and Hildegarde will be called 'Raymond Paige, 99 Men and a Girl.' Show starts Feb. 22. This title is acceptable all around as free of legal difficulties.

Following inability to get an okay from U. on the original title there was additional trouble over the one now set to be used, which was rated too close. But that's settled now.

Brush-Moore Has WPAY

Akron, Jan. 31.

Half-interest in WPAY, Portsmouth, O. radio station, has been acquired by Brush-Moore Newspapers, Inc., operators of the Portsmouth Times and other Ohio and Maryland newspapers. Brush-Moore also controls WHBC, Canton, O.

Martone Vacations WADC

Akron, Jan. 31.

Johnny Martone's orchestra, staff band with WADC, Akron, for year and half, has been given leave from station to fill several weeks of Dayton, night club engagements. He is airing over WSMK, Dayton.

King of Standard Radio Hints Davis-Schwiegler Not Offering Any True ASCAP Solution

Paging a Silver Tongue

NBC is in the market for a commentator who can function in the H. V. Kaltenborn manner. Senior web didn't fancy the show-stealing of CBS in the Czech crisis, and when and as the next international whoop-de-do occurs there will be plenty of effort to counteract glib stuff by CBS. NBC has already considered a great number, but the requirements are not easily filled.

WLW TOURING NEARBY ZONES

Cincinnati, Jan. 31.

In-person shows are being produced by WLW here under the direction of George Biggar to tour throughout this territory, plugging the WLW advertisers as much as the station itself. There will be four shows named after each of the main counties immediately adjacent to the station. They will travel in routes that will permit the performers to return to the station for their regular broadcast periods.

Original purpose of putting the shows out for cash profit has been changed, and instead the basic purpose of the county traveling shows will be to build further good-will for the advertisers on the station, with the audience advised that these shows are being brought to them through the co-operation of such-and-such a product. There will be no charge to the sponsors for this plugging, the station putting it down to promotion and merchandising.

WHAZ Merger Deal With WOKO-WABY

Troy, N. Y., Jan. 31.

WHAZ, 16-year-old 1,000-watt owned by Rensselaer Polytechnic Institute, has merged its facilities with WOKO-WABY. Deal, which gives the Institute a 25% interest in the capital stock of WABY, is subject to the FCC's approval. It has been agreed that Harold E. Smith, WOKO-WABY general manager, will have program control of the consolidated facilities and that the call letter of WABY will be changed 'if another more significant of the new character, particularly its Troy participation and co-ownership, can be found.'

WOKO-WABY currently has pending in a District of Columbia court an appeal from an FCC order authorizing Harry C. Wilder to construct a new station (WTRY) in Troy. Wilder has a tieup with Russell Sage College in that town.

Bob Jennings to L. A.

Chicago, Jan. 31.

Bob Jennings, chief of the Kastor agency radio department, hops the Super-Chief today (Tuesday) for a flying visit to the Coast where he will huddle on west coast Kastor activities, particularly the Jimmy Fidler and Irene Rich shows.

Back in about 10 days to organize couple of new programs to originate in Chi.

JOINS WIFE IN AGENCY

Cleveland, Jan. 31.

Bromley House, announcer on WTAM, was lured back to ad agency business by his own wife last week. Honor Gregory Agency is operated by Mrs. House.

A. B. Schilline, vice-president in charge of sales at WAAT, New Jersey, has been placed in charge of new New York office opened this week in the RKO building.

Los Angeles, Jan. 31.

Fact-finding junket of National Association of Broadcasters prexy, Neville Miller, and public relations, Ed Kirby, stopped over a day here last Friday (27) and took on a fresh load of info contributed by station operators in Southern California, Arizona and New Mexico. They came here from Frisco and departed next day for Dallas. Donald Thornburgh, district NAB director, presided over the local regional, attended by around 100.

Nothing much happened, according to the grapevine. Trade press was barred from afternoon sess at which time explosives were expected to be set off by such setter-offers as Harrison Holway, Gerald King and Louis Allen Weiss. It was pretty much of a love feast, but then again, it was explained that Prexy Miller was looking for info and forensics were never allowed to get started.

ASCAP Dilemma

Understood some of the operators got pretty hot under the collar when the subject turned to American Society of Composers, Authors & Publishers and what may be expected when new contracts are drawn up for music taxes come Jan. 1, 1941. Only unanimous opinion was that the boys would like a more tempered bite when it comes time to talk terms. While the lads were running a tenseature, ASCAP's exec, Claude Mills, wasolling in his hotel a few blocks away.

Only skirmish of the meet was a friendly, impromptu debate after the evening dinner between King of Standard Radio and Carl Haverling, associated with Davis-Schwiegler music publishers. Issue was the tax-free plan of D-S which was assailed by King as a medium of profit without altruism and not likely to save the broadcasters from ASCAP.

FREE VITAL FACTS FOR FREE RADIO TIME

Twentieth Century Fund, fact-finding body operating under the endorsement of the late Edward F. Elene, Boston merchant, has made a test recording with World Broadcasting. Consisting of a college prof. of economics, plus Ernest Chappel and other professional actors to dramatize parts of the story, material is strictly serious and non-partisan.

World is offering the series to its 197 library service subscribers as an item for exchange, free record for free time. If enough of the stations believe the series is self-justifying on the importance of its material and the fairness of its viewpoint, Fund will then issue a series of recordings. Waxes will deal with matters of general seriousness to the country and will be based on factual surveys made by the Fund.

Charles Gaines is handling for World.

Harvard Threatened

New Haven, Jan. 31.

WBRY's picking Yale wonders before they get out of college. New series, 'Promising Personalities at Yale,' handled by Ferry Lafferty of station's New Haven staff, brings outstanding undergraduates to mike to tell what they've done and hope to do.

Talent intro'd to date includes Herman Leyden, whose orchestration are used by Al Donahue's band; Owen Dodson, Negro playwright, and Bert Shevelove, lyricist for Yale Dramat show.

Doug Beattie to Met

San Francisco, Jan. 31.

Douglas Beattie, formerly with the San Francisco and Chicago Civic operas, has signed a contract with the Metropolitan Opera N. Y., and is scheduled to make his first appearance with the company as the King in 'Aida' on Feb. 11.

Beattie was formerly with NBC stations KPO and KGO here. He replaces Nicola Mosconso who leaves the Met to go to La Scala in Milan.

State Laws Would Exempt Stations From Co-Liability for Defamation

Seattle, Jan. 31. Rep. Edward J. Reilly of Spokane pinned angel's wings on the radio industry in the house of representatives, now in session at Olympia, with the intro of a bill on libel to replace the libel laws now on the statutes. Bill provides "any defamatory matter broadcast over the facilities of a radio broadcasting station shall be deemed to be libel, and except as otherwise provided in Sec. 2 of this act any person, corporation or association of persons injured thereby may maintain a civil action as for libel against the person uttering the defamatory matter so broadcast and if such defamatory matter so broadcast is uttered by such person at the special instance and request of and for and on behalf of another, then also against such other."

Exemption from liability contained in Sec. 2 reads: No person, corporation or association of persons owning, controlling, operating, or assisting in the operation of any radio broadcasting station, shall be liable in any civil action for damages for the publication or utterance over the facilities of such radio broadcasting station of any defamatory matter uttered by another who is not the agent or employee of such person, corporation or association of persons, within the meaning of this act, the lease of or permission to use the broadcasting facilities of a radio broadcasting station granted to any person for remuneration or otherwise shall not make the person so leasing or using the facilities of such radio broadcasting station, the agent or employee of the person, corporation or association of persons owning, controlling or operating such radio broadcasting station."

While this bill might not go through as is, other acts contem-

Agin Vote Snoop

Lincoln, Jan. 31.

Prying of radio special events into the count of ballots on election night will get a severe setback, if Senator Try-lik has his way.

Has set in a bill making it unlawful for either broadcasters or special events, along with newspapermen, to attempt to find out at varying spots how the vote is going.

plated to loosen up the libel laws of the state will be passed at this session, possibly by several amendments to this one just introduced.

Earmarked for Charity

Philadelphia, Jan. 31.

Problem of what to do with continuous stream of requests for cuffed time from all sorts of charitable organizations, civic groups, women's clubs and the like, has been solved by WFIL. Half hour each week 6:30 to 6:45 p.m., Saturdays has been set aside as the catchall for such demands for time. It's called the "Civic Forum."

Any group wanting its say must wait its turn on the show.

G.O.P. Using Radio Big

Hartford, Jan. 31.

In an attempt to gain the confidence of the Connecticut voters and looking ahead to 1940 elections, the strategy committee of the state Republican party has arranged a schedule of three broadcasts a week for Governor Baldwin and Republican legislative leaders. Governor will broadcast Mondays at 6:15 p.m. from the State Capitol over WTIC, Hartford, and WICC, New Haven.

Other leaders will be aired Wednesday at 6:15 on WNBC, New Britain-Hartford, and Fridays at 6:45 on WDRS, Hartford.

Hines Trial Brushoff

Second Jimmy Hines trial in New York is not drawing any nod from local radio other than news coverage through services. Has to get hot first.

Newspapers are similarly giving it something of a brushoff by devoting less space.

Al Grotzman orchestra gets a second shot at the Band of the Week spot on WABC. "Cow of the Week" program on WOR, Feb. 12.

Lots of Publicity

Feb. 14 issue of Look Magazine devotes section of photographs to highlighting the radio censorship question. Look is owned by Cowles syndicate that controls KRMT-KSO, Des Moines, and WMT, Cedar Rapids, and therefore knows the problem intimately.

These persons were said to have suffered censorship: Hugh Johnson, William Winchell, Senator Vandenberg, Smedley Butler, Norman Thomas, Earl Browder, Alexander Woolcott, Boake Carter, Father Coughlin. It was recalled also (but with no details) that Norman Baker, Bob Shuler and Doc Brinkley had been chased off the air.

Pictured W. S. Paley, David Sarnoff, William Hearst and Frank McNinch among the men who are 'radio censors.' A comic beef from W. C. Fields was also included.

Capacity Crowd Of 2,500 Pays 10c Each To See Radio Wedding

Enid, Okla., Jan. 31.

A capacity crowd of 2,500 citizens swarmed local Convention Hall to see KCRB launch its 'Barnyard Frolic' Saturday night show with a real radio wedding uniting the hill-billy band leader Tex Dyer and Marie C. Douthitt.

Show features everything from a hog calling to barber shop harmony and charges customers 10c.

WBH's Unit Idea

Kansas City, Jan. 31.

Don Davis and John Schilling of WBH have enlisted the unit idea from vaude to boost their local program, 'Vine Street Varieties.' Station has produced two units which tour the surrounding territory during the week, staging a Vine Street Varieties program.

Eric Zulong, fire-eater, heads one unit, and Jimmy Ruffin, announcer, with his comic partner, 'The Rabbit,' heads other cast.

Shows are offered to various local organizations who profit from the gate, while station profits from listener interest aroused. Units each consist of 14 members including both visual and audible types of entertainers.

Varieties itself is aired Saturday afternoons from stage of the Lincoln theatre with a gate of 15c per head. Show is full hour but broadcasts only first half of show. It's sponsored by spot announcements. Cast is all colored. Saturday broadcasts have been sellouts for nearly ten months running.

From Radio to 3d Base

Detroit, Jan. 31.

Jimmy Fletcher, juke acts and sound man at WXYZ for past two years, leaves this week to play third base for the Tallahassee (Fla.) Capitols in the Florida League.

Brooks West will replace Fletcher in the sound department.

WMCA Photographs, Sound Records Picket Rendezvous Before Studios

Station WMCA has taken two reels of pictures of pickets parading in front of building and that of station WOR every Sunday as outgrowth of Father Coughlin's silencing on former outlet. Has also recorded some of the anti-Semitic chants and will store both for possible evidence in event of serious trouble.

Idea was to get a record of phizzes of ringleaders and to get full picture of slogan signs crowds carry. Mob have been swelling weekly, reaching 2,000 past Sunday (22). Toted reading matter no longer blasts one station only but includes WQXR, WEVD, WABC and WOR. Last is

HOW IT HAPPENED

Stars' Biography Basis of New WLW Series

Chicago, Jan. 31. New program originating on WLW and riding weekly over the Mutual web across-country is tagged 'Lucky Break.' Deals with an incident in the life of some show business star that shot that person to headline position.

Written by Ray Wilson and music arranged and conducted by Josef Cherniavsky. WLW has already been assured of complete cooperation from the various stars, who have wired in their congratulations on the program and their thanks for the national plug.

'Life of Christ' Spectacle Caps WLW Lent Series

Cincinnati, Jan. 31.

With the Lenten season WLW will inaugurate a six-week series on 'The Life of Christ,' written especially for radio by Ray Wilson of WLW production staff. Presentation will be made each Sunday before a studio audience in various theatres and auditoriums in the city, and will culminate on Easter Sunday with a monster presentation in the Cincinnati Stadium.

Prominent men in the city and state will be invited each week to make a short address on the program, and to interpret the Life of Christ as it has affected their own lives and careers.

Entire series will be conducted on a completely non-sectarian basis and church officials from all religious groups will be invited to participate in the presentations.

BOB GOLDSTEIN NOW SALESMAN AT WMCA

Bob Goldstein, who formerly had a talent booking affiliation (contractor) with Blackett-Sample-Hummert, Inc., New York, prior to establishment of Features, Inc., has joined WMCA, N. Y., as a salesman of programs and time. Will have title of vice-president, it's reported.

Goldstein will devote much of his time to developing program ideas of his own to sell to advertising agencies.

Men Like Mechanics, Women Personalities

San Francisco, Jan. 31.

Finding that the majority of those who looked at window displays showing pictures of radio artists were women, KPO decided to try pulling male ogles with a display of transmitter tubes and photos of the Citizens Federal Savings and Loan Association office on Market Street. Check-up revealed 99% of the window-gazers were men. Display stresses power of KPO, which is ten times as powerful as any station in a 400-mile radius, and power through savings accounts.

New Program Policies in Chicago

Shorter Tickets, Public Hearing of Shows Passed After Private Audition by One Sponsor

VOTE DOWN PETITION SLAPPING RADIOITES

Minneapolis, Jan. 31.

By a vote of 63 to 53, the lower house of the Minnesota state legislature defeated a resolution which its author, L. E. Brophy, Minneapolis, explained was designed to banish from the air 'persons now involved in smuggling cases in New York.' (Obviously George Burns, Jack Benny.)

Resolution would have memorialized FCC to bar from broadcasting air radio stars pleading guilty to or convicted of any crime carrying a maximum penalty of one year imprisonment.

Strong opposition by Rep. J. W. Huhtala, Virginia, Minn., preceded the vote rejecting the resolution. He contended the proposal was 'unconstitutional and in violation of the freedom of speech and the freedom of the press.' Tom Mooney was cited as one who would be subjected to its provisions.

In defending the resolution, its author pointed out 'Al Capone served a long term for cheating the Federal government out of taxes.'

'I don't think people ought to cheat the government out of taxes and then get on a popular radio program and joke about it,' said Brophy.

KFWB, L. A., Suggests Exchange of Anti-Isms Waxes with WMCA

An exchange of semi-editorial programs which blast persecutions, un-Americanism, etc., is being arranged between station WMCA, New York, and KFWB, Hollywood. In reading in the program of former station's 'Persecutions Must End' program, Harry Mailish, of Warner Bros., wrote Donald Flamm asking exchanges with KFWB's 'America Marches On.'

Stations will forward recordings of each other's programs for airing in respective areas.

'AD MEN SHARE BURDEN WITH BROADCASTERS'

San Francisco, Jan. 31.

Radio's only page is the front page and if the broadcasters do not keep that fact in mind constantly they will have regulation, warned prexy Neville Miller of L. A. B. in an address before members of the San Francisco Advertising Club at a luncheon meeting here last week. Pointing out that radio goes into the home, direct to the family hearth, and that therefore things that are proper in newspapers and magazines are not acceptable on the air, Miller expressed the hope that whatever regulation is necessary in radio will always be self-regulation.

He declared that radio now has a place equal to that for which the newspapers have fought and suggested that in addition to the constitutional guarantee of freedom of speech and of the press there should be a guarantee of freedom of radio.

'As long as we are alive to what we face,' Miller told his several hundred listeners, 'I don't think we have to worry about radio's freedom.' 'If you and I fail to try to make a better medium out of radio by using long commercials, by concentrating less and less on the interest of the program, you may find that the public will eventually ask the government to take it over. Don't believe we are past all the pitfalls. There is a joint work to be done by the advertisers and the radio people and it is imperative that the two of them work together.'

Doorman-Humorist

Bridgeport, Jan. 31.

Norman Sullivan, former doorman at Loew-Poli theatre, Bridgeport, is in Hollywood as gagsmith for Bob Hope's Peppermint show.

Sullivan left Bridgeport to star on WLW, Cincinnati. Has free-lanced humor for Satepost and other mags.

Chicago, Jan. 31.

C. L. Menser, newly appointed program director at NBC here, is making some changes, eliminating former type of performer contract. Instead of signing people to long-term artists' bureau deals and keeping on and on, even after they have demonstrated 'complete inability to click,' the new plan will see radio talent signed to short-term deals, with option clauses similar to picture contracts. In this way a player who fails to make good in two or three months will be automatically dropped.

Menser has also set up a plan whereby shows which are auditioned for particular commercial clients and not bought after private hearing, will be put on air at available times so that the performers will get an opportunity for a general hearing instead of being restricted to a yes or no from a single advertiser.

Plans are also being worked out by the program department for a new experimental theatre of the air, for which Menser now is seeking a suitable label. This experimental theatre program will try out new and radical ideas on production, script and acting, and will serve as the proving grounds for ideas which are perhaps too new for immediate acceptance by advertisers.

Following the original impetus by Sidney Strotz, Menser will continue a drive towards the establishment of the six-day strip to replace the accepted five-day strip. Feeling is that the five-day show is merely a traditional program idea and that there is no basic reason why the six-day show should not become the standard of across-the-board broadcasting.

Vaudeville Showcases

Agreeing that vaudeville is, after all, the foundation stone of the names in present-day radio and still a mine of talent, Menser is mulling an idea for a weekly 'professional preview,' during which hour on the air only standard professional variety turns will be heard. It will be a variety show, built around a strong central m.c., with the public informed that these people are making their debuts on the radio and are being given a sort of open audition for advertisers, agencies and producers generally. In other words, instead of being a showing of amateur talent, it will present established stage talent which previously has not been heard on the ether waves.

It is expected that such a show would bring to NBC much acts and voices which have possibilities.

GUY HAMILTON RAPS GOVERNMENT RADIO

Sacramento, Jan. 31.

Speaking before the California Publishers' annual convention at Fresno last week, Guy C. Hamilton of Sacramento, general manager of the McClatchy newspapers and radio stations, told delegates he urged the convention to oppose a congressional bill providing for a government-owned broadcasting station in the Panama Canal Zone, which would be used, he said, in fighting Nazi and Fascist propaganda in South America.

He turned of the possible precedent for using government-owned radio stations for other propaganda work, and said it would be only a step from government-owned radio to government-owned newspapers.

June Travis on NBC, Chi

Chicago, Jan. 31.

June Travis, former picture player and now returned to Chicago, has been signed by NBC to work under a term contract. Figure the Travis flicker build-up can be utilized to advantage on radio spread.

Around Chi the girl is known popularly as the daughter of Harry Grabner of the White Sox.

AMOS 'N' ANDY ON DESERT

Hollywood, Jan. 31.

Amos 'N' Andy hike to the desert for six weeks, broadcasting from El Mirador hotel in Palm Springs starting Feb. 13.

Only the organ music remains here.

CANADIAN INDIES ORGANIZE

BBC Visio Aiming for Outlet In Stix; Manchester OK (If Coin Is)

London, Jan. 20.
Latest move in advance of BBC visio service is plan to open up in the sticks with fully equipped station at Manchester. Earlier thought was that Birmingham, serving the densely populated Midlands, would have first extension, but Manchester is in the heart of the northern industrial belt, so a transmitter there would cover a far wider potential market.

It is unlikely any such station will be operating for many months, even if this year at all, and, failing any way round the maze of cable transmission from the main London station at Alexandra Palace, the provincial service would need to handle its own programs. A probably alternative is that programs from both centers will be filmed and shipped backwards and forwards to do double service.

Failing this, the cost of duplicating entire BBC television facilities is far beyond corporation's present bankroll, and until government gives the all-clear sign on finance, current development plans cannot advance far beyond the dream stage. But as there is no limit to dreams, BBC sees possibility of further stations in the sticks—at Birmingham, in the extreme north of England, and in Scotland—all within a couple of years or so, provided first the dough is there.

One factor which may encourage the government to make up its mind is undoubted upswing of popularity of visio. By all check-ups, the citizens are more willingly unbuckling their pockets to make the down payment on the more or less standard-ized visio sets, and advance estimates of a look-see audience of around 1,000,000 persons in this year, at current reckoning, may well be realized.

SUBURB PROTESTS ITS USE FOR RADIO

Montreal, Jan. 31.
Application of the Canadian Broadcasting Corp. to erect a studio at an estimated cost of \$750,000 in Outremont, suburb of the city of Montreal, is meeting with opposition from members of the Outremont City Council. Under the municipality-by-laws only construction of dwellings of a specified type is permitted and an amendment to the Outremont by-laws would be necessary before the CBC application could be considered.

Property owners in the neighborhood of the proposed studios are being advised to protest against the construction of a building which would be used for commercial purposes.

Alderman Hudon, South Ward, opposing the measure, stated last week that the studios would bring crowds of people to the neighborhood which is presently a residential district.

Meeting of the City Council is scheduled for Wednesday (25) when a CBC representative may attend.

Meyer of IBC Sets Lyons' Discs in Can.

Montreal, Jan. 31.
Lyons, tea, restaurant and hotel combine of Great Britain, will place a series of English-made transcriptions on Canadian stations. Will advertise the tea products.

Richard Meyer, general manager of International Broadcasting, Ltd., of London, is here in connection with the placement. IBC, which is both a program-producing organization and the exclusive time brokerage agency for Radio Normandie, France, will also seek to place in Canada various transcription series, some of them recorded in the French language.

Meyer will be in Canada all this week extending his acquaintance with CBC officials. IBC recently became English sales rep for the government network.

'Fibber' for Canada?

Regina, Sask., Jan. 31.
Time reserved with CBC network by Johnson's Wax for possibly airing 'Fibber McGee' on and after April 4 for Canadian listeners. 'American Album of Familiar Music' (Bayer), and 'Manhattan Merry-go-Round' (Dr. Lyons) under negotiation.

TO EARMARK SHORTWAVE IN CANADA

Toronto, Jan. 31.

Construction of a high-power shortwave system which will provide the Canadian Broadcasting Corp. with facilities for program exchanges on a worldwide basis is the next step in Canada's nationalized radio setup which will have the immediate financial consideration of the Federal government. In submitting this recommendation, L. W. Brockington, chairman of the CBC board of governors, will seek a short-wave system monopoly in Canada and incorporate the CBC policy the request that no new short-wave licenses under private control be issued, pending the clarification and establishment of CBC's own plans for such a project.

In his annual report and recommendations to the Federal government, Chairman Brockington stresses the immediate urgency of adequate studio facilities in such production centres as Toronto, Montreal and Halifax, and hopes that finances may permit their construction in the near future. Plans for a CBC building to house Canada's nationalized radio headquarters, this to be erected in Toronto, are also in the discussion stage.

With regard to television licenses which are expected to be soon sought, CBC is providing for this eventuality by submitting the suggestion to the Federal government that the only applications meriting consideration must come from parties financially capable of conducting research and that for experimental purposes only. In the matter of facsimile, or the reproduction through radio receivers of news in some printed form, CBC recommends the denial of all applications from private interests.

Mexico Wants Branch

Mexico City, Jan. 31.
Mexican secret service operatives have been ordered to arrest on sight William Ellison Branch, American, who is accused in connection with fire that destroyed radio station XEEN at Piedra Negra, across from Eagle Pass, Tex.

Branch, according to complaints made to the ministry of communications and public works, which rules radio affairs in this country, is involved in station mess because of litigation over ownership. Branch remained in Texas since the station was destroyed.

Probe Tube Monopoly

Regina, Sask., Jan. 31.
Canada's radio industry is under the monopoly control of Thermionics Limited of Toronto, Ont., members of the Alberta Royal Commission probing charges of allegedly high prices of radio tubes in Canada were told by G. N. Iles, on behalf of the Edmonton Radio Servicemen's organization.

Another who bore out this was Hastings McMahon, head of Taylor and Pearson, Edmonton radio tube distributors, in his evidence.

PRIVATE GROUP VS. CBC LINEUP

Govt. Web Affiliates Not Eligible for New Association, Which Will Try to 'Protect' Indies—Bally Campaign Planned

PHIL LALONDE, PREZ

Montreal, Jan. 31.
Privately-owned radio stations in this province last week formed their own regional association of broadcasters, to be known as the Association of Private Stations of the Province of Quebec. New group is not affiliated with the Canadian Association of Broadcasters although local stations retain membership in the CAB, the national organization.

Purpose of the Association is officially to improve radio programs and establish closer relations with listeners through special exploitation campaigns. Ostensibly Association will seek cooperation of religious and social welfare societies.

Understood that Association of Private Stations will launch institutional radio campaign to impress listeners with services rendered by the private stations in the broadcasting field. Special speeches to be written for use of station managers who are urged to address listeners personally.

Membership in the new association currently consists of 11 stations. In Montreal, stations CKAC, CHLP, CFCE, Quebec stations CBC, CKCV, Hull, CKCH, Rimouski, CJBB; New Carlisle, CHNC; Three Rivers, CHIN; Sherbrooke, CHLT; Rouyn, CKRN.

New group differs from the CAB in that no Government stations or transmitters serviced by the CBC are eligible for membership. Understood that campaign to build public opinion in favor of independent broadcasters is first step in plan to protect private stations from further Government restrictions.

Association has support of Hon. P. R. Du Tremblay, publisher of La Presse, French-language daily with circulation of 250,000, operating CKAC and Hon. Jacob Nicol, former provincial treasurer, who owns several French-language dailies and radio stations.

Officers of the APRS are: Phil Lalonde, Montreal, President; Narcisse Thivierge, Quebec, vice-president; Alexandre Dupont, Hull, director; Marcel Lefebvre, Montreal, secretary-treasurer.

Movement is reported under way among militant broadcasters to break away from the Canadian Association of Broadcasters and proposal may be forthcoming at the CAB meeting in Toronto this week to create another organization for the purpose of protecting privately-owned stations.

Canadian Association of Broadcasters has been severely criticized for its do-nothing policy with regard to encroachment and ever-tightening restrictions of the Government network.

Rebels have heretofore been confined mostly to Eastern station men but with the CBC getting a couple of 50,000-watt transmitters wrapped around the Western stations, indications are that the Western broadcasters are becoming uneasy also.

CAB membership holds many stations which are serviced by the Canadian Broadcasting Corp. with both sustaining and commercial programs. Independently operated stations are therefore restricted in any possible Association efforts because of the large group dependent upon the CBC.

Latest Corporation move depriving privately-owned stations of use of telephone lines for network purposes may stiffen resistance of some of the Western broadcasters who

Germany Asks Two British Waves, Italy Claims Chief Dutch Spot

Mexican Talent Union

Mexico City, Jan. 31.
Leading radio artists here, including some foreigners, are organizing a union, the first of the kind in Mexico, for the general protection of their rights and interests.

Union is to be national and affiliated with powerful labor organizations.

BRITISH ARE BIG FAN MAIL WRITERS

London, Jan. 22.

U. K. listeners take their radio somewhat seriously, and being mostly a pretty conservative lot, swamp BBC with letters and protests each time the least innovation is tried on the programs. Instance occurred this week in 'Monday Night At Seven' series when producer Douglas Moodie experimented with withheld solution of a five-minute detective poser, planning to release it with next week's installment—as is done with similar item on 'Band Wagon' program.

The listeners would have none of it, and before the broadcast was through dozens of furious listeners had called BBC by phone expressing in most vituperative language their utter disgust. By next day's mail followed hundreds of abusive letters, and throughout the week the stream was maintained.

Corp., in fact, has a total mail in a year of 100,000 letters, coming in at a rate of three truckloads daily, with a weekly average of 2,000 communications. Rafe naturally shows heavy upsurges as and when controversial matter is broadcast; playing of dance music on Sundays brought waves of abuse from scandalized listeners.

One phenomenon noted by Broadcasting House division handling the mails is the 'snowball' system, where each correspondent writing on a given item undertakes to get a second to write, and so on. Striking instance of this when BBC began daily foreign language news broadcasts; letters came slowly at first asking the broadcasts to be continued indefinitely, but each mail grew bulkier until finally over 11,000 had been received. Suspicions that this chain mail had been organized proved justified when investigated.

There are no kicks at BBC about the mails, listener letters being held as one of the most effective means of assessing 'box office.' By analysis of years of mail, program division has been able to correct or develop very many aspects of its broadcasts.

Have until now offered no opposition to the CBC.

Govt. Affiliates

Independents would like to see the CAB split into two groups with those stations tied to the CBC away from the others. A new organization, or a CAB purged of stations dependent upon the CBC, would be free to put up convincing resistance to those Government policies which are considered damaging to private broadcasters.

Any movement to split the Canadian Association of Broadcasters into rival camps would naturally meet with strong opposition from CAB executives and those members affiliated with the CBC. Whether those broadcasters in favor of the realistic policy towards the Government will prove strong enough to override objections and swing enough members to their side is questionable.

London, Jan. 24.
Grand free-for-all among radio systems for all parts of Europe is brewing for next month. Redistribution of wavelengths on a continent, with so many nations sitting atop of each other, has international problems the U. S. wouldn't even suspect. To handle these there exists the International Broadcasting Union, which probably approximates to a big-scale FCC.

Division of wavelengths on the medium band, between 200 and 550 metres, is subject to present friction, with Germans out to grab two of those currently occupied by BBC. With expansion of the Reich by incorporation of Austria and slices of Czechoslovakia last year, Nazis now claim nearly 10,000,000 more listeners than any other nation, and so maintain they should be allotted a bigger segment of the ether.

Italy, too, is in on the air grab and is making passes for the long wavelength now occupied by Hilyerum, principal Dutch station, claiming it for her Rome transmitter. The Dutch concern, they suggest, should drop down into the medium band.

Logical French plan for easing congestion is to stretch the medium band by taking in wavelengths beyond 800 metres, and they will put this up as a solution when the nations wrangle in Switzerland next month. BBC is believed ready to back this plan.

Britain's part in the argument will be to stake a claim to more high-power transmitters. Under existing agreements, BBC is allowed only one station working on 100 kilowatt output, as against nine in Germany and seven in France.

IBU acts as international clearing house for 30 countries, with U. S. networks participating in many aspects of its activity. Seeds of coming battle were laid by its Technical Commission, which met in Brussels, Belgium, in the late fall. If the February meeting reaches conclusion, its decisions will take effect before end of this year.

Maj. Edkins Appeals Adverse Verdict in Suit Vs. IB on Infringement

London, Jan. 20.
An appeal has been taken by Major Edkins, of the Kneller-Hall Band School (which trains musicians for the British Army), from an adverse decision handed down in his recent action against the International Broadcasting, Ltd., English representatives of Radio Normandie, France. Original suit alleged an infringement of Edkins' copyrighted 'Coliseum Fanfare', which Edkins claimed, and the station denied, was a theme identification for the English programs on the French transmitter.

Edkins had previously made a private settlement on his fanfare, which was used on two sponsored programs over Radio Luxembourg. In that case, His Majesty's Voice (phonograph) assumed the major liability in settling the matter for a sum unofficially understood to be about \$5,000.

Fanfare was dubbed into Luxembourg transcriptions by permission of H. M. V. and the legal aspects were also unique in that the 'Coliseum Fanfare' was one of various fanfares recorded originally for charity. All the composers, save Edkins, had waived secondary rights and it was this that caused the confusion and left the phonograph company and its radio clients open.

Trial of the Edkins action against Normandie's English agents took 10 days and when the decision went against the army man it cost something like \$15,000 in counsel fees for the defense, charged against Edkins.

JESSIE MATTHEWS
In 'Star Gazing, No. 10,' with 'The
Playgoer,' C. B. Cochran, Sonnie
Hale, Rosie Matthews, Arthur Rig-
by, Victor Saville, BBO Revue
Chorus, Orchestra

Frank Fay on 'This Is New York,' the CBS Sunday night sustainer, made it strictly a trailer for his forthcoming \$3.30 top vaudeville at the Hudson, announcing Elsie Janis as his initial star. Fay was manager

This is the former Mary Lou of early Show Boat fame. Miss Newman, beginning comeback with a neat and melodious program, is in good voice and her soft renditions of 'Indian Love Call' and 'Love the Merchant' were on the nifty side.

Marvin Krause as announcer fits program. Funeral house sponsors.

Soon.

SOUTHWESTERN STARS
With Allen Clark Orch, Lee Norton,
Ken Wright, Josephine Alves,
Polly Taylor, Ben Bezoff, Terry
O'Sullivan
30 Mins.: Sat., 4:30 p. m.

Low spot was the dramatized news story of the week, which, while actors and news editor, Ben Bezoff, did an okeah job, was weak in narrative and underplayed the highly dramatic Gov. W. Lee O'Daniel story.

This is first regular web program to be originated from Oklahoma City and is set for weekly airing indefinitely. Summed up, this sample of what WKY can do is ample proof that station has talent of high enough caliber to fill web spots. *Soon.*

Script motivation was to pretend the broadcast was being done in 1968, presenting a flashback of 30 years before, and it worked like a charm in providing ready gags and laugh possibilities. Maybe it was significant that the 1968 broadcast was announced as a sponsored bill—so does this mean BBC may be prepared sometime to bow to ‘the inevitable’?

Best letter writer of the week gets an air shot with personal interview on how she came out of her shell with a new Patu, etc. There are none who are beyond hope if all is bared and new coating applied. Man interviewed was stopped with 'remember we are on the air, you might be offensive,' when he started telling on slovenly wives. Girl foil who keeps saying, 'well, what about me?' is best left unengaged. *Hand.*

Brody's thesis is that the main stores big brothered farmers through efficient distribution of their products, minimized the farmers' profits, and thus paved the way for the rise of the supermarket. For the purpose of the novel, however, Brody's thesis is a vine used, while Daughters poured vinegar, although Brody once did characterize an argument of chain store opponents as "most dishonest of all." The novel is full of weak spots in its reasoning and ambiguity in sentence construction at two or three points, but talk as a whole fell in the "smooth stuff" classification. Brody is a writer of a very brilliant speaker, played wise at outset by admitting he was a paid propagandist. He conceded listeners the right to question his opinions, for

Inside Stuff—Radio

Broadcasters are howling plenty over the way that they have been and are being tapped by the American Map Co. and other such firms for using copyrighted county outline maps without having obtained the required permission. The settlements so far have ranged from \$100 to \$1,200. In a roundup made by the AMC several months ago over 60 stations were found, it was alleged, to have infringed on copyrighted maps, with the company charging that many of the outlets had gone so far as to remove the copyright notices. American Map got its evidence by inducing the broadcasters to answer an inquiry about signal coverage, with the letter suggesting that there was a spot account in the offering.

The AMC recognized 32 of the allegedly infringed maps as belonging to its own catalog, and distributed the others among four other companies in the same field. Many of the broadcasters affected still are of the opinion that they could have used plain ordinary Government maps such as are issued as a public document to anyone upon request.

Worries of ASCAP in Nebraska will probably go on for a long time, Senator Frank Brady, the Atkinson (Neb.) rancher, laying for the announcement of the court action (federal—three judges), which, if sour on the anti-ASCAP bill Brady authored last session (1937), will be the signal for new harrising legislation dodging around the court dislikes. Brady doesn't care whether or not the court action comes before or after the time limit for ordinary introduction of legislation, because any bill can be offered with 29 votes up to the last week of the session, and 29 votes are easy to get. Brady has expert counsel too, in Barlow Nye, the legislature's legal brain, who was formerly No. 1 deputy attorney general for his ASCAP-baiting boss, Richard Hunter, toppled last election. Nye was preparing the attorney general's fight favoring anti-ASCAP, when the vote-eviction stopped him. Brady has said he can make Nebraska a very unattractive place for ASCAP to try to do biz—and intends to.

Chief among the complaints, which last week rent asunder the United Auto Workers union, was President Homer Martin's weekly radio chats over WJR, Detroit. UAW is temporarily a dual union, with anti-Martin forces directing one branch and Martin himself in charge of the other.

Opposition international executive board called together to probe Martin's dealings with Ford Motor Co. and usurp his power, discovered that Martin's half-hour ether talks, which have been running for many months, had proved a powerful weapon with the rank-and-file union members, and promptly forbade him to go on air again using UAW funds.

Defiant, Martin spoke as usual same day he was prohibited and carried his case before rank and file workers. Added to charges that Martin was trying to form a Ford company union at expense of UAW, radio chat next day led to his suspension by board and his subsequent suspension of board.

William Esby agency expressed itself last week as puzzled over the reports that Bob Crosby's orchestra was being considered for the Benny Goodman aggregation's Camel assignment and that Goodman was dickering with another sponsor. Esby stated that Goodman's obligation has five months to go and that nothing has been said from either quarter about calling off the commitment.

Report, however, persists that the agency has indicated an interest in Crosby, and that Goodman himself is inclined toward making a change of paycheck signatories.

Six-year-old daughter of William B. Ryan, KPO-KGO, San Francisco, sales manager, saved the life of her two-year-old brother Jimmy last week but was seriously injured herself when struck by an automobile. The girl, Barbara Ann, saw her brother dash into the path of the oncoming car, ran after him and pushed him safely out of the way but was hit by the rear end of the auto as it swerved to avoid the children. She sustained a skull injury. Ryan himself has been on the sick list for several days.

In the story last week tabulating talent costs for commercial programs emanating from Hollywood, the Burns and Allen (Chesterfield) figure was given as \$9,500. It should have been \$12,500, this including Ray Noble's car, ran after him and pushed him safely out of the way but was hit by the rear end of the auto as it swerved to avoid the children. She sustained a skull injury. Ryan himself has been on the sick list for several days.

Telecast Corp.'s Idea Of Wax Distribution A La Film Method

Hollywood, Jan. 31. Telecast Corp. of America, organized here as a distributor of transcribed air shows, has closed with KFWB, Warner Bros. station, for the sale nationally of the station's William Farnum starrer, "The Adventures of Uncle Jimmy." KFWB initiated the show in the form of live broadcasts.

Charles A. Browne, Elliott Fisher and Dave Davidson are the incorporators of Telecast. Davidson is resigning as sales promotion head of Transco (C. C. Pyle) to step into Telecast.

Telecast's intention is transcription sales based on the motion picture method of distribution, on a national basis. Key city exchanges will be established, with main offices in the two principal air production centers, New York and Hollywood. Application of film distribution procedure to radio is expected to eventually replace the present catch-as-catch-can method of transcription sales, by which the show producers mostly stage and sell their own discs.

Telecast's setup calls only for distributing, for other producers, without engaging in production except on a participating financial basis, in the manner of United Artists and other primarily distributing companies in the film field.

DICK MORENUS SET

Dick Morenus is directing the new Enna Jettick show for Marshall & Pratt. Program starts on Columbia Broadcasting, Feb. 18, running from 9:30 to 10 p.m. D'Artega's band, Jimmy Shields, Ed Small's Seven and Budd Hulick, m.c., make up broadcast as presently outlined.

MIXING THE BEERS

Kids Identified with One Brew Appear on Other's Show

Pittsburgh, Jan. 31. There was embarrassment on both sides here last week when Karl Krug, gossip on WTAS for Iron City Brewing Co., had as his guests the team of Chick and Lee, couple of kids who went here for a rival beer concern. Seems neither Chick and Lee, who were appearing at Stanley theatre in a Major Bowes unit, nor Krug knew that the other was tied up in any way with a foam outfit.

Chick and Lee were salesmen for the Victor Brewing Co., had entertained at sales meetings on behalf of this product, worked in a lot of amateur shows and subsequently won an audition with Bowes, who sent them on here to join Stanley unit last week night after they appeared on Major's broadcast.

Sacramento Baseball Sponsored by Lorillard

Sacramento, Jan. 31. Lorillard last week gave KFBK, Sacramento, a contract to broadcast the games of the Sacramento baseball team during the 1939 season. Similar deal prevailed last year.

Lennen & Mitchell is the agency.

WRC Has New Program

Washington, Jan. 31. Pushing its resolution to provide more live talent shows, WRC put on a Thursday program last week which will occupy the 7:30-8 p.m. period. Tagged "Dreams Come True."

Includes Ed Gary, tenor; Lynn Allison, soprano; the 'singing strings' directed by Morgan Baer, and Bill Crago, NBC announcer, as narrator. P. J. Nee, local furniture store, is angel.

LEWIS, WILLIS, JUDSON, PADGETT, KESTEN OUTLINE CBS 'CULTURE AND EDUCATION'

Web Tells FCC That News Cost \$140,000 in Lost Commercials—Artists Activities Gave \$94,037 Profit

Washington, Jan. 31. Extent of Columbia Broadcasting System's culture and education efforts, and of the web's position in the concert field were examined last week during the FCC chain-monopoly inquiry. Web hopes to wind up this week with testimony concerning duplication and engineering phases, two weeks behind estimates.

General explanation of the program policies was supplied by William B. Lewis, vice-president in charge of production, who laid down the general platform as being obedient to public preferences but still trying to raise the general taste. His concept of the web's responsibility was:

"We have got to provide the public with the greatest variety of entertainment and information that we possibly can and try to give the public what it wants to hear. We try also to give the public what we think it would like if it had the opportunity to hear it."

Constant check is maintained on listener desires, through surveys and analysis of program letters, supplemented by close attention for reviews and columnists' cracks. Diversification is the prime objective, with sustinings providing the necessary degree of flexibility and being in a sense an experimental laboratory. Lewis insisted the net does not wish to sell all available time, pointing that certain hours are not on the market and that all programs are subject to cancellation if spot developments are not enough to justify such drastic action. Any commercial is liable to be cut under pressure of big news breaks, disaster, etc.

Lewis Cites Rising

Production Expense

Growing complexity of production was highlighted. Insistence on faithful reproductions now requires more time and effort, raising operating costs. More rehearsing, which was one of the chief reasons for building the new Hollywood plant.

Growth of the web was emphasized by Lewis' figures. In 1927, CBS carried one-seventh regular sponsored programs and eight regular sustainers; last year the log showed 2,362 commercial hours, 7,469 individual broadcasts, and 4,300 sustainers, 11,605 features. Ratio generally is about 2 to 1 between commercial and sustaining categories.

Stressing the public service angle, Lewis told the committee the educational budget ran at 25-34% sustaining and 10-15% commercial. The air is a major enterprise, with survey showing about 121,000 teachers use it occasionally or regularly in instructing an estimated 3,190,000 students.

Policy phases were ogled closely, with the v.p. giving a long account of the consultations with advisory boards, division of duties and responsibilities, and standards. He reviewed again the stand on kid features, with the effort to eliminate the hair-raisers by presenting educational stuff. Sugar-coated culture is the reason.

On the public events side, Lewis was questioned comprehensively after telling how CBS last year devoted 90% hours, shooting out 284 separate broadcasts, all on a sustaining basis. Has to turn down many requests for time in order to maintain right balance, he said, but as far as he knows the web never has been guilty of biased discrimination. Record showing 51 separate speakers were allowed to debate the President's Supreme Court reform plan was cited as proof of the lengths to which the younger web goes in giving all sides a chance to use its facilities.

Use of transcriptions for network programs was cold-watered. Exec's comment was "it would seem a shame to build up this vast network and then turn it into a super victrola." Headaches of a production man looking for ideas were outlined during Lewis' explanation of the constant endeavor to develop new techniques. Last year the hunters interviewed 979 persons with thoughts that

seemed to hold promise, while 2,575 unsolicited letters were received. Necessary to require all persons to sign waivers because of professional hold-up geniuses.

Commish suspicion that networks schedule sustainers only for unsaleable spots came to light, but Lewis emphatically denied this practice. Sustainers go on at more desirable hours, with blocks of time withheld from sale, notably the Philharmonic. In 1937, the web passed up \$140,000 in potential revenue by cutting commercials for outstanding news developments, \$85,000 worth of it at night.

Considerable ribbing followed mention of the Orson Welles Mars program, which Lewis had listed as educational. It was that to CBS, he jested, although members were inclined to quibble over the characterization and realism.

CBS' \$90,000 For

Shortwave to S. A.

The short-wave activities in the foreign field are increasing rapidly. Frederic A. Willis, assistant to President William S. Paley, related. Expenditures this coming year will run beyond \$90,000 for international operations aimed at Europe and South America. Web allows independent stations to rebroadcast many of its programs for the benefit of foreign listeners, he testified, noting the co-operation with W3XAU and W1XK Boston. With two plants, the chain can fire simultaneously at Europe and South America. But it needs more wattage, 10 kw being insufficient to do a bang-up job below the equator.

In defending democracy and dabbling in world politics, CBS last year originated 449 special features for South America, 404 in Spanish. Good proportion of the regular network shows go over the short-waves, with various repeat broadcasts. Originations particularly planned for the bilingual trade are growing more numerous, however, as well as more important.

Schedule exceeds 90 hours weekly. Willis' breakdown shows W2XBS sending 53 hours to Europe and 39% to South America with W3XAU shooting 28 to Europe and 52% to the Latin-Americans. Between May 12, 1937, and May 12, 1938—first year of operation with 10 kw—W2XE aired 11,607 programs for the overseas trade.

Picture of the talent management activities was elicited from Arthur Judson, president of Columbia Concerts Corp., but Assistant General Counsel George B. Porter was reined in by his superiors after several hours of digging into non-broadcast matters. Virtual monopoly in the community concert field was spotlighted, however.

Judson Bookings

Heaviest on NBC

Denying CBS gives any special break to artists under management contracts, Judson told how the subsidiary peddled services of its stable to any artist desiring them. In the 1938-39 season, CCC is raking in \$230,000 from bookings on the rival NBC webs, as against only \$133,000 from its own parent. There is no divvy with the NBC artist service, however, he maintained.

After picturing the sort of work done in developing talent, Judson declared CCC has found it impossible to adopt a standard contract. Varying conditions in the multitudinous relationships prevent uniformity. Many of the intimate personal contracts cannot be reduced to writing.

Summarizing the financial experience, Judson was quizzed at great length about the Community Concert Service division, which he promoted a decade ago before the web went into the management field. This has a hang-over deficit of \$94,000, the remainder of amounts advanced several years ago. He said CBS paid \$400,000 for its 35% share of Columbia Concerts, which was

formed by the promoters of Community to facilitate the tieup.

Operations of Community have been made possible by willingness of numerous performers to receive a smaller fee than usual, allowing the booking outfit to keep the spread as well as take its 20% commission. Average difference between the gross to the artist and the amount collected from the local promoters is \$447 based on operation in 375 towns where the CBS offshoot has organized groups to parent the activities. Judson confessed Community does not compete with NBC's subsidiary, Civic, but denied there is any formal understanding or unusual cooperation. Merely good business not to raid the her stable, which would bring retaliatory moves, or to get into a rivalry that might cut down the gate in the various towns.

Financial details were supplied by Arthur S. Padgett, network auditor. Advances to CCC by the web—which had not been repaid on July 1, 1938, aggregated \$548,540. Since creation, the corporation has paid a total of \$72,000 in interest and dividends, a yield of 2% on the investment. In the fiscal year ended last June, CBS received a profit of \$94,037 on its talent management operation. Subsid had a gross of \$23,412, expenses of \$32,374, with Community contributing \$20,412 of the gross. Three years of red ink figures in the history.

CBS' 42-32 Score

In Wooing Sponsors

The web's sales policies were discussed by Paul W. Kesten, v.p. in charge of this activity. Describing the wide scope of research activities, Kesten insisted there is constant consistent pressure on sponsors, agencies, and potential advertisers by the rival chains. Few actual dealings direct with manufacturers of product propagandized via radio, with 99% of the contracts being negotiated with agencies. In explaining the hot feud between NBC and CBS, Kesten revealed that a recent check on experiences over a series of years shows Columbia wooed 42 accounts and lost 32.

SCHUDT'S AMERICANISM SERIES STARTS FEB. 22

Cincinnati, Jan. 31. Plans have been set by Bill Schudt of WKRC here for a whirlwind series of Americanism broadcasts to inculcate the principles of American democracy through the radio biographies of founders and statesmen. Starting on Feb. 12 and running through to Feb. 22, he will broadcast on each of the 13 days a program devoted to the leading historical figures of each of the original 13 states.

There has been arranged for the participation of grade school high schools in Cincinnati in this series, and WKRC will present the winning school with a huge American flag for the best presentation of the biography of one of the founders of the country. Other prizes will be reproductions of the Gilbert Stuart portrait of George Washington.

'Smilin' Jack' Strip For Mutual Sponsor

'Smilin' Jack,' Chicago Tribune-Daily News syndicated strip, will be dramatized and aired for Sweets Co. of America, Hoboken, N. J., starting either Feb. 8 or 13 several stations of the Mutual net.

Airs Monday, Wednesday and Friday 5:30 to 5:45 p.m. Biow agency handling.

Cooper for Tums

Jerry Cooper's 'Vocal Varieties' program from Cincinnati for Tums replaced the William Stoess Singers (The Smoothies) with the Jimmy James WLW staff orchestra with last night's (Tuesday) broadcast. Program will be renamed.

Shift increases Cooper's duties to three times on each of the two 15-minute programs a week.

something new-
novelty swing!

Eddie
de lanque
and his orchestra
elisse cooper vocalist

featured with . .

Phil Baker

Dole Hawaiian Pineapple Radio Pro-
gram New York to Honolulu on CBS
Saturdays at 9 p. m. E.S.T.

Within the period of only four months Eddie DeLange
and his orchestra have zoomed to nation-wide popu-
larity and a spot on a major radio show with their
unique interpretation of novelty music! In additi
the young leader is scoring a personal triumph with
his original radio comedy!

warner vitaphone short subjects



writer of these hits!

- "THIS IS MADNESS"
- "SO HELP ME" • "SOLITUDE"
- "MOONGLOW" • "HAUNTING ME"
- "I WISH THAT I WAS TWINS"
- "AT YOUR BECK AND CALL"
- "GOOD FOR NOTHIN' BUT LOVE"
- "DEEP IN A DREAM"

In the best-seller class on
victor bluebird records!

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WILLIAM MORRIS AGENCY INC.
Circle 7-2109



ROCKEFELLER CENTER, N. Y.
RKO BUILDING

NEW YORK • CHICAGO • HOLLYWOOD • LONDON

ORCHESTRAS

Working

UNDER THE MANAGEMENT OF WILLIAM MORRIS AGENCY



WILLIAM MORRIS AGENCY, INC.
INTER-OFFICE CORRESPONDENCE

TO: Staff, New York, Chicago and Hollywood
FROM: Orchestra Department DATE: 2/1/39
SUBJECT: CURRENT BOOKINGS—PRESENT ORCHESTRAS—
MORE TO FOLLOW.

- * **DON BESTOR**
Opening February 9th, Loew's State Theatre, New York
- * **DAVID BROEKMAN**
Texaco Radio Program, Star Theatre, Hollywood
Wednesdays at 9 p.m. E.S.T., WABC and CBS network
- * **DEL COURTNEY**
New Kenmore Hotel, Albany, N. Y.
Broadcasting, NBC network
- * **BEN CUTLER**
Rainbow Room, Rockefeller Center, New York
Broadcasting, NBC network
- * **EDDIE DE LANGE**
Dole Hawaiian Pineapple Radio Program
starring PHIL BAKER, WABC and CBS network
Saturdays at 9 p.m. E.S.T.
Warner Vitaphone Shorts
Victor Bluebird Records
- * **OSCAR DE LA ROSA**
dates to be announced
- * **JACK DENNY**
Billy Rose's Casa Manana, New York
Broadcasting, CBS network

(continued)

Sheet Two

- * **EMERY DEUTSCH**
Adolphus Hotel, Dallas, Texas
Opening March 10th, Nicollet Hotel, Minneapolis
Brunswick Records
- * **EDGAR FAIRCHILD**
Camel Radio Program, starring EDDIE CANTOR
Mondays at 7:30 p.m. E.S.T., WABC and CBS network
- * **INA RAY HUTTON**
Opening February 15th, Versailles Club, Chicago
Broadcasting Mutual network
- * **VINCENT LOPEZ**
Jan. 27th—Shubert Theatre, Newark, N. J.
Feb. 8th—Paramount Theatre, New York (2 weeks)
Feb. 24th—Stanley Theatre, Pittsburgh, Pa.
Mar. 3rd—Hippodrome Theatre, Baltimore, Md.
Mar. 10th—Earle Theatre, Philadelphia, Pa.
Mar. 17th—Palace Theatre, Cleveland, Ohio
Apr. 8th—State Theatre, Hartford, Conn.
Apr. 14th—Earle Theatre, Washington, D. C.
Warner Vitaphone Shorts
- * **RAY NOBLE**
Chesterfield Program, starring BURNS & ALLEN
Fridays at 8:30 p.m. E.S.T., WABC and CBS network
- * **PANCHITO**
Versailles Restaurant, New York
- * **RAMON RAMOS**
dates to be announced
- * **JACQUES RENARD**
Cocoanut Grove, Boston, Mass.
Broadcasting, WOR and MUTUAL network

(continued)

Sheet Three

- * **JOE RINES**
Road to Mandalay, Delmonico Hotel, New York
Broadcasting, NBC network
- * **NOBLE SIDDLE**
Billy Rose's Diamond Horseshoe, Paramount
Hotel, New York
Broadcasting, NBC network
Victor Records
- * **JOHN PHILIP SOUSA III**
dates to be announced
- * **EDDIE STONE**
dates to be announced
- * **VINCENT TRAVERS**
Paradise Restaurant, New York
Broadcasting, NBC network

(more to follow)

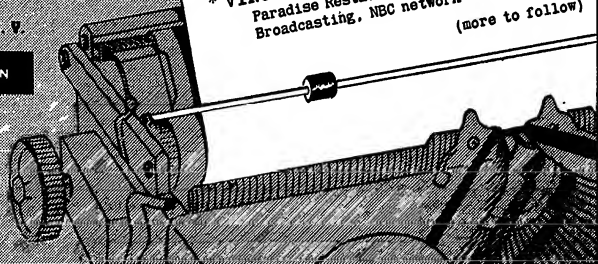
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WASHINGTON SEES CONGRESS PROBE OF FCC; ROOSEVELT'S DISGUST A FACTOR

Just What Will Happen Not Clear—McNinch Incensed at Colleagues and It's Mutual—Congressmen Wear 'Told You So' Smiles

Washington, Jan. 31.—Scant chance that Congress will alter the Communications act—either to lay down more specific regulatory policies or overhaul the administrative machinery—without a thorough study of the whole broadcasting picture was seen in political circles this week. President Roosevelt's announcement that he is 'thoroughly dissatisfied' with the way the FCC has been functioning has not only turned attention to the strifed-ridden agency but has also revived demands for a comprehensive airing of the industry's needs, public desires, and control methods.

Preliminary moves were made with unusual promptness last week after Roosevelt requested immediate legislative action, but the outlook now is for considerable discussion and study before any results become visible.

The President's plea—embodied in a letter (Variety Jan. 25)—was sympathetically received but differences of opinion immediately cropped out concerning the way to reach the objective. Uncertainty also seemed to exist in Roosevelt's mind, inasmuch as he placed emphasis at a press conference on the urgent need for clearer policies while his communications stressed primarily the idea of carrying out 'a satisfactory reorganization' of the regulatory unit.

On the heels of the President's letters to Senator Burton K. Wheeler and Rep. Clarence F. Lea, chairmen of the Interstate commerce committees, the following developments took place:

1. Disclosure that a special advisory committee has been surveying the situation secretly for several months but is in no position yet to present any recommendations for remedial action.

2. Offer of complete cooperation from the NAB, with President Neville Miller pleased at the request for policies 'so clear that the new administrative body will have no difficulty in interpreting or administering them.'

3. Introduction of a sharply worded resolution—far broader than any ever presented before—calling for a special House committee to delve into the record of the FCC as well as into social and economic phases of broadcasting and the industry's conduct.

4. Persistent rumors that the President contemplates a full house-cleaning, with none of the present regulators continued in office after the legislative changes occur.

5. Favorable action on the nomination of Commissioner Norman S. Case to a seven-year term despite the plan to scrap the present set-up.

McNinch Favors Three

Regulators Instead of 7

Substitution of a three-man Commission for the present group of seven bosses was urged on Senator Wheeler and Representative Lea last week by Chairman McNinch within

48-hours after the President's letter had come to light. What policy ideas the FCC whipcracker thinks should be embodied in the law were not disclosed, however, as the White House favorite refused to make any statement going beyond the matter of reorganization.

The President's move appeared in the light of later disclosures to have been premature. Reportedly precipitated by McNinch, who rushed to the White House in anger over the failure of the FCC's own rules committee to consult him before releasing its lengthy report recommending new allocation policies and practices.

Delay seemed inevitable for several reasons, no matter how strong the Chairman's yen for haste. Several reasons for expecting Congress will take its time, among them a disagreement between Wheeler and Lea about how to tackle the chore, the political situation, and the more pressing business already on the fire. While the Senate's committee chairman is inclined to hurry, the leader of the House group showed no intention of sprinting.

Agreement was reached by Wheeler and McNinch about the desirability of pruning the FCC, but Lea felt the best procedure was to move cautiously. Although the Chairman is impatient to have the agency sliced to three men, the House member was sure it will be imperative to hold hearings and voiced his belief that members of Congress will want to know all the reasons for making such a move.

Furthermore, considerable time must pass before his group—now up to its ears in transportation legislation—can get around to communications. Wheeler said, however, he might introduce a bill this week, as soon as McNinch submits a draft and he can study it in company with Senator Wallace E. White, Jr., of Maine, one of the co-authors of the original Radio Act.

Corcoran-Cohen Looking Into Regulation History

The policy side of the problem—which seemed uppermost in the President's mind at his press conference late Tuesday (24)—apparently cannot be tackled for some time. Brain-trust group, including Thornton Corcoran and Benjamin Cohen, has not finished a far-reaching survey which goes deeply into the past troubles of the Commish. Eventually they are expected to present a detailed report to the President, who probably will shoot it along to Congress for consideration in making substantive alterations in the statute.

Disputes over the method of approach already are developing. In the minds of many legislators, to ask for different administrative machinery first is a case of putting the cart before the horse. In addition there have been expressions of wonder why a reorganization cannot be accomplished within the limits of

the present law. Furthermore, there are conflicting opinions within the Corcoran-Cohen circle, majority of whom favor a solution radically different from that advanced by McNinch.

The idea in greatest favor with the brain-trusters unquestionably will complete the work of getting any legislation to the White House. Principal feature of the scheme tentatively worked out and still being discussed among the inner circle calls for complete scrapping of the FCC and creation of a far different regulatory machine. At present, these thinkers believe all administrative work—issuing licenses, promulgating technical standards, passing on applications, research, and checking on rates of wire communications—should be turned over to a nonpartisan Federal Communications Department. The semi-judicial and legislative functions would be entrusted to a separate policy-making board which would entertain appeals from the actions of the administrator, who probably would be a new assistant secretary of commerce.

Political Motives Sure

To Be Scented by G.O.P.

Any proposal of this sort is sure to cause controversy. It is patterned after the recent recommendations of the committee which framed the government reorganization program that Congress wouldn't swallow last year. Even the preliminary disclosures have stirred up opposition already with Republicans taking the view that brain-trusters want to grab more power and are trying to put radio more completely under Roosevelt's thumb in anticipation of the 1940 Presidential election. Industry observers who heard about such a possibility were hostile. Searing words will be vituperation and more, not less, political influence.

With McNinch no hero in many parts of the Capitol, his scheme can hardly get through without close ogling. Mention already has been made of the fact that he has put off two different reorganizations—first abolishing the three-man radio, telephone, and telegraph divisions and later wiping out the examining department—without fixing things to suit him. Some observers think the Commish now is violating the law, which says the agency will 'divide the members thereof into not more than three divisions.'

The slant taken by Wheeler is that a smaller body will work more harmoniously and with greater speed, particularly if it delegates detailed tasks and routine work to competent subcommittees. The difference in numbers alone would be more or less a matter of going back to the setup that McNinch felt it was necessary to wipe out within a few weeks after he took the helm.

McNinch has expressed the generalized thought the law should be more precise, but he never has seen it to state in what connection. The President wants Congress to give the regulators some rigid yardsticks but he is leaving up to Congress the exact nature.

More Power to Existing

Ownership Draws Frown

Idea which the brain-trusters feel ought to be concisely stated in the act is that the regulators shall not take any action or adopt any policy which would tend toward further concentration of power and ownership in the broadcasting field. Desire is to prohibit newspapers, networks and proprietors of more than one station from acquiring any additional outlets in order to put meaning into the anti-monopoly declaration now embodied in the 1934 act. They are searching for a way to express their feeling that profits in station sales should be limited rigidly, and are hostile to the idea of superpower. Also think more vigorous supervision necessary over the rate structure of telephone, telegraph, cable and point-to-point carriers.

Any move in the House to amend the law is virtually certain to blow the dust off the FCC. Animosity toward the Commish is deeper-rooted in the junior chamber, which last year heard repeated criticism of the regulators and the industry. If Lea goes ahead with his determination to hold hearings, the sessions will

Horror in Mimeograph

Washington, Jan. 31.

Newfangled ideas of the FCC in mimeographing decisions, applications and other data from the docket section, short-circuited last week to produce most confusing document yet released.

Always sloppy about punctuation, paragraphing and general make-up, the mimeograph section turned out a 17-page muddle in which a list of applications set for hearing skipped from page 2 to page 15, where it was continued without any identification as to the type of action. Intervening pages were filled with a scramble of license renewals which were split up into two parts, one of which was headed 'hearing docket.' Usual batch of 'temporary' renewals—dated for the regular six-month period—reappeared, but in a new form with the nature of the application buried in the text.

become an open forum for both mudslingers and sincere critics. Lea said he is aware of reports the FCC has been filled with strife and dissension but also indicated he cannot see how fewer persons can handle the load.

While McNinch is playing a leading role, his standing in the Administration is a matter of speculation. At the Capitol, he made a distinctly unfavorable impression on members of the House Appropriations Committee a week ago—so bad, it is said, that one Democrat promptly telephoned President Roosevelt that he cannot longer defend the agency and that he feels McNinch has fallen down on the job—and there are recurring rumors he has lost caste at the White House. While the latter are difficult to reconcile with Roosevelt's actions, listeners kept hearing the President does not plan to keep McNinch at the helm much longer. In some quarters, it is felt, Roosevelt in asking Congress to tackle the matter of improving the FCC sought to get rid of a difficult dilemma.

Whether other members of the Commish will sit back and allow McNinch to reorganize them out of their jobs is doubtful. Before any final draft of legislation is agreed upon, some of them, at least, are expected to do some talking about what has happened behind the scenes. If they do not want to take the initiative, several lawmakers are ready to have themselves 'invited' to testify and give their views as to what is wrong and the best remedies.

Appropriations Bill Coming Up; Promises Fireworks

Political situation at the Capitol is not encouraging for advocates of a quick house-cleaning. The day after the President's request became known, Rep. Lawrence D. Connery, Massachusetts Democrat—he led the unsuccessful fight for an investigation last spring—came out with a resolution which was a blistering indictment of the Commish and renewed his demand for a top-to-bottom probe. In another week the House will have before it the Independent Offices Appropriation Bill, which carries money for the FCC, and debate is sure to draw attention to the secret hearings at which several members subjected McNinch to a stern grilling.

The newest Connery resolution hits an all-time high in criticism of

the Commish. Recalling last year's agitation, he pointed to the 'numerous charges of inefficiency, neglect and misuse of official power,' spoke about 'undenied allegations of corruption of public officials, directly or indirectly, by individuals, companies, and corporations,' directed Congressional attention to Administration 'promises that the situation would be cleaned up by the Commission itself,' brought up the 'purge' by charging that 'an attempt has been made to destroy all or a portion of the civil service status of employees,' and warned that the present chain-monopoly investigation 'if ever completed is expected to result in a whitewash of very serious charges.'

In addition to these reasons, Connery and Rep. Richard B. Wigglesworth, Bay State Republican who has been the most relentless FCC critic, repeated last year's reasons for an inquiry. Wigglesworth, a member of the Appropriations unit which quizzed the Commish members a week ago, reintroduced the resolution originally written by Senator White in an attempt to bring about a dispassionate fact-finding study to see about rewriting the law.

F.D.R.'s Annoyance Is

Pleasant to Connery

President's confession he is disgusted with FCC conditions was encouragement to Connery. Request for overhauling 'is a strong endorsement of my continued demand for a Congressional investigation of the Federal Communications Commission and their promotion of a radio monopoly,' he said, although regretting 'the President did not elaborate on the trafficking in licenses nor the sale of radio properties for huge sums of money for the benefit of a few radio racketeers.'

Regardless of what is in mind or in prospect, Governor Case received formal pat on the back from the Senate Interstate Commerce Committee, Friday (27). Without conducting the anticipated hearings, the group recommended that his nomination be confirmed, even though he may be marked for replacement, and reputedly is on McNinch's blacklist. Senator Wheeler gave up the idea of quizzing Case after the President brought matters to a head with his letters.

ANNOUNCER LOSES TULSA LIBEL CASE

Tulsa, Okla., Jan. 31.

Jury in Judge Harry Halley's district court here rendered an unanimous verdict to the World Publishing Co., which had been sued for \$75,000 damages in a libel action brought by John W. Harrison, former Tulsa radio announcer, now unemployed.

Action resulted from the erroneous identification of a John A. Harrison, arrested for drunken driving, as a radio announcer.

Patsy Kelly Signed

Patsy Kelly replaces Honey Chilo (Patricia Wilder) on the Bob Hope-Pepesodent show (NBC), starting with this Tuesday's (7) broadcast. It's a 13-week assignment.

The comedienne has done several guest appearances on the series within recent weeks.



HOT STOVE LEAGUERS ARE HOT SALES PROSPECTS!

New Yorkers are sports fans—and buyers of merchandise! That's why WHN's up-to-the-minute program of sports news, gossip, and guest celebrities, directed by popular DICK FISHELL, is a great bet for your product. Here is a sports resume that has a following...on the air nights at 6:45 p.m. Write or wire for details.

WHN
DIAL 1010
NATIONAL SALES REPRESENTATIVE
GRAND CENTRAL STATION
NEW YORK 17, N.Y.

LOOK reveals the facts of RADIO CENSORSHIP

FULL government censorship of radio is the aim of thirty congressmen who will try to push bills through during the present session, declares the newest issue of LOOK MAGAZINE. Everybody in radio should read this vital article, which also presents the facts of censorship incidents in connection with Father Coughlin, Walter Winchell, Fred Allen, General Johnson, W. G. Fields, Jimmie Fidler, Tommy Dorsey, Mae West, Alexander Woolcott and others. Ask the nearest newsdealer for the latest

LOOK MAGAZINE ON SALE NOW 10c

Regulating Specialists

Washington, Jan. 31.
Special kitchen cabinet advising President Roosevelt on communications problems has a distinct regulate-to-the-hilt tinge. Group includes: Frank Murphy, attorney-general; Robert Jackson, solicitor general and former head of the anti-trust division; Frank R. McNinch, FCC chairman; Thomas Corcoran and Benjamin Cohen, members of the brain-trust and unofficial White House secretariat.
In company with Senator Burton K. Wheeler, chairman of the Senate Interstate Commerce Committee, and supposedly other solons not identified, President had a serious chat about the matter last Sunday night with some of the group.

CHURCH ASKS AUDIT OF KFXXR'S LAST YEARS

Oklahoma City, Jan. 31.
Ghost of old KFXXR isn't buried yet. Up in district court here has popped a suit on behalf of the Exchange Avenue Baptist Church, asking that B. C. Thomason, former operator of KFXXR, produce books on expenses and net income of the station during the three years it was under his management, ending in May 30, 1938.
Church insists that Thomason has not paid it 10% of the net income as agreed under the lease, and hasn't shown audits or statements of the expenses and income.
KFXXR was, before being sold to the Plaza Court Broadcasting Co., which changed its call letters to KOCY, had the highest percentage of corn, high-pressure gospel and mediocre talent of any in the southwest.

Snedden Weir Off WOKO; Joins Music Conservatory

Albany, N. Y., Jan. 31.
Snedden Weir, for several years studio manager of WOKO and more recently director of its Troy studio, resigned to join the faculty of Morris-Hummel Conservatory of Music in Albany. A baritone and one-time member of Roxy's Gang, he had broadcast over New York City key stations before coming to Albany with transfer of WOKO in 1931.
His wife, Betty Roberge Weir, former WOKO pianist, teaches at the Conservatory.

Staff Shifts at WDAP

Kansas City, Jan. 31.
WDAP has Guy Runnion as announcer. Formerly with WIBW, Topeka.
Don Paul, member of the WDAP staff past three years, has resigned, going to Denver.
John Gaunt has been assigned to the Music Box Revue program daily, substituting for Gene Crum, who has handled broadcasts from the Muehlebach hotel. Crum has taken leave of absence for trip to California.
Dean Fitzer, station boss, has cancelled an intended vacation and rest cure to Florida. Following a siege of strep throat, station manager was ordered to summer climates, but rapid recovery keeps him in K. C.
At KCMO John Harrison has taken a position in dual capacity of announcer and vocalist, bringing announcing staff to membership of five.

DUCHIN B'CASTS FROM TOUR

For the next 12 weeks the Eddy Duchin-Pall Mail show emanates from out of town due to a theatre tour for which Duchin had been committed. Duchin opens in Detroit this week with Pittsburgh to follow.
Morton Downey, who recently joined Duchin on the program, will train out of New York each week to whichever city the program is to air from.

Satisfied Sponsors

THEY REACH THE FOREIGN RESIDENTS

69%

of Metropolitan New York's population through our SPECIALIZED SERVICE

WBNX NEW YORK

1000 WATTS DAY AND NIGHT

The Station that Speaks Your Language

WOWO TAKES A BOW

Ft. Wayne's 142 Days Without Accident Linked to Program

Fort Wayne, Jan. 31.
'Hey! Mr. Motorist,' WOWO's safety series, has been instrumental in improving Fort Wayne's traffic record since the start of the series in August, 1937. The climax was reached recently when the city completed 142 days without a traffic fatality, exceeding by a great margin the previous national record held by Providence, R. I.
Local police officials have expressed appreciation for the cooperation of the station in the city's safety drive.

Edith Perron Joins NBC

Chicago, Jan. 31.
Shift in the NBC press department locally brings in Edith Perron from the Howard Mayer indie press offices.
Appointment made by p.a. chief-tain Bill Ray to replace vacancy caused by sream of Marge Kerr to New York to join the Fitzdale outfit.

STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

'Convention' By Radio

Providence.
An all-radio convention originating in the studios of WPRO is being organized by Steve Willis, station manager. Over a period of years the Rhode Island Department of Agriculture has held conventions and conferences which have drawn dairymen, cattlemen and farmers from all parts of the State. In recent years there has been a diminishing response and last year radio was used to broadcast some of the proceedings.
Instantaneous favorable comment on the procedure brought about a change in plans and this year an all-radio conference has been arranged. All delegates and other members of the Association will be sent a complete radio program.
Two broadcasts per day, each varying between 15 to 45 minutes for a period of seven days, will compose the convention program. Talks are scheduled by Gov. William H. Vanderbilt, who is considered one of

the State's most successful farmers; dairymen, cattlemen, fruit growers, bee-keepers, farm women, Granges and 4-H Clubs.

Roaring Forties

Los Angeles.
Jobs for those of middle age is the purpose of 'Are We Through at 40?' airing over KEHE. Frank Johnson hatched the idea and presides at the half-hour broadcasts. You've got to be over 40 to get on the program.

Nut Stuff at WOWO

Ft. Wayne.
WOWO's billboard, featuring the nut stuff of John Hackett, station's chief sports gabber, has become top mail puller. Typical stunt is a weekly interview with Filbert the Fly, staged by playing a 33 1-3 r.p.m. transcription at 78 r.p.m. The result—a solemn Memorial Day speech becomes a tirade in super-soprano, absolutely unintelligible and uncountable clever.

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



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.

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.

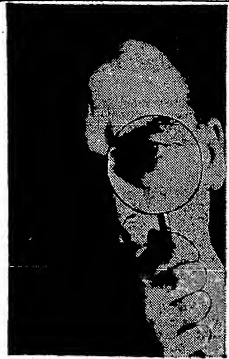
If you are planning a radio campaign whether national or regional... learn just how much WLW can offer at decidedly lower production costs.

WLW

ONLY WINNER OF
TWO

VARIETY
SHOWMANSHIP AWARDS
FOR PROGRAM ORIGINATIONS
1936 1938

(ADVERTISEMENT)



ARE YOU LOOKING FOR A "SPOT" PROGRAM IN BALTIMORE?

Here are 4 surefire "hit shows" available for sponsorship on WFBR

"FU MANCHU"

6.45 to 7 p.m., Mon., Wed., Fri.
A thrilling transcribed show of the adventures of one of the most famous characters of current magazine literature. 39 thrilling 15 minute episodes. A tremendous audience awaits this show. Numerous tie-ins and publicity devices available. Transcription cost \$35 per program.

"PARADE OF YOUTH"

7.30 to 8 p.m., Tuesday
A program... of, for and by YOUTH. Through the cooperation of the Baltimore YMCA, their membership of 1500 boys is available as a nucleus for this broadcast. Brent Guntz, master of ceremonies, puts on a fast-moving, entertaining 1/2 hour show. Music by Joseph Imbroglino's NBC orchestra. Talent cost: \$100 per broadcast, including music.

"SMILE-A-MINUTE"

LIMERICKS

5 minutes--day or night time

A snappy 5 minute show based on a series of nonsensical limericks—all original—with piano accompaniment. Climaxed by unfinished limerick with prizes for best last line. Pulled 2,026 pieces of mail in 19 broadcasts. Talent cost per program \$15, (5 weekly for \$50) prizes extra.

"SONG-MAKERS"

15 minutes, day time

15 minute program with pianist and vocalist who are also well-known composers, actually composing original songs on the air. During each program, words and music of a song are written around the best title submitted by listeners. Prizes are given for best titles. Talent cost: \$50 per broadcast, prizes extra.

**IN BALTIMORE
IT'S
WFBR**

NATIONAL REPRESENTATIVES
EDWARD PEIKY & CO.

ON THE NBC RED NETWORK

F. C. C.'s WASHINGTON DOCKET

MAJOR DECISIONS

Washington, Jan. 31.
North Carolina: (1) New smallie for Goldboro last week received Commission okay, when it was developed that need for additional service existed in the tobacco and cotton-growing community. Request for 1370 kc with 100 watts was made by the Eastern Carolina Broadcasting Co., with eight residents of the town, headed by A. T. Hawn, forming the board of directors. Deal will give Jonas Weiland, owner of WFTC, Kingston, 30 shares of the authorized capital stock of 250 shares common with a par value of \$100 per share.

Goldboro and surrounding Wayne County described as "growing community" by FCC Commissioners, who pointed to an increase of 10,000 in the population of the county from 1920 to 1930 and a boost of nearly 4,000 to the town during the same period. Retail trade in Goldboro also has grown to a point where the proposed transmitter could be self-supporting. No primary service in the town at present, Commission declared.

With \$14,369 in the treasury, corporation is in a position to start construction at once. Estimated cost of the station was placed at \$10,370.

Applicant was represented by Arthur W. Scharfeld, Philip G. Loucks and Joseph P. Zia.

(2) Plea of WMFD, Wilmington, for operation nights as well as days and a daytime power boost from 100 to 250 watts granted by FCC. Commission order that the transmitter may serve a more extensive area than before "except possibly in the direction of Goldboro."

Daytime smallie, which has been getting by with an annual net profit of \$14,363 could raise its monthly revenues \$1,500 per month—partly through an increase in advertising rates and partly through new night accounts. Operating expenses would be raised approximately \$225 monthly, and estimated cost of proposed improvements was set at \$5,500.

Station is in good financial condition. Commission found assets of \$3,387 and no liabilities. Personal assets of Richard Austin Dunlap, applicant, were set at \$20,547—apart from the WMFD holdings.

Granting of the application involves interference from a new station at Goldboro (see above) to WMFD's approximate 1.5 millivolt per meter contour, daytimes, and the Goldboro station is expected to receive interference to its approximate 1.4 millivolt per meter contour during the same hours. Interference would be in an elliptical pattern limiting WMFD in the direction of Goldboro to a distance of approximately 14 miles, Commission admitted, but through the location of the station will be able to serve approximately the same area which it now covers.

Elmer W. Pratt appeared for applicant.

MINOR DECISIONS

Alaska: KGBU, Ketchikan, granted extension of temporary license to March 1, pending action on regular renewal application.

Arizona: KUMA, Albert H. Schermann, Yuma, granted extension of temporary license to March 1, pending determination upon pending application for renewal.

Arkansas: KTHB, Hot Springs Chamber of Commerce, Hot Springs National Park, granted extension of special experimental authority to operate on 1050 kc with 10 kw, 10 p.m. to 1 a.m., for 100 days, from 8 a.m. to local sunset, suspend until 8 p.m., and limited time from then until midnight, for the period ending Aug. 1.

California: KTHB, Thomas E. McManamy and William H. Bates, Jr., Modesto, granted license on temporary license only (although from Feb. 1 to Aug. 1 was specified) pending action on renewal application.

Connecticut: WTIC, Hartford, granted extension of special experimental authority to operate simultaneously with KRIL, Dallas, Tex., with 10 kw, to Aug. 1.

Illinois: WMAQ (NBC), Chicago, granted temporary license subject to Commission action on pending renewal license and on application of University of Wisconsin (WIS) for construction permit. For period no longer than Aug. 1; WMAQ, Corn Belt Publishers, Inc., Chicago, granted petition for license to operate on 1050 kc with 10 kw, to Aug. 1, for control of station to Ralph W. Dawson, transferee.

Maryland: WBAI, Baltimore, granted extension of special experimental authority to operate simultaneously with KTHB, Hot Springs, Ark., on 1050 kc with 10 kw, from 8 a.m. to local sunset at Hot Springs, and from then to 1 a.m., and to operate synchronously with WJZ, New York, on 760 kc with 1/2 kw, using directional antenna after 9 p.m., to Aug. 1.

Massachusetts: WIXOE, Yankee Network, Inc., Boston, granted application for reinstatement of a construction permit for station on 1050 kc with 10 kw, to Aug. 1, for an experimental basis; frequencies 129000, 135000, 140000 and 145000 kc, subject to change without prior notice, 200 watts transmitter, 100 ft. tower, and other program, with modulation from a site in Boston for a new multiplex broadcast service to be transmitted from a 50 kw experimental high frequency station located at the same place.

Michigan: WLLS, Harmon LeRoy Stevens and Herman LeRoy Stevens, found business as the Port Huron Broadcasting Co., granted extension of license of 1050 kc on a temporary basis only, in no event longer than March 1.

Nebraska: WQAG, Norfolk Daily News, Norfolk, present license extended to Aug. 1, pending Commission action on regular renewal.

New York: W2XAP, General Electric Co., Schenectady, granted addition of 1050 kc to frequencies 4150 and 2150 kc, for assignment of 650 kc, on temporary basis only; WBSG, Cornell University, Elmira, granted extension of special experimental authority to operate on 850 kc with 1 kw, from

daylight to sunset at New Orleans, to Aug. 1 (also granted renewal of license on a "temporary" basis to Aug. 1).

Ohio: Crosley Corp., Cincinnati, granted license for new facsimile broadcast station on an experimental basis under the provisions of Rules 980-987 and 1040-1045 to operate on frequency 85000 kc on an experimental basis only conditionally, 1 kw. WHKC, Associated Radiotelect Corp., Columbus, granted temporary extension of license to Aug. 1, pending action on regular renewal application and on application of WKBN for modification of license; WLW, Crosley Corp., Cincinnati, granted extension of special experimental authorization to operate with 500 kw, using directional antenna nights, temporarily only pending action on WLW's renewal application.

Oregon: KVVJ, Portland, granted extension of special temporary authority to operate on 1040 kc, limited time, and resume operation from 9 p.m. to 3 a.m., PST, to Aug. 1 (also granted extension of license on temporary basis to Aug. 1).

South Dakota: KRSD, University of South Dakota, Vermillion, granted further extension of license to March 1, pending determination on application for regular renewal.

Tennessee: WYAP, W. A. Patterson, Chattanooga, further temporary extension of license to March 1, pending action on regular renewal application; WRBC, WRBC, Inc., Memphis, granted voluntary assignment of license from WRBC, Inc., to Hori B. Wooten, doing business as WRBC Broadcasting Service.

Virginia: WGEH, Newport News, granted petition to reconsider and without hearing applicant for extension of license to transfer control of corporation from James W. Baldwin to the Daily Press, Inc.

Washington: K2OS, Bellingham, license further extended on temporary basis only, pending action on renewal application and that of Bellingham Broadcasting Co., Inc., for construction permit.

SET FOR HEARING

Alabama: WHMA, Harry M. Ayers, Anniston, increase time of operation from 100 watts days to 100 watts unlimited.

Arizona: M. C. Reese, Phoenix, new station to be operated on 1050 kc with 100 watts nights, 250 watts days.

California: KPVD, Standard Broadcasting Co., Inc., Los Angeles, change power and time of operation from 1 kw, 1050 kc with 100 watts nights, 1 kw days. (To be heard before the Commission.)

Florida: WMRB, Jacksonville, change frequency from 1370 to 1120 kc with 100 watts nights, 250 watts days, 500 watts nights, 1 kw days, using directional antenna nights.

Iowa: W. B. Greenwood, Tpeka, new station to be operated on 1370 kc with 100 watts nights, 250 watts days; WTSW, Emporia, Emporia, increase time of operation from 100 watts nights, 250 watts days, to 500 kw nights, 1 kw days.

Massachusetts: C. T. Sherer Co., Worcester, new station to be operated on 1200 kc with 100 watts nights, 250 watts days.

North Carolina: Cabarrus Broadcasting Co., Concord, new station to be operated on 1370 kc with 100 watts nights, 250 watts days.

North Dakota: KOVC, Valley City, change frequency from 1600 to 1340 kc, boost power from 100 watts nights, 250 watts days, to 500 kw nights, 1 kw days.

Texas: KPFT, Paris, increase power and time of operation from 250 watts days only to 100 watts nights, 250 watts days, 500 kw nights, 1 kw days.

Vermont: WQDS, St. Albans, change time of operation from days only to days and local sunset at WHEC, Cleveland.

Washington: Bellingham Broadcasting Co., Inc., Bellingham, new station to be operated on 1200 kc with 100 watts nights, 250 watts days (requests facilities of KVOB, Bellingham).

Wisconsin: WJMS, Ashland, construction permit already in hearing docket, amended to request operation on 1370 kc with 100 watts; WBAI, Central Broadcasting Co., Eau Claire, boost power from 100 to 5 kw (set for hearing because of possible interference with Canadian station CBM during winter months).

NEW APPLICATIONS

Alaska: KINT, Edwin A. Kraft, Juneau, increase power from 250 watts to 1 kw and change frequency from 1430 to 740 kc.

New York: General Electric Co., Schenectady, new relay station on 6500, 41200, 41800 and 41900 kc, 100 watts, 41800 kc with 50 watts (superceding application requesting 41800 kc with 50 watts).

Wisconsin: WXA, National Life and Accident Insurance Co., Inc., Nashville, requesting 26150 kc instead of present authorized frequencies: WSM, National Life and Accident Insurance Co., Nashville, extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a.m., CST, on 650 kc with 50 kw.

KRBC, Remond, Remond, increase power from 100 to 250 watts; KONO, Mission Broadcasting Co., San Antonio, change hours of operation from 10 p.m. to 1 a.m., on 1050 kc (also requested on KMAC being granted new frequency); Brown County Broadcasting Co., Brownwood, new daytime station to be operated on 1370 kc with 100 watts.

Virginia: Patrick Henry Broadcasting Co., Martinsville, new station to be operated on 1420 kc with 100 watts nights, 250 watts days.

oral arguments before any final consideration was given the recommendations.

Another phase of Justice Miller's decision that held deep interest for radio lawyers was his discussion of WKBB complaint the Commission was influenced by unpublished memoranda from its staff. If any peeved applicant can prove the secret recommendations played part in the final decision, he can get a reversal under the principle set forth in the decision. Justice Miller said while administrative efficiency may justify consultation, an order would be void if based on facts not in the visible record. Every applicant is entitled to an open hearing and star chamber proceedings are indefensible, he remarked.

Efforts of the three-man rules committee to prevent repetition of the leaks which characterized presentation of its report on WLW's superpower application caused more FCC strife. Trio enjoined the mimeographing force not to reveal what they were stenciling and ordered the document Jan. 14, be sealed as soon as it was reproduced. Remembering how many lobbyists and lawyers had inside tips last October on the WLW findings, Chairman McNinch promptly went through the roof, though the committee had informed all parties they would be entitled to study the report, file exceptions, and ask leave to present

Washington Lobby

BAKER N. BARBER'S SHOES AT WSAT

Cincinnati, Jan. 31.

Roger Baker, with WGR, Buffalo, for the past several years, was sighted today (Tuesday) to succeed Red Barber on WSAT as announcer of the Reds' National League ball games.

Jim Shouse, g.m. of the Crosley stations, closed the Baker deal via phone. Barber, who had aired the Reds' games since 1934, recently signed with General Mills to introduce big league broadcasting in New York this season.

Web Engineers Install

Clipper's Transmitter

Seattle, Jan. 31.

C. J. Houldson, CBS engineer from New York, now here installing a special 100 watt transmitter in the Pan American Clipper for the proposed trans-Atlantic service. He has been on the ground since Jan. 14, but has been unable to get to his work in the ship because of the many test flights and experimenting by the airplane people.

James Hatfield, KIRO chief engineer, is assisting in the installation. NBC also has a man on the ground and it is understood that both nets will work on a share-alike basis.

WLW EQUIPMENT

GETS GOING-OVER

Cincinnati, Jan. 31.

Several improvements have been mapped out for the Crosley radio properties. These include the building of two new 50,000-watt transmitters for the short wave station, W8XAL, and perfection of W8XNU, ultra-high frequency station, which is now operating on an experimental basis. Later has a regular schedule of daily broadcasts, running from 8 a. m. to 1 a. m., and consisting largely of network sustainers not available to local audiences through other Cincy outlets.

Crosley's technical supervisor, R. James Rockwell, declared last week that WLW has just completed a two-year program to make the station an ultra-modern high fidelity sound-center. Not only is its efficiency considerably beyond the FCC standards but the possibility of a broadcast being interrupted is only 1/12 as great as previously, due to the addition of elaborate automatic switching equipment.

Symons' Iridesome Imitator

Portland, Ore., Jan. 31.

To add to the troubles of Thomas W. Symons, owner of KXLI, a click check artist has been forging his name around the burg. He specializes in hotels and apartments for victims. The forger rents a room, pays by check bearing Symons' name, and gets \$15-\$20 in change. Then he disappears. There have been 18 such cases reported.

It Speaks Their Language

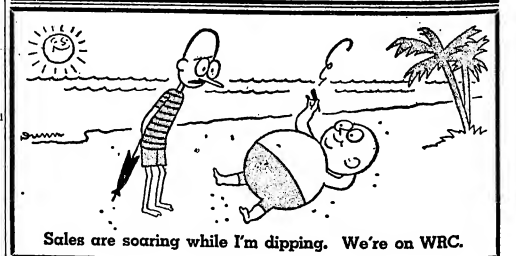
CKAC MONTREAL

1. Every salesman knows that the best way to sell goods is to talk in the customers' language.

2. Three-fourths of your customers in Montreal speak French.

3. CKAC speaks French.

Canada's Busiest Station



Ten Years Ago Short Wave was *News* ...Today it *Supplies* News



NBC Short Wave Pick-ups Write History
in the Skies!



© National Geographic Society, 1937

ADVENTURE... in 1937, one of the historic NBC short wave pick-ups came from the distant South Seas, where in tropic heat NBC painted a 15-minute word picture of the longest total eclipse in 1200 years.



THRILLS... last year NBC brought a thrill to millions, when, for the first time Dragomen, Arabs and Egyptologists broadcast from the base of the Gizeh Pyramid in Egypt—and from within the tomb of Cheops.



NEWS... in 1938 when Europe tottered on the brink of world-wide catastrophe, NBC brought listeners the news as it happened, through eye-witness, first-hand accounts—keeping Americans better informed about conditions "over there" than the Europeans themselves.



ENTERTAINMENT... only recently, Charles Laughton and Elsa Lanchester... stars of the Paramount Picture, "The Beachcomber"... were separated by the Atlantic Ocean. But with one in NBC's New York studios and the other in London—they enacted scenes from their picture on the "Magic Key of RCA"—without a flaw!

It is February 1, 1929...at NBC Headquarters in New York a young announcer, with more than a trace of excitement in his voice, speaks to the audience of the 30-station NBC Network: "NBC today brings you a surprise...a program coming to you by short wave direct from England!"

Following this startling announcement, listeners of ten years ago were amazed to hear part of a symphony concert coming into their homes right from London's famous Queen's Hall, via BBC Station 5SW, Chelmsford, England. It was a great event—heralded by newspapers from Maine to Mexico as an outstanding achieve-

ment. Millions spoke of it in awed tones. It was NEWS!

But the news of a decade ago has become the nation's news servant of today. For since that first short wave broadcast of 1929—covering 3300 miles—NBC has brought listeners on-the-spot short wave broadcasts in ever-increasing number (556 of them in 1938)—and from such far-away lands as Kenya, Egypt, Tunisia, Russia, Greenland, Australia, Canton Island, and countless others. As many as 9800 miles have been spanned by radio.

NBC takes pride in the great public service its short wave pick-ups perform. For this is another of its many services that make life as we know it today fuller, happier, and more thoroughly informative than ever before!

National Broadcasting Company

THE WORLD'S GREATEST BROADCASTING SYSTEM

A Radio Corporation of America Service

Fulton Lewis, Jr., Reopens Fight For Radio Admish to Capitol

Washington, Jan. 31. Radio's right of admission to the U. S. Capitol may be laid before the Senate Rules Committee, said to be veering toward lower barriers. Hot potato currently is worrying the standing committee of correspondents who administer the press galleries and in the past have kept microphone reporters on the outside.

Initial session of the new correspondents' committee to pass on raft of membership papers last week found the five scribes ducking the petition of an ex-colleague, Fulton Lewis, Jr., now commenting for WOL and the Mutual web. All of the pencil pushers were unwilling to take a definite stand, with most of them reported embarrassed by the logic used by Lewis in backing up

his request. Publisher pressure is feared.

If his former pals insist on the tradition that only reporters for newspapers and wire services merit use of the galleries, Lewis plans to lay the issue before the Rules Committee, which includes two publishers, Senators Harry Flood Byrd of Virginia and Arthur H. Vandenberg of Michigan. Clear majority is disposed to give radio the same privileges as the press.

Taking high rank as a logician, Lewis in his application told the correspondents he has studied carefully the rules and is in a position to comply fully with all the provisions relating to eligibility. Only question is whether the correspondents appreciate the broad and true purpose that Congress had in mind when the press gallery was established or adheres to the horse-and-buggy concept that only newspapers were ever intended to keep an eye on the legislative operations.

"It would be very simple to circumvent this entire problem by merely assuming a newspaper connection, thus becoming eligible to the gallery on that score," Lewis wrote, "but I feel that is mere evasion of a question which sooner or later must be met squarely and honestly."

Only matter that must be settled, he added, is whether radio legmen are to have the same facilities as press gatherers. No thought that all newscasters who read bulletins obtained from a regular news service should be admitted, Lewis emphasized that he gathers his own facts in exactly the same way he used to while working for the Hearst wire services. Committee was asked to determine:

1. Whether the press gallery 'was set up as a facility of free and honest government, to keep the American people informed on the developments of their servants in Congress.'
2. Whether the printing business received 'an exclusive charter' and a perpetual monopoly, regardless of later developments in methods of carrying news to the public.

SOUTH WITH TEAMS

St. Louis Sportscasters Follow Ball Players to Camps

St. Louis, Jan. 31. Hyde Park Brewing Co. has signed a contract with KWK for sponsorship of baseball training camp activities of the Cardinals and Browns and is dickering with KMOX for a like sponsorship. Last year Hyde Park bankrolled such programs over both stations. John O'Hara and Ray Schmidt will make southern jaunt late next month while KMOX will send France Laux and Charles Casper for a similar stint.

Laux and Casper will make recording of clubhouse and playing field activities and pipe them to KMOX along with their nightly program. Following the training trip, O'Hara and Schmidt will team up in the pre-game, play-by-play and post-game broadcasts from Sportsman's Park, home of both clubs, and Laux and Casper will do likewise for KMOX. Casper was p.a. for the Browns before joining KMOX.

FRISCO NBC COPS A COUPLE FROM RIVAL

San Francisco, Jan. 31. Shifting back to the Coast NBC-Red network after a stretch on the Columbia web, the Cardinet Candy quarter-hour "Night Editor" program with Hal Burdick as author-narrator begins a new series tonight from the local NBC studios. Show debuted in 1933 over NBC, and moved to CBS last September. Tommasche-Elliott agency handles the account. Incidentally, agency also represents KSFO, local CBS outlet.

KPO, NBC-Red key station here, gets another former KSFO program next Monday, Feb. 6, when the Holsum Bakery's "Sidewalk Reporter" half-hour programs shift to the 50-000 watt, with Dean Maddux and Helen Morgan continuing as interviewers on the twice-weekly broadcasts. Account is serviced by Leon Livingston agency.

Third new commercial program, "Oh, Teacher," sponsored by Rough Rider Mfg. Co., howed on KPO Friday (27), with Gene Clark conducting a quiz type of show in which questions are asked by school pupils and answered by a group of teachers. Pupils get prizes of Rough Rider cords or slacks if teachers fail to answer correctly. Agency is Emil Brisacher and Staff.

Philly Subs for Chi On Birthday B'cast

Chicago portion of the President's Birthday Ball broadcast Monday night (30) was cancelled because of the blizzard and a substitute session was held from Philadelphia. Douglas Fairbanks, Jr., Wayne Morris and Fred Waring's orchestra took part. Last minute switch was handled by Fredericka Millet, radio director of the President's Ball celebration.

Original plan was to broadcast portions of the program from New York, Philadelphia, Washington, Chicago and Los Angeles. All but the Chicago part went through as scheduled.

Cause of Clambakes?

Production head of one of the top ad agencies in radio has come to the conclusion that a program producer cannot function successfully unless he has some felicity for script doctoring. The producer, opines this exec, must not only have a keen sense of construction values but be able to fit the script to the exigencies of the program before or during rehearsals.

This agency has known scores of program directors but he can recall only a couple who could sit down and under pressure rework a script into the shape that it should be. In his opinion the sparsity of script doctors is as pronounced in Hollywood radio as it is in New York.

He contrasts this situation with the one which prevails in the legit field where the majority of producers or directors are adept at doctoring a script and where such ambidexterity is taken for granted.

WFBL, SYRACUSE, GETS BIG STANDARD ACCT.

Syracuse, Jan. 31. Believed to be largest commercial radio contract ever signed in Syracuse became operative last week when Standard Oil of New York began presentation of its Socony news broadcasts over WFBL. Contract calls for six news broadcasts each day, ranging from five to 15 minutes. Most of the station news-gathering and writing personnel is engaged in preparing matter for the broadcasts.

Program was launched with wide ballyhoo including house-to-house distribution of tabloid newspaper giving details of program, sketches of various announcers and pix showing studio scenes. Show heralded, also, by half-hour broadcast in which studio and company officials participated.

CBS Adds WRBL

CBS is adding one station and dropping one from its list next month. Newcomer will be WRBL, Columbus, Ga., which is to be attached to the Southeastern Group. Station operates on 250 and 100 watts with a nighttime base rate of \$125.

Meantime WBRK, Pittsfield, leaves the chain (and the CBS New England setup) on March 1.

KOCY's Baseball Setup

Oklahoma City, Jan. 31. General Mills sponsorship of the Oklahoma City Texas League baseball games will be heard on KOCY during the forthcoming year. Both the home and road games of the Oklahoma City Indians will be carried.

Ted Andrews will announce.

Follow Cleveland Ball Team

Cleveland, Jan. 31. Jack Graney and 'Pinky' Hunter, WKYC's baseball announcers, are giving to New Orleans March 6 with the Cleveland Indians to cover team's training period for home-station and Socony via transcriptions.

Duo will use WWL in New Orleans as a recording studio, putting resumes of practice games, interviews with baseball players, etc. in wax. Socony Oil okayed novel idea for 26 transcriptions, beginning March 10, which are to be air-mailed up to Cleveland one day in advance.

Same baseball setup as last year will be in effect when season opens. Socony sponsoring half of broadcasts via WWL and WHK the Sunday out-of-town games.

Everything Here BUT THE RHAPSODY IN BLUE

Favorite of the Southland

PAUL WHITEMAN

and his All-American Band

Feb. 5th—Cottillon Club, Savannah, Ga.
Feb. 7th—Gasparrillo Hall, Tampa, Fla.
Feb. 8th—Gasparrillo Hall, Tampa, Fla.
Feb. 9th—University of Florida, Gainesville, Fla.
Feb. 10th—"Yo Mystic Revelers," Jacksonville, Fla.

Broadcasting for **CHESTERFIELD**

CBS Coast-to-Coast, Wed. 8:30 p.m.

ARTISTS

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR FAMILY BRINGS YOU MORE LAUGHTER TEARS AND HEART-THROBS

Produced by Jerry Sebb 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

DR. COMPTON ADVERTISING AGENCY
MGT., ED WOLF—RKO BLDG., NEW YORK CITY

ANDY KIRK

and his CLOUDS OF JOY

Featuring Mary Lou Williams at the Piano

STATE BALLROOM
BOSTON—Indet.

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

A Young Man of Thirty-five 10 Years Radio Background

Seeks Ad Agency Affiliation

Presently employed New York City... Major network experience... Unusual knowledge, understanding of talent; its costs, contracts, usefulness... Metropolitan newspaper training; advertising and writing... Radio scripts... Production work with radio's important hours... Expert knowledge of music and musicians... And, above all, a keen, business-like grasp of the advertiser's problems in radio (and many of the answers) gained from years of close association with the country's largest radio advertisers and agencies.

Correspondence invited to arrange for personal interview. Address Box 24, Variety, New York.

WBAL

means business in Baltimore



JUST CONCLUDED

130 WEEKS FOR "TUMS"

THANKS TO WLW • H. W. KASTOR

THE SMOOTHIES

BABS • CHARLIE • LITTLE

PREVIOUSLY: OLD GOLD—52 WEEKS • FORD—52 WEEKS
ENO—26 WEEKS • COCA-COLA—6 WEEKS

W.M.A.

Direction **WILLIAM MORRIS AGENCY**

49,343 Kids Name Radio Faves

Eddie Cantor and Kate Smith proved to be the top air favorites with 49,343 boys and girls between ages of six and 16 polled in the latest Children's Preference Study conducted by the Boys Athletic League of New York. The boys gave Cantor No. 1 place and the girls showed they like Miss Smith most. In last year's poll Joe Penner was No. 1 with the boys, while Cantor was the girls' ace choice. Four followups with the boys this year were Jack Benny, Penner, 'The Lone Ranger' and Edward G. Robinson. Charlie McCarthy was sixth.

In 1937 the poll gave the boys' next four preferences as Cantor, 'Ranger', Benny and Bing Crosby. Four followups with the girls this year are Crosby, Cantor, Billy Brown and Penner. The 1937 poll showed the girls' next four best to be Benny, Crosby, Burns and Allen and Deanna Durbin. The poll this year made no mention of screen favorites. Billy House's standing was deemed significant by radio trade. Also that only two programs picked by kids were daytimers, viz 'The Shadow' and 'Let's Pretend.'

FRISCO PIE CHARTED FOR LAST 2 MONTHS

San Francisco, Jan. 31.

Comparison of total time sold on the four leading local stations during December and January, released last week by KSFO, Columbia Broadcasting System outlet, reveals that KPO ranks first, KSFO second, KFRC third, and KGO fourth in the amount of total network and non-network commercial quarter-hours sold. Spot announcements were not included in the tabulation.

KPO, the NBC-Red network outlet, had a total for the two months of 2,333 commercial quarter-hours, with an increase in both network and local divisions during January. KSFO's total for the two months was 1,896, with an increase in network commercials and a decline in local sponsored time this month. KFRC, with 834 quarter-hours sold for the two-month period, also showed a gain in network and a decline in local commercials in January. This month's sales for KGO showed a heavy increase in the network division and a slight decline in local sales, with a total of 221 commercial quarter-hours for the two months.

J. Walter Thompson Gets California Wine Acct.

Sacramento, Jan. 31.

Selection of J. Walter Thompson Company to direct the California wine industry's \$2,000,000 national advertising program was made Jan. 28, by the Wine Advisory Board through Albert Haentze, chairman, following approval by State Director of Agriculture A. A. Brock, who administers the program under the State marketing order for wine.

Advertising subcommittee interviewed eight of the nation's principal advertising agencies. Haentze said plans will be developed immediately and actual advertising of wine will begin in February on a national scale.

'This is the first time, in all the 170-year history of the California wine industry,' Haentze said, 'that it has ever embarked on a national advertising program to place wine in its rightful place as a table beverage.'

NBC Airing Hockey

NBC started broadcasting the professional hockey games from Madison Square Garden, N. Y., last night (Tuesday). Ice battles will only be aired on Tuesday and Thursday as Sunday eves are too clogged to permit games being carried. Play by play is called by Bill Stern.

Red net has arranged to pick up only the last period of each session, going on the air at 10:45 and remaining until game completion. Games are on sustaining basis.

5,000

Watts Day
1,000
Night

ALL YOU
NEED IN
CENTRAL
OHIO

CBS

Wons

Columbus, Ohio
John Blair, Rep.

KEEN Must Defend

Seattle, Jan. 31.

Superior Judge James Lawler overruled a demurrer of radio station KEEN, local small watt recorder, defendant in a \$25,000 libel suit filed by E. B. Fish, local labor negotiator. Fish sued the station, claiming damages to his rep because of a broadcast.

No date has been set for further hearings in the suit.

CBS on Frisco Exchange

Sacramento, Jan. 31.

Columbia Broadcasting System, Inc., has been granted listing on the San Francisco Stock Exchange.

Application covers 964,296 shares of Class A stock and 948,674 shares of Class B stock, both with a par of \$2.50.

RCA, G.E. at Frisco Expo

San Francisco, Jan. 31.

Television will be exhibited in complete detail at the 1939 Golden Gate International Exposition. RCA has signed contract calling for 15,000 square feet of floor space on Treasure Island. Will be the first West Coast showing of RCA experimental television. RCA also will show radio facsimile and other new developments in the field of ultra-short-wave transmission and reception.

General Electric has started the erection of two short-wave (radio) 70-foot towers at the fair.

WSAI's Downtown Spot

Cincinnati, Jan. 31.

A downtown sales office for WSAI was opened Monday (30) in the Netherlands Plaza hotel. At the same time the station and its big brother, WLW, took over the broadcasting studio in the same hospice for renewal of pipings to Crosley's home studios on Arlington street, several miles from the burg's business center.

Dewey Long, WSAI manager, will retain an office in the Crosley headquarters.

Until a year ago WLW-WSAI had a downtown office and studios in the Union Central annex for many months. With that setup it relinquished the Netherlands Plaza studio to WKCY, which this week opened a studio in the Hotel Gibson, where the L. B. Wilson station's business office has been located for some months.

The Netherlands Plaza studio, quite small, will be used mainly for convention and visiting celeb interview programs on Crosley's stations.

Agencies—Sponsors

B. T. Babbitt, Inc. (Babo), through Blackett-Sample-Hummert, New York, placed with KPO, San Francisco, its transcribed serial, 'David Harum.'

Burnford Chemical Works, Providence, R. I. (baking powder), airing two daily live announcements over KPO, San Francisco, for one year. Agency, Atherton & Currier, Inc., New York.

Flamingo Sales Co. (nail polish), through Buchanan & Co., Los Angeles, has signed with KSFO, San Francisco, for time signals six nights weekly for 13 weeks.

Chamberlain Laboratories (hand lotion), through John H. Dunham Co., Chicago, on KFRC, San Francisco, with 65 transcribed spot announcements through April 15.

Peter Paul, Inc., through Emil Brisacher & Staff, is plugging Ten Crown Gum in 100-word announcements on newscasts three nights weekly over Don Lee web.

Minnesota Consolidated Canned (Butter Kernal Corn), through Long Advertising Service, is bankrolling the Thursday broadcasts of 'Bess Bye, the Market Scout,' on KFRC, San Francisco, through May 25.

Standard Beverages, Inc. (Par-T-Pak beverages), through Emil Reinhardt agency, Oakland, has renewed through Aug. 27 its contract with KPO, San Francisco, for weekly live

announcements. Also spotted four quarter-hour live programs during January on KJBS, San Francisco.

White King So-p, through Raymond Morgan Co., Hollywood, spotting announcements through March 31.

Burnham & Morrill, Portland, Me., packers of B & M baked beans and B & M brown bread, has turned its advertising account over to the Sherman K. Ellis agency.

Ruppel Shakes Up CBS Photog Dept.

Lou Ruppel, CBS' new chief p. a., last week extended his shakeup to the network's photograph studio. Mike Fish, who worked with Ruppel on the Chicago Times, was brought in to replace Joe McElliot as boss cameraman.

McElliot came to the network eight years ago and built up its photography plant from scratch. This setup now employs 10 persons. Elliott was the first among radio photographers to introduce the leg and decollete pose.

Paul Brenner, special night announcer of WNEW, N. Y., was rushed to the hospital from the studio last week following a hemorrhage. He was taken to Post Graduate Hospital where a blood transfusion was given. Trouble has not yet been diagnosed.

WKY WKY WKY

WKY REMAINS THE Regional Barnum

A curtsy to Variety for five punch-laden words in its December 14, 1938 issue: "WKY remains the regional Barnum."

But this is not the first time the top journal of show business has pointed to WKY's ability to put on a full three-ring circus at a single admission price. Back in 1936 Variety singled out WKY and said, "WKY by a mile in Oklahoma City. Builds programs, spawns ideas. Snouts, news, sports, vox pop. Active on all fronts and out to get places."

What are a few of these WKY Barnums? For those who come early to get in on the animal acts and the jugglers there was the time that Gene Autry's horse moved into WKY's main studio and neighed into a mike... or the time Maxie Baer downed through

an interview. The next ring appealed to the more serious, featuring every detail of the first visit to Oklahoma of a living U. S. President. Down in the end ring was the music lovers' delight... the Festival of the Southwestern High School band competition.

That's why there's never a dull moment in any of WKY's rings. Neither is there ever a dull moment at counters where WKY-exploited products are being sold. WKY remains the regional Barnum... and Barnum knew how to pack 'em in!

WKY Oklahoma City

NBC AFFILIATE ■ 900 KILOCYCLES

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING CO. ■ THE DAILY OKLAHOMAN AND TIMES
THE FARMER-STOCKMAN ■ MISTLETOE EXPRESS SERVICE ■ STATION KFOR, COLORADO SPRINGS
RADIO STATION KIZ, DENVER (AFFILIATED MANAGEMENT) ■ REPRESENTED BY THE KATZ AGENCY, INC.

NO MORE HOOKY FOR PITT. CATS

Pittsburgh, Jan. 31.

There'll be no more hooky here for school-age jitterbugs to see opening Friday shows of name bands at Stanley theatre, the WB deluxer. School board has stepped in and called a halt.

For past few months, truants in 14-17-year-old class have been mounting by leaps and bounds in local high schools, particularly on Fridays, and investigation revealed that most of them were taking in the two-bit early-bird mats at Stanley, only house in town with stage shows, usually some more or less celebrated swing outfit.

Balcony was invariably packed with kids carrying books under their

arms and they used to stay for a couple of shows, as result missing school practically all day long. Teachers complained about the steady depletion in the ranks, particularly Friday afternoons, and during remainder of week as well, with result that school authorities here asked theatre managers to do something about it.

Result was an agreement by film houses permitting attendance of youngsters under 17 only after school has been dismissed for the day. Managers, ticket-sellers and doormen have been urged to keep a close watch on audiences during class hours and report anything that looks like a truant.

Makes it tough on shows' opening performance because kids always used to be a great audience and even occasionally influenced reviewers with their wild enthusiasm.

Johnny Burke and James Monaco turned in 'I'm in Love With a Jitterbug, But I Can't Swing,' to be sung in Universal's 'Eastside of Heaven.'

Union Ousts Melvin For Non-Scale Pay

Jack Melvin has been expelled from the New York Musicians Union for failing to collect the required scale for his band at NTG's Midnight Sun, Times Square nitery. Nils T. Granlund himself was ordered by the union to pay over \$1,500 in salary differences for the men in Melvin's unit. The latter were fined by the local's trial board, and it was decided to hold other penalties against them in abeyance.

Budd Wagner's band opens at NTG's spot tonight (Wednesday) with the understanding that it is there on a night to night basis, and the men are to be paid before starting to play each night.

Bernie Cummins at William Penn hotel Chatterbox, Pittsburgh, has added a femme vocalist, Connie Berleau. Sharing singing chores with maestro's brother, Walter Cummins. Three Sophisticates, vocal trio, out.

Inside Stuff—Music

The His Master's Voice (British Victor company) recording of 'Stately Homes of England,' out of 'Ooperette'—and now in 'Set to Music' on Broadway—was withdrawn from American sale about four months before the Noel Coward musical opened in America. This tune, waxed by Hugh French, Ross London, John Gartrell and Kenneth Carten, half of whom are currently in the Beatrice Lillie musical—accompanied by the His Majesty's Theatre orchestra, conducted by Ben Frankel—has been expurgated in several respects. One major reason was a line, 'and with assistance from the Jews,' referring to the penniless nobility who must sell their collections of paintings in order to meet current expenses. The line was in the Lillie-Coward musical when it opened in Boston and while the author, ever sensitive to those things, was assured by newspaper pals that there would be no resentment, it was eventually taken out of the show, although still retained in the American editions published by Chappell.

For radio purposes, as aired by Coward personally this last Sunday (29) on the 'The Circle'-Kellogg program, the above phrase is elided along with the 'lavatory' line, which was changed to 'plumbing,' and the phrase, 'we'll scrimp and screw and save' became 'scrimp and work and save,' as a concession to American amenities.

The only other revived tune in 'Set to Music' is 'Mad About the Boy,' an even older number than the 'Ooperette' excerpt, which only dates back two seasons. 'Boy' harks back to 'Words and Music,' a five or six-year-old Coward revue, and this, like 'Stately Homes,' will mean little for U. S. sales. 'Boy' has passed its peak, about 75,000 copies, and 'Stately Homes' will only get a very limited sale from disciples of the good lyrics. Chappell is banking more on 'Never Again,' new Coward song in the Lillie show, for any important sales.

First it was the two Cole Porter musicals, 'You'll Never Know' (defunct) and the current 'Leave It to Me,' and now it's the incoming Jimmy Durante-Ethel Merman show, 'Stars in Your Eyes' (Arthur Schwartz score) which is setting back 'Dream Dust' as a Chappell plug. This latter tune by J. Fred Coots and Haven Gillespie is being kept from a real ride because of Chappell's production scores and the necessity to concentrate on those. With the Schwartz musical on its way, however, Henry Spitzer, Chappell gm., will concentrate on what will be more a 'popular' catalog, and 'Dream Dust' is then slated for an intensive exploitation campaign. So far Dick Himber chiefly has been keeping it in the air, and Chappell also slips in a couple of plugs here and there just to keep the tune warmed over, until the proper time for plugging.

Metro-Robbins publishing group has rented the basement of the building in which the Robbins Music Corp. is housed and as soon as the necessary alterations have been completed all three firms, including Leo Feist, Inc. and Miller Music, Inc., will start shipping from this point. Combine has also leased the rest of the floor now occupied by the Robbins catalog. Miller will be moved over to the same location when its lease is up in the RKO building.

Because of a long term obligation the Feist office setup will remain in its present quarters.

Artie Shaw has completed a group of eight special arrangements for Harms, Inc. Six of them deal with older tunes in the Harms catalog, while the other two are originals. Former comprise 'Begin the Beguine,' 'What Is This Thing Called Love,' 'Softly as the Morning Sunrise,' 'I Cover the Waterfront,' 'Lover Come Back to Me' and 'Night and Day.' 'Beguine,' originally published in 1935, last week sold 3,000 sheet copies. Sales revival of this tune is credited to Shaw's recent phonograph record (Victor) version.

'Love in Swingtime,' King Features serial by Tommy Dorsey and George D. Lottman, is being published by Mills in book form. Supplementing the fiction story, which was illustrated for the Hearst syndication by stills of Dorsey, his band, and Edythe Wright, his featured songstress, will be a treatise on swing plus blogs and caricatures, by Frank Karr, of the top 10 bandmen. Glossary of swing terms, part of the newspaper serial, also incorporated into the book.

Miller Music has published an album, 'Kay Kyser's Musical Class,' containing 15 pop reprints and liberally illustrated with stills of Kyser and his personnel. Compiled and edited by Irving Lehrer, includes some interesting biographical data on the maestro in addition to other fan stuff. Listed at 50c., it's a plug for Kyser and also a showmanly way of merchandising some of the better oldies.

Something of a record for advance booking goes to Larry Clinton who's set for a return at the New York Paramount for two weeks with options opening Labor Day.

Music Notes

Norman Spencer, former WB musical director, has started his own publishing house in New York.

Joseph Gilbert, London publisher, has turned over the American rights to 'Meet Me in Sunset Valley' to Jack Mills. Gilbert is also the tune's writer.

Jimmy Durkin has become a contractor for the Joe Morris Music Co.

Frank Skinner clefted 'You Are the Words to a Song' for use in 'The Spirit of Culver' at Universal.

Frank Churchill and Larry Morey clefted eight songs for Walt Disney's feature-length cartoon, 'Bambi.' Same team did numbers for 'Snow White and the Seven Dwarfs.'

New ditties are 'Song of the Brook,' 'The Rainbow Song,' 'Bambi's Walking Song,' 'The Bird's Sing-

ing Lesson,' 'The Bird Ballet,' 'Song of the Autumn Winds,' 'Two Winds Have a Song' and 'The Night Symphony.'

Herbert Stothart and Edward Ward wrote 'Rhapsody' for Metro's 'Broadway Serenade.'

Sam Wineland scoring 'Money' at Paramount.

Andrea Setaro doing the scoring job on Paramount's 'Night Spot Hostess.'

George Antheil scoring 'Union Pacific' for Paramount.

Russ Morgan into Chez Paree, Chicago, March 4, replacing current Lou Breese.

Nat Finston recording complete album of Metro's 'Wizard of Oz' music for Victor.

Louis Prima's orchestra signed to appear in 'Rose of Washington Square' at 20th-Fox.

JEEPERS CREEPERS—FEAST YOUR WEEPERS

On This Sensational Music News from Monday's Variety Daily



Ten Best Song Sellers Last Week

New York, Jan. 29.—Following are the 10 best song sellers last week, nationally. Full list of the country's best sellers is published in current week's VARIETY. Italicized titles are film musical excerpts:

Umbrella Man	Harms
Deep in a Dream	Harms
Jeepers Creepers	Witmark
You Must Have Been a Beautiful Baby	Remick
I must See Annie Tonight	Bregman
They Say	Witmark

—and these songs are moving up fast:

From HARMS—

I WANT MY SHARE OF LOVE THEN CAME THE RAIN BY CANDLE LIGHT

and the sensational ARTIE SHAW arrangement of

BEGIN THE BEGUINE

HARMS INC. • 1250 SIXTH AVENUE • NEW YORK • MACK GOLDMAN, Prof. Mgr.

From REMICK—

HEAVEN CAN WAIT LET'S STOP THE CLOCK OLD FOLKS

REMICK MUSIC CORP. • 1250 SIXTH AVENUE • NEW YORK • CHARLIE WARREN, Prof. Mgr.

From WITMARK—

GOOD FOR NOTHING (But Love) SAY IT WITH A KISS

M. WITMARK & SONS • 1250 SIXTH AVENUE • NEW YORK • NORMAN FOLEY, Prof. Mgr.

The Typical Song For The Times!

THANKS FOR EV'RYTHING

By MACK GORDON and HARRY REVEL

ROBBINS MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

15 Best Sheet Music Sellers

(Week ending Jan. 28, 1939)

Umbrella Man	Harms
Deep in a Dream	Harms
Jeepers Creepers	Witmark
You Must Have Been a Beautiful Baby	Remick
I Must See Annie Tonight	Bregman
They Say	Witmark
This Can't Be Love	Chappell
F. D. R. Jones	Chappell
Thanks for Everything	Robbins
My Reverie	Robbins
Two Sleepy People	Famous
All Ashore	Shapiro
Hurry Home	Spier
Ferdinand the Bull	ABC
Between a Kiss and a Sigh	Santley

* Indicates film musical song. † Indicates stage production song. The others are pops.

Walter Douglas Tours Hartford Newsstands; Convinced Idea Good

Encouraged by the way the American News Co.'s experiment with sheet music has turned out in the Hartford, Conn., area, Walter G. Douglas, chairman of the Music Publishers Protective Association, is now trying to figure out how and where he can establish a central shipping service to take care of this development. Douglas, accompanied by Sol Imanman and Fred Juergens of Music Sales Corp., made a tour last week of the experimental stands in Hartford, Conn.

Group found that the turnover was encouraging and that what was primarily needed was some sort of economical display racks that some of the stationary and magazine stores could use for their sheet music. It was disclosed that the sales were best in those stores where the music got a halfway merchandising break. Douglas stated that his tour of inspection has convinced him that the Hartford idea offered a logical and sound way to increase sheet sales throughout the country.

DET. SYMPH TO MOVE INTO MASONIC TEMPLE

Detroit, Jan. 31. After 20 years, Detroit Symphony orchestra has been told to abandon 2,000-seat orchestra hall, heretofore the 5,000-seat Masonic Temple, thereby acceding to bondholders' foreclosure on hall. Switch during local symphony's 25th anniversary will move it from second smallest and occupied by major symphony in U. S. to the second largest in country. Also, reduces symphony's rental costs from \$32,000 to \$19,000 annually, permits raising of symphony manpower from 82 to 90 members next fall and allows considerable increase in number of low-priced seats.

A more attractive guest list is planned, with Fritz Kreisler, Rachmaninoff, Marian Anderson, John Charles Thomas, Lotte Lehmann, Myra Hess, Georges Enesco, Ray Garbousova and Monte Carlo ballet already signed. Symph. also will continue on Ford Sunday evening hour broadcasts.

Songsmiths' Film Bid

Philadelphia, Jan. 31. Clay Boland, Philly dentist who authors tunes for the University of Pennsylvania Mask and Wig Club, is negotiating two deals with RKO. He was out to the Coast studios in December on an invite from music execs.

One of the deals is for Boland and his lyric-writing partner, B. Bichley Reichner, to go west on a one-picture contract. Dr. Boland refuses anything longer than that because of his profitable dental practice here. Second confab is on the use of one of his tunes in a film now in production. If it is used, name of the pic will be changed to coincide with the title of the number.

MARIO BAND'S DATE

Don Mario, NBC singer, who's now a songwriter, opens with a new thing to do at the Firenze, New York, tonight (Wed.).

Mario, formerly in Hollywood musicals for Metro, Columbia, Par and RKO, maestroed at Yumuri, N. Y., last fall.

FRISCO EXPO STARTERS

Noble, Arnheim, Trotter Open World's Fair Feb. 18

San Francisco, Jan. 29.

Ray Noble, Gus Arnheim and John Scott Trotter are the three bands selected to provide the dance music at the premiere of the Golden Gate International Exposition on Treasure Island, Feb. 18th.

Three maestros will conduct their own orchestras in three different dance pavilions at the same time during the first two days of the expo.

Amer. Record Moving Closer to Parent CBS; Using Pic Sound Track

American Record Co., now the child of the Columbia Broadcasting System, will shortly move its recording division from its present location on upper Broadway, New York, to a site conveniently near the Madison avenue home of its new parent. Increasingly close integration of the phonograph company and the network will gradually be achieved.

First step was noted last week, when publicity matter concerning phonograph activities was sent out in the mimeograph of the radio org.

Numerous innovations are being charted by the new Alfred Wallerstein regime. One experiment last week had Kay Kyser's orch recorded simultaneously on both the record and acetate wax and on portable film sound track. ABC will do more along the sound track on celluloid lines. This is in anticipation of new technical developments of the trade. Celluloid has editing simplicities and conveniences not inherent in wax.

John Hammond, who is now a recording executive for the revised firm, has combined three 'boogie woogie' releases in a Vocalion package retailing for \$1. More of this type of merchandise will emerge from the house. This threesome was recorded by Albert Ammons, Pete Johnson and Meade Lux Lewis, respectively. Meantime, Jimmy Lunceford's first release under the label is reported out front, with the pressing department behind the sales pace.

Busse Back to MCA

Henry Busse quits Consolidated Radio Artists after one year with that office, and will return to management Music Corp. of America. Ticket with CRA is up Feb. 20 when band switches.

Another change in CRA setup is switch of Ben Zucker to Chicago office from management of Cleveland branch. Duke Haynes replaces Zucker, who will become assistant to his brother Stan, general manager and v.p. of CRA, headquartered in Chi.

Green-Davis Deal

Green Bros. & Knight closed with D. D. Davis & Co., Ltd., for the handling of the former's catalog in Australia. Deal is for a year.

Catalog covered by the agency agreement includes Day After Day, 'Million Dreams Ago,' 10 Little Miles from Town, 'Tom, Tom, the Piper's Son,' 'Poor Pinocchio's Nose' and 'There's a Ranch in the Rockies.'

WLW BUYS MICH. PRISONERS' SONG

King Henly Fair and Theophilus McGee, both members of the Southern Michigan Prison's 'Brown Buddies' swing band, have signed a royalty contract with the Crosley Radio Corp., owners of WLW, Cincinnati, for a song they composed, 'In All My Dreams.' The song was selected from a batch of 10,000 submitted, according to information given prison authorities by the Crosley officials.

Fair wrote the lyrics and McGee set them to music. The 'Brown Buddies,' five Negro entertainers, have appeared outside the prison at many state functions. Fair plays the trumpet, while McGee twangs a tenor guitar.

Pubs Re-Site in Chi

Chicago, Jan. 31.

Exodus of the music publishers from the Woods building where they have all been housed for many years is now under way. First to move are Crawford and Chappell which have taken space in the Merchandise Mart.

However, the Mart looks cold to most of the other publishers who cannot see shifting to a building so far out of the center of things. The Mart is near the NBC studios only, but completely in a bad location for the other radio outlets and show spots.

Considered likely for many of the music publishers is the Oriental theatre building as a better all-around location, while others are thinking of the Wrigley building and the London Guaranty building on Michigan avenue.

Riccardi Is Victor

Philadelphia, Jan. 31.

A. Rex Riccardi, secretary of the Musicians' Local, was elected v.p. of the Central Labor Union at a tumultuous meeting last week. A. F. of M. group was in the vanguard of a bloc of self-styled 'liberal' unions which were successful in unseating long standing progressive officers of long standing.

Trotter secretary declared the group was out to 'streamline the CLU.'

Phonograph Upturn Not What It Might Be, or for Reasons Firms Would Prefer

Shaving the Nut

Now it's the barbers that are squawking about having to attend opening or celebrity nights. Operator of a barber shop in the Times Square area with a goodly patronage of band leaders remarked last week that he is beginning to resent the mounting requests from this trade to attend such events.

Leaders insist that he bring along at least one companion. The barber finds that the percentages are against him in this sort of reciprocity.

From a low of 12,000,000 phonograph records sold in 1932, the disc biz has been making a steady comeback, but, despite the 35,000,000 discs sold in 1938, the turnover is considered very much off. The discers point to the 1928 high of 120,000,000 records and the days when a sensational hit like 'Dardanella' alone accounted for 1,000,000 pressings.

Phonograph people have been scientifically trying to step up public interest in the wax works, and, to their chagrin, the boom in recent years has come from sources beyond their own doing. In other words, the swing vogue has done more to stimulate phonograph record interest than anything which the discers did of their own doing.

They have contributed, however, by such stimuli as more 35c. recordings; that \$14. attachment which RCA Victor has for phonograph records, attached to the average radio; the cut-pricing and installment selling of combo phonograph-radios; Victor, again, with its \$9 worth of discs with every \$14 attachment, etc.

The Saturday Evening Post last week saw fit to editorially cover the phonograph field as follows:

IT'S WB MUSIC ALL THE WAY THIS WEEK

Warner Bros. music companies walked off with first, second and third positions on the Lucky Strike Hit Parade program Saturday (28) night, the first time it's ever been done by one combine. Tunes were 'Jeepers Creepers,' which leads the current VARIETY list, 'Beautiful Baby' and 'Deep in a Dream.'

Precedent-setting activity also extends to best sellers; the first six includes five WB numbers. WB titles grabbed the first four slots and the sixth spot.

13 SWINGSTERS UNITE ON ONE SUPER-DISC

A super-disc has been recorded by an orchestra composed of 13 outstanding swing musicians and leaders by RCA-Victor. Royalties will go to unemployment fund of Local 802 (New York) of American Federation of Musicians from sales of waxed inn session.

Release includes 'Blue Lou' and 'The Blues,' by Edgar Sampson and Benny Goodman, respectively. Personnel of super platter included Benny Goodman, Hyman Shertzer, Eddie Miller and Arthur Rollini on saxophones; Bunny Berigan, Harry James, Charles Spivak and Sonny Dunham, trumpets; Tommy Dorsey, Jack Teagarden, trombones; Bob Zurke, piano; Carmen Mastren, guitar; Bobby Haggart, bass; and Ray Bauduc, drums.

In 1921 some 100,000,000 phonograph records were sold in the United States. That was the peak. The next year the radio began to take hold. By the late 1920's, when all else flourished, the phonograph industry was given up for dead. Actually, it continued to sell records in the millions of fewer and fewer machines. The low mark, reached in 1933, was equal to what had seemed a booming business in 1907.

Last year about 35,000,000 records were sold, equal to 1912, and all makers were far behind their orders. This 'three best-selling Christmas gifts nation' in December were records, motion picture cameras and projectors, and electric razors, in that order. The fourth quarter's business more than doubled the fourth quarter of 1937. The sales curve rose from 1933 through 1938 identically with the rising curve 1907-12.

What did it? The combination radio-phonograph, the portable phonograph and swing. A public which wants what it wants when it wants it is buying combination machines more and more. On the one hand, the radio created a wider appreciation of the best music. On the other, it roused a rebellion with its overlong and blatant commercialism.

The portable phonograph 'is a fashion with youth and vacationers. And swing is a cult. It devotes collect the records of ragtime, jazz and current masters as the classicist gathers a library of symphonies. The radio destroys a popular number within a few months. 'Ed Mir Ball School' and 'The Music Goes 'Round and Around' are already as dead as 'Ta, ra, ra, boom de ay,' but an interesting recording of, say, 'St. Louis Blues' sells as steadily as one of a Brahms symphony.

HARRY WARREN WILL PROBABLY RENEW WB

Harry Warren is due in New York from Hollywood around Feb. 15 to discuss a new Warner Bros. writing contract with Edwin B. Morris, head of the WB music publishing combine. Warren had figured to come in sooner but he had agreed to appear Feb. 8 on the 'Good News' program (WB).

That contract with the 'liberal musical, 'Honolulu' (Metro). He wrote the score for this production on a loanout arrangement.

If and when an extension is worked out with Warren, Morris will then take under consideration the choice of a lyric writer for teaming with him. That may also go to Johnny Mercer, even though the latter is due to write the score of a Shubert musical with Jimmy McHugh and Al Dubin under the banner of the Robbins Music Corp.

Music Union to Appeal Opera-on-Tour Decision; Dislikes Legal Precedent

American Federation of Musicians will appeal the adverse decision it got from Justice Kenneth O'Brien in the N. Y. supreme court last week in the Opera-on-Tour, Inc., case. The court enjoined both the AFM and the stage hands' union from doing anything to prevent the members of other organization to render service to the opera impresario on the ground that canned music violates a union rule.

What particularly disturbs the federation is Justice O'Brien's dicta that since there was no labor dispute existing between Opera-on-Tour and the musicians' union the stage hands' union had no justification for acceding to the former's request that it withdraw its members from the traveling venture. The AFM has a kindred situation facing it in the instance of Vaude-Vision, Inc. Latter was organized to furnish sound-tracked music for traveling vaude units but the enterprise became stymied when the federation refused to permit its members to have anything to do with it. Vaude-Vision, it was later reported, had filed a complaint against the AFM with the U. S. Department of Justice, charging the union with conspiring to prevent it from continuing with its business.

CALM ASCAP ELECTIONS

No Moves Against Bernstein or Robbins Develop

All officers and directors of the American Society of Composers, Authors and Publishers were re-elected at a meeting of the organization's board of directors last Thursday (26). Extensions included Gene Buck as president, Louis Bernstein as v.p. and Gustav Schirmer as treasurer. Terms are for a year.

There had been rumors that an attempt would be made to depose Bernstein as v.p. and deprive Jack Robbins of his directorship but neither of these materialized at the meeting. The Metro-Robbins publishing group remains the only major member that has failed to turn in a renewal of its membership contract.

HIS OWN OPPOSITION

Bob Causier is leading a band at the Syracuse Hotel, Syracuse, N. Y. Less than 60 miles away is the Ithaca Hotel, at Ithaca, which he owns.

Disc Reviews

(Only the unusual will be reviewed henceforth. Including the unusually bad.)

Unusual reissue by Vocalion on No. 1 is "Dinah and Indiana," by Red Nichols and his Five Pennies, now justly famed as swing pioneers, especially when it's divulged that the supporting quintet comprised such present-day swing luminaries as Benny Goodman, Gene Krupa, Jackson Teagarden, Artie Bernstein and Carl Kress. The first three, of course, are maestros on their own, and Bernstein-Kress are still in the big leagues with topnotch organizations. Ella Logan's swings "Adios Muchachos" merited an encore, so Brunswick 8300 sees the Mexican ballad, "Cielito Lindo" ("Beautiful Heaven") vocalized in the 52d street idiom, paired with "Thill the Fluter's Ball," Irish novelty. The first side is the highlight.

More decorously vocal are Connie Boswell's quartet of "Umbrella Man," "They Say" and "Thanks for Everything." Deep in a dream on Decca 2258-9, with Woody Herman's band accompanying. This is the old Isham Jones combination, and while subordinated to the sole active Boswell Sister, the Hermanites know how to beat it out for the hoof as well.

Bing Crosby, with his ever allied John Scott Trotter, likewise cuts up vocally on Decca 2257 with "Just a Kid Named Joe" and "The Lonsome Road" (Shilkret-Austin), now a bit of a ballad classic, barytoned with distinction by Crosby.

Slam and Slam have been trying ever since their "Flat Foot Floogie," and have yet to repeat. "Sweet Saffronia" and "It's Gettin' Kinda Chilly" (both by Gaillard, who is half of S&S) don't quite achieve it, although rhythmically novel in their vocal hotcha, Vocalion 4594.

A gorgeous Miltie Korjus set of recording are Victor 4410-11, Johann Strauss excerpts from the Metro filmization of "Great Waltz." They're the sound-track recording by Nat Fainston with Toscha Selost giving out with a highly artistic violin obligato to Miss Korjus' effective sopranino. Selections are "Tales from the Vienna Woods" (two sides) and "One Day When We Were Young." "There Will Come a Time," Dimitri Tiomkin adaptations of the Strauss originals with lyrics by Oscar Hammerstein II.

Richard Himber and his Rhythmic Pyramids Orchestra, to give it its full billing, justifiably features the new style which the maestro and his ringer, Mac Green, have evolved. Himber is essaying a new style of swinging the classics, calling his rhythmic Saint-Saens' adaptation, "Pyramiding the Swan," paired with

"You Call It Madness" on Victor 26142, latter a pop. "Sweet and High" and "Jeannie Swings Out" (Green-Hughes-Weiss) arrangements of two respectively "Sweet and Low" and "Jeannie with the Light Brown Hair," Scotch classics, further feature the credendo pyramidal style which the maestro developed this past season. This is Victor 26146. Stuart Allen is featured vocally.

A swing classic on Victor 26144 is "Blue Lou" and "The Blues," latter a git-off jam session, recorded by the All Star Band, comprising a "dream orchestra," with such stellar artists as Benny Goodman on clarinet, Arthur Rollini and Eddie Miller on tenor sax; Bunny Berigan, Sonny Dunham and Harry James on the horns; Tommy Dorsey and Jackson Teagarden, trombones; Carmen Mastren on guitar; Bobby Hazzard, bass; Ray Bauduc, on drums, and Bob Zurke at the upright. All strut their stuff in brilliant solo passages, and they work surprisingly well for a band culled from such divers sources. This All-American Band is the result of a trade mag's poll. "Blue Lou" is a tempo number, but "The Blues" is really ducky in its swing-out.

The swingophiles will go for "Comin' on with the Come On," in two parts, first of a series of waxings supervised by the French swing savant, Hugues Panassie, author of "Le Jazz Hot" who made his first visit to America recently and whose erudite jazzie discussions and writings in France have been solely gleamed from their sundry recordings. With Milton Metzrow mastering from his licorice stick, and a team including Tommy Ladnier and Sidney De Paris on trumpets, and a rhythm section comprising James P. Johnson (piano), Elmer James (bass), Teddy Bunn (guitar) and Zutty Singleton (drums), this is ultra "New Orleans Style" rhytmptation. Bluebird 10085.

With Noel Coward-Bea Lillie back on Broadway, Victor has reissued Ray Noble's "Mad About the Boy," as a rhythm section paired with the newer "Stately Homes of England," originally in "Operette," and now in the current "Set to Music" revue. Similarly, "Boy" was first in an old Coward-Bea Lillie revue, titled "Words and Music," but likewise resurrected for the new show. The male quartet, comprising Hugh French, Ross Landon, Fred Astaire and John Gartrell, vocalize this satirical lyric, having waxed it in London with His Majesty's theatre orchestra, conducted by Ben Franklin. It's a gem of a lyric and expertly done.

BERLIN BULLETIN

Irving Berlin's New Song

WE'LL NEVER KNOW

Arranged for Waltz—Also Fox Trot

Just Released TWO DYNAMITE SONGS
By Walter Donaldson and Johnny Mercer

Gotta Get Some SHUT-EYE
CUCKOO in the CLOCK
IT'S A LONELY TRAIL

Nick, Chas. Kenny and Vaughn de Leath

HAVE A HEART

By Mickey Rooney

IT'S NEVER TOO LATE

By Carmen Lombardo and Johnny Loeb

JOE SANTLEY, Prof. Mgr.

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

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. 23-29). 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.....	47
I Have Eyes.....	Paramount.....	*Paris Honeymoon.....	42
This Cant Be Love.....	Chappell.....	†Boys from Syracuse.....	36
You Just Have Been a Beautiful Baby.....	Remick.....	†Hard to Get.....	35
Thanks for Everything.....	Robbins.....	*Thanks for the Memory.....	34
Between a Kiss and a Sigh.....	Santly.....	†Pop.....	31
I Go for That.....	Famous.....	*St. Louis Blues.....	31
Get Out of Town.....	Chappell.....	†Leave It to Me.....	28
Could Be.....	Shapiro.....	†Pop.....	28
Hurry Home.....	Spier.....	†Pop.....	27
Deep in a Dream.....	Harms.....	†Pop.....	27
Umbrella Man.....	Harms.....	†Pop.....	26
Room with a View.....	Bregman.....	†Pop.....	26
My Reverie.....	Famous.....	*Thanks for the Memory.....	23
I Must See Annie Tonight.....	Bregman.....	†Pop.....	23
It's a Lonely Trail.....	Berlin.....	†Pop.....	23
F.D.R. Jones.....	Chappell.....	†Singing Out the News.....	23
They Say.....	Witmark.....	†Pop.....	21
My Love.....	My Love.....	†Pop.....	21
I Long to Belong to You.....	Red Star.....	†Pop.....	21
Penny Serenade.....	Shapiro.....	†Pop.....	19
You're a Sweet Little Headache.....	Paramount.....	*Paris Honeymoon.....	18
I Promised You.....	ABC.....	†Pop.....	18
Singin' in the Saddle.....	Famous.....	†Pop.....	18
Let's Stop the Clock.....	Remick.....	†Pop.....	17
I Cried for You.....	Miller.....	†Pop.....	16
Swingin' Nursery Rhymes.....	Stansy.....	†Hollywood Revue 1939.....	16
My Eyes Are Bigger Than Your Head.....	Crawford.....	†Pop.....	15
We'll Never Know.....	Berlin.....	†Pop.....	14
Never Felt Better.....	Miller.....	†Pop.....	14
Ferdinand the Bull.....	ABC.....	*Ferdinand the Bull.....	14
From Now On.....	Chappell.....	†Leave It to Me.....	14
Just a Kid Named Joe.....	Lincoln.....	†Pop.....	13
What Have You Got That Gets Me?.....	Famous.....	*Artists and Models.....	13
You're Gonna See a Lot of Me.....	Ager.....	†Pop.....	13
Begin the Beguine.....	Harms.....	†Pop.....	13
After Looking at You.....	Robbins.....	†Pop.....	12
Ya Got Me.....	Lincoln.....	†U. of Penn. Mask and Wig.....	12
You Look Good to Me.....	Bregman.....	†Pop.....	12
Old Folks.....	Remick.....	†Pop.....	12
Deep Purple.....	Robbins.....	†Pop.....	12
Chopsticks.....	Shapiro.....	†Pop.....	12
Your Eyes Are Bigger Than Your Head.....	Shapiro.....	†Pop.....	11
Annabelle.....	Feist.....	†Pop.....	11
Funny Old Hills.....	Paramount.....	*Paris Honeymoon.....	11
Song of Old Hawaii.....	Feist.....	†Pop.....	11
My Heart Belongs to Daddy.....	Chappell.....	*Leave It to Me.....	10
Sing for Supper.....	Chappell.....	†Boys from Syracuse.....	10
Among Those Sailing.....	Marks.....	†Pop.....	10
Lovely Debutante.....	Fox.....	†Pop.....	10
It Serves You Right.....	Tenney.....	†Pop.....	10
Simple Life.....	Miller.....	†Pop.....	10
Old Curiosity Shop.....	Feist.....	†Pop.....	10
Little King of Toyland.....	Fox.....	†Pop.....	10
Blame It On My Last Affair.....	Miller.....	†Pop.....	10
Good for Nothing.....	Lincoln.....	†Pop.....	10
I Took a Million Years.....	Lincoln.....	†Pop.....	10
I Won't Believe It Till I Hear From You.....	Ager.....	†Pop.....	10
Patty Cake.....	Fox.....	†Pop.....	10

Band Bookings

Howard Woods, Laurel-in-the-Pines, Lakewood, N. J., Jan. 27. Gets three NBC shows weekly. Just closed seven weeks at Adelphi hotel, Philadelphia.

Ozzie Nelson, theatring at Palace, Chicago, Jan. 27; Shubert, Cincinnati, Feb. 3; Stature, Dayton, O., Feb. 10.

Keoki, Hawaiian crew, Barbizon-Plaza hotel, N. Y., Jan. 26.

Paul Whiteman at Southwestern Expo, Ft. Worth, for week Feb. 10-18. Will originate two Chesterfield (CBS) broadcasts from there.

Jimmy Dorsey, State, Hartford, March 8; Paramount, Newark, N. J., March 17 for R-O-K.

Frank Dailey, Netherland Plaza hotel, Cincinnati, Feb. 7, four weeks.

Bill Bardo; Blackhawk hotel, Davenport, Ia., Feb. 5.

Joe Venuti theatring for R-O-K.

Carlos Molina replaces Joseph Sudy at the Sir Francis Drake hotel, San Francisco, Feb. 16. Sudy moves to Cosmopolitan hotel, Denver, Feb. 24.

Four Top Hatters, troubadours, Gibson hotel, Cincinnati, Feb. 17.

Kings Jesters, Claridge hotel, Memphis, Tenn., Feb. 1.

Ferde Grofe, Lord Baltimore hotel, Baltimore, Feb. 25 for C.R.A.

Isham Jones playing college proms in east.

Andy Kirk and Don Redman battle at Rockland Palace, N. Y., Feb. 25.

Chauncey Cromwell, Paxton hotel, Omaha, Neb., Feb. 6, six weeks.

Eddie Camden, Southern Mansions, Kansas City, Feb. 22, four weeks.

Charlie Barnet recording for Victor.

George Olsen extended at Lamar hotel, Houston, Tex., till Feb. 16.

Versatilions held over at Monteleone hotel, New Orleans.

Band Reviews

BILL BARDO ORCHESTRA (18)
With Emile Parra, Ahn Sisters
Hotel Schroeder, Milwaukee

Bardo is a newcomer from Milwaukee but management has signed to hold him for at least a month. Bardo's idea is to compound all the elements of niterly entertainment into one balanced organization, and he offers a fast moving variety show for locals. Crew gives out combo sweet and swing, uses comedy songs, a glee club and a choir. Band has five functions. All male members of his crew are over six feet tall, and eight of the band are former orchestra leaders. They are Johnny Cook; Hal Lansberry, Johnny Denton, Truman Boardman, Phil Inglima, Lee Hulbert, Billy Straub, Art Gibbons. Bardo himself served as concert master for George Olsen and plays violin, trumpet, trombone and piano. Four Ahn Sisters, new to the band this stanza, are a good investment and satisfy customers with smooth harmony. They were formerly with Harold Stokes and Herbie Kay.

Emile Parra does an okay job of vocalizing but rates more with a jitterbug routine of "Flat Foot Floogie."

JOHN KIRBY ORCHESTRA (6)
Famous Dear, N. Y.

This is one of the cleverest six-piece crews to be found anywhere, if not the tops in curtailed complement. Individually each member is an ace performer, and as a whole band does things with six pieces that an ordinary larger crew couldn't approach. Made up of Kirby on the bass, O'Neill Spencer, drums; Buster Bailey, clarinet; George Schneider, trumpet; Russell Proco, sax, and Billy Kyle, piano. They go to town or do dreamy rhythm equally as well. Spencer's staid skin stands out often. He also vocals pleasantly.

Colored sextet are a personable aggregation. They first came to attention with "Maxine" Sullivan on 52d street. Latter is Mrs. Kirby in private life.

On the Upbeat

Carman Farlante, first trumpet in Jenó Donath's crew at Jack Lynch's Walton Roof, Philadelphia, switched last week to Baltimore Symphony under Werner Janssen.

Manuel Contreras, tangoists at Hotel Henry, Pittsburgh, stay additional eight weeks. Placed by Ralph Harrison.

Emerson Gill has reorganized his band and switches from MCA to CRA which has booked his crew into Van Cleve hotel, Dayton, opening Feb. 2.

Aaron Gonzales, currently playing at the Club Serape in Los Angeles, goes to work with his orchestra in Republic's "Gene Autry" picture, "Mexicali Rose."

THE HOUSE OF
1000 HITSOur New No. 1 Ballad
AMONG THOSE SAILING

Standard Novelities Always
in Demand
Mama Don't Want No Peas
an' Rice an' Coconut Oil

The Cockeyed Mayor of
Kaunakakai
(From Heilzapoppin')

TATOOED LADY

Pepito and His Violin

EDWARD B. MARKS

ANNOUNCING THE NEXT BALLAD SENSATION OF THE COUNTRY

We've Come A Long Way Together

Lyrics by TED KOEHLER

Music by SAM H. STEPT

LEO FEIST, INC. • 1629 BROADWAY • NEW YORK

Joe Weber Appeals To Senator Glass For WPA Music Break

Washington, Jan. 31. Plea for approximately 40,000 unemployed musicians was forwarded last week to Senator Carter Glass, chairman of the Senate Appropriations Committee, by Joseph N. Weber, American Federation of Musicians proxy. Claiming that he represented about 140,000 musicians—virtually the entire U. S. representation of 'commercial' musicians—Weber pointed out to the peppery Virginia Senator—a foe of the New Deal—that any shortage of relief funds would bear 'most heavily upon the "white collar" class. Musicians, he added, are referred to "it would seem a bit contemptuously" as belonging to the white collar group.

Agreeing that Congress helped to remedy the plight of the American musician in 1932, Weber pointed to the relative unadjustability of musicians to other occupations. Also referred to the common practice of most social, professional, cultural or 'patriotic' organizations of any prominence, when a 'great blowout' is necessary, to add to its prestige by getting 'the use of one of the many service bands, usually and more easily a Navy band.'

'Such organizations will pay money for everything but music,' Weber complained. 'But a generous government will supply free by turning musicians who are paid their salaries as part of our military establishment, thus putting government musicians to a use which Congress never intended and at the same time putting civilian musicians on the relief rolls.'

With the U. S. Senate in an economy-minded mood, and likely to cut President Roosevelt's recommended relief figure lower than the \$725,000, 000 to which the House reduced it, chances for extra benefits to indigent musicians this week were regarded slim.

Pittsburgh's Poison

Pittsburgh, Jan. 31. Dance promoters here will never learn, despite the fact that Pittsburgh's been b.o. poison for one night impresarios for more than a year now. Latest to take it on the chin was a new group known as the Tempo Club, which brought Richard Himer to Bryn Mawr ballroom here last Tuesday (24) and dropped close to a grand on the venture. Affair drew only around 200 couples at \$1.70 per pair, and this after best newspaper publicity any similar promotion has ever had locally.

Figured the boys in these parts learned their lesson at holiday time when Winsum Club's first annual Snow Ball brought on Russ Morgan, Tommy Tucker and station WCAE Airliners and flopped dismally. Cost backers of this one around \$3,500. It's been the same story since summer before last, and unlikely that Tempo Club, which originally announced it would bring in name outfits every month or so, will try again.

Yank Lawton, trumpet tooter with Tommy Dorsey, has been unable to play with the band since the middle of last week. He has an infected tooth. Trouble started when the crew was at the Shubert, Newark. Now at the Earle, Philly.

A NEW FIRM!
A NEW SONG!
A NEW HIT!!!
'The Things That You Promised To Do'
NORMAN SPENCE & SON
Music Publishers
145 West 45th Street
New York City

OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
JIMMY McHUGH'S
"THANK YOU FOR
A LOVELY EVENING"
ROBBINS MUSIC CORP.

Open St. L. Fund Drive

St. Louis, Jan. 31. Campaign to raise \$51,000 to maintain the St. Louis Symph Society for 1939-40 gets under way Tuesday (7) and will continue for two weeks.

Asserting that sale of seats accounts for only 55% of the revenue, Clifford Greve, Jr., chairman of the campaign committee, said balance must be met by citizens.

SHAW-GOODMAN BAND BATTLE LOOKS COLD

Scheduled date which would pit Artie Shaw and Benny Goodman, two crews alike in style and currently battling for a top band spot, against each other in theatres less than three blocks apart, might not come off. Two were set for the faceoff week of Feb. 17, Goodman at the Shubert and Shaw at the Paramount, both Newark.

Shaw's date stays on, while Goodman might cancel because of a prior date calling for him to be in Detroit the morning after closing at the Paramount. Long jump in such short time might be the killer.

MONDELLO'S OWN BAND

Toots Mondello, ace studio sax player with various program crews, is set for a buildup as an orchestra pilot by Music Corp. of America. Idea has been in the works for some time and is now ready to congeal.

Mondello has recorded for Victor with a pickup studio crew under his name for the past few years. New arrangement will have him cutting for Brunswick with a like crew, while selecting men for his outfit.

TEAGARDEN PATH CLEARED

MCA to Manage New Orchestra—Art Michaud withdraws

After several weeks of dickering, the new Jackson Teagarden band has been signed with Music Corporation of America. Inked last week, the pact ties Teagarden to MCA for five years. Ironing out of a prior arrangement with Arthur Michaud, manager of Gene Krupa, allowed Teagarden to sign with MCA.

Michaud had the ex-Paul Whiteman trombonist tied to a booking contract, under a license to book recently granted him by the American Federation of Musicians. Release calls for Michaud to get a percentage of Teagarden's gross earnings over a period of three years.

120-Piece Femme Band Greets Phil Spitalny's Orchestra in Atlanta

Atlanta, Jan. 31. When Phil Spitalny and his all-girl 'Hour of Charm' orchestra choo-chooed into Atlanta 40 minutes late Thursday (26) they were greeted by music from horns of Atlanta's 120-piece all-girl band. Local femme tooters then headed a parade from Terminal Station to Lucas & Jenkins' Paramount, where Spitalny and his crew departed, from where the maestro aired remotely over WSB.

Spitalny that night opened seven-day engagement on Paramount's stage. During his stay here he is conducting a talent search, tying up with WSB.

Painless Music—No Sharps or Flats—Seeks Tie-Ups with Piano Trade

Whiteman, Dorsey Give L'ville Top Band Breaks

Louisville, Jan. 31. This town, without name bands for past few months, will be back on the map when Paul Whiteman and his orchestra, following a \$5,000 date at Atlanta for the Coca Cola Co. Feb. 16, will play for a sponsored dance at the Jefferson County Armory for WHAS. On March 11, Tommy Dorsey with his orchestra and show will play a one-night performance in the Horse Show Pavilion at the State Fair Grounds, with accommodations for 16,000.

Appearance will be in connection with Infantile Paralysis campaign, and special trains are being arranged from various parts of Kentucky and Southern Indiana. President's Ball, usually held in January, will be set for the Dorsey date, and arrangements for the Dorsey appearance were made by T. V. Hartnett, executive v. p. of Brown & Williamson, Dorsey's tobacco sponsors. Admish for the show will be 25c, sponsor to stand actual expense of the show, with all other services, publicity, etc. donated. Half of proceeds will be turned over to national foundation and balance donated to local infantile paralysis cause.

Orders for sheet music with the new 'symprovision' system is expected to run into the hundreds of thousands per composition as the result of a tieup which a newly formed organization is trying to effect with American piano manufacturers. Idea that this new enterprise has is to publish some 250 non-copyrighted works in the new 'simplified' note method. In this keynoting system red color marks eliminate the need for sharps and flats as far as amateurs are concerned.

Alberto Columbo, RKO and Republic Pictures musical director, is affiliated with David L. O'Sullivan in this publishing venture. O'Sullivan comes from D. H. Ahred, Inc., direct mail advertising agency.

PICKET ARGENTINITA

Philadelphia, Jan. 31. Argentinita, aesthetic terper, was picketed during her appearance at the Academy of Music here Thursday night (26). Pickets charged the dancer is a Franco sympathizer. They declared Argentinita backed out of an agreement to dance in New York this week at benefits for Spanish Loyalist children. Terper explained that schedule changes made the cancellations necessary.

Kay Kyser breaks in his act at the State, Hartford, next week, before opening Feb. 17 at Broadway Strand.

Wayne Theatres, Inc.
EXECUTIVE OFFICES
Paramount Theatre Bldg.
FORT WAYNE, INDIANA

January 23rd,
1
2
3
9

Mr. Henry Busse
Indiana Hotel
Ft. Wayne, Indiana

Dear Henry:

The writer would feel ungrateful if you left Fort Wayne without an expression of appreciation. You not only established new attendance figures during the twenty odd years I have operated theatres locally but in the face of adverse weather conditions during your four day engagement at the Paramount, I believe you have set a mark beyond reproach. Friday, January 20th, you played to 5850 adults; Saturday, January 21st, 8577; Sunday, January 22nd, 11,117; Monday, January 23rd, 4850. Total of 30,394. As long as I can remember this is the first time it was necessary to add the fifth stage show on Saturday and particularly at 1:00 a.m. and also a fifth show Sunday.

Again I want to convey my gratitude for your splendid cooperation and needless to tell you, I am looking forward to the first opportunity available for you to play a return engagement.

My well-wishes and kindest regards. I am

Sincerely yours,
Normie Marcus
M. Marcus

MM:LR

An acknowledgment to Mr. Charles Green of C.R.A. and Mr. Charles Yates for a series of most successful bookings the past twelve months.

HENRY BUSSE and his Orchestra—Enroute.

Night Club Reviews

PALOMAR (LOS ANGELES)

Los Angeles, Jan. 28.
Gilbert & Howe, Gobby Durise, Nicholas Boys, Hudson-Metzger girls (10), Clyde McCoy orch (14).

Home of the jitterbug and biggest ballroom west of Chicago (16,000 square feet), Palomar has been seasonally successful since taken over of receivership five years ago by Ray Lewis, who has made it a weekly grosses have run anywhere from \$20,000 to \$35,000, which allows for a neat take off on operating cost of around \$10,000. There have been as many as 8,000 dancers and diners in the spot on one night.

Policy of name bands has made this danceery highly popular with the younger set. Clyde McCoy's Sugar Blues crew is current, starting the second stretch of a 12-week engagement, one of the longest ever given a band. Deal is on to write in Artie Shaw. Baltimore also wants him, so it's a case of bargaining. Shaw is holding out for \$3,750, which is the top price paid to top swingers, Benny Goodman, Glenn Gray, et al, at the Palomar.

It's pretty generally known around town that for dancing the Palomar is the spot. Young bucks really go to town here, with plenty of room for a whirling dervish, and no holds barred. Lambeth Walk is child's play with this mob. Fast and tricky swing is their meat. Admiration for men is free, for the 40s. That gives them the floor for the night. Dinners are 90c and most drinks priced at a quarter. That tariff sets pretty well with a big majority of the young men and they get a good run for their outlay. Spot is pretty much the town's common denominator insofar as luxury spending goes, and when the bags here it's a fairly good sign that there's a recession about.

Acrobats and tap dancers can generally get a booking here. Night caught it was Gilbert and Howe, hand balancers, who reprise with a drunk turn that is rowdy and fast. Nicholas Boys, tapers who are fast and dexterous but offer nothing else. Straussiana production, with 10 gals and five men, should never have been tossed at this clientele. Waltzes are all right for breathers, but a 15-minute cavalcade of waltz tunes by the master to the accompaniment of gaily bedecked dancing girls, is not up their alley. Toe dancing by Gobby Durise brought giggles from the reped-off mob. She barely avoided a couple of headers due to the slick floor. Even if it had been good they wouldn't have liked it. If it hasn't a jitter it isn't a chance. Hudson-Metzger line is a little more ragged than usual. Hel'm.

COCOANUT GROVE (PARK CENTRAL HOTEL, N. Y.)

Chick Webb orch, Ella Fitzgerald, Bardou Ali, Four Inkspots, Derby Wilson.

Park Central follows the lead of other N. Y. hotels in switching from the softer, sweeter style of musical fare to jitterbug rhythms, and indications point to Chick Webb being a hypo for the Grove. His crew is popular in New York, and its scheduled five-weekly air shots will help its draw.

Only thing which can possibly stymie the success of the four-week-die with options is the upper covey, which amounts to 75c, after 11 p.m. weekdays and \$1.50 per on-weekends. However, some of the other spots

in town, catering to the younger trade, are getting that figure and claim to be doing okay.

Insertion of Webb in the Grove, a spot where softly lighted, serene surroundings seemingly call for a robust music, is a radical departure. Crew is situated in an alcove, or shell-like spot, which tends towards amplifying the output, and when music pickup is added it reaches thunderous proportions. Good idea would be to cut off all amplifiers entirely, except for arrangements calling for an instrument to stand out, while the outfit is in the groove.

Webb's five is smartly handled, however. During the dinner hours the jamming is curbed to smooth, liscenable rhythm, which allows for almost orderly conversation over the la carte. After dinner, though, it's palm whacking in the palm room. Outfit sends in jump style, and off with Webb situated out front at his skins. He beats 'em fast and furious, and the work of the 13 men behind him is aces. Instrumental setup of 14 pieces, split into four saxes, six brass and four rhythm and as a whole raps up there with the best in swing.

Ella Fitzgerald, who gets equal billing with the outfit, is tops. Her handling of any tune in any tempo seems so effortless, yet so much better than most of her contemporaries, that comparisons are impossible. This goes especially in her handling of the sequel to A-Tisket, labeled "I Found My Yellow Basket." Delivered by Miss Fitzgerald, it's a sock tune. Same applies to the inevitable A-Tisket, it's a sock tune, but her interpretation, which was a best-seller record, gives it new life. "Heart and Soul," "FDR Jones," "What Do You Love About Love," "St. Louis Blues" also click handsomely.

Four Inkspots, Derby Wilson, and a quintet from the band complete the short floor offering. Inkspots have been around and do an okay job here, six of the four plunk a guitar and bass viol and add harmony while the other two handle main portion of the tunes. Mix 'em for variety and when caught with exceptional arrangements of "Timber," "Who Stole My Heart Away," "Beautiful Baby" and "Thanks for Everything." First and last are done solo by one. Impromptu terps and other spontaneous appearing touches help.

Taps of Derby Wilson, augmented with announced attempts at Bill Robinson's six also click. Hooper's work is acceptable, clear, and nicely varied in rhythm and pace. Robinson took, though, could be slowed for better effect.

Bardou Ali waves the baton and m.c.'s. Does the latter smoothly and with dispatch and impresses favorably in front of the band. Fine celine. Webb's crew, and the natural appeal of a tastefully decorated room should combine to make this booking a profitable one all around.

Florentine Gardens (HOLLYWOOD)

Hollywood, Jan. 25.
Line (8), Patricia Lee, Betty Atkinson, Emil Baffa orch. (10).

Life begins at 40 here. If the waltz ever makes a comeback it will owe its rebirth to this "powder blue and gold" spot. L. A. Times' Harry Chandler is said to have sunk around \$30,000 in this groto and its clientele is largely of the solid, stout and staid set, the crowd that rates the Times second

only to the bible as worthwhile reading matter. A few jitterbugs were around, but the heavy bulge was due to the middle-agers. When the band broke from a slow waltz to a brisker tempo, half of the terps shuffled back to their tables on the downbeat.

Flourish and dancing are incidental to the provender served and the room has been a virtual sellout since opening three weeks ago. There are accommodations for 950. Dinners run from \$1.50 to \$2 and any kind of a drink brings 35c. A bottle of wine fetches 60c and champagne comes with the bucket at \$14.50. No convert or minimum at any time.

Entertainment is nothing to excite talent scouts. Line of eight girls go through ordinary routines; Betty Atkinson, cute drum majorette, taps while she juggles the stick, and Patricia Lee is just another singer. Emil Baffa's dance crew also plays the show and does both jobs commendably. New talent is run in every two weeks.

Type of ad copy run in the Times exclusively has the natives amused. In half page spreads (Chandler's contribution of \$482 an inch) such phrases as "off the beaten path" and "precipitate if each customer will spend an extra 30c during the evening." "Monday we rest" and "we hope you will stay for the floor show and spend a little more" are scattered through the text. Guido Braccini, formerly of Lucca's Italian eateries on the Coast, runs the place. He has a lot of beaten path, on Hollywood Blvd. four blocks east of Vine street. A few blocks away is Earl Carroll's theatre-restaurant. Between the two you're getting the bulk of the night play. While Carroll's is playing havoc with the class joints, the Gardens deepest inroad is on the Palomar, home of the jitterbug, but a point of curiosity to the oldsters.

CLUB CONTINENTAL (HOTEL JEFFERSON, ST. L.)

St. Louis, Jan. 27.
Line (8), Dale Rhodes, Ondrea & Michel, Motter & Davis, Shirley Dean, Tommy Ports, Carl Lorich orch.

This spot has done oodles to maintain what class night life there is in the downtown sector. Additionally, with a swell rep for its cuisine, club is a rendezvous for the tails and decollete crowd from the American theatre, town's soter-leger, and out of towners stopping in the downtown district. It costs a swell play, particularly Saturday nights.

To keep in the vanguard of the downtown parade, management keeps its novelty in a lofty plane. House line of six lookers has a large stock of routines learned while serving in the Municipal Opera chorus. Carl Lorich and his smooth orch. are in their fourth week.

Current show opens sluggishly with Dale Rhodes as m.c., his gags and quips being pretty ancient. However, when Rhodes does his impersonations of w.k.s., winding up with a swell Fred Astaire dance hit, he really works. He should bring his gags up to date.

The line, with changes of costume, do two routines, the last with Shirley Dean, blues canary. Lena Ondrea and Emil Baffa, exponents of ballroomology, are a very nimble pair. Tommy Ports, baritone, scores with his interpretation of "My Blue Heaven." Motter and Davis, hand balancers, work with precision and several of their tricks are socko.

Club has a seating capacity of 500, attractive multicolored indirect lighting and a 50c weekday and 75c Saturday convert.

JACK DEMPSEY'S (MIAMI BEACH)

Miami Beach, Jan. 28.
Sterners Sisters (2), Joan Abbott, Moore and Reuel, Harry Stevens, Vaughn Munroe's orch.

Catering to the theatrical and sporting element, the ex-champ's bistro is proving one of the most popular spots in Miami Beach. It's one of those intimate places where everybody seems to know every body else, although the room itself is large and roomy.

New show is topped by two sock acts. Joan Abbott, recently returned from a tour of Australia, and Moore and Reuel, expert dance satirists. Completing the bill are the Sterners Sisters and Harry Stevens, latter a holdover.

The Sterners, two tall, lithesome blondes, wriggle and squirm their way through some unusual and clever routines. Garbed in flowing, puffed sleeved creations, their work is a mixture of hot and slow hoofing. There have been a few serious style and contagious popularity.

Joan Abbott, flaxen haired looker, has plenty class and much animation. She warbles in a clear, well-modulated tone, delivering her stuff with sophistication while still retaining warmth.

Moore and Reuel are one of the top dance acts of their type. Miss Moore, who has been a dancer since a comedienne of no mean ability. Her body postures and facial contortions mark her as a natural laugh-getter. Reuel also possesses a good flair for comedy. Just after the acts of this type, they come on straight and then go into the roughhouse.

Harry Stevens continues plunking his banjo and has amassed much popularity since joining here, still using same material, but his stuff would be hard to change. Community sing remains forte. Vaughn Munroe's orch also stays on and does a bangup job both for the show and hoofing.

BENNY THE BUM'S (PHILADELPHIA)

Philadelphia, Jan. 28.
Jackie Heller's crew, Lounane Hogan, Arnie Curvall, Joe & Betty Lee, Serge Flash, Deloyda McKay, Lucille Randerson Girls (8).

Jackie Heller's crew mixes up a head and swag routine which is appealing to the nitery patron. Eleven-man set up, consisting of four saxes, one trombone, three trumpets and three rhythm, depend mainly on the maestro's personality to get by—and that will take it a long way. Tiny, he wisely takes advantage of his stature to appeal, clicking solidly, particularly when the tempo is expressive smile and beaucoup energy help him win the audience, plus his capable m.c'ing.

Voice handled by Lounane Hogan and Arnie Curvall, latter putting aside trombone to chirp. Miss Hogan's a nice looker and has fairish pipes, but is stiff like a fish to sell. Curvall's nothing much in appearance, but is a satisfactory singer. Heller himself does the major part of the warbling, and well, too, although he could hardly eliminate a couple of choruses from each of his numbers.

Terping is provided by Joe and Betty Lee, New looking and youthful, they're only socko on standard ballroomology. Really only come into their element at the end with their jitterbug number. Could do more for the show. Serge Flash's juggling is routine stuff.

Deloyda McKay winds up 20 months at Benny's to go into the Hotel Pennsylvania New York, with Ben Bernie's band next week. Her work at the minny piano, accompanying her torchy piping, has long been stand-out, never failing to stop show here. She's attractive, middle-aged, colored gal. Two appearances of the line, Lucille Randerson Girls (6), wind up the floor presentation: Do a jade routine that's nifty.

Club Internationale (MIAMI BEACH)

Miami Beach, Jan. 28.
Joe E. Lewis, Suzanne & Christine, Lillian Carmen, Enrico & Novello, Alex Batkin and Jose Tomaseo orchs.

Only four acts comprise the show here, but this type of room it's an ideal setup. New show is headed by Joe E. Lewis, and a capacity house greeted the funster, who has been a fave here for the past two years, opening night (25). Miami is a sort of altar to Lewis any way, because it was here at the Hollywood Yacht Club that he realized success while traveling the come-back trail. From that time on he's been head man of the comedy department in these diggins. His clownish antics, mugging and parodies are funny, and, although at times he goes on the off side, his stuff is not offensive. A parody on "Lady Is a Tramp" wows, as does "Sam, You Made the Pants Too Long." A natural at ad lib, his fun-

niest stuff comes through this channel.

Suzanne and Christine, only hold-over act in the revue, open with a lively series of acrobatic and swing numbers. Kids are cute and talented and work with a man, frenzy that leaves them breathless. Lillian Carmen, another fave here last season, dispenses her songs in excellent arrangements. She possesses a powerful pair of pipes and it seems her numbers would hit home better than the milk. A brunet looker with a frame to match, she radiates personality and delivers her stuff in socko fashion.

Enrico and Novello succeeded the Sterners for the terp portion of the show, bringing up slow and fast rhythms for a nice change of pace. Routines include waltzes, tangos and rumbas, executing all faultlessly. Alex Batkin's orch continues for show and dancing. Jose Tomaseo's crew plays the rumbas.

ROSE BOWL (CHICAGO)

Chicago, Jan. 27.
Willie Shore, 3 Orchids, Olive Faye, Yvonne Monoff, Winnie Haller girls, Solly Wagner orch.

New near-northside spot, with Frankie Howard as the general hand-shaker and operator, looks for a successful stay in Chicago nite life. Rose Bowl is an excellent room has enough attractions to satisfy the run of sun-doggers.

Circular bar shuts off from the main room by a glass window, but barflies can still catch the floor show proceedings. Room seats around 100.

Cafe has brought in Willie Shore, long a favorite in Chicago, who has taken over the mantle of Joe Lewis as Chi's own cafe entertainer now that Lewis has hit the road. It's a smart buy, as Willie Shore is a great local following and he guarantees audience-satisfaction. He is a fast thinker and knows all the rules of handling customers.

Shore works throughout the room and has a great memory for people and names. On the floor he turns in a splendid m.c. job and has a wealth of comedy material. Does parodies, manages well-rounded comedy routines, has a long series of comedy bits and many special material items. He is definitely an entertainer.

Three Orchids comprise a good group of femme singers with plenty of appearance and solid tonsils. They deliver their tunes well. The songs, however, are a little over-arranged. More simplicity might help matters. Olive Faye comes through with a fine solo dance routine, finishing with a Russian sequence that has plenty of punch.

For a nitery entertainer, Yvonne Monoff is highly satisfying fare with her adult special material lyrics and songs. She indicates great possibilities and can be built to headline proportions.

Line is good, as is Solly Wagner's orch. Leader has been around town for a few years and knows nitery dancsation. Plays show neatly.

CASINO Russe, N. Y.

Ashim-Khan, Cornelius Codoblan Orch (8), Misha Novy Orch (8), Alexander Bunchuk, Marusia George, Mirt (Grete) Mirt, Sherlock, Daria Sokolskaya, Continental Trio (Moranz, Bunchuk, Codoblan), Francine Farrell.

Casino Russe, in the Carnegie Hall building, is the latest spot to adopt the White Russian aura. Its decor is informal and the atmosphere is informal.

Sasha Maef, operator of the Russian Tea Room on 57th street, is running the spot, which, incidentally, has an adjoining corridor to his tea room.

The entertainment leans heavily on the Russe, but there's sufficient American music to appease the frequenters. There's Cornelius Codoblan (Continued on page 42)

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VAUDEVILLE IN REVERSE

WHY HOLD THE BAG?

Closing of the straight-vaudeville policy at the Majestic, New York, with all of the acts holding the bag for the majority portions of their salaries, happens all too often to vaudeville performers.

The American Federation of Actors made sure that the Majestic's show was 100% AFA. But the union apparently did not make sure of the responsibility of those behind the venture. It did not ask Vaudeville Artists, Inc., the operators, to post a bond. Kurt Robitschek is president and producer of Vaudeville Artists, Inc.; Benjamin M. Weinberg, treasurer; Albert Clurman, secretary. As the venture turned out, the responsibility of these men ended in the contracts at the word 'Incorporated.'

Weinberg is in the banking business; Clurman is a lawyer. One knows money, the other knows law—two elements about which many performers are ignorant. The actors jehnnhacked the contracts and the AFA union apparently felt it was sufficient to just close the door to non-AFA members and establish minimum wages.

The musicians and stagehands unions, however, demanded that Vaudeville Artists, Inc., post bonds for the salaries of their members. They were paid to the penny for their services. The performers were offered and accepted fractions. Then the AFA got busy, but probably a little too late. The technical responsibilities of Robitschek, Weinberg and Clurman end with the bank balance of the corporation, of which they were merely stockholders and officials.

Equity protects its members by insisting that producers post bonds covering salaries of legit casts in full. It tries and most times succeeds in also protecting members signed for shows outside the United States, as was illustrated recently in the case of the London company of 'Golden Boy.' The AFA is Equity's sister-union in the Four A's; it hasn't got far to go for a pattern of procedure.

AFA now is the only recourse for actors suffering from no-payoffs, except, naturally, the civil courts. Latter procedure is usually a long, drawn out affair, whereas arbitration by the union is immediate, though not always effective in cases, such as the Robitschek show, where the responsibility rests only upon a corporation.

The only surefire protection for performers, therefore, is the bonding of every new vaudeville and nitery venture. Only the financially irresponsible would object to this.

NAME BANDS AT INT'L CASINO, NEW POLICY?

A name-band policy for the International Casino, converting it into a ballroom, will probably result following huddles with Robert K. Christenberry, just back in New York from a Florida vacation. He's managing director of both the Hotel Astor, N. Y., and the International, representing the City Farmers Bank & Trust.

Details for financial reorganization must be worked out before the name-band idea, long being mulled, goes into effect, with especial eye to lure the Fair crowds.

Its central midtown location in the heart of Times Sq. makes this policy a natural, according to management dope.

Suspend Cafe License, Fine 2 for Hiring of Minor

Liquor license of the Hippodrome nitery here was suspended last week by state run board for hiring a 13-year-old girl entertainer and hostess.

Leo Curtis was fined \$100 with alternative of 30 days in jail, while Henry Browne got \$100 fine or 90 days for booking the minor. Hearing had been pending some time following complaint several months ago.

Detroit, Jan. 31.

CASS-OWEN-TOPSY SET FOR LONDON REVUE

Cass, Owen and Topsy have been set for George Black's Revue at the Hippodrome, London. Open for a tryout first in Brighton, England, Feb. 20 for two weeks before going to the metropolis for a run.

Max Tishman agented.

MCA, Morris in Joint Deal on Int'l's Tour

William Morris office and Music Corp. of America are jointly handling the vaude tour of the International Casino, New York, show. It's called 'Folies Bergere' now.

Clifford C. Fischer revue opened at the State, Hartford, Jan. 25, and works westward to the San Francisco Fair for a run there.

'Ice Follies' Does Big \$45,000 in Montreal

'Ice Follies' of 1939, with Bess Ehrhart and cast of 60, nearly filled the 9,000 seats of Forum here Thursday-Saturday (25-26), slightly on Saturday (28), for \$45,000, slightly off Sonja Henie show of a month ago. Latter had three nights.

Dorsey's Vaude Airer

Philadelphia, Jan. 31. Arrangements have been made to the Earle theatre to shift shows tomorrow (Wednesday) night so that both of Tommy Dorsey's broadcasts can be made from the stage. First show is aired from 8:30 to 9 and repeated for the Coast from 11:30 to 12. Second of the Raleigh-Kool airings last year was made from the studios of KYW.

MORE CLOSINGS THAN OPENINGS

Fold of Robitschek's N. Y. Venture, Retreat of Brooklyn Strand, RKO Shubert, Cincy; Palace, Chicago; N. Y. Beacon, Indicative That 'Revival' Was Just a Myth

GLOOMY SPRING

The vaude 'revival' appears to be gaining acceleration in reverse. Closings are becoming more frequent than openings, and if this situation continues stage talent will find itself with less playing time by spring than it had during the corresponding period a year ago.

First important fold was Kurt Robitschek's straight-vaude policy at the Majestic, New York, which ended Jan. 22 with all of the acts failing to collect the majority portions of their salaries. Strand, Brooklyn, drops stage shows Friday (3) and RKO has set the Shubert, Cincinnati, to go into a straight picture policy on Feb. 10, and also has given notice its Palace, Chicago, will fold in three weeks.

Just prior to the folding of the Robitschek show, the Skourases put a vaudeville policy into the Beacon, New York, but yanked it after five days. Resumption of vaude being held in abeyance. In the same vein, the Brandts, who announced three weeks ago they would stage flesh in several of their N. Y. theatres, have failed to materialize that plan. They've talked to several vaude bookers, but the budgets the Brandts advanced were decreed too low to give vaude a fair chance.

Brooklyn Strand's stage show policy, counting the current stanza, was of 20 weeks duration. After folding it Friday for duals, house sticks to straight films (11 weeks of Feb. 17, when it must fulfill a contract with Ted Lewis' orchestra, but after that the straight picture diet sticks.

House was reported to have only a \$10,000 nut with stage shows, and the grosses were over that figure weekly, but apparently the opera-

(Continued on page 42)

DET. NUDEST HOOVER'S \$500 CONTRACT AWARD

Detroit, Jan. 31.

Zorine, nudist hoover, won \$500 damages yesterday (Monday) from her former manager and publicist, Frederick Merrill, who was sued for breaking a contract with her. Dancer claimed that Merrill left her to pilot Dorothy Henry, a milk-bather, when she was ill and unable to work last fall.

Claim against Merrill specified that Miss Henry was a nudist act, in violation of the contract between Zorine and Merrill, which stipulated he couldn't manage another such turn.

Judge Rubiner had deferred his decision last week pending perusal of Miss Henry's act. In rendering his decision he called the latter 'a 99% nude dance.'

Harry Richman, Out Of N. Y. Cafe, Goes South

Harry Richman closed last night (Tuesday) at the Road to Mandalay, new New York nitery in the Hotel Delmonico. Richman is going to the Royal Palm, Miami Beach, a previous booking. Glen Pope, magician with him at the Mandalay, is going south with Richman.

Although the cafe star is said to have a 50% interest in the Mandalay, he may not return to the spot due to reported differences over policy with Morton Wolf and William Sharp, the hotel management.

Two Canton Theatres May Return To Vaude After 5 Years of Pictures

KELLY SAYS OKAY

Miami Operator Agrees to Responsibility for Cuban Band

Miami Beach, Jan. 31.

Bob Kelly, operator of La Conga here, rounded up a senorita rhumba band from Cuba, payed their fares and put them to work when Uncle Sam informed him they couldn't stay here unless he signed an affidavit holding himself responsible for them while in this country.

Kelly signed, but they won't be allowed to work any other spot. Unit is known as Las Cubanitas.

AFA CALLS N. Y. MEET ON MGT. BONDING

American Federation of Actors has called a general membership meeting for tomorrow (Thursday) at Edison Hall, Hotel Edison, New York, to discuss a bonding system for night club and vaudeville ventures and establishment of its own charity, a Sophie Tucker Fund.

Bonding idea was suggested by system employed by Actors Equity whereby operators and vaude impresarios would be obliged to post bonds to insure payment of salaries. Acts have been left holding the sack lately with failure in N. Y. of the Hollywood Restaurant and International Casino and Majestic theatre's vaude policy, thus motivating the bonding move.

Tucker Fund would provide for hospitalization for sick and needy members of the AFA.

NAMES YANK CLEVE. PALACE OUT OF RED

Cleveland, Jan. 31.

Pulled out of the red by the last five weeks of names, RKO's Palace, only vaude spot here, is going after film and name bands exclusively for the next two months. Although there may be a shift of one week in dates, Nat Holt, RKO zone manager, has Mae West practically set for March 24. Miss West broke all local attendance records last season, and will tilt theatre's scale for the first time this year.

Following Ann Sothern, Roger Pryor and Eleanor Whitney, Holt is building a new unit around Blackstone for Feb. 3. Dave Benis producing it for an RKO trek, working a line of 16 and three new acts around the magician.

Lineup for next two months is the most promising talent house has nabbed this winter. Ted Weems slated for Feb. 10, 'Folies Bergere,' Feb. 17; Eddy Duchin, March 3; Vincent Lopez, March 17; Miss West, March 24, with Louis Prima's band and a new unit. Holt also has tentative agreement with Burns and Allen, pending outcome of their federal court rap, for a late March date.

Philly's Cafe-Airers

Philadelphia, Jan. 31.

Niteries getting a publicity break here on a weekly show being aired from WIP. Talent from a different spot each week is invited to participate. Walton Roof, with heaviest show in town, takes it about once every three weeks.

Lee Frederick, captain of the line at the Walton, m.c.s. She also scripts the show, added slightly, it is understood, by Milt Shapiro, p.a.

Canton, Jan. 31. After more than five years without stage shows, Loew's and Palace, straight film houses here, may switch to flesh shortly. Stage shows at the Palace, Akron, which weekly draws hundreds from here and nearby smaller towns, is believed to have prompted theatre operators here to consider a change.

Under a tentative plan, Loew's and the Palace would work on an agreement whereby the two houses would alternate stage shows, leaving each house with straight films every other week.

The theatres have operated under an agreement for more than five years not to offer stage shows. Alleged unfair demands by musicians are said to have forced the theatres to abandon vaude. Stagehands are reported to have agreed to concessions favorable to the operators of the two houses.

Name Bands for Akron

Success of stage units at Palace here is reflected in bookings for the next few weeks. Roger Pryor, Russ Morgan, Ted Weems, Eddy Duchin and Ted Lewis bands are scheduled. Palace has had bad run of units in several years, few weeks passing without the stage being lighted.

10 S. F. CAFES MAY LOSE OK'S

Ten leading niteries here face loss of their licenses following raids by State Board of Equalization agents last week. Clubs were cited as the first move in the Board's new program of tighter enforcement of liquor laws. They were directed to appear at a hearing, yet to be set, to show cause why their licenses should not be suspended or revoked. Clubs cited for keeping open after the 2 a.m. closing law are the Embassy, Music Box, Moderne, Tivoli, Royal Hawaiian, Breakers, 38er, 245 Mason and 203 Jefferson.

Attorneys for the clubs indicated that they would base their defense on a charge that the 2 a.m. closing law is unconstitutional. George Reilly, newly elected member of the board, has added 14 new agents and four prowl cars to watch for liquor law violations here.

MAGEE TAKES LEAVE AT MORRIS FOR ICKES POST

Joe Magee, assistant to William Morris, Jr., has taken a leave of absence from the agency to fill a request from his former boss, Secretary of the Interior Harold L. Ickes.

Ickes wanted him back as his secretary for a short period.

Elsie Janis With Fay's Vaude Opening Feb. 13

Elsie Janis, who just folded her own Sunday night recitals, has signed with Frank Fay for his new vaudeville venture, one-a-night, \$3.30 top vaude at the Hudson, when it opens Feb. 13.

The Debonaires and the Merry Macs have also been set.

Santrey Forms Unit For Tour; Stars Ed Leonard

Henry Santrey is producing a 32-piece unit in New York with Eddie Leonard starred. Will include Santrey's Soldiers of Fortune band (14).

Billy Jackson is setting the dates.

Winchell Chorus Girl Chapter in AFA Follows Whitehead-Calkins Feuding

Walter Winchell became an honorary member and inspirational organizer of the American Federation of Actors Thursday (28) with the naming of a new chorus girl chapter after him. It followed the ouster of the union's chief organizer, Harry R. Calkins. Through his investigation of the AFA's organizing of girls, the columnist was ushered into the union activity which is being interpreted as a move to keep nitery operators in line and to strengthen a weak link in the organization.

Winchell, apprised of some rough tactics in unionization of the girls, called Ralph Whitehead, executive secretary of the union, on the matter. Whitehead suggested they get together. After a trial before the council, Calkins was let out for allegedly using abusive language to the choristers. A Walter Winchell Chapter idea was then suggested, the N.Y. Mirror's columnist tracing his interest in chorines to his early vaudeville days when he was befriended by a dancer after being dropped from a show.

Whitehead has since informed nitery operators around town that Calkins is no longer connected with the organization. Calkins refutes the reasons for his ouster, stating that Whitehead had been planning it for some time and only jumped at the opportunity to curry favor with the columnist and hype the chorine situation. Whitehead and Calkins had been feuding for some time before the breakup. Break was actuated by the show at the now defunct restaurant. All were called for trial after going on with the show when the union forbade it recently.

About 100 girls attended the first meet at Edison Hall. Winchell, Whitehead, Sophie Tucker, AFA prez, and Harry Richman spoke. Another meeting will be held tomorrow (Thursday) at which wages and hours for girls will be discussed. With AFA trying to organize the Broadway presentation houses and get stronger grip on nitery situation, girls are calculated to be a staunch wedge, if effectively grouped.

Betty Randall, Garden City debutante, now warbling with Richard Warren's orchestra at the Stork Club, New York. She won an amateur singing contest held there recently.

15 YEARS AGO

(From VARIETY)

London reported 24 of Britain's music halls open, with managers complaining old contracts were blocking new ideas and progress.

Pauline Lord caused San Francisco sensation when she stopped performance of 'Anna Christie' at the Alcazar because she heard snoring coming from the audience.

Actor playing in 'The Bootlegger's Revenge' at San Francisco arrested for alleged violation of the Volstead Act.

Dr. Hugo Riesenfeld, director of the Rivoli, Rialto and Criterion, New York, started a survey to find out how radio was affecting theatre business.

Senator Lamazelle, crusader against nudity on Paris stages, defeated for reelection.

Vincent Lopez said they needed traffic cops backstage at the Hippodrome to point out all the turns.

U. S. District Judge Augustus N. Hand dismissed Max Hart's monopoly suit against B. F. Keith and the Orpheum circuit on the ground that vaude was not interstate commerce.

Republicans in Washington promised support of Congressman Sol Bloom's bill to control theatre ticket speculation.

Frank Munsey reported to be angling for Evening World for estimated \$14,000,000.

Thirty-eight members of 'Lightnin' cast in San Francisco made pilgrimage to grave of Frank Bacon at Mountain View.

Steel curtain at Balaban & Katz Chicago theatre stuck. Management refunded all admissions.

Rudolph Valentino crowned 'King of the Movies' at the Astor hotel, N. Y. Eddie Cantor clowned through embarrassing stretch when 'queen' Marion Davies failed to appear. She emerged from the audience later and took her seat on the throne.

J. Harold Murray, Rags Ragland Into N. Y. Nitery

J. Harold Murray, Rags Ragland and Russell Trent, latter two from burley, top Leon & Eddie's (N. Y.) new revue opening Friday (3).

Ragland switches over from the Continental, N. Y., newly opened strippey, for the engagement while Trent, his straight man and m.c., just wound up two weeks at the Gaiety, N. Y. It's a professional comeback for Murray, ex-Ziegfeld juvenile.

Frisco Hotel Installs Cafe To Cash In on Fair Trade

San Francisco, Jan. 31. The Mark Hopkins Hotel here to install a sky room on top of the hotel. Top O' the Mark is the moniker given to the room, which, it's estimated, will cost about \$100,000. Work being rushed on the project in order to cash in on the heavy tourist trade expected for the Fair.

Management considering Dwight Flske, Eve Symington, Russell Swann, Sheila Barrett and Alec Templeton to get the room underway.

Saranac Lake

By Happy Benway

Frank 'Dusty' Rhoades, who was here for years, now managing his own newstand in Victoria, B. C.

Henry 'Hank' Hearn and wife now hibernating in Atlanta. He made the grade up here.

Hap Ward, Jr., who has been an in-and-out on the bed routine, is now showing improvement.

Jimmy Cannon feeling okay with lotsa added potency.

Dick 'Tiny' Morse, who spent some time here, is now a doorman at a local nitery.

Matt Jones, of the local police force (five in all), was formerly a bass singer with a tent show quartet.

Ray Loew's Ketchum has mastered four stages of his operation.

The Frank Forsythys who have been members of the actors' colony, were here for their annual checkup. The okay verdict, they went back to Troy.

This colony can use books for its library. All contributions can be sent care of VARIETY, 91 Broadway, Saranac Lake.

(Write to those who are ill.)

Vaude in Reverse

(Continued from Page 41)

tion cost was misquoted. Management now claims it's dropping the stage end because the policy has been a losing one.

One factor in keeping it in the red was the employment of a house orchestra, bated by Teddy King, plus the occasional booking of name bands. At a 40c. admission top weekdays (50c. weekends), theatre found the name burden too much. Non-name shows, on the other hand, didn't draw.

Loew's Century, Baltimore is also due for the skids. House drops pit band policy this or next week following an 18-week trial.

Singers, instrumentalists, etc., were used on stage apron with band during test.

Mpls. Wants Flesh

Minneapolis, Jan. 31.

John J. Friedl, general manager of the Paramount Northwest circuit, wants stage shows for the Orpheum here, but declares he can't find sufficient attraction. Back from a quest of names in New York he has only one offering, a Major Bowes amateur unit, to show for his efforts.

Orpheum, pursuing an occasional stage show policy, already this season has played many of the name bands, including Benny Goodman, Horace Heidt, Rudy Vallee, Glenn Gray, Hal Kemp and Jimmy Dorsey.

Philadelphia, Jan. 31.

Philadelphia's two vaude houses using Negro name bands and talent shuttered last week due to lack of biz. They are Nixon's Grand, which opened Thanksgiving, and the Lincoln, which unveiled Christmas Day.

Houses have been intermittently open and closed for years. Talk now of bringing the Yiddish stock troupe that kept it open last year into the Lincoln.

Night Club Reviews

(Continued from page 40)

CASINO RUSSE, N. Y.

doblan and Misha Novy, whose orchestra dish out American and Russian gypsy tunes. Novy is strictly for the latter type of music; Codoblan was formerly at the St. Regis Malsounette Russe. None of the music is hot, but it's danceable enough to serve its purpose.

Spot draws somewhat of a class crowd. Its main drawback lies in the slow presentation of the show despite the excellent touch lent it by m.c. Ashim-Khan, who's a hold-over. Somewhat anomalous in this spot is Francine Farrell, who seems a far cry from the Bunchies, Matvienkos and Sherokoffs on the same roster. Miss Farrell, a looker, doesn't deserve so inconspicuous a part in the set-up. She's the Codoblan warbler and dishes out the American tunes with little distinction, but the main fault lies in the improper presentation. She gets no spot, intro, etc.

Ashim-Khan heads the card and he's ubiquitously charming, in gypsy costume or evening dress, lending a lusty voice as part of the floor show, or barbitoning in the informal Continental manner in the cocktail lounge. The Continental show is probably the most enjoyable part of the evening's prodivities. There's Alexander Bunchuk, Moranz and Codoblan instrumentally entertaining there towards the curfew hour. At this time there are only a handful of customers about and the informality gives the spot its most distinctive charm.

Among the individual acts there's Mira Gregor, a dark-haired looker, who does gypsy plaints and Russian melodies; Matvienko, dagger dancer, who contributes a few entertaining moments; Sherokoff, a

Arcadia, Philly, Set For Part-Time Show

Philadelphia, Jan. 31.

Arcadia-International, Philadelphia nitery, which was forced to shutter 10 days ago, will be reopened, probably at the end of this week. Instead of operating on an unprofitable nitery policy, however, as it has been, plan is to run it strictly as a restaurant during the week, with a bar and show Saturday. That decision was the outcome of confabs last week among stockholders, creditors and the management.

Some opposition was voiced to continuing management by Arthur H. Padula. Confidence in him was expressed by a majority, however, and he will remain. He is also a large stockholder.

Arcadia closed Jan. 21 when kitchen help walked out during the dinner hour, claiming they were owed back wages.

baritone; Daria Sokolskaya, a gypsy dancer; Marusa George, who also does Russian and gypsy songs well. The Russe groups are ensnared in one spot, in a gypsy 'Fireside' number that's very effective.

Show's talent nut runs to about \$1,000 weekly. Minimum, \$150 week days; \$2 Saturdays, Sundays and holidays.

CAFE MARGUERY

(ADELPHI HOTEL, PHILLY)

Philadelphia, Jan. 27.

Devoid of traveling bands since the Arcadia-International gave them up last season, Philly in the past few weeks has suddenly blossomed out with such crews in three major spots. Two opened last week; Johnny Hamp here on Wednesday (25) and Little Jackie Heller at Benny the Bum's on Friday (27). Red Norvo opened the week previous at the Benjamin Franklin hotel's new Garden Terrace Room.

Hamp's 10-man outfit sticks pretty much to the sugary slide, even going back a few years for pop sentimental ballads, which are freshened up in arrangements and provide a steady source of sweet music. Instrumentation is three brass, four saxes and three rhythm. Hamp opens the show with the well-played-out impressions of other bands—Lombardo, Busse, Shep Fields, Kay Kyser and a combo of them all. Imitations are fair and a novelty is added by the band doing the audience requests. (Patron who kept shouting for mimic of Sousa was politely overlooked.)

Hamp does a fair job as m.c., although act don't get a break on his pronunciation of their names. Vocalizing for the outfit is handled by Jayne Whitney and trumpeter Gordon Smith. Miss Whitney is an attractive looker with a nice set of pipes which aren't aided by a creaking p.a. system. Smith hasn't much voice, getting by mainly on personality. He's a romantic crooner type, who also hoots. Wins more in later by showmanship than technique.

John Devant's magi turn was pulled out of the fire when caught by two excellent songs called from the audience. Bag of tricks has little variation or pace and is rather amateurish. Dance duo is Bernhardt and Graham. Only so-so on looks, they're a little too hefty for some of the stuff they try. Good, however, on a final fast routine and come back with a strong encore, Turkey in the Straw.

Frank Rande does a good balancing routine. Opens standard with a moderate-sized punch doing a one-leg balance on Rande's finger. Rande reprises with some of the same stunts done by a much larger canine. Gine, Duffin and Lewis close with a comic ballroom tery, burlesque. Two guys and a gal go through usual knockabout routine, starting off as though it were serious.

Show is principally in need of one stand-out act. Also hampered by dull lighting, as is, in fact, the whole room. Femme complaint is that the orange light automatically removes all make-up from their faces.

Herb.

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HOPE MINOR and EDDIE ROOT
Opening Tonight (Feb. 1st)
HARRY RICHMAN'S "ROAD TO Mandalay"
HOTEL DELMONICO, NEW YORK

SEE SHUTTERING OF COLLEGE INN, CHI

Chicago, Jan. 31. Upheaval at the Sherman hotel may close the hostelry's College Inn and reduce the hotel to a small-time spot. Hotel has steadily declined in importance to show biz during the past five years, and indications are that it may follow the lead of the Hotel Morrison in scrambling the amusement field entirely. Plan is now under way to reduce the nitery to about 250 seats instead of the present capacity of approximately 700. Also considered is folding the room entirely and keeping shows only in the cheap-priced Old Town room and the cocktail lounge known as The Dome. Hotel's direct booking of many acts recently has been followed by charges that these acts must play conventions and private parties even though they have been booked on the assumption they were only to play the College Inn. Trouble arising from this is about a motivating factor in the hotel's consideration of closing the cafe. Also readying to pounce on the Sherman is the American Federation of Actors due to the hotel's refusal to sign an agreement with it. Union is understood preparing to picket the hotel.

MEET TO DECIDE FATE OF HOLLYWOOD REST.

Officers and creditors of the again defunct Hollywood Restaurant, New York, meet Feb. 6 before a judge of the Federal Bankruptcy Court, N. Y., to decide the future of the spot. Creditors are reported inclined not to press for bankruptcy if they can be reasonably assured the eatery can be operated at a sufficient profit to insure payoff of outstanding debts.

FLUSHING CAFE SUED BY TRIO FOR CANCELLATION

Operators of the Camel Cafe, Flushing, New York, were sued Saturday (28) by Ralph Leonard, violinist; Roy Oliver, accordionist-singer; and Carl Pallant, pianist-accordionist for cancellation of an engagement. Trio is asking \$100 for refusal of nitery to employ them after verbally agreeing to a date which was cancelled two days before it was to start. Also concerned in the suit is Barney Gillman, who agented the deal. This marks the third of such litigations in which Gillman has been involved. In each case he prompted acts into filing, basing his reasons on claim that an oral agreement is just as binding as a written contract. Other two suits were successful. Jack Miller and Janet, skating act, won against the Monte Carlo Casino, New York, Jan. 10. Leroy and Rogers, knockabout turn, collected out of court in December from Oetjen's, Brooklyn nitery.

Balto Clamps Down On Nitery Strippers

Baltimore, Jan. 31. Under orders from Police Commissioner Robert F. Stanton, local police this week clamped down on niteries utilizing strippers. Following confab at which law was laid down to nitery operators, arrest was made in Subway Club, with Jimmie Beard, proprietor, and an offending peeler, haled before a magistrate. They won an acquittal but brought further warnings to bonifaces to standardize the apparel. Biz n.s.g. since New Year's. Only interest seems to be in more intimate spots where policy of soft music and no entertainment, plus moderately priced menu, seems to be the answer. Luella Johnson opened at the Glass Hat, New York, last night (Tuesday), filling niche vacated by the Four McNallie Sisters.

DICTATORIAL RULE OF AFA CHARGED VS. WHITEHEAD BY OUSTED ORGANIZER

4 FREED IN B'KLYN ON BAIL IN INDECENT SHOW

Tom Torre, booker, was arrested and released in \$500 bail Thursday (28) for allegedly arranging an indecent show in Brooklyn. Three girls on the show were freed in \$100 bail each. They were pinched at the Marine and Field Club, and are being held for Magistrate's Court, Coney Island, for hearing Feb. 14.

Texas Casa Manana Signs Morris Producing Deal

Fort Worth, Jan. 31. Casa Manana director's Saturday (28) signed a contract for the 1939 show here with Stella Tours, Inc., a producing subsidiary of the William Morris agency. Contract will go into effect as soon as a few minor changes have been agreed upon. Corporation is to supply the show directors with a lineup of talent by April 15. Show will consist of a name band, a radio star a week, five vaudeville acts and 70 Texas chorus girls. Show set to open July 25.

Bankrupt Tuckahoe Cafe Asks Deferment of Debts

Murray's, Tuckahoe (N. Y.) nitery, last week petitioned the N. Y. Federal court for permission to defer its debt payments as provided for under the Chandler amendment to the bankruptcy act. Corporate title was Let's Go to Murray's, Inc. Schedule, which was attached to the petition, gave the liabilities as \$47,732 and assets, \$11,146. Nonie Mitchell, songstress, opened at the Mandalay in Los Angeles.

Letter to 4A's by Harry R. Calkins Claims Executive Secretary Dominates 'Dummy' Council—Or- ganizer Ousted Last Week for 'Abusing Power'

First official charge of one-man control of the American Federation of Actors was lodged against Ralph Whitehead, executive secretary of the AFA, yesterday (Tuesday) by Harry R. Calkins, former chief organizer, in a complaint to the parent union, Associated Actors and Artists of America. Reports of similar action by others interested have been knocking around for some time, but this is first time that the matter has been brought into the open. Calkins was dropped from AFA last week after a run-in with Whitehead on organizational policies. It is alleged that he abused his power in negotiations with chorus girls in Broadway niteries, a charge that was aired at a council trial before he was dismissed. Calkins' letter to the Four A's states that the writer disclaims personal responsibility for fulfillment of contracts existing between night clubs and the union, adding that he no longer has confidence in the union. Letter outlines series of alleged existing evils, charging that Whitehead administers union's affairs without restraint. It points out that such executives as Sophie Tucker, Harry Richman, Joe Laurie, Jr., rarely, if ever, attend executive council meetings. It's also noted that AFA's constitution says seven members constitute a quorum, although there are 32 members in the council. Claims the 'active quorum' is composed of persons who have not been actively engaged in the commercial theatre for many years and

that all are employees of the WPA's Federal Theatre Project, or paid employees of the AFA itself. AFA cannot extend protection to circus workers (exclusive of performers) since same is not covered in charter granted by the Four A's. Yet, letter continues, these same laborers are included in an actors' union, though not given any voice in election of officers of either the AFA or the Four A's. 'Dummy Council' Calkins accuses union of operating under a dummy council whose members are dependent on good offices of Whitehead. He also states that monies are carelessly expended after collection. No copies of the union's by-laws and constitution are available for new members, most of whom are compelled to join in order to work in closed shops, minus knowledge of rights or benefits gained through membership, it is alleged. Calkins' letter states having urged reform of above conditions while employed with the union for 18 months until last week. His efforts were without avail owing to dictatorial character of Whitehead, according to complaint. It's pointed out by Calkins that of 32 listed council members only Walter Diggs, Jed Dooley, Frank Lynch, Guy Magley, Eddie Miller, Jessie Noble, Thomas D. Senna, Charles Mosconi, Mat Shelvey (local WPA vaude supervisor) and Whitehead attend council meetings regularly. Five of foregoing are employees or officers receiving salaries. Some are located in branches. Calkins states that until two years (Continued on page 54)

DAVE APOLLON

Touring Texas Interstate Circuit for his seventh consecutive season and playing to S.R.O. at every performance in every theatre with his "Varieties of 1939" featuring his new 15-Piece American Orchestra

With MELISSA MASON - THREE OXFORD BOYS - RUTH PETTY - TOMMY TRENT - SIX HONEY FAMILY - MILDRED LAW IVAN THE TERRIBLE - And Many Others

THE HOUSTON PRESS
Saturday, January 14, 1939

Apollon's New Effort Keeps Him On Top of Met's Stage Show List

Has Great Cast of Performers Who Do Many and Varied Things

By PAUL HOCHULI

Dave Apollon's "Varieties of 1939" on the stage are worth the time and money of anybody looking for an armload of laughs and entertainment. Personally, I don't see how he does it, but every time Dave hits the Met he has a better show than he had the year before. I've said it before and I'll say it again, this time for his scrap book, Dave always heads the best stage show the Met offers during the season. This year is no exception, either.

THE HOUSTON CHRONICLE
Sunday, January 15, 1939

By MILDRED STOCKARD
Metropolitan

Definitely entertaining is the bill at the Metropolitan this week. The little Russian whirlwind, Dave Apollon, is back again with the best of all the stage shows he has brought to Houston. Besides his band, a new and rhythmic swing group.

FORT WORTH STAR-TELEGRAM
Monday, January 9, 1939

Dave Apollon Draws Full House At Worth Despite Bad Weather for Theatre

By BESS STEPHENSON

Dave Apollon beamed in four languages Sunday afternoon. Over at the Worth Theatre it was raining in sheets. Wind swept around the corner with a low "gloomy Sunday" moan. It was a heck of a day for show business. Yet, once again (for the seventh time in seven years) Dave Apollon's revue packed 'em in. The Worth was packed even to standing room. "I guess," said Dave with appropriate modesty, "I must know how to please 'em." He's right. He does.

The Dispatch-Journal, Dallas, Texas, January 2, 1939

APOLLON HEADS VARIETY SHOW AT MAJESTIC THEATRE

E. M. B.

Dave Apollon, master showman, again heads a bang-up variety revue at the Majestic theatre, where for several years now he has been a favorite with theatregoers who like variety shows. Apollon is surrounded by a group of good acts that would fill the bill with any vaudeville unit, but with the Russian at the pilot wheel, a good show becomes a much better one. The man is an ace entertainer. When Apollon opens his mouth the audience does the same . . . and out comes frame-shaking laughter. He plays mandolin like nobody's business. He dances. He sings. He kids the audience. He permits himself to be kidded by his performers. He's busy every minute.

The Press-Scimitar, Memphis, Tennessee, Monday, December 26, 1938

DAVE APOLLON MAKES ANOTHER HIT AT ORPHEUM

By JACK BRYAN

The special flash, the breath-catching something that seems to be a basic requirement for admission as an entertainer into one of Dave Apollon's shows is more than ever prominent in the lineup of top entertainers that he has brought to the Orpheum this week.

With an excellent swing band setting a new pace in place of the Tillipinos, he has brought with him in the past, Dave has crowded his stage with a coterie of choice performers that adds luster even to his reputation as one of the most generous of showmen to his audiences.

MANY THANKS TO MR. BOB O'DONNELL FOR BOOKING MY SHOW FOR 1940

Direction
BERNARD BURKE

MUSIC HALL, N. Y.

Symphony orch, Rockettes, Ballet Corps, Choral Ensemble, "Paul Remos & Co., Ruby Mercer, Nicholas Daks, Kay, Katya & Kay, Gunga Din (RKO), reviewed in VARIETY Jan. 25.

A compact, colorful show under the title of "The Walt King," dedicated to the melodies of Johann Strauss and skilfully staged by Leon Leinhardt, but minus any sock acts, furnishes an effective show for this week's film, "Gunga Din" (RKO). Settings of Bruno Maine are not as pre-entious as sometimes employed here, but they have been well conceived and are benefitted by the good lighting plot of Eugene Braun. Very often the Hall can do a lot with simple but colorful sets, sky backgrounds and the like. This week, as often also, sets are whirled around into position on the mechanical stage.

A brief prelude of Strauss' music is the opener by the symphonic orchestra. As it shortly recedes to show-playing position, the stage, against a starry sky, lights up with a flock of handsome cowboys which the audience, the passengers aboard being the choral group. For effective topping, a hansom drawn by a horse moves across the stage. Ruby Mercer, an ingenue type of singer, does "Liebeswalzer" in a soprano which has merit.

Splitting the action, the acrobatic act of Kay, Katya and Kay (New York), a very good, but not a very good, act consists of two men and a woman. It is very definitely a click for picture houses, vaudeville or movies.

A pretty garden scene, beautifully lit, with a large oak tree centering, services for the Polka Militaire of the Rockettes, and the Paul Remos mid-offering. Remos is still working with two small midgets, with an acrobatic opening following. The Paul Remos exhibition which has been a part of this act for a long time. Midgets are cute but on occasion seem a little small-time for the Hall. This is a fairly through an effort, and the act the cuteness. The lilliputis do a barrel-roll going off, but fail to sustain it all the distance from center stage to the wings.

With a choral background, the ballet does a value Viennese for the close which has been prettily routed by Florence Rogge. Costumes are colorful and gay.

In addition to the feature picture and stage presentation, program this includes an organ solo by Richard Leibert, regular on the console here, and a few clips of newsreel shots.

Business good Friday night. Char.

EARLE, PHILLY

Philadelphia, Jan. 27. Tommy Dorsey's Orch, Jack Leonard, Edythe Wright, Steets Herfur, Freddie Stua, Lorraine and Rognan, Lou Schrad's house band, "Flirting With Fate" (M-G).

Earle brings Tommy Dorsey back this sesh for his second visit in 10 months. While the reception accorded him was not as enthusiastic as the house is considerably quieter than when the jitters were at their peak last March, it's no direct fault of the gentleman provided the "Sentimental Gentleman of Swing," Vocalists are the same—Jack Leonard and Edythe Wright—and the music's not different from what it's always been with a word of difference. To this, however, Dorsey has added a clicko comic chirper in "Skeeter" Herfur, who toots the reeds in his less frantic moments.

House manager, who fortunately gives Dorsey plenty of rein on time. Only two acts are set into the bill with him. So he has full opportunity to exhibit not only his troupe, but his swell music. Re-echo, of course, Dorsey's theme and tromboning. The 15 lads are backed by a nifty modern New York skyline set, done in phosphorescent paint. It makes an attractive sight.

Stick-swisher shows nice variety in numbers by quickly switching from sweeter ones, with which he starts to "Beale Street Blues," Edythe Wright, quite marquee name here, seems unfairly held down with two numbers, "Beautiful E-By" and "Mulberry Bush." Personal and with a word of difference, jittersubber tag follows regularly via ether, Miss Wright hardly has a chance to do right by herself or the audience. Got off, after a half-a-dozen bows, on a "Dorsey" to crew up his phiz so he looks not too unlike Snow White's little friend. Starts with a novelty, "Kermit the Hermit," backed by the pipes of the entire band. Then comes "Daddy Don't You Dangle Daddy from Dumont's," and

forced into an encore, "Peckin', in which he is joined by a fellow-topper, Freddie Stua.

Added starters are Winton and Diane and Lorraine and Rognan. Former are a dance duo well proportioned in size, and they play to standard ballroomology, they lean to the jittersub motif, but in moderate degree. It's a nice combo of tapping, wild alligator antics and ballroom. Kids, nicely dressed, good looking, and mesh well. Lorraine and Rognan are a youthful looking comedy pair. Get away in standard enough style, but quickly turn out to be what you see is what you get. Gal's double-jointed and has a peculiar knack of making an anatomical mess of herself. Some of resulting lines are pretty blue, but not offensive, and smack over all the way. Herb.

KEITH'S, BOSTON

Boston, Jan. 27. Jean Carroll & Buddy Hoo, Marcella (5), Youman Bros, Al King, Farrell, Drew & Rhythmettes (3), Eddie Rosenwald's house orch, "Little Orphan Annie" (Par) and "CIPHER Bureau" (FN), dual.

Opening with a good flash act, Farrell, Drew and Rhythmettes, and closing with the surefire fast risley routine of the Maxellos, this week's stage offering maintains a fair pace.

Opening act gives out an assortment of acts by two boys and two girls. Good challenge, dancing by the boys is a highlight. Jean Carroll is m.c., doing all right, except that she begs too much for applause. Name fails to be evident in her own turn, with Miss Carroll handling the gags and Howe feeding. Both show off some good hoofing, and in this department surpass their efforts in the comedy line.

Youman Bros., with clarinet, fiddle and accordion, impersonate Casa Loma, Wayne King, Benny Goodman and Shelly Manne. The Dutch band with commendable results—and they close with the inevitable "St. Louis Blues." Except for the female, she has distinction. Early King, new ventriloquist to this house, uses two dummies. One is a girl figure, and the other is a tiny doll. Second half of the turn is a vocal duet by King and Tiny gets good response. Fox.

ORIENTAL, CHI

Chicago, Jan. 28. Sisson & Neale, Dare & Yates, Don Zelazo, Tess Gardell (Asst Jimmie), Hollywood Doubles; "Smy King" (Rep) and "Mysterious Miss Z" (Rep).

Two pictures plus a vaudeville show at 40 top, and two-bits in the afternoon. Is this the ultimate thule of bargain-hunters? Maybe not. The way this town has been going, maybe they'll be letting 'em in for cigar coupons next to see 16 pictures plus 90 acts of vaudeville, plus a free lunch.

That it plain realizes that this is quite a bargain is evidenced by the fine business house was enjoying at the last show Friday (27). And the audience seemed to be enjoying the show as well as the act.

With the adding of the extra flicker, the house has dropped the house line, always a pretty sight, and it is not that it might not have meant much to the wicker. Five quick acts run on and off without too much style or presentation, but bargain-hunters can't be choosers.

Sisson and Neale have always been a good little musical novelty, comprising femme duet of harpist and whistler. Good delivery and put over birds and song routines with polish. Dare and Yates are a regulation comedy hand-to-hand pair with standard routines and the usual loud changes.

Yelazo continues to be the best seller of top in the vaudeville business. Gives 'em a handful of baloney and makes the audiences beg for more. He is a lesson in mass psychology, and a lesson in showman who knows what he's doing and who never misses landing with a sock. His gab about jazz rhythms and his quick piano bits are surefire in any vaudeville spot.

Tess Gardell is another vaude veteran who is guaranteed entertainment. With her splendid make-up and costuming, plus personality and strong voice, she whams home her song routine. For a while it looked as if the Hollywood Doubles really were an act. But later developed into a jumble of impersonators. The Herbert and Durbin bits are good and solid, but then there are Joe E. Brown, Pitts, and a whole lot of other bits to ruin the entire illusion. Act still has chance, but that chance must be based on ability of its members and not upon the mere label that this is an "Hollywood Double." Garbo, Turn needs plenty of fixing. Gold.

COLISEUM, LONDON

London, Jan. 21. Gaillard Four, Smith Bros. (4), Archie Elray, Jack Daly, Dixie Bros. (3), Buster Shaper and Olive and George, and Proctor and Norman Evans, Florence Desmond, Renee Houston and Donald Stewart.

Search for top liners to head vaudeville bills in London has reached the stage where it is causing beaucoup headaches. The more recent standard tops of bills are apparently not drawing. In the Coliseum show there are Renee Houston, supported by Donald Stewart, and Florence Desmond. Not so long ago either of these would have been regarded as a sufficient headline attraction, supported by a well-balanced bill.

The management found it necessary to top the bill with a pair of champion table tennis players, who are easily the most entertaining act of the performance. In the second line of entertainment value is Buster Shaver with his midgets, Olive and George Brosnow.

Renee Houston and Donald Stewart work together nicely with Stewart cleverly feeding Miss Houston. But it is not the old Houston Sisters' brilliance, because sister Billie was far away the best 'straight' husky voice was an extremely clever imitation. She has now changed it to Syd Walker, radio performer, using the same mannerisms she employed for Henry. The act does not register the same verve.

Table tennis exhibition is given by Stanley Proffitt and Norman Evans. Evans is a rising young English player and Proffitt is a well-known commentator with a running fire of chatter that is disconcerting to the players and the audience, and unnecessary. Dismal Olive Brosnow in the Buster Shaver act, with her impish face, plus grace and artistry, wins the audience wholeheartedly.

Gaillard Four, a comedy couple, comprise a colorful opening turn in Hungarian and acrobatic dances. Four Smith Bros. deliver modern top line, a good one, and their act they bear no resemblance to the coughdrop manufacturers. They harmonize "When We Were Sweet Sixteen" and "The Blue Threads Amongst the Gold," but are not as good as Archie Elray, ventriloquist, assisted by a femme, does a neat turn with three dummies. Not a fast act, judged by modern standards, but substantially competent. Jack Daly, an Irish singer plus a few stories, vocalizes with a pleasing voice that sounds a little better over the radio. "Three Dixie Bros." do a comic, dancing, knockabout trio imported from the continent, are quite good, but not particularly original.

Show closes with Big Bill Campbell and His Hillbilly band. The act has been shortened by the deletion of a lot of songs and the arrangements and now makes a good hokey turn. Jolo.

LOEW'S, MONTREAL

Montreal, Jan. 27. Schlepperman, Count Berni Vici Orch with Lane & Lane, Larue & Carol, Bill Guthrie, Gene Gory & Co., Edith Tarr; "Mad Miss Manton" (RKO).

Problem house of the local first-run setup this week makes its first strong bid for attention since the opening last fall, with a nicely balanced girl show. Film "Mad Miss Manton" should hold up presentation, indications are that the straight picture house.

With cost of stage show around \$500, Loew's also jacks up admission prices to 25 to 60 in the evenings and from 25 to 40 in the matinees. With vast ground floor at capacity for opening show Friday afternoon, indications are that the er scale of prices won't keep the customers away providing house can line up strong stage shows. An NTG presentation is not called in, but whether house will be able to do enough celluloid is something else. Enthusiast operates other first-run.

Count Berni Vici unit, billed as "Stars Over Broadway," clicks with spectacular settings on a double stage, a smooth, versatile all-girl band, and a smart-looking line of eight girls.

Edith Tarrler scores solidly with a lot of w.k.s. and endures with a cleverly planned and executed cockney mother buying a pair of shoes. Bill Guthrie, cowboy singer, registers strongly with two numbers, while Larue and Carroll

also do well with an adagio routine. Roberta Leacock is billing in connection with a "stardust Dance," delivers a conventional semi-nude walk across the stage, but veiled. Gene Gory provides a few laughs, fooling around with prop violins, but does better with musical impressions of church chimes and a dog fight. Lane and Carol provide an excellent acrobatic routine climaxed with rope-skipping that lands solidly. Schlepperman holds next to shut with a line of familiar comedy patter. Renee Houston, supported by strong on scenic effects, the Mississippi Boat Race drawing heavy applause, as did other efforts along the same lines. Females are lookers and orch numbers are pleasing throughout. Mori.

PALACE, CLEVEL.

Cleveland, Jan. 28. Roger Pryor and Orr (13), Val Setz, Red Hodgson, Barr & Estes, Eleanor Whitney, Ann Sothorn; "Off the Record" (WB).

Addition of two new acts turns the Roger Pryor-Ann Sothorn unit into a bell-ringer for the Palace, which is getting on its vaude feet again. Plus Eleanor Whitney, Cleveland from Paramount's studio, show magnetized largest opening day crowd house has had this winter.

Localite, who was known here as Wittenberg until Rae Samuels took her under the wing, returns with a 75% improved act. On the petite side, with engaging costume of black-leed trousers, she beats out technically right taps. Comedy style doesn't have much guinness, but she puts over a good take-off of a film glamour gal. Ribbing of Pryor and politicians is okay, although a bit off.

Jumping into a late spot, Miss Whitney changes show's pace nicely after Pryor's cleverly delivered imitation of Bert Williams. She steps out to proper crowd grooving brasses, which swing from "Tiger Rag" to some horseplay convincingly. Imitations of rival orchestras, which might be corny in other hands, are handled crisply by maestro, who knows his mike stuff. He breaks down audience at start with "Whispering Willies" interpretation.

Val Setz, who has been a tough spot with some finely timed juggling of balls and Indian clubs, but is more skillful with his hands than with his feet. Hodgson sends another interlude by hoking up his omelet for a good laugh.

Show builds up a custom-made act for Miss Sothorn, who turns in her ingratiating and amiable family banter with husband-band master. Although her gown seems too theatrically fussy, her clear solo and her graceful poise in three ballads stops any criticism. Cleveland curtains number with Pryor had even first matinee crowd clapping and his name long after they had disappeared. Fullen.

ROXY, ATLANTA

Atlanta, Jan. 28. Roxettes (10), William and Charles, Eddie Craig, Jr., Ray and Harrison, Mike Sock (Rep), "Down in Arkansas" (Rep).

Absence of headline, Harry Stockwell, who did a lot of Prince Charming in Walt Disney's "Snow White and Seven Dwarfs," not only shortened, but also was this fourth on opening day (28). And Stockwell appeared on previous three, but backfires in his larynx forced him to With him out, show runs only 50 minutes.

Following house band's overture, featuring "Girl Friend of Whirling Dervish," eight Roxettes in formal male attire come on and are joined by eight others in evening gowns for forte swing routine to Von Flotow's "Martha." William and Charles, in a clutch setup, then proceeded to tie act. They sit at table and coax "Bye Blues" out of dinner times silver, glasses, bottles and even a pseudo roast duck. Charles then plays a piano solo, and a musical batch of champagne, bottles and bells. Sock is added when hats, gloves and leggings light up and they take on appearance of musical Christmas trees. They had to beg off.

Roxettes are back at this point in a quick change, doing a kick routine to "Ten Feet High." Fred uses four blackboards, answers questions from customers and does smooth, well presented dances.

Six Roxettes then give a preview of a snowball routine they'll do next week, dancing atop large balls. Naomi Ray, Eddie Harrison, next-to-close, with a nonsensical "Pain in the Ballet" turn. Femme is a beefy individual and her act is little more than half her size. They give a good adagio, mixing in chatter and hokum. Finale is a puss in boot illusion routine by Roxettes. It's neat. Bit at show caught was good. Luce.

STATE, N. Y.

Ina Ray Hutton orch, Maurice & Betty Whalen, Winsted Trio; "Marie Antoinette" (M-G).

Vogue of band shows on Broadway is bringing something of a boom to all-gal orchestras as well as to the male outfits. Ina Ray Hutton is currently here, with her Rio and her crew are at Billy Rose's Casa Manana.

Since the feature picture runs nearly three hours, Miss Hutton's present appearance is telescoped to only about 30 minutes. Even so, there's scarcely enough entertainment to span that brief route. Band doesn't cut much ice musically and the two supporting acts are routine stuff. Otherwise there's only the familiar display of Miss Hutton's flashy chassis.

Although Miss Hutton has changed her act a trifle, it's still built on a basic, though obvious and limited formula. Whole idea is visual appeal to the predatory male. Gal has a snappy, but not a very original, in a succession of showy, revealing gowns. She scarcely pretends to be a musician, but lends plenty of decorative touches to her credit, she manfully tosses the down-fronters to a dither and she can draw big when shrewdly spotted and ballyhooed.

A former hooter, Miss Hutton has dropped the last of her play stuff. She now sticks to swishing the stick and vocalizing a few numbers. She's only fair at the latter. She's a very good, but not a very good, singer, so all her numbers are sing-alongs, so all her numbers are sing-alongs.

Orchestra also fails to vary its style of playing or change its tone. That, plus distinctly commonplace arrangements, produces a tiresome brand of music.

Two supporting acts with the band are the Winsted Trio (New Acts) and Maurice & Betty Whalen. The latter consist of a fairly pert gal and two lads with guitars. Whalens, an unusually young looking pair, do one number, a very good, but not a very good, adagio routine. They're adept, some of their acts are good and they build nicely to a flash finale. Hobe.

RIVERA, BROOKLYN

Jeanette Hackett & Delouies (8), Alyse Cerf, WHN's Refugees From Germany (10), Joe Besser & Lee McGee, Harry DeCosta, Ted Edgy's house (10); "Forbidden Territory" (Rep).

Vaude experiment in this Brooklyn name, appears to be in the wrong direction. Instead of a b.o. success, continuation of the present method of presenting the show in a manner which rather than a revival of stage entertainment. House needs a hypo in class talent, stage lighting and production, a bet-and and correction of a horrible p.a. system.

No. 1 killer at the last show Friday night (27) was the band. Out of time and out of time, and frequently dissonant, it ruined almost every performer. The only exception is the presentation of WHN's "Refugees from Germany" (New Act). Indictment for this, however, must be placed on the p.a. system, and the theatre. Evidently little thought has been given to production, routing and rehearsal, with the result that the act, after a break-in week, is a poor show. It is a pity that it got very little showmanly attention.

If this poison isn't sufficient to murder the p.a. system, then the lighting and scenery, dismal and dreary, and a p.a. system, which is raspy and blasting. Show itself is poorly balanced, its chief attraction coming in the last two acts, Joe Besser and Gus Van. Besser is a comedy smash with his zany delivery, getting sock singing support from straight-man Lee McGee. Van follows immediately for another big click, with his familiar special session. He's accompanied at the piano by Harry DeCosta, comical in the role of a clown, and Besser had to beg off after several encores at this catching.

Opening the show and interspersed elsewhere for a couple of routines are Jeanette Hackett and Alyse Cerf. It's strictly a line of girls, with the former tonight vaude dancer fronting. She does a buttered toast in the middle of the show and a show dummy routine at the finale, neither of which measure up to her punchy terping of former years. Besides the Refugees, only the "Forbidden Territory" is a b.o. act, a specialty who contributes two brief but speedy acts early and late in the presentation.

Show dragged through 90 minutes opening act, a long time considering that only the last 30 minutes held much in the way of entertainment. M. C. chore is handled by Harry DeCosta, a long time in the show and set on the stage. This job should be taken away from Edgy to give him more time to work on the orchestra.

Friday night (27) was only about three-quarters full despite fact that the Refugees, billed as Catholic, Jewish and Protestant, were playing in a predominantly Jewish neighborhood. "Forbidden Territory" holds no marquee lure and probably is the b.o. chiller. Scho.

SHUBERT, NEWARK

Clark (New Arts), recent additions to the band, he has a likely-looking feline-warrior, but romantic duet of Cinnamon and Curt Curtis, who of "Old Heart of Mine" and "Room with a View" just couldn't happen but cause there are poorly spotted tunes after succession of slow-paced tunes.

For novelty specialties, Morgan has a flashy string ensemble; Larry Collins, a trick trombonist who collides doing a crackerjack "string team" with insouciantly playing until it gradually while playing until there's nothing left but the motif piece, and the drummer, unbillable who steps down for a session of "stringing" outside that could be worked into a better song.

Two outside turns are both of considerable help. Marvelous Marmalade (Continued on page 54)

FROM ROSALEAN and Ballroom Dance

ACTS.

ROSALEAN AND SEVILLE

Balroom Dancers

10 Mins.

Hotel Ambassador, N. Y.

Rosalean and Seville aren't exactly new, as they've been in and out of New York and for the past two years working in the midwest hotels, cafes and theatres. However, they're not recorded in the New Act files and, therefore, have so developed and advanced in their work that they merit extra attention.

For one thing, Rosalean and Seville are a type team for whom this is a new and very profitable time, as there's a field for some flashy newcomers among the ballroomologists. The established teams have never made a niche, but the new ones, while many, have been few as far as distinction is concerned.

This team is an exception—a youthful appearing, colorful and expert dancer. They're a sleek femme and he's an equally polished vis-à-vis. Their waltz open, maxixe, tango, polka and fast finale are well-trended routines. She is smartly gowned and he's a well-dressed gentleman. Their bandanna for sundry effects in the Latin or the polka routines. He's expert in properly playing up to his partner and in maintaining each pose and posture for best effect on the floor.

Otherwise, the Trianon Room of the Hotel Ambassador continues its usual Dick Gasparre dandypation. Gasparre's is history repeated and the top team he works with for his svelte manner of musical accompaniment, his time totals are too standard for further comment. Eleanor French, socialite songstress, and Harry Powers handle the vocals. Vincent Bragale is the alternating American singer, regarded as a new wrinkle are Gertrude Dutton and William Crook, society dance instructors, who conduct the now familiar champagne hour and hour dance competition. It's a stunt successfully carried on at the Rainbow Grill these past two or three seasons. Eugene is the affable and popular host. The new dance, 'd'note the Ambassador deserves better than the spotty biz the hotel has been getting. The combination of Gasparre, the new dance team, and the dance instruction idea may turn the trick.

Abel.

DANNY DRAYSON

Dancing

5 Mins.

One Paramount, N. Y.

Danny Drayson got his start on Major Bowes' amateur hour and played around the country in various shows for the past few years. As a rugger from Bowes, Drayson shapes exceptionally well and gives promise of carving out a niche for himself in the hoofing field.

Drayson's flair is along eccentric lines. He's got a keen sense of rhythm and unusual flexibility of his limbs, but needs lots of polishing. Opens with a smoothly deconstructed, jazzy, happy-go-lucky tune of "Minuet in Java" and then in a radical shift of mood, attempts to imitate Will Mahoney's traditional talent for tap-skidding into one another's larger combinations. Drayson's brand falls short of being consistently funny.

Odeco.

MILT BEETH TRIO

Archaic Comedians

Chez Firehouse, New York

Herth has been getting an NBC buildup with his swingology on the Hammond electric organ, upon which he specializes. The other two completing the trio are Frank Froeba, piano tickler w.k. to the 52d street initiates in Swing Lane, and Red Rhythm on the skins. The threesome combined, make for plenty of rhythm.

Here, as a special feature at Chez Firehouse, Herth is billed as Omar the Great. He's a deft and strong constitutes, at one and the same time, a specialty feature as well as a relief orchestra, alternating with Van Alexander's larger combinations.

Milt Herth Trio can go onto any rostrum, featured with a name band, and click as big in the picture 'n' times as in this afresco nitery.

Abel.

CAROLYN CLARKE

Songs

4 Mins.

Paramount, N. Y.

Carolyn got a keen sense of rhythm and a beautiful voice. She's a deft and strong constitutes, at one and the same time, a specialty feature as well as a relief orchestra, alternating with Van Alexander's larger combinations.

Milt Herth Trio can go onto any rostrum, featured with a name band, and click as big in the picture 'n' times as in this afresco nitery.

Abel.

This s.a. femme has replaced Gloria Whitney as featured chirper with Russ Morgan's crew and owns the show. She's got a good sense of end, and has plenty on the ball, rich, thrifty set of pipes and a torchy quality. In looks, too, she's got a good eye and an easier manner. Miss Clarke has to be a little nervousness here is too obvious even in the back rows, and lass don't know how to get on and off the stage. She's got a good eye in front of the mike, however. Miss Clarke knows her biz—in spades—it's reaching there and that long exit. She's got a good eye in front of the time, however, and when it does, she should be a potent factor in Morgan outfit.

Two numbers here. "I Go for That" and "Wait Until My Heart Finds Out," and over big. Cohen.

Whipple in Dudgeon at Columnists, Etc., 'Muscling In' on Drama Criticism

Inroads on the avocation of drama criticism by 'columnists, cartoonists, politicians and society leaders,' was objected to by Sidney B. Whipple, reviewer for the N. Y. World-Telegram, in his special column last Saturday (28), scribe figuring they 'have muscled in for the sake of free tickets.' Whipple charges that 'these non-union critics carry into the playhouse their fixed prejudices and invariably carry them out again into the columns they write.'

'If the play coincides with and confirms their own notions, it is anointed. If it does not, it is condemned. The fact is that most columnists are special pleaders, if they are at all successful. They adopt a certain pose. They dare not step out of character and they do not dare write objectively lest their public penetrate their disguise.'

Tely show-covers' principal objective was to break down the comments of Heywood Brown, on the same daily, anent 'The American Way,' which Brown also witnessed on the first night. Whipple wrote: 'You cannot tell me that he, once an eminent drama critic but now turned into the lush, green pastures of column writing, is not steeped in sentimentality and romantic tenderness. Yet, with a bitterness that must be assumed, he insists that he "dislikes intensely" the new Kaufman-Hart pageant of history.'

'Broun boasts that he left his seat and marched up the aisle in a dudgeon before the final scene. I suspect the real reason for his spectacular action was that he was overcome by patriotic emotion and that he might be betrayed into showing it. Then, having recovered his poise and equilibrium in his sanctum, he writes his strange attack on the thing that so nearly caused him to step out of character.' Thereupon Whipple proceeded to take Broun's article apart, rating some of it as 'stiff and nonsense' and some portions of the drama as being 'contrary to his creed.'

Brooks Atkinson, the Times' critic who was kidded by the author of 'Oscar Wilde as though he were living, in his notice on 'The Importance of Being Earnest' (revival, Vanderbilt, N. Y.), again indicated that he was bantering. In reviewing 'Patience,' Beck, which is the Gilbert and Sullivan show about Wilde, Atkinson wrote that that author is dead 'definitely, unquestionably, irrevocably, psychologically.' The notice on 'Earnest' appeared Jan. 13.

EQUITY RESISTS FTP LAYOFF OF 23 IN L. A.

Los Angeles, Jan. 31. James Ullman, president of the local Federal Theatre Project, was notified by Attorney J. B. Kornblum that Equity would fight the dismissal of 23 of its members. Equity will go before the newly-appointed project appeal board.

Equity members were included in the recent wholesale reduction in personnel.

FTP Sets 2 Plays For Frisco Exposition

San Francisco, Jan. 31. Robert C. Schmitzer, supervisor of the Federal Theatre Project at the Golden Gate International Exposition, which opens Feb. 18, is rehearsing a play of migrant and migratory problems of the Western States. Play written by Howard Hill, formerly with the Farm Security Administration.

Dennis Murray, former newspaper man and radio script writer, is the author of a play written around the history of the Golden Gate Bridge. This also is scheduled for presentation during the opening days. Both plays have been written in the 'Living Newspaper' form under the supervision of Dan Rothstein, head of the FTP working division here. Other Federal productions in rehearsal for early showing at the expo are a dance unit under the direction of Myra Kinchey and an opéra-tette supervised by Eric Weiler.

Shows in Rehearsal

'The Philadelphia Story'—Theatre Guild.
'Miss Swan Expects'—William Harris, Jr.
'Five Kings'—Mercury Guild.
'I Must Love Someone'—Jack Kirkland.

WPA'S 'MIKADO' PLANS BRING SQUAWK

Having engaged Bill Robinson for 'Hot Mikado,' Michael Todd has protested to the WPA Federal Theatre Project in New York over the reported plan to bring the relief troupe appearing in the swing 'Mikado' in Chicago to the Adelphi, N. Y., prior to Todd's version of the Gilbert and Sullivan work. Despite the fact that the idea originated with WPA, Todd contends that the move would place the attraction in competition with a commercial venture.

The Adelphi has been dark for several months, used only for rehearsals of 'Sing for Your Supper,' a revue said to be in preparation for 18 months. Because of the cutting down in the FTP, it is stated that 'Supper' is again in an indefinite status. WPAers are making no commitments on whether the show will open in the summer of the World's Fair, although it is known that the overdue revue must be recast before reaching payable form.

Todd says 'Hot Mikado' will go into rehearsal Monday (6), that 150 colored players and musicians are involved and that the production may cost more than \$40,000. Joe Gluck is associated with Todd.

'Good Hope' Revival Hinges on Drama Guild

Revival of 'The Good Hope,' Lillian Saunders' adaptation of the book of the same name, is being considered for late this season. Forrest Harfane of the Dwight Winch office, would be nominal producer, presumably with Wiman backing. Deal is understood to hinge on royalties and terms for the film rights. 'Hope' was originally done in the U. S. by Eva Le Gallienne at her Civic Repertory Theatre, and the actress still retains 50% of the picture rights. Believed she is willing to split her share with Haring, but possible Dramatists' Guild permission for a reduction in the standard minimum basic agreement royalties is a factor.

Loeb's Anti-Nazi Play For B'way; McGuire Prod.

Hollywood, Jan. 31. Lee Loeb sold his stage play, 'I Am an American,' to William Anthony McGuire, who plans a Broadway production. Story deals with Nazi activities in this country.

KAYE IN 'CANDIDA'

Chicago, Jan. 31. A. P. Kaye, who was originally sought for the role of Burgess in Cornelia Otis Skinner's production of 'Candida,' joins the cast for the part this week.

He replaces Stanley Harrison, who took the role temporarily out of friendship for Miss Skinner.

WPA'S G.&S. Co. to Hub

Boston, Jan. 31. WPA Theatre Project of Massachusetts is planning to bring in the New York company to play a series of Gilbert and Sullivan operas, beginning March 7. 'H.M.S. Pinafore,' 'Mikado,' 'Pirates of Penzance,' 'Gondoliers' and 'Rialto by Jury' are on the slate for a run at the Copley theatre.

Current Road Shows (Week of Jan. 30)

'Amphitryon'—Sea Gull (Lunt and Fontanne), Muny Aude, Kansas City (30-Feb. 1); Forum, Wichita, Kan. (2); Shrine Aude, Oklahoma City (3-4).

'Angela Is 22' (Philip Merivale), Cecil, Mason City, Ia. (30); Coliseum, Sioux Falls (31); Orpheum, Sioux City (1); Iowa, Cedar Rapids (2); Orpheum, Dubuque (3); Orpheum, Hannibal, Mo. (4).

'Bachelor Born,' Cox, Cincinnati.
'Camille' (Eva Le Gallienne), Maplewood, Maplewood, N. J.

'Candida' (Cornelia Otis Skinner), Grand Opera House, Chicago.

'Kiss the Boys Goodbye,' Harris, Chicago (29).

'Id Rather Be Right' (George M. Cohan), Cass, Detroit.

'Of Mice and Men,' Plymouth, Boston.

'Off to Buffalo,' Shubert, New Haven (2-4).

'Our Town,' Selwyn, Chicago.

Mrs. O'Brien Entertains, Maryland, Baltimore.

San Carlo Opera Co., War Memorial Auditorium, San Francisco.

'Shadow and Substance' (Sir Cedric Hardwicke), American, St. Louis.

'Stars in Your Eyes' (Jimmy Durante, Ethel Merman, Tamara Toumanova), Shubert, Boston.

'Susan and God' (Gertrude Lawrence), Paramount, Toledo (30); Hanna, Cleveland (31-Feb. 4).

'The Little Foxes' (Tallulah Bankhead), Ford's, Baltimore (2-4).

'The Women,' Forrest, Philadelphia.

'Tobacco Road,' Nixon, Pittsburgh.

'What a Life,' Locust St., Philadelphia.

'What Every Woman Wants' (Francine Lawrence), Wilbur, Boston.

'Whitecoats' (Ethel Barrymore), Hartman, Columbus (30-Feb. 1); Victory, Dayton (2); English, Indianapolis (3-4).

'You Can't Take It With You,' Shubert, Brooklyn.

Hanna Can't Find 'Em, But 3 Cleve. Little Theatres Have 6 Shows

Cleveland, Jan. 31. Although the Hanna, sole downtown legit spot, is having trouble finding new attractions, three of the town's major civic little theatres are getting the jump on it in lining up six dramas new to Cleveland.

Lakewood Players is a rapidly rising community group with an up-to-date theatre of its own. Besides doing J. B. Priestley's 'Mystery at Greenings' currently for initial time here, it is next tackling 'Glorious Morning,' another London drama which missed New York and Cleveland. Authored by Norman MacOwan, play dealing with a totalitarian state has gone into rehearsals for a March 3 opening. 'Missouri Legend,' by E. B. Ginty, is on sked for April 14, followed by Priestley's 'I Have Been Here Before.'

Frederic McConnell's Play House, city's top rep organization, is expanding by doing the not-locally-seen 'American Landscape' by Elmer Rice Feb. 8. 'One Hundred in the Shade' is newly coming being premiered Feb. 6 by Gilpin Players, who have the first and oldest commercial Negro legit theatre in the country. Its sponsor is the Rockefeller Foundation, which became interested in Gilpiners' cultural Negro drama activities as the result of cricks' hearty support. Rockefeller commissioned Ridgely Torrence, author of 'Plays for the Negro Theatre,' to study their work for two months.

Unofficial report is that the foundation considers theatre's influence so important here in the last 18 years that it may finance the building of a new, model plant, costing around \$35,000.

Lenore Ulric Pays Up

Lenore Ulric, former legit star, yesterday satisfied a judgment for \$2,194 secured against her last April in favor of Rose Braden, her former secretary and housekeeper. Miss Braden claimed she worked for Miss Ulric from 1933 until 1938 and that she estimated the services worth \$7,000.

Miss Ulric paid her \$5,555 and the secretary sued for the remainder with interest.

WPA Restores Some Ousted Actors; Guild Protests Cut in Playwrights

Shuberts' Paris' Show

Shuberts have taken advantage of N. Y. World Fair officials' turnaround of 'Streets of Paris' concession and have so named a new musical soon to go in rehearsal.

Olsen and Johnson will have an interest in the show. Jean Le Seyeux will stage. Writers still not selected.

INFERIOR COS. RUINING THE ROAD

Philadelphia, Jan. 26.

Editor, VARIETY:

In view of the much-publicized efforts of the American Theatre Council to 'revive the road,' I think the current engagement of 'The Women' at the Forrest theatre here is of interest. Although the causes for the decline of the road are undoubtedly numerous, varied and complex, it has generally been admitted that a contributing factor has been the poor quality of touring productions foisted on out-of-town audiences. Certainly, one of the announced steps by which the American Theatre Council hopes to bring back the road is the improvement in the caliber of touring companies.

Under the circumstances, then, I feel sure some of the learned gentlemen who discourse so earnestly on building road audiences should see this production of 'The Women.' As one who saw the original production when the comedy was tried out here two years ago, I consider this 'road company' with all the stigma that term has come to imply. I don't profess to be an expert in stage technique, but no one can escape the conclusion that not a single one of the leading actresses in this company compares with the original. Besides the inadequacy of the company the direction has palpably been skimped and the performances have become so 'set' that all the obvious 'points' and laugh lines are by now outrageously overplayed.

When I saw the original production here during the tryout, I was told that the frankly undisciplined nature of the performance was due to doctored in preparation for the New York run. Yet, even though the paid audience (else why should it have been given a pre-Broadway 'tryout'), I didn't notice any disposition on the part of the management to adjust prices to compensate. We road audiences are accustomed to being used as guinea pigs (at full price) for the Broadway engagement, but now it seems we are not considered worthy of the finished production even after the New York run.

As one who loves the theatre and has remained loyal to it, I question whether this play in its present form is worth \$2 top. [It's since been cut to \$1 top.—Ed.] I would be inclined to say that regardless of what profit it may bring to the management, this production is a liability rather than an asset.

Who do managers think they are fooling? No, certainly not, or at least, not for long. Although we are not Broadway audiences, we see the New York papers and read the reviews. We occasionally go to New York to see the shows and we consider ourselves sufficiently civilized to appreciate worthy productions and recognize cheap gimmicks. Managers who send us shows like the current 'The Women' are defrauding their customers by charging first-class prices for an inferior product. That may bring an immediate financial profit, but it is one of the very things that destroyed the road it is tried so again, whenever it is tried. Instead of spouting high ideals and lofty aims, let the Theatre Council do something about such inexcusable breaches of faith as this, 'The Women' Arthur Kreusson.

Out of '72 of its members dismissed from the WPA Federal Theatre Project in New York as a result of the order to reduce the number of persons in the relief stage outfit, Equity has succeeded in having 15 reinstated. Equity's WPA committee continues to function at hearings held almost daily at WPA headquarters in the expectation that there will be more members reinstated on the payrolls.

It is likely that such reinstatements will result in an equal number, who escaped the dismissal wave, being let out shortly.

George Kondolf, production head for the relief theatre in N. Y., appeared before the Equity council last week at his own request to make clear his position and the order for cutting down on the FTP. Understood there was not much brought out by him that had not been explained by J. Howard Miller, assistant to Hallie Flanagan, when he appeared before council some weeks ago.

However, Kondolf stated that it was his desire to keep as many Equityites in the WPA as possible, pointing out the comparatively small number of let-outs among members. Previously there seemed to be some differences of opinion over amateurism in the relief theatre ranks, and it appears that the professionalism of members of stage unions has not been accepted as bonafide proof of their status.

It is the intention of the Federation of Arts Unions to continue sending delegations to Washington and possibly station a representative there indefinitely to lobby for additional money for the arts projects during the current congressional session.

Playwrights' Position

Dropping of playwrights from the Federal Theatre Project rolls is being opposed by the Dramatists Guild and most of those involved have been replaced for the present. Guild is cooperating with the Authors League and special committees have been handling the matter.

Of the Authors League members dropped from all types of writer projects, 17 have been put back. League protest took the ground that since no reduced appropriation has actually gone into effect, all cuts in personnel were premature. Certain League and Guild committee members feel that the whole procedure of personnel cuts are simply tactical moves by relief officials.

According to the committee view, the relief excess always cut the rolls before Congressional appropriation hearings with the idea of stirring up protests and agitation for increased or at least not decreased, Federal grants.

WPA LOPS 62 OFF ROLLS OF PHILLY FTP

Philadelphia, Jan. 31. Sixty-two members of the Federal Theatre Project here have been dropped. Excess said the dismissals will have no effect on any plans the project has for future productions. Those lopped off were stenographers, ushers, younger dramatic actors and part of the Negro company.

Currently at the WPA's midtown Walnut Street theatre is Roslyn, L.I. group in 'Playboy of the Western World.' Opened Saturday (28) and is slated for two weeks.

'Pins' Scissored

Montreal, Jan. 31. Reports of official police censorship of 'Pins and Needles' here last week meted the L.L.G.W.U. meted considerable space in the dailies, though some cancellations of reservations also resulted due to belief that show was radically changed.

Slight modification of one of the skits, 'Four Little Angels of Peace,' was made following 'unofficial' suggestion from the local gendarmes.

Although reports of censorship are alleged Fascist demonstrations in front of the theatre brought musical plenty publicity, questionable if exploitation of this type resulted in any additional business here.

'American Way' Soars to Capacity In 1st Wk.; B.O. Men Curbing Specs; Kaufman-Hart Still Revising Script

Starting from virtual scratch, 'The American Way,' Center, N. Y., built to capacity during the first full week, Saturday seeing standees at both performances for takings of \$12,000 on that day alone. Biggest boxoffice staff on record was installed to handle the sale, there being seven men on the job, some being assigned to Sunday sessions to fill mail order orders to be coming in from all parts of the country.

Despite the sensational success indicated, George S. Kaufman and Moss Hart, the play's authors, kept working on the script throughout the week, strengthening certain scenes which were regarded as inadequate. Second night, Monday (30), the finale was changed, the flag-draped coffin being deleted at the suggestion of one critic (Burns Mantle, News). Following evening the original scene was put back, when the reaction was distinctly less effective than at the premiere. When the show was pre-viewed flowers were used on the casket, but the author argued that because the hero lost his son in the war it was logical for the flag to be used.

Company management of 'Way' requires a staff of three, with William G. Norton in charge. There are 270 odd pay envelopes to be made up weekly by the attraction alone and social security must be deducted. This total includes crew and musicians who are on the production end. In addition, the house staff consists of 100, these including ushers, engineers and the theatre's share of the crew and orchestra.

Check on Scalpers
Special provision has been made with an idea of keeping tickets from unauthorized ticket agencies. Center has adopted a rule that any request for more than six tickets is carefully investigated before permitting the tickets to be sold. Expected that the usual number of phoney letterheads will be received from con- vinning specs and all such detected will be rejected, with checks and money orders returned.

Sam H. Harris office has increased its publicity force for 'Way' and an agent has been assigned to handle the out-of-town press. Promotional department for anticipated parties from other cities will be added. Rockefeller end is expected to aid in supplemental promotion, as it did during the 'Great Waltz' engagement. Use of radio for the show has not yet been set.

It has been suggested that the show apply to the internal revenue department to exempt the admissions tax on the grounds that the drama is distinctly educational, besides being a frankly patriotic play. There is no tax on tickets for grand opera at the Metropolitan, nor for philharmonic concerts, both being rated educational.

In the center b.o. are Paul Dauer, Frankie Fryer, Lep Solomon, Louis Berge, Buster Roamer, Richard Adams and Charles Bergman.

Those having lines in 'Way' and the chorus are getting a minimum, but there are 126 extras who are paid \$15 weekly. Reported that the latter proposed asking for more coin on the grounds that they are required to make eight costume changes during the performance. Understand, they were advised against such a move at this time.

Pemberton Shelves 2 Plays, One on Lincoln

Plans to present another Abraham Lincoln play this season on Broadway have been shelved by Brock Pemberton, manager saying he is unable to find the type of leading man desired. Pierce Paul Horgan is called 'Follow Me Ever,' another tentative title being 'Death, Mr. President.' Producer also announced that 'The Nutmeg Tree,' also known as 'When Is a Lady,' is off for the present, but may go on in the spring. Rejection of the lead by Gladys George is the reason.

Pemberton, however, states rehearsals of 'My Dear Children,' with John Barrymore and Elaine Barrie, for within the month. He will also ready a third 'Kiss the Boys Good-bye,' due to tour the south.

Digging Deep

Sam H. Harris, who departed for Palm Beach after the opening of 'The American Way' at the Center, N. Y., gave instructions to keep lower priced tickets out of the hands of gyps, but one agency specializing on upper-floor customers offered to wager \$1,000 it would secure at least 400 tickets for Washington's Birthday matinee. Diggers are probably being used.

During 'The Great Waltz' engagement at the same house, police were called on to nab sidewalk specs, with some of the later renting space in nearby stores to 'beat the rap.'

EQUITY OK'S N.Y. CO-OP THEATRE

Equity has granted an exception to its regulations and a fully co-operative venture will be spotted in the Mercury, N. Y., under the name of the Freeman Theatre House, formerly the Comedy, was taken over by the Mercury group last season for a five-year period, but after a bad start this season decided to sub-let the house. It will be operated by another group, headed by Joseph Lawren, said to have been connected with little theatres.

Deal set for presentation of a play called 'Tell My Story,' attraction to receive 50% of the gross. House will defray all operating expenses, except salaries, which will be divided wholly among the players. Same applies for stock, radio and picture rights. Richard Rohman, the author, has waived advance royalties and no outside individuals or agents are to participate.

Because of the co-operative sharing, no salary bond will be required, cast having assented to that condition in a signed petition. Equity's minimum of \$40 weekly will likewise not apply. Beth Cantreau, an actress representing the new group, placed the project before Equity.

Mercury is again active, rehearsing 'Five Kings,' to be presented in association with the Theatre Guild. Attraction will be played out of town before Broadway, presentation to be made on two evenings, being too long for a single performance.

GOLDEN QUIETS 'BIRDS' FOR REWRITING JOB

'The Birds Stop Singing,' which was called back by John Golden after trying out in Philadelphia last week, will probably not reach the boards again this season. Play was deemed in need of rewriting and re-casting. It was slated to open at the Morocco, N. Y., this week, but house now gets 'What Every Woman Wants,' Feb. 13. Theatre is dark this week, 'Spring Meeting' having moved to the Little on Monday (30).

Golden's next production will be 'Skylark,' which will star Gertrude Lawrence, who is winding up a high-grossing tour in 'Susan and God.' New play is due to go into rehearsal in two weeks.

Production of 'Birds' caused Lenore Coffee, author, to have sharp differences with Golden and William Miles, director. Miss Coffee at one point absented herself from rehearsals and sent a wire demanding that no more script changes or cuts be made in her absence. Her husband, William J. Cowen, attended remaining rehearsals, but she did not appear until the Philadelphia tryout.

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MCA Going Ahead With Musical Plans

Musical Corp. of America is proceeding with plans to produce a legit musical next fall. Agency has been dicker with composers and writers on the Coast, but understood nothing is set.

Active in hand, nitery and radio booking, MCA is slipping its toe into the legit door for the first time.

PLAN REVISING AUTHOR-AGCY. SETUP

Complete revision of the New York play brokerage setup is being planned by the Dramatists Guild. Committee to study the situation will be named within the next few days by George S. Kaufman, Guild vice-president, in the absence of Robert E. Sherwood, president, who is vacationing. Idea is that the Guild's council will act on the committee's recommendations.

While some agent abuses against authors are thought to have come into existence since the last agency rules were drafted, it is figured a complete study will reveal inequalities to the agents as well. One of the latter is admittedly the rule that in case of an author-agent dispute, the author may demand arbitration but the agent cannot make a similar demand. Explained that in surveying the whole question, the Guild is not seeking to extract any further concessions from agents, but hopes to set a code of fair dealings satisfactory to both groups.

Although the Guild does not have an exclusive deal with the agents, it has an agreement in general regarding the ethics of author-agent relations. One of the major points in the pact is that the agents must help carry out the provisions of the Guild's minimum basic agreement with the managers. Most of the leading agencies have signed the agreement.

Erim Moore May Go Into 'Skylark' After Leaving N. Y. Hosp.

Pain O'Brien-Moore, who was painfully injured when her evening dress caught fire in a New York restaurant after the premiere of 'The American Way' at the Center theatre, is still under treatment at the Doctors Hospital, where she will probably remain another week or more. Up to now visitors have been permitted. Actress' face will not be marred, but she suffered intensely because of second degree burns of the legs.

Miss Moore, known on Broadway as well as in films, made stock appearances during the summer and fall. Understood she has been cast for 'Skylark,' which will shortly be presented by John Golden. Play is designed for Gertrude Lawrence, with Miss Moore in the lead supporting part.

Injury to Miss Moore called attention of showmen to the habit of some theatre-goers of striking matches to read programs in theatres. League of New York Theatres has advised managers that 'Paul Moss, license commissioner, had urged that the rule against the use of matches be rigorously enforced.

However, there are very few such accidents in theatres. Pointed out that in vaudeville houses, where smoking is permitted in the balconies, have reported no fires in years.

'Town' Folding in Chi; Coin Wrangle Figures

Chicago, Jan. 31.

'Our Town' has cut run here from four to three weeks and will fold Feb. 11.

Understood a financial squabble between Jed Harris and Frank Craven is important factor in fold, with Craven due to get percentage over \$10,000 or \$11,000, which show has been getting on road.

League Committee Studies Central Ticket Agcy. Proposal, but Some Mgrs. Claim It'll Stilt Distribution

Kiddies Get Rough

During the League of New York Theatres session held last week, when certain boxoffice men faced Pinkertons who were hired in an attempt to find out how outside agencies were getting tickets, stickups were narrowly averted. Gustav Gerber, attorney for the Theatrical Managers, Agents & Treasurers Union, charged the League's use of private detectives was tantamount to 'labor spying.' James F. Reilly, secretary for the League, disputed that contention. The b.o. men denied violations of the code and, as there was no actual proof, the League was stumped so far as taking action.

During the discussions, however, the TMAAT business agents assailed the 'pinks' and for a time it looked like punches would be thrown.

'WOMEN' GOES TO \$1 SCALE

Philadelphia, Jan. 31.

Following the lead taken at the Locust, where all seats for 'What a Life' sell at \$1 for all performances, the Shuberts this week extended the same policy to 'The Women' at the Forrest. Only variation is that while there are no seats reserved at the Locust, all will be reserved at the Forrest.

Flat dollar plan has worked out well at the Locust, except that the no-reserved seat plan has caused some dissatisfaction. To get a good seat requires an appearance at the house three-quarters or an hour before curtain, unless the now-popular method of hiring Western Union boys to wait in line is employed. Reserved-seat advance sale at the Forrest is figured to overcome this and also hold up biz on bad weather nights.

There is a slight difference in prices at the Locust and Forrest, for while taxes are included in the dollar at 'Life,' they are additional for the Max Gordon production.

'VICTORIA' FOLDS, PITT; HELEN HAYES' FORECAST

Pittsburgh, Jan. 31.

'Victoria Regina' wound up its tour at the Nixon here Saturday night (28) after 989 performances, company disbanding two days later in New York. Star, Helen Hayes, plans to rest until next season, when she hopes to do a modern comedy. Her three featured leading men, Werner Bateman, Abraham Sofaer and James Gibson, are returning to Europe.

Gilbert Miller expects to use Bateman again in a new play next fall, but under Equity ruling actor must return to Continent for six months before doing another play in this country.

Miller office is trying to find a script for Miss Hayes, who wants to get away from historical characters she's been doing for last six years. Play called 'Dawn at Lyons,' a modern drama based on Tristan and Isolde legend, was forwarded to her on road couple of weeks ago, but actress said Miller merely wanted to get an opinion on it and didn't intend it as a possible vehicle for 'Victoria' star.

With closing of 'Regina,' most successful play Miss Hayes has ever done, it's come to light that originally she did not think much of its chances. Note sent to Harry Essex, company manager and close friend of actress for years, prior to Washington opening in late 1935, had star telling him he might be wise to hook up with another show, inasmuch as she didn't feel Laurence Hausman drama would go on Broadway.

During an extended evening session last week, manager-members of the League of New York Theatres considered the advisability of forming a central ticket agency. A committee was appointed to survey the situation with that objective in view.

That a central office idea has the okay of some leading showmen, however, appears doubtful. One is known to have expressed himself as opposed to eliminating the smaller agencies, which would tend to limit distribution.

The proposal followed a carefully couched letter from Equity, latter reminding the managers that when the basic agreement was signed, the League promised to consider the central ticket office plan. Equity is said to have also suggested that certain moves designed for the betterment of the legit theatre were also part of the League's assignment.

Known that Equity is not satisfied with the application of the ticket code. It wants to know if any managers have been definitely charged with violations and whether such alleged charges have been substantiated. Were any manager dropped from League membership, he would come within Equity's set of ticket rules, which provide for action such as calling the actors out of such management's attractions. That the association would interrupt the run of a hit, however, is believed to be doubtful.

No Equity Threat
Equity communication is therefore regarded more of a gesture than a threat. However, there is little doubt that managers generally do not believe the code is working as effectively as hoped for. Some want the rules changed and some management out of an improvement. Stated that the managers should retain a firmer control of their tickets, for once the allotments go to the agencies it is virtually impossible to recall the tickets.

Objection to forcing out the small brokers followed the suggestion that McBride's, Tyson's and Leblang's (Continued on page 50)

Bannister to Pay Off Old \$1,700 Claim At Rate of \$25 Per Week

Harry Bannister has been ordered to pay \$25 weekly to Equity, latter aiming to liquidate claim against him dating back to 1930, when he produced 'Late One Evening.' Although Bannister made part payment, there is still around \$1,700 due the players. Actor-producer is currently rehearsing in 'I Must Love Someone,' due into the Longacre, N. Y., next week.

Equity's council ordered Bannister to make the payments, requirement being that he must reduce the claims, especially when appearing on the stage. He protested the order and it was reconsidered, council over-riding the actor's objections.

One of the players engaged for 'Evening' was Ursula Jeans, an English actress who was guaranteed four weeks but was paid for only half that period.

'OCTOPUS' CAST TAKES CUT ON SLIDING SCALE

When a player in 'Dear Octopus' ventured the comment that the English comedy would play into summer, a Broadwayite came back with 'You're an optimist, not an economist.' The import drew favorable rating out of town, but when it opened at the Broadhurst, N. Y., the first nighters reversed that indication.

Cast appeared before Equity's cuts board last week and assented to a salary slide. Understand, however, that the arrangement was a direct cut, the players to receive pay according to takings on a sliding scale basis. Same plan applied to 'Bachelor Born' last season, which accounted for its long N. Y. engagement and, with upped provisions, also goes for its current road showings. 'What a Life,' Mansfield, is also on a similar salary basis.

Plays Out of Town

CANDIDA

Chicago, Jan. 27.
Drama in three acts by George Bernard Shaw; presented by Cornelia Otis Skinner; stars Miss Skinner; staged by George Somnes; settings, Donald Oenslager; costumes, Helene Pons. At the Grand, Chicago, Jan. 24, '39.
 Rev. James Mavor Morell.....Onslow Stevens
 Mrs. Florence E. Garnett.....Dorothy Sands
 Alexander A. Mill.....Philip Faversham
 Mr. Burgess.....Stanley Harrison
 Candida.....Cornelia Otis Skinner
 Eugene Marchbanks.....John Crowell

Why Cornelia Otis Skinner chose this vehicle is a question that permits no solid answer. Show is rapidly becoming frayed around the edges and its bounce has been almost completely lost.

There is little life imbued in the proceedings by the cast. John Cromwell, as the lovesick youth who worships Candida, the cleric's wife, acts according to formula, posturing for each line. It's pretty difficult to believe him. Onslow Stevens is quiet and masterful as Rev. Morell. Dorothy Sands turns in a good job as the sten.

Miss Skinner holds the show together almost single-handed. She's bright and real, and what success the show will have depends almost completely on her. However, it doesn't look like a real boxoffice winner, though it's a low-cost operation.

Mrs. O'Brien Entertains

Baltimore, Jan. 30.
Comedy in three acts by Harry Madden; presented and staged by George Abbott; settings and costumes, Jo Meisner; at the Lyceum Theatre, Baltimore, Jan. 30, \$2.50 top.

Timothy Callahan	James Lane
Charles C. Brown	James J. McKill
Michael O'Brien	Kirk Brown
Raymond	Margaret
Ernestine	Marjorie Brown
Terry Flanagan	John Carmody
Charles C. Brown	Charles
Mary O'Keefe	Maureen McManus
Thomas Delaney	Walter Kissella
Charles C. Brown	Charles
Molly O'Day	Gene Tierney
Heinrich Wertheimer	Paul Ballantyne
Charles C. Brown	Charles
Annie Dubynsky	Ernest Ernest
Joseph	Fred
Madeline	William
Gutepiel	Daniel O'Keefe
Mama Van Iselysky	Ernest Campbell
Paula Wertheimer	Ralph Moroshouse

With the New York of 1848 as the background, and the immigrants who were then stirring the melting pot, *"The Entertainer"* is a picture of today, as the characters, George Abbott has a comedy here that shows definite possibilities. "Mrs. McWhorter" is a presentation of American democracy, but it is a preachment dished out in excellent comedy, putting over its timely message in a pleasant, unobtrusive, and skillful casting and playing and the practiced hand of Abbott.

Irish shouldn't intermarry and intermingle with the Irish exclusively in this new haven of freedom and opportunity," says Tim O'Leary, a preacher. Nor should the Dutch or German or Italian. He even makes a case for the remaining Irish. At this point and he has a great time doing it. His grandson, will on his way toward matrimony and he is all about westward. Recently he met aboard a incoming ship, switched to a Dutch maid of the ship, and he is now happily paired with the son of the German tavern-keeper nearby, and they too are going out west to farm. Tim O'Leary is a great guy. He looks forward to greeting the broth of a lad from abroad, but he turns out to be a peevish fellow. Mahan has her march with the Irish barber before long.

Amidst all this there's the incongruous presence of a group of "native" Americans against the incoming



"STARS IN YOUR EYES"
Met.: LOU CLAYTON

Play on B'way

HENRY IV (PART 1)

[illegible]

Maurice Evans has been attracting much attention on Broadway during the past several seasons, his most notable success being with 'King Richard II,' a couple of years ago. Recently his full length 'Hamlet' was withdrawn after a goodly stay. After a one-week interval, he has opened 'Henry IV,' previously announcing it might be limited to four weeks, after which he then was planning to re-cast 'Richard' or appear in 'Cyrano de Bergerac.' 'Henry' is likely to stick longer.

Part One of 'Henry' belongs to a cycle of Shakespearean plays dealing with England in the middle ages. It is to be used in 'Five Kings', which the Mercury Theatre group is readying, but the latter venture is much more ambitious, and will last two evenings for the full showing. Curlicues were present at Monday's (30) debut, patiently interested in the play, and the evening's general impression is that despite the pageantry achieved in the final scenes, Evans' appearance as Jack Falstaff is a real triumph. He has space from the dramatics of 'Hamlet' and the other classics to which he mostly devotes his talents. That he has a real gift for the part is hardly more likeable there is no doubt.

Falstaff in his cups is the butt of the wit of the prince and his lords. In the play, when the prince and his lords are on their way to the Boar's Head tavern, the Bard is antic. There were those who laughed freely over the goings-on, and the play is not without its comedy.

In the latter part of the play, however, the performance reverts to tragedy, with the prince swearing allegiance to King Henry, who had been his enemy. He regards the king as a traitor, whom he frankly tells is his nearest and dearest enemy. They fight side by side to beat down the usurper, and the prince and his lords are slain in the battle. The play is a tragedy, and the ending is sad. The prince is a far cry from the war as now known, but since it is a tragedy, it is in the days of buskings and armor and not of fantasy that inspired the Bard's work.

To the student of Shakespeare 'Henry' will appeal, but in a limited way compared to the other Evans productions. He is excellently supported by Henry Jones as the King, Edmond O'Brien as the Prince and Wesley Addy as Henry Percy (Hotspur), who leads the rebels and Christian. Present, too, is Mady Christian, lovely wife of Hotspur, Carmen Matthews as the young lover, the tearful, Welsh bride, while Irene Tedrow completes the feminine end of the cast as Mistress Quickly. Production and costuming are splendid, with the direction and lighting by Margaret Webster again counting heavily as in other Evans presentations.

German Groups Merge

Berlin, Jan. 21.

The three largest legit houses in the rich Sudeten mining district of Aussig, Tepitz and Tetschen, all city-owned, are to give up their individual status and pull together. Plan is to merge the Aussig and Tepitz stages, which are within calling distance of each other. The combo is to provide Tetschen with regular performances.

Raising of artistic standards as well as economic reasons were influential in the move. City administration plan also provides for refurbishing of houses and installation of modern stage equipment.

Inside Stuff—Legit

A new producing company with downtown backing is being formed by Jean Rodney, young daughter of Earle Rodney, prominent Wall Street, Miss Rodney, with support from her father, is said to have a 50% interest in 'Outward Bound', Playhouse, N.Y., one of the season's most successful revivals, and selected for the 'command performance' in Washington Sunday (29) in celebration of the President's birthday.

Rodney backed a play called 'Stop Over', presented by Chase Productions at the Lyceum, about a year ago, with Arthur, Byron and Sidney Brinkley, and a big ensemble cast. Same backer was among those concerned with 'All the Living' also done last season, that drama just missing.

There was a shindig at the Road to Mandalay, Delmonico's, New York, Friday night (27), affair being a stunt for 'Hellzapoppin' and the Harry Richman night spot. Tie-up was arranged by S. Jay Kaufman, press agent for the club. His brother, Harry, is in on 'Hellz' Invitations, which were signed by 'Hellza Olsen and Poppin Johnson', stated that: 'We muggs are giving an alleged cocktail party. We ain't got nothin' and we don't want nothin'.'

Guests were given tags for the button holes, reading matter including the legend: 'Refuge for alcoholics.' Show was given by the nut comics, supported by some of their human curiosities.

Although it was reported that Philip Barry, who wrote 'Here Come the Clowns,' is not financially concerned with the drama, it is understood that he was involved to the extent of \$50,000. That would explain Eddie Dowling's gesture of not accepting salary until the show attained a paying basis, if and when.

'Clowns' moved from the Booth to the Golden, N. Y., after being slated to close. Dowling's theory is that the play may be polished for the road by continuing to engage Grosses have been over-estimated, with the actual average takings paced around the \$3,900 mark.

Bela Blau is leaving for New Orleans, thence to the Coast for a rest and possible talent hunt. He proposes staging as many as 10 revivals on Broadway during the spring and summer, each to play two weeks, at \$1.10 a top.

Blau was associated with Marc Connelly in the presentation of 'Everywhere I Roam,' which was withdrawn after a brief engagement at the National. N.Y. Latter house is due to get 'The Little Foxes' about mid-February.

The American 'My,' in which Fredric March is co-starred with his wife, Florence Eldridge, is the film star's first Broadway legit success as a star. His last season's "Ye Obedient Husband" wasn't a click, wherein he also co-starred with Miss Eldridge and wherein he was allied with John Cromwell, stage and film director, who had in former years given March his first acting opportunities. The actor had appeared successfully in several click shows on the road, such as "Royal Family," etc., but the Kaufman-Hart play is his first Broadway legit hit.

With closing of 'Victoria Regina' in Pittsburgh last week, Harry Essex, who company-managed Helen Hayes' hit throughout its long run, takes over 'Oscar Wilde' Fulton, N. Y., in similar capacity. He replaces Herman Bernstein, who's going out with Katharine Hepburn show, 'Philadelphia Story.' Hepburn put in a request to Theatre Guild for Bernstein, who piloted her about the country couple of seasons ago in 'Jane Eyre' and was later reported headed for post as star's personal manager in Hollywood.

Two legit advance men pulled a reverse radio plug in a joint interview on KMOX, St. Louis. Theron Bamberger, ahead of 'Angela Is Twenty-Two,' and Francis Robinson, ballyhoos for Cornelia Otis Skinner in 'Candidate,' went before the mike together for joint interview with Katherine Halpin, who does a daily 15-minute commercial. The p.a.'s in the interview each ignored their own shows, but boosted the others's.

Federation of Arts Unions, a committee representing the theatre and allied projects in WPA, N.Y., are planning to raise funds by means of a ball and entertainment to be held at the Astor hotel during February. Committee has been active in protesting the cuts in the relief rolls and several times has sent deputations to Washington.

League on Tix

(Continued from page 49)

form the nucleus of a central office. Such a combination is scouted by ticket men, aware of the antipathy of the leading agency heads have for each other. Several years ago the League had a modified form of central agency in the form of a distributing system to the individual brokers, but it failed to function properly.

Central Agency Costly

Cost of establishing a central agency to handle all tickets not kept for sale at the box-offices is estimated to be excessive. Financing of such a venture would be a major problem, hardly solved by the income from the agencies, which is 3½ cents per ticket sold. Agencies have paid the League \$9,962 up to a recent date. Of that sum, \$1,400 was expended, partly for policing and including some advertising, which cost \$632.

Late Joe Leblang offered to set up a central agency and offered to establish it in the Cohen theatre (now being razed). He became interested in the proposal because of his friendship with the friends of the project on the grounds that it would involve much effort and probably would be a financial headache.

Cue, an amusement game which proposes establishing a ticket selling service for subscribers, failed to get the nod from the League. Mag asked the League to recognize the agency and wished to sign the code, although planning to dispose of tickets at less than the 75¢ premium limit set by the League's board, however. He decided to table the application until after he receives the report of the committee named to consider the central agency idea.

Mike Atlas of the American Theatre

Ticket office, yesterday (Tuesday) was granted the right by N. Y. supreme court Justice McGeehan to examine before trial the League of New York Theatres through its executive secretary. Judge McGeehan ruled that a statement from Equity would serve Atlas' request instead of a personal quiz of its officers.

The move was made in connection with Acme's suit for an injunction to stop the League and Equity from carrying out the theatre ticket code rules so far as those brokers who failed to sign the code are concerned.

Giveaways Bolster Tent Stock Biz in San Antonio

San Antonio, Jan. 31. Briggs-Darling Capitol Players have opened under canvas in Harlandale, local suburb. Cast of 17 is doing plays, with vaude in between the acts. It's town's only dramatic stock company in a tent theatre.

B. O. inducements are country store and hot seats.

'Merchant' Quits

'The Merchant of Yonkers' was withdrawn from the Guild, N. Y. Saturday (28) after playing five weeks. Farce averaged between \$9,000 and \$10,000, which provided an operating profit, but takings were mostly from the Guild's subscribers. There was some idea to move the show, but without subscription support its chances were figured slim and management decided to close, in the red for the amount of the production nut.

THE MERCHANT OF YONKERS
Opened Dec. 28, '38. Reviews were hot and cold. Watts (Herald Trib), 'Disappointed me sorely.' Lockridge (Sun), 'Sheer funny business. At all times unrelentingly gay.' VARIETY (Hobe), 'Moderate run seems likely.'

'Candida' Satisfies in Chi \$8,000, Town' OK 12G, 'Kiss Boys' \$16,500

Chicago, Jan. 31. Two new entries last week and both having profitable shows. Both are in for short seasons. 'Our Town' goes into fourth week on American Theatre Society subscription, while 'Candida' sticking only a fortnight.

Cornelia Otis Skinner brought in the George Bernard Shaw revival and it looks for coin on the Skinner moniker.

Smash here presently is 'Kiss the Boys Goodbye,' at the Harris. Nothing much in the offering for the houses, with the exception of 'Bachelor Born,' following 'Our Town' into the Selwyn.

'The Mikado' continuing to be the talk of show biz on nightly sellouts for the Federal Theatre, while Ian Keith is bringing them in to see a dated show, 'The Copperhead,' also for the FTT.

Estimates for Last Week
'Candida,' Grand (12th week) (1,300; \$2.75). Continues to break showing here on good fortnight. Satisfying \$8,000.

'Kiss the Boys Goodbye,' Harris (4d week) (1,000; \$2.75). A winner, with plenty of word-of-mouth drawing the fannies and convention mob. Up to \$16,500, solid.

'Our Town,' Selwyn (2d week) (1,000; \$2.75). ATA subscription held down the gross on initial session which was good at \$12,000.

WPA
'The Copperhead,' Blackstone. Riding over another week or so, with demand to see Ian Keith keeping the show going.

'The Mikado,' Great Northern. In its 19th week, with the same turn version of the Gilbert and Sullivan comic opera a sensash.

HAYES BIG 29G IN PITT FINALE

Pittsburgh, Jan. 31. Disappointing for Helen Hayes from topping her 1937 Pittsburgh mark in 'Victoria Regina' at the Nixon last week, but great finish and an extra Friday matinee accounted for better than \$20,000 here for a straight play here since same attraction made first visit year and a half ago. At that time, show got \$80,400 but call for higher-scaled seats was more active then.

Afternoon performances were sold out several days before 'Victoria' opened, and star agreed to an additional one upstate for the same reason, with the three matinees alone accounting for better than \$10,000. 'Regina' wound up tour here Saturday night (28).

Nixon has 'Tobacco Road' current, playing its seventh week here and advance sale surprising, indicating another solid click, with Bankhead's new one, 'Tide Lines,' 'Bachelor Born' and 'What a Life' following in the order named. Cornelia Otis Skinner's 'Candida' set back until March 13.

Estimate for Last Week
'Victoria Regina,' Nixon (21st week) (3,300). Return engagement here got extra \$20,000 in 10 performances, great Friday mat having been tossed in following heavy femme demand for afternoon tickets.

Lunts Snare \$20,000 In Click St. Louis Date

St. Louis, Jan. 31. With one of three local crux dives didn't mean much for Co-responsible 'Unknown' at Schubert theatre. Sandra Gould, late of 'Having Wonderful Time,' got star billing.

Meanwhile, Brattleboro Players are rehearsing 'Roadside,' by Lynn Riggs, opening at St. Felix Playhouse Monday (6).

Estimate for Last Week
'Amphitryon 38,' American (1,707; \$3.50). Totalled \$20,000 for eight performances, house being a regular sellout for two matinees and the last night. American has grossed approximately \$80,000 since 'I'd Rather Be Right' engagement, which still holds season's record with \$35,000 for one week.

'Unknown' \$1,500, B'klyn

Brooklyn, Jan. 31. First time in City of Churches didn't mean much for Co-responsible 'Unknown' at Schubert theatre. Sandra Gould, late of 'Having Wonderful Time,' got star billing.

Meanwhile, Brattleboro Players are rehearsing 'Roadside,' by Lynn Riggs, opening at St. Felix Playhouse Monday (6).

Estimate for Last Week
'Co-responsible' 'Unknown,' Schubert (1,700; 25-85). Dull \$1,500.

'Bachelor' Gets Brushoff In Wash., Does \$7,500

Washington, Jan. 31. Critics' brushoff hurt along with one-night stand of 'Outward Bound' Sunday (30) for President's Birthday Fund, which brought out President and Mrs. Roosevelt and sold out 24 hours after sale opened. Latter spectacularly took edge off advance ballyhoo of 'Bachelor.'

Current week is blank with 'Mice and Men' set to arrive Feb. 6. George Abbott's 'What a Life' due Feb. 13 at the Selwyn. 'Tobacco Road' is skedded Feb. 20. Both of latter will play at pop prices with \$1.50 top.

Estimate for Last Week
'Bachelor Born,' (National) (1,698; \$2.50 top). So-so reviews and competition of President's Birthday show and ballyhoo kept it to approximately \$7,500.

'Stars' Does Big \$21,500, Boston; 'Mice' Nice 12G

Boston, Jan. 31. 'What Every Woman Wants,' starring Francine Larrimore, opened here last night (Monday) and WPA version of 'Machbeth' bows tonight (Tuesday) at the Copley.

'Of Mice and Men,' getting helpful bolstering from American Theatre Guild subscription list, tallied a nice take for first of its two trunks here, and 'Stars in Your Eyes' finished its second week with a hit gross.

Estimates for Last Week
'Stars in Your Eyes,' Shubert (1,590; \$3.30) (2d wk). It's a hit here and the three-week tryout will be profitable. Consensus is that both Jimmy Durante and Ethel Merman have best parts in years. Tamara Tomanova, Richard Carlson and Mildred Natwick also getting good word-of-mouth. Second stanza big \$21,500. One more week.

'Of Mice and Men,' Plymouth (1,480; \$2.75) (1st wk). Satisfactory \$12,000. One more week.

'ROAD' GOOD \$10,000 IN 4TH CLEVE. VISIT

Cleveland, Jan. 31. Fourth Cleveland visit of 'Tobacco Road' outgrossed half of the Hanna's winter shows. Heaviest balcony and mid-level trade since yet this winter with orchestra seats at \$1.50 going fast. Sunday holdover was planned, and would have been a sellout, but Pittsburgh dates couldn't be changed to make it possible.

'Susan and God,' opening Tuesday (30), drew biggest advance sale of the year at \$2,500 top. Nothing in the way for Hanna after current date until Feb. 27 when Cornelia Otis Skinner arrives in 'Candida.' Only other definite booking is Walter Huston's 'Knickerbocker Holiday' May 25 for three days.

'Shadow' Has Substance In Milwaukee with \$8,000

'Every Woman' Gets Only \$1,400 in N. Haven 1-Niter

New Haven, Jan. 31. Town split in critical activities into three one-night stands last week, two of them benefits. Thursday (26) Ruth Draper was in for fine business at a tripple-chance charity for last night. Friday (27) brought the preem of the new Shubert comedy, 'What Every Woman Wants,' starring Francine Larrimore. Saturday (28) was another benefit night with 'One Third of a Nation' (WPA) being sponsored by local sum clearance group to so-so t.z.

Only other show booked for near future is 'Off to Buffalo,' with Joe Cook in the revised version of 'The Flying Ginzburgs' set for this week-end (Feb. 2-4). D'Oyly Carte troupe due in April for full week.

Estimate for Last Week
Ruth Draper, Shubert (1,600; \$2.50). Carriage trade helped to nice \$2,100, one performance.

'What Every Woman Wants,' Shubert (1,600; \$2.20). Around \$1,400, but could have been better. One performance.

'One Third of a Nation,' Shubert (1,600; \$1.10). Dredged in only fair house, mostly on the shelves.

'Whiteoaks' 14G, Cincy

Cincinnati, Jan. 31. 'Bachelor Born' is in the Cox currently, to be followed next week by Cedric Hardwicke in 'Shadow and Substance,' both at \$2.75 top.

Estimate for Last Week
'Whiteoaks,' Cox (1,250; \$2.75). Ethel Barrymore magnetized as of yore for a very good \$14,000. Two matinees pulled \$4,000. Night biz in last half suffered from cold and snow.

Philly Off; 'Birds' Try Poor \$4,500, 'Women' OK 8 1/2 G

Philadelphia, Jan. 31. Philadelphia's bookings have been completely scrambled again, most dates having been put back, which will probably mean a number of dark weeks.

Among the shows postponed are the Mercury Theatre-Guild tryout of 'Five Kings,' with Orson Welles; 'Married an Angel' and the premiere of Philip Barry's new play, 'Philadelphia Story.' Last-named will now likely come in first, being mentioned for Feb. 20; 'Angel' will more than likely arrive a week later, or perhaps in March, while 'Five Kings,' which combines five of Shakespeare's Chronicle plays in a two-night program, is now set for March 20.

Part of the open time will be filled by the Union Free Musical 'Off to Buffalo,' which opens Monday night (6) at the Chestnut. It was originally skedded for a single week; with more time open may prolong its stay a week if big warrants.

Both the Forrest and Locust have the open time now and although current shows are announcing 'last week,' either 'The Women' (Forrest) or 'What a Life' (Locust), or both, may stay. Current bad weather is affecting these shows, but \$1 top, first-come-first-served policy has been avowedly successful.

'Philadelphia Story,' when it comes, is listed for the Chestnut and 'Angel' for the Forrest. Locust looks left high and dry, together with the Erlanger, which hasn't a booking.

Golden's tryout with Ruth Gordon. 'The Birds Stop Singing,' had all the breaks against it. Crix were unanimously unflattering and Gordon's business forced the cancellation of Tuesday (24) show. The weather did the rest. Half-way through the week, Golden announced he was withdrawing the play indefinitely.

Estimates for Last Week
'The Women,' Forrest (4th week) (2,000; \$2). Held up despite adverse weather to get \$8,500. Adopts \$1 top policy used for last two weeks at the Locust, starting this week. Announcing last week but may hold again.

'What a Life' Locust (5th week) (1,400; \$1). Second week of new low-price, first-come-first-served policy affected by weather but satisfactory at \$5,200. Also announcing last week but may hold as house has no booking in sight.

'The Birds Stop Singing,' Chestnut (1,700; \$2). Crix all said thumbs down. Tryout down to \$4,500 in seven performances, and producer has taken show off boards indefinitely.

'Shadow' Has Substance In Milwaukee with \$8,000

Milwaukee, Jan. 31. 'Shadow and Substance' did well in four days here at the Davidson, town's lone legible. Mediciore opening but business picked up, and two matinees were good. Crix helped, too.

'Candida,' due Feb. 9, is only show booked for remainder of season, but Davidson manager, Tony Thine, is doubtful of this musical because of George M. Cohan's recent smash here.

Estimate for Last Week
'Shadow and Substance,' Davidson (1,500; \$2.75 top). Satisfactory \$8,000 in six performances. Two evens were sellouts.

'Pins' 7G, Montreal

Montreal, Jan. 31. 'Pins and Needles,' Garment Workers union production, had trouble with fascists here all week, but distributors were thwarted by police; couple of Wednesday shows were others modified as result of complaints.

Estimate for Last Week
'Pins and Needles,' His Majesty's (1,900; 55-82). Mob disturbances and constant ballyhooed show into good \$7,000 gross.

'Way' Tops B'way with \$37,000, And Still Climbs; 'Music' Gets Big \$26,000, Other Musicals Do Well

Rarely has a drama topped the takings of Broadway musicals, and then only for short periods, but 'The American Way,' at the Center, is leading the list. The patriotic play went close to \$37,000 for its first full week. Each of this week was running ahead of corresponding evenings last week, and a mark of \$40,000 is anticipated.

That's not capacity, but is sensational attendance in New York's largest legit theatre, alluded as the 'smaller' of the Radio City theatres. Business in most houses declined, probably because of inclement weather of day being the principal exception. When the show drew standees at both Saturday (28) performances, indications were that it's in.

'Set to Music,' the other outstanding among the recent arrivals, drew standee business also, with takings around \$26,000. Musical leaders are 'Hellzapoppin,' 'Leave It to Me,' 'The Boys in the Saddle,' 'Longfellow,' the heavily attended D'Oyly Carte (Gilbert and Sullivan) and 'I Married an Angel.' Latter, at reduced scale, got around \$18,500 last week, profitable. 'Mama's Daughters' (improved further), 'Outward Bound,' 'The White Steed' (climbing), and 'The Primrose Path.' That division may have a strong leadership contender with Henry IV revived this week at the St. James.

This week's openings were curtailed by the withdrawal of 'The Birds Stop Singing.' Next week will see the arrival of another major musical, 'Stars in Your Eyes,' at the Majestic. Other newcomers are 'M. O'Brien Entertainers,' Lyceum, and 'I Must Love Someone,' Longfellow. Rehearsal list declined sharply because six of the reading attractions are opening out of town or on Broadway this week.

Estimates for Last Week
'Abe Lincoln in Illinois,' Plymouth (16th week) (D-1,038; \$3.30). Paces dramas; capacity; close to \$21,000.

'Boys From Syracuse,' Alvin (11th week) (M-1,255; \$4.40). Among the best of the musicals and should be among the favorite draws with World's Fair visitors; \$30,000.

'Dear Octopus,' Broadhurst (4th week) (C-1,107; \$3.30). Doubt about box office but cut; house reported booked for another play; \$5,000 indicated.

'Gentle People,' Belasco (5th week) (D-1,038; \$3.30). Picture names in cast doubt help; with malinees especially big; \$15,000, excellent for a straight play.

'Hellzapoppin,' Winter Garden (2d week) (R-1,871; \$3.00). Nine-performance schedule, with all performances drawing standees and the pace around \$34,000.

'Here Come the Clowns,' Golden (9th week) (D-1,230; \$3.00). Engagement in doubt and show on week-to-week basis; \$3,500 estimated.

'I Married an Angel,' (Shubert (39th week) (C-1,087; \$3.30). Under lowered ticket scale; \$18,500, some profit, and expected to stick regardless of out-of-town pencilled bookings.

'Jeremiah,' Guild (1st week) (D-914; \$3.30). Presented by Theatre Guild; translated from Stefan Zweig's original by Eden and Cedar Paul; opens Friday.

'Kiss the Boys Goodbye,' Miller (19th week) (C-944; \$3.30). Comedy stand-out selling out most performances; playing three matinees; \$15,000.

'Knickerbocker Holiday,' Barrymore (16th week) (M-1,099; \$4.40). Not much change from regular season. Tryout down to \$18,500, under the field last week; \$17,000; will move to the 46th Street, 'Off to Buffalo' being due here Feb. 13.

'Leave It to Me,' Imperial (13th week) (M-1,488; \$4.40). Continues to be the top grosser among musicals, with the gross again over \$34,000.

'Mama's Daughters,' Empire (5th week) (D-1,099; \$3.30). First week, cast drama in long time to attract as much attention; \$13,000; steadily climbing.

'One for the Money,' Booth (R-708; \$3.30). Presented by Gertrude Macy Stanley Gilkey and Robert F. Cutler; skits, Nancy Hamilton; songs, Morjan Lewis; intimate revue due Saturday (4).

'Oscar Wilde,' Fulton (17th week) (D-913; \$3.30). Surprising matinee strength keeps hit prosperous; \$13,500; among the longest stayers this season.

'Rocket to the Moon,' Windsor (11th week) (D-1,049; \$3.30). Moderate money from start but making some profit at \$7,500.

'Set to Music,' Music Box (3d week) (R-1,000; \$4.40). New revue

hit capacity plus; \$26,000 first full week; should be cinch for balance of season.

'Spring Meeting,' Little (8th week) (CD-532; \$3.30). Moved here from Morocco where takings were quoted at slightly less than \$6,000.

'The American Way,' Center (2d week) (D-3,483; \$3.30). Broadway's new leader; drama topping musicals for first time in many seasons; built to capacity Saturday (28), with standees below; first full week approximately \$37,000.

'The Birds Stop Singing,' Morocco. Opening cancelled after doubtful Philadelphia debut.

'The Merchant of Venice,' Guild. Closed Saturday (28) after five weeks, with subscriptions the principal revenue.

'The Primrose Path,' Biltmore (5th week) (CD-991; \$3.30). Eased off, as did most shows, but approached \$10,000; management expectant of a run.

'The White Steed,' Cort (4th week) (D-1,059; \$3.30). Indications are for a run; business picked up to \$11,500 and attendance claimed to be steadily improving.

'Tobacco Road,' Forrest (26th week) (D-1,107; \$1.85). Run leader getting around \$5,000; profitable through cut.

'What a Life,' Mansfield (42d week) (C-1,050; \$3.30). May round out year's stay; modest but satisfactory at \$4,500.

Revolutions

D'Oyly Carte Opera Co., Beck (5th week) (M-1,189; \$3.30). Classed with season's leading coin-getting musicals; \$20,000, with standees in some performances.

'Henry IV,' St. James (1st week) (D-1,520; \$3.30). Presented by Maurice Evans, who appears as Falstaff; Shakespearean drama presented in two parts; opened Monday (30).

'Outward Bound,' Playhouse (3d week) (D-813; \$3.00). Expected to last into the spring; topping \$12,000; better than original showing.

'The Importance of Being Earnest,' Vanderbilt (4th week) (C-908; \$3.00). Picture drawing quite modestly; \$4,000.

Added
'Pins and Needles,' Labor Stage (62d week) (R-500; \$2.75). Labor unionists' intimate revue indefinite; getting some profit right along with \$5,000.

'Naughty Naughty,' American Music Hall. Revival of cabaret meller held over second week.

'Evelyn,' Music Box; Sunday nights; discontinued after four showings.

WPA
'The Big Blow,' Elliot.
'Madness and the Lion,' Lafayette, Harlem.
'Pinocchio,' Ritz.
'Awake and Sing,' Daly's (Yiddish).

COHAN'S DET. MARK OF 32G

Detroit, Jan. 31. George M. Cohan's 'I'd Rather Be Right' hung up a new house record of \$32,000 last week and is headed for ditto gross currently. Play originally pencilled in for one stanza but stuck for second in face of unprecedented advance sale.

Scoried at \$3,350, Cohanopus eclipsed the former record of \$28,000 set in April, 1937, by the Lunts in 'Idiot's Delight.' 'Delight' played nine performances compared with only eight for 'Right' but had a main floor (500 odd seats (price of \$3.30). Downstairs for 'Right' was divided into \$3.85 and \$5.30 seats, with most of the balcony at \$2.75.

Estimate for Last Week
'I'd Rather Be Right,' Cass (1,500; \$3.85) (2d week). Heavy advance helped grab record \$32,000 for eight performances. With current cash also selling out.

Merivale Replaces Lewis, 'Angela' 8G in Midwest

Kansas City, Jan. 31. 'Angela Is Twenty-two,' with Philip Merivale as the draw, replacing Sinclair Lewis in the lead role, played three evenings and a mat here last week to take of \$3,500, \$2,700.

Week's take including one-nighters in Omaha, Des Moines and other Iowa spots, was about \$6,600.

World-Telly's Manton Expose

Series of articles charging Federal Court Justice Martin T. Manton with misconduct in office, first published in the "World-Telegram" by the New York World-Telegram (Friday, 4/7), and written by staff writer S. Burton Heath, were the result of a seven-month investigation conducted by Heath for that newspaper. For some time rumors, with no apparent foundation, of Judge Manton's alleged impropriety in office had come to the attention of the public last that, on two successive days, did sufficient evidence come into the hands of the paper to warrant starting a probe. Following August the evidence secured by the World-Telegram was submitted to the N. Y. State Tax Commission which immediately checked the justice's income returns and that check is still being continued.

Practically all information in the hands of District Attorney Thomas E. Dewey, including six money transactions cited by Dewey in his letter to the House Judiciary Committee, unquestionably took some of the edge off the World-Telegram series and bulk of articles remaining, it is now learned, will not be printed.

Boost British Mag for U. S.

British weekly mag, Picture Post, went on sale throughout the U. S. last week in an effort to expand into an international periodical. Issue on sale here was dated Jan. 14 in Britain, but given a cover remake with a Jan. 28 date and a price listing of 10c in place of the 3c price over there. Only remake for America was the cover. Issue carried the Jan. 14 date on its page inside.

Picture Post, with cover marked "A Month of this Life," is a sort of combination Life, Satepost and other of our national weeklies. Comparatively new mag, having begun publication less than a year ago, it's reputed to have had a remarkable success in Britain. Response over there said to have been similar to that which greeted Life on its inception here.

Issue with which Picture Post hopes to break into the U. S. has an article laudatory to this country and a story by an American scribbler, William Saroyan. Odd note is that despite a 10c price, those shops here handling foreign mags charge 15c for the identical British edition.

Cal. Assn. in 52d Year

The California Newspaper Publishers Association entered its 52d year this week under leadership of William S. Kellogg of the Glendale News-Press. Kellogg was elected president at the association's 51st annual meeting in Fresno.

Among the speakers were William Allen White, of Emporia, Kan., editor and president of the American Society of Newspaper Editors, and James A. Gallagher, head of the American Newspaper Publishers Association.

Other officers elected are: Neal Van Sooy, of Azusa, vice-president and chairman of the weeklies' division; Paul W. Leake, Woodland, v.p. and chairman of the dailies; and Stanley Larson, Claremont, secretary-treasurer.

Will Rogers, son of the late actor, was awarded the Los Angeles Times' trophy for the best weekly front page, in his Beverly Hills Citizen, last year. The Los Angeles Times' Gleaner won a certificate for second place, and the Upland News for third.

Row on Hitler's Kamp?

Showdown on American publication rights to Hitler's book, "Mein Kampf," is due shortly as result of Federal suit filed by Houghton Mifflin Co. of Boston against Stackpole Sons, seeking to halt latter's proposed publication of the volume.

Abridged version of the Hitler book published few years ago by Houghton Mifflin on assignment of American copyright from German publishers. Concurrent with plans of Houghton Mifflin to issue an abridged new edition in March in conjunction with Reynal & Hitchcock, Stackpole Sons made known it would also bring out the book here. Claimed by Stackpole it could publish the book here because American copyright was defective due to allegation that in copyright application in 1925 Hitler was described as

a 'stateless German' and an Austrian. Meant, according to Stackpole claim, that Hitler was not a citizen of a country having reciprocal copyright arrangement with the U. S., and also had lost his Austrian citizenship when enlisting in German army.

Philly Daily's Defense

Philadelphia Record last week printed a refutation of charges—first run in Time mag—that a beat it got on a Society of Friends mission to Germany to aid refugee Jews severely hampered the work of the group. Both the Philly Bulletin and the New York Times had the story before the Record, it's said, but abided by the wishes of the Friends and didn't use it.

Record quoted E. Raymond Wilson, exec of the American Friends Service Committee, who showed that the publicity did hurt the mission, but really was a boon. Wilson declared, "Instead of the publicity hurting the mission, it had the splendid effect of arousing sympathy throughout England and America for its aims."

Society was ridiculed in the German press after publication of the Record story and was at first considerably riled at the paper.

Users % Of Rental Fees

California Writers' Guild thinks percentage of book rental fees should go to book authors as royalties and plans to take up the matter with the American Booksellers' Assn. and other organizations.

Plan is that the rental library definitely holds down book sales, though not retarding book distribution. Felt by the scribblers that numerous books never get beyond first editions because of the rental libraries, and since the libraries have possibilities for unlimited profit, writers feel they deserve a share. No plan formulated by Guild as to how authors might get part of book rental fees. Group feels that can be worked out as soon as the lending library operators can be made agreeable to the proposition.

Award to Burman

Southern Authors Award for most distinguished book on the south published during 1938 has been won by Ben Lucien Burman for his "Blow for a Landing." Award presented at seventh annual Southern Authors' luncheon at the Park Lane hotel, New York, Saturday (28). Award committee consisted of Burton Rascoe, Blanche Colton Williams, Herschel Brickner, Wood K. Krutch, Vernon Loggins and Dr. Stella S. Center.

Burman, now doing a series of river stories and articles for the Satepost, was a newspaperman for years before turning novelist. Has written two other novels, "Mississippi" and "Steamboat Round the Bend," both filmed.

U. S. Newspapers Increase

Number of newspapers in the U. S. increased 68 in 1938 over previous year, according to annual Directory of Newspapers and Periodicals, published last week by N. W. Ayer & Son.

Increase due to activity in weekly field, however, as both dailies and semi-weeklies showed losses. Number of weeklies increased 99 to total of 10,728, but dailies decreased 29 to 2,656 and semi-weeklies dropped two to 357.

Morning papers showed increase of 325,200, to total 15,925,200, while evening paper circulation dropped to 24,753,900, representing loss of 946,100.

Salving the Wound?

When George Seibel, book-reviewer, drama critic and lecturer, was named to Morals Court bench in Pittsburgh couple of weeks ago, Seibel fired him in 1936, Hearst's Pittsburgh Sunday Telegraph, gave him the biggest news story break of any Pitt daily.

Daily carried big two-column story on page one with accompanying picture while other two Smoky City papers merely carried it in routine fashion.

Seibel's dismissal by the Sur-Tele was an 'economy' move, although it's said it had something to do with his political views.

Foreign Newsmen Dine

Dinner of the Foreign Press Correspondents Ass'n. held Thursday night (26) at the Hotel Lombardy, New York, drew around 100 reps of foreign papers in the U. S. Guests of honor were Erskine Caldwell, Margaret Bourke White, Ferdinand Bruckner, prez of the German American Writers Ass'n, and Jan Masaryk, former Czech Minister in London.

High-Time's Inside Time

Privately printed pamphlet purporting to reveal the inside workings of Time mag, made its appearance last week under the title, High Time. Sub-billing on the distribute stated it is 'published by the Communist Party members at Time, Inc.' Sheet announced it will publish the 'injustices, inequities and office hazings which are seldom known except to those immediately concerned.' Written along the lines of Time's own style, the paper's makeup and typography are also similar to that of the mag.

Traditional anonymity of Time's editorial staff is ripped asunder in the first issue of High Time, with the printing of a list of allegedly mysterious firings and vitriolic attacks upon various officials of the company. Among those named as having recently been jettisoned are Bunty Schroeder, Aaron Stein, George Hittelbel and A. K. Mills. Among those given a raking-over are publisher Henry R. Luce, foreign news editor L. S. Goldsborough, research head Frank Saul, Ralph Ingersoll, Wilson Hicks, and others. There is a somewhat similar sheet at the New York Times, labeled Better Times, while the Brooklyn Eagle also has one in the Eagle's Eye. Latter two pubs are mimeographed.

Memorandum in reference to the High Time publication was sent to all members of Time's staff last Tuesday (Tuesday) by Luce. Referred to the contents of the sheet as 'gossip' and stated that it was full of inaccuracies. Called it an 'amusing job of writing,' but added that it was 'disloyal.'

Name Judges In Contest

Judges for the third annual prize story contest of the New York Newspaper Women's Club are Sophie Kerr Underwood, Helen Nolan Neil, H. V. Kallenborn, Elmer Davis and Frank Sullivan, who will sift more than 100 entries to determine best piece of news writing, feature, woman's page article and criticism or opinion written in 1938. Prizes of \$100 will go to winners.

Awards will be made at the 17th annual Front Page Ball of the club Jan. 10 at the Waldorf N. Y., and will be presented by Mrs. Franklin D. Roosevelt.

Luce's New Idea

New type of newspaper is being mulled by Henry R. Luce, his associates claim, with Edward Stanley, former photograph editor for the Associated Press, being considered for the top position. Publication would be standard news featuring comment on and interpretation of news rather than attempting to compete with usual daily news stories. Paper would carry skeletonized version of latest news stories but would attempt to interpret significant world developments.

Understood that the paper would sell for 10c.

Mrs. Patterson-Hearst Deal

Hearst organization continuing to unload its publishing properties, latest to go being two capital dailies, Washington Herald and Times. Sale on Friday (27) made the two the property of Mrs. Eleanor Patterson. Two papers operated by Mrs. Patterson since 1937, when she took over lease, with option to buy. Mrs. Patterson became editor of the morning Herald in 1930. When leasing the Herald she also took the Times, afternoon paper, on the same arrangement.

Book-Play Luncheon

Final Book and Play Luncheon of the season to be held tomorrow (Thursday) at the Hotel New York. Guests of honor will include Sidney B. Whipple, Alfred Kreybom, Barry Fitzgerald, Jessica Tandy, Bramwell Fletcher, Helen Chandler, Darrell Fancourt, Jean Cadell, Arthur Shields, Gladys Calthrop and Ardrea O'Connor. Twenty-first annual book and Play Luncheons will be celebrated with a dinner March 12.

Alex Kahn Succeeds Vladeck

Alexander Kahn was named general business manager of the Y. Jewish Daily Forward, world's biggest Yiddish-language paper, last week. He succeeds late B. Charney Vladeck. Kahn has been the daily's legal adviser for past 27 years.

B'lyin Eagle Pact

Meeting Thursday night (26) between Frank D. Schroth, publisher of N. Y. Brooklyn Eagle, and reps of Newspaper Guild, resulted in signing of year's pact in behalf of daily's

450 news and commercial department employees.

Publisher has the right to dismiss 20% of the staff for economy within life of the agreement. Otherwise, Guild members get five-day, 40-hour week, overtime, vacations and severance pay. Indicated by publisher during negotiations that 20% slash in personnel would be effected almost immediately, on the claim that the paper is greatly overmanned.

New Publishing Org

Michael Estrin, active in book publishing, forming a new organization which he'll call the Herald Book Publishing Co. Moves into new quarters within a week, after which he will begin assembling staff.

Publishing policy of the new house not set as yet, but likely to include both fiction and non-fiction. Estrin will handle editorial as well as business matters.

Here's Your Chance!

Rational answer as to how story selectors get that way at last to be provided by Book and Magazine Guild. Organization arranging a course on manuscript reading, selection and sale to get under way Feb. 23, and designed for those interested in reading for book or magazine publishing houses, or for literary agencies.

Guest speakers set are Quincy Howe, Simon & Schuster editor, and Henriette Herz, lit agent.

Radio Exploits Book

Radio as a means of book exploitation to be utilized for Hector Cheyney's "Lost Empire." Author has serialized the book in 15-minute episodes, which are being waxed by a Coast transcription studio with a cast of 10 and an orchestra of 21 with a specially arranged music score.

Episodes will go on the air from three to six times weekly at each station, with stations in from 10 to 15 new cities to get the series moving. Intended in this way to keep the book before the public for an entire year.

NEW PERIODICALS

Used Car Digest, monthly trade mag, debuts Feb. 15 under banner of Esquire Features, owned by Esquire-Coronet syndicate. Plan is to accept no ads for first few issues. Howard Denby, Features syndicate manager, will edit, with A. H. Van Duyn as managing ed.

Science Fiction added to chain of mags published by Louis Silberkleit. First issue will have a guest editorial by Hugo Gernsback, also a mag publisher. Editor Charles Horbig formerly directed Science Wonder Stories.

LITERATI OBITIS THIS WEEK

Charles W. Frost, 90, former owner of Godey's Lady's Book, first mag for femmes in the U. S., died last week in Haverford, Pa. Pioneer Philadelphia advertising man acquired the mag from Louis Antoine Godey, who began its publication in 1830. Besides his publishing and advertising activities, Frost also was an inventor.

Sidney Morse, 64, v.p. of the Educational Publishing Corp., publishers of St. Nicholas and Grade Teacher magazines, committed suicide by shooting Jan. 26 on the grounds of the Norwalk hospital, Norwalk, Conn. Morse was a partner with Roy Walker in the publishing company. Widow survives.

Robert Halliwell, 52, one of the founders of the New Republic, died Jan. 26, in a Staten Island (N. Y.) hospital of a heart attack. Halliwell, prominent as an artist, helped found the New Republic in 1914, and was treasurer of the mag until 1925. His second wife, a daughter and three brothers survive.

William Butler Yeats, 73, Irish poet and playwright, and winner of 1923 Nobel Prize for literature, died Jan. 29 in Requebrune, France, after succession of heart attacks. Regarded as one of greatest of modern poets, Yeats took leading part in Irish literary renaissance of 1920's. Was a founder of the Irish Literary Theatre, which became the Abbey Theatre of Dublin. Widow survives.

Elmer A. Bushnell, 67, veteran cartoonist, died Jan. 27 from pneumonia in Cincinnati, where he made his home for years. He was a farmland, cowboy, mill foreman, deckhand and beer garden porter before joining the Cleveland (O.) Press as an artist. Later he went to the Cincy Post, did cartooning for the Cincy Times-Star, Memphis News-Scimitar, New York Globe and Journal, and lastly, in 1930, for the Cincinnati Enquirer. He also did a cartoon act in vaudeville for several seasons.

CHATTER

Ballyhoo' back to its original format.

Effy Thayer has gone over to Dial Press.

Dagobert Runes, the mag publisher, ailing.

College Sport News service begun by Gordon T. Kay.

True Story magazine will make a big thing of its 20th ann.

Heffry Misselwitz, said Eleanor Powell's life story to True Story.

Front Page Detective Magazine has gone monthly. Hugh Lane the ed.

New N.Y. amusement weekly, Manhattan, has made its appearance.

Dana and Ginger Lamb getting set for a foray into the Mayan jungle.

Jerome Ellison, an associate ed. of Readers' Digest, has written his first novel.

Josephine Johnson, the Pulitzer Prize novelist, wed to Hurlow Smoot.

Philip Van Doren Stern a book designer before turning book writer himself.

Law Deitz, the short story writer, to Puerto Rico for a couple of months.

Mabel Herbert Urner active in animal welfare work between scribbling tasks.

Upton Sinclair has done a play on Marie Antoinette which Vanguard will publish.

Will Wallace, ed and pub of Readers' Digest, grabbing some Florida sunshine.

Nathaniel West, film scripter, has sold a novel, 'Day of the Locust,' to Random House.

Article by Lyman Beecher Stowe on Jan Masaryk soon to appear in The Commentator.

Edward Wadewitz, the Whitman Publishing Co. head, has bought an estate on the Hudson.

Kenneth Gregory, AP sports writer, elected prez of newly organized Atlanta Press Club.

J. Randall Williams, 3d, of the Macmillan publishing house, wed Elizabeth Z. Kirkbride soon.

Hedda Hopper renewed her Hollywood column with Esquire Syndicate, serving 40 papers.

Hickman Powell's piece on H. V. Kallenborn in This Week reprinted in the current Readers' Digest.

Jonathan Cape, the British book publisher, in from London for a gander at American book material.

Alan Denby, formerly with Life mag, and later with Metro publicity, joined March of Time staff.

Scribner's magazine will have an article on Clare Booth in March issue. Milton Mackaye is author.

F. Van Wyck Mason leaves Bermuda next month for the southern U. S. to do research work for a new novel.

Lawrence P. Miggins has bought a place in Connecticut, but won't take possession till the ground thaws.

Gretchen Keene, of the N.Y. Herald Tribune book staff, the bride of Henry Leach Smith. He's a former newspaperman.

E. D. Kennedy, formerly of Time and Fortune, will have his 'Dividends to Pay' published by Reynal & Hitchcock soon.

Richard E. Lauterbach new managing editor of Golf. Succeeds Winthrop Brubaker, who has gone to Young America.

The Robert Payson Terhunes in from their Pompton Lakes, N. J. place, for their annual winter sojourn in New York.

Gene Reed sold her first novel, 'Stunt Girl,' to G. P. Putnam & Sons. Book is written around her own experiences in pictures.

N. Y. District Reporters' Association will hold its 14th annual dinner and dance on midnight of Feb. 25 at the Hotel Roosevelt, N. Y.

John J. Green, former Virginia and Indiana newspaperman, named an associate editor of Your Life, mag edited by Douglas E. Lorton.

Mrs. Joseph E. Goodbar threw a lobster dinner around 200 members of the National Federation of Press Women, which she heads.

Subject of music as a professed treated by H. Howard Taubman in a book, 'Opera Front and Back,' which he has placed with Scribner's.

Charles E. Thorp, publisher, who heads Football Publications, was formed auxiliary company, Aircraft Publications, to get out an aircraft mag.

Newlin B. Wildes, whose short stories have appeared in Ladies Home Journal and American Magazine, has sold his first to the Satepost.

Hanson Baldwin, naval and military expert of the N. Y. Times, has authored a book on sea disasters, 'Admiral Death,' which Esandess will publish in the spring. Film rights to one chapter, 'R.M.S. Titanic,' already acquired by Selznick International.

Broadway

Josephine Hughes off the Journal-American.

E. H. Griffith, director, in from the Coast.

Bill Lawrence's daughter has pneumonia.

Cal Swanson, J. Walter Thompson's, bedded.

Helen Gallagher in St. Clare's hospital with broken arm.

Leon Frommless, Monogram treasurer, back from the Coast.

Beja Milaskaya, Viennese disease, arrived from Europe last week.

Joe Williams has left Harry Besty's agency to go on his own.

Radio scripter Finis Farr may go to the Coast on a writing contract.

Lou Handin, prez of National Variety Artists, bedded with gripe.

Hot Air club held forth at the Blue Ribbon cafe Saturday night (23).

Rockwell Kent has taken a shack in the West Indies for balance of the winter.

Jack Oswald, head of Par's investigation department, hit by low blood pressure.

Key Kyser to Florida today (Wednesday) for a quickie before starting his personal tour.

Bland Johnson, Mirror film critic, threw a party for Jean Hersolt and friends in N. Y.

Ted Goldsmith has resigned as publicity assistant for George Abbott, effective Saturday (4).

John D. Hertz, Jr., is quite an amateur mitt-reader. Claims he applies psychology to his palimony.

Thyra Samter, fellow a sufficient authority on southern cooking, to talk to the Gourmet Society about it.

Paul Wir, general manager in Central America for UA, in N. Y., on his first trip to the states in four years.

Walter Wanger due in town next week and may go to Miami Beach for the preem of his 'Made for Each Other'.

After conferring with Norman Moray, WB shorts sales manager, Leon Schlesinger, cartoon producer, back west.

Antoinette Spitzer, with Walt Disney's praise, finishing her third novel, 'American Arabesque', tome on a ballerina.

Milt Herli, alias Omar the Swinemaker at Chatter Firehouse, in WB shorts with Ed de Lange orchestra this week.

Labette Feist back in town after playing 970 consecutive performances as mother of Queen Victoria in 'Victoria Regina'.

H. G. Knox, ERPI v.p. in charge of engineering, returning to N. Y. the next 16 days after conferring with Coast officials.

Laurence Beilinson east to take part in the American Federation of Radio Artists' negotiations with the advertising agency for lobby.

Quite a delegation going from New York to Wilmington, Del., for the opening of the new Warner theatre there next Wednesday (8).

Bill Robinson, head of the new Cotton Club show opening around Washington's Birthday. Also slated for the swing 'Hot Mikado'.

Cinda Glenn signed by the Shuberts for two shows. Goes into the Frisco Fair shows first; thence a Broadway musical in the fall.

Phil Reisman, RKO foreign sales chief, expected back in New York this week after a business and pleasure trip to Miami and Havana.

Mitzi Mayfair has opened a dancing school in East Orange, N. J. Married into Hoffman beverage claim and now schooling for lobby.

Roger Wolfe Kahn, who has been doing some composing in between his aviation activities, may return to mastering. Admitted he has the ven-

Gracie Fields is saluting in almost directly to Capri where she has a home which she may sell, and build a place at Palm Springs, Calif., instead.

Madeleine Carroll, due to arrive tomorrow (Thursday) from France, will sojourn in N. Y. a few weeks. Set for RCA 'Magic Key' broadcast next Sunday (5).

George Walsh, into N. Y. often to look in on the Par h. o. theatre executives, let his doc give him the usual Monday lookover on the last trip.

Max Cohen, head of Cinema Circuit of New York, and president of H. Y. State Allied, vacationing in Hollywood and Honolulu. Expected back this month.

Winter tour of Marverne Jones' Starlight theatre (regularly a stray-latter) closed this week. Getting ready for summer season playing through New England and N. Y.

George Shackley treating his whole radio gang to a feast Friday night (3) after WOR broadcast. It's 10th anniversary of his boom show.

Ted Friend, N. Y. Mirror nitery editor, leaving a 'tax' of five books each upon friends and acquaintances as a means of fitting up a library at a school for refugee children in Virginia.

Joe Shea, specially exploiting 'Tail Spin' (23), back to the Coast today (Wednesday). After a vacation, national exploitation director, also back west night after the film's preem Friday (10) at the Roxy.

Monroe (UA) Greenblatt started the Andrea Leeds' lead of dime publicity rolling in Chicago, as the film actress was en route east. Even reporters had to kick in a dime for

the President's charity before any interviews started.

Henry Tobias, songwriter, added to cast of Joe Cook's 'Off to Buffalo', which opens in New Haven tomorrow (Thursday). He's playing a Tin Pan Alley ivory-tickler.

Only six squawks (all in one night, last Tuesday) to Billy Rose over his 'Refugee Revue'. Obviously Nazi sympathizers, Rose told 'em to write a vox pop for the folksie Reich.

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Picture officials recently back from the Orient say that the educated natives of China are the best poker players in the world. Chinamen are born gamblers and, anyway, stud poker has become the most popular card game everywhere introduced.

Elmo Roper, Fortune's fact-finder, has made an interesting new conclusion on the state of the nation, as yet unpublished: that the American trend toward isolationism, if for cause, is now on the ascension, as against a previously predominant feeling for 'peace at (almost) any price'.

Infantile paralysis fund solicitors (femmes) may not get the N. Y. nitery courtesies unless they change their tactics next year. Some of 'em, notably in the class spots, made some steam-up cracks something to the effect 'Last night we collected \$178, but tonight looks like a cheap crowd', etc.

Paris

By Hugo Speck

Jean Renoir to London.

Helena Greasley to London.

Paul Winkler in from America.

Bernard Deronne leaving Fox publicity for RKO.

Three Sisters held over at Cirque Medrano.

Eva Reynal, of Odeon company, committed suicide.

Harry Burr in from Central European theatre.

Louis Seignier, of Odeon, engaged for Comedie-Francaise.

Vera Tolstoi, granddaughter of writer, singing in Paris nitery.

Charles Fellers' film line lined up for immediate production.

Jean Bastia opened new boite, Cafe-Chantant, in Montmartre.

Lucienne Boyer, Pills and Tabet heading bill at Tabarin Variety Casino, Nice.

Gregoire Ravinovich planning to start film with Danielle Darrieux early in April.

Bob Robinson and Virginia Martin featured dancers at Ambassadeurs, Cannes.

Rene Clair expected to abandon England for Paris.

Yves Mirande signing with Yves Mirande for one of principal parts in his new film, 'Derriere la Facade'.

Mila Parely replaced Jacqueline Delubac in Sacha Guitry's 'Un Monde Fou' as latter two are divorcing.

Leon Siritzky, father and son, Samy, sailed to look over possibilities of exploiting French films in America.

Pierre Blanchard signing with Kurt Bernhardt to make 'Theure Exquisite', from original Bernard Zimmer scenario.

Matel 'Herbier' commencing 'Entente Cordiale', with scenario by Andre Maurois, based on King Edward VII's reign.

Cast of 'L'Or de Cristobal', starring Dita Parlo and Charles Vanel, which Jacques Becker is making, off to Nice for exteriors.

Janine Darcey, promising newcomer in films, made theatrical debut in Limbaud by Pierre Gene and Victor Camarat, at the de l'Abri.

Corinne Luichaire playing opposite Fernand Gravel in 'The Postman Ring' which she called 'Dernier Tourment' in French—which Pierre Chene is making.

Pittsburgh

By Hal Cohen

Dick Barstow here for a few weeks. Just visiting.

Harp Vaughn has quit the agency biz after sticking it out for a year.

Evergreen Gardens' proprietor, Ada Frew, to Cuba for six-week rest.

Gloria Frew to New York for nitery spot and a film test for 20th-Fox.

Bill Hetzel picked for Noel Coward role in Playhouse's 'Tonight at 8:30'.

Booker Elinor Savage coming out of nervous breakdown all right in hospital.

Henry Wenzel home again for hotel booking at Tony Conforti's Nixon cafe.

Ruth Schaffer quitting secretarial post in Nixon theatre to become Mrs. Roy Hippie.

Arthur J. Levy in town beating the drums for Tallulah Bankhead's 'Little Foxes'.

Waco, West. Miss Western Pennsylvania of 1938, around again after a step throat.

Show Boat hostess Ann Artis was Jackie Lee in boss oprys as Art Mink's lead.

Joe Kauffman's local exchange topped the field in U's latest stage plays, with bonuses for all.

London

Arthur Dent back from West African cruise.

Kenneth Sleet now house manager for the Hippodrome.

Tom Mix played to \$60,000 in one week at the Royal, Dublin.

Wini Shaw follows Francis Day at the Cafe de Paris for four weeks.

Bill Tilden and Danny Maskell framing a badminton act for vaudeville.

Argyle Films to do another Edgar Wallace yarn, 'The Dark Eyes of London'. No cast lined up as yet.

George Foster celebrating his golden wedding Feb. 11 by giving party for his family at the Cafe de Paris.

Playwright Arthur Wimperis in trouble with the police over dangerous driving, which set him back \$50 and costs.

Harry Foster 'auditioning German and Austrian talent here, with view of placing them locally and in America'.

The 102nd of Edward Wallace's 'The Four Just Men', in production at the Ealing studios.

Royal Dutch Air Lines cooperating with Warner Bros. at Teddington in making aircraft picture, 'Too Dangerous to Live'.

London circuses are not doing the seasonal business expected. Some attribute it to lack of novelties and lack having become much more sophisticated.

De la for Sandrini and Jacques Charles to produce some scenes in George Elrick's vaudeville program at the Adelphi fell through just when it looked promising.

After they close at the Cafe de Paris, The Four Bachelors play a string of vaudeville dates. Set for Palace, Blackpool, following with two weeks at the Folies and four at Berkeley restaurant.

Berlin

M-G's 'Rosalie' at Marmorhaus. Camilla Horn wed to architect Kurt Kurfsch.

Verdi's 'Luise Miller' premeed at People's Opera.

Admiral conductor Hidemaro Koyone batoned Berlin orchestra.

Cinematographie Francaise planning own French releases in Berlin.

Adress Sabine Peters and warbler Will Dörmag-Fassbender hitched up.

Actor Theo Lingens' play, 'Was Wird Hier Gespielt?' at State theatre.

Vaude Ball of Theatre Chamber for Winter Relief Fund set for Feb. 6.

A first-run theatre, the first to be permitted within the heart of the city in a decade, planned by Ufa.

Richard Strauss' two new operas, 'Daphne' and 'Day of Peace', to have French premieres at Paris Grand Opera.

The Gracie Schenk Trio, dance team, met with an auto accident recently here in which Gracie Schenk suffered concussion of the brain.

Brother Willi sustaining stomach injuries, but has almost recovered.

Miami Beach

By Arthur Thomson

William S. Paley off for Nassau. Tommy Farr here to fight a cold.

Benny Goodman planned in for a vacation.

Gene Austin at Olympia for three-day stand.

Carol and Gorman opened at the 5 O'Clock club.

Paul Sablin set to open at the Colony Palm Beach.

Edith Roark opened Thursday (26) at Mother Kelly's.

Lee Shubert and Donald Flamm two recent arrivals.

Ray Benson's orchestra opened at the new Brook club.

Eddie Mannix, M-G exec, watching the bangtangs run.

Jack Dempsey Sunday afternoon at the Grand.

Sheridan theatre premiered 'Gunga Din' Tuesday (24).

WPA production of 'Room Service' broke all records to date.

Local band orchestra scheduled for the Havana Casino, Havana.

Mr. and Mrs. Nat Harris, of the Strand Prime Rib, laid up with the flu.

Abe Lyman and Harry Richman slated for Royal Palm club in early February.

Lillian Carmen, a fave here last year, replaced Alice Dawn as vocalist in Continental show.

Fred Beebe's rodeo will be staged in Flamingo Park Feb. 4-11. Awestruck local American Legion spot.

Local band orchestra scheduled for the Havana Casino, Havana.

Mr. and Mrs. Nat Harris, of the Strand Prime Rib, laid up with the flu.

Abe Lyman and Harry Richman slated for Royal Palm club in early February.

start. Versailles in Hollywood followed soon after.

Hugh Hough replaced by Dorothy Dey as nitery scribe on Miami Herald. Hough now writing general column, 'Hue and Cry'.

Camille de Montes was injured in an auto crash while en route to fill an engagement at the Roney. Terry La Franconi and Fay Farbe added to show.

Rubioff will give a performance in Bayfront park Feb. 2. Auspices of Lions' club. Violinist to air Jack Reynolds' new tune, 'Miami, Moonlight and You', Feb. 17.

Georges and Jalna joined Roney Plaza show for seven-day engagement. Will go to International Casino, Havana, for a limited stay and return to the Roney later.

St. Louis

By Sam X. Hurst

Morrie Davis, manager of the Will Rogers, West End name, fractured elbow, in fall.

Dale Larson, ad sales mgr. for Par exchange, has been made booker. Chick Schuessler now filling Larson's chair.

Irvin E. Deer, from the Hollywood Hays office, discussed 'And Then... the Shooting Begins' before local group last week.

James E. Darst, mgr. of Municipal Auditorium, has requested appropriation of \$108,220 for salaries, expenses, etc., during 1939-40.

Horace D. Buck) Keenan, who lost a fortune taking bets on the horses while running a downtown cafe, died in Hollywood from heart trouble.

Hyde Park Club, casino in Venice, Ill., shut Federal during gambling purge in Madison County, has reopened as Harlem Club in adjacent St. Clair County.

Larry Sunbrock, prez National Fiddlers' Association, whose hillbilly championship jamboree drew 25,000 to Municipal Auditorium, on the shelf due to overwork.

St. Louis Symph back from first winter tour, played to 15,000 customers at seven performances in Quincy, Ill.; Chicago, Battle Creek, Toledo and Columbus.

City Grand Opera Ass'n has changed tag to St. Louis Metropolitan Grand Opera Ass'n and has skedded 'Otello' as second of three operas to be presented during spring season.

State Supervisor E. J. McMahon has revoked the license of C. J. Schrepper, operator of the Metropolitan Club, nitery in Poplar Bluffs, Mo., for selling liquor on a beer permit.

Sam P. Meyers installed for 10th consecutive year as prez of Local 2, A.F.M. Meyers taking office as August Schwenker, v.p.; Fred Gorman, treas.; Clarence Maurer, recording sec.; Edward Timponi, financial sec., and Al Schott, business rep. This is Schott's sixth year in the post.

Minneapolis

By Les Rees

Major Bowes' unit pencilled into Orpheum Feb. 17.

A. J. Myles, Universal home office auditor, to Chicago.

Carlos Molina orchestra into Hotel Lowry Terrace cafe.

Syd Volk, indie circuit operator, back from New York.

Father of Amy Podvin, of M-G office staff, passed away.

Jack Fulton's orchestra into Hotel Nicolet Minnesota Terrace.

Jack Goldbar, United Artists' district manager, here for few days.

Eddie Ruben opening new \$100,000 Hollywood theatre at Sioux Falls, S. D.

'Change of route brought cancellation of local 'Susan and God' engagement.

Bob Long, M-G auditor, back from Mayo clinic and recuperating at his home.

Line of girls eliminated from Palace weekend stage shows for straight vaudeville.

R. C. Libeau, new Paramount district manager, paid his first visit here since taking over.

Gordie Adams' neck contract for the Palace theatre for infantile paralysis boxing card benefit.

Bennie Berger, independent circuit operator, mentioned for post of state boxing commissioner.

Irving Gillman, indie circuit operator, acquired Crystal, lower loop grind house, from William Weisman.

Harry Hirsch and Harry Katz, back from Arizona vacation, to reopen Gayety with stock burlesque Feb. 15.

Paul Mans and Don O'Reilly brought their independent circuit up to five houses by taking over Aster, St. Paul.

Gladys Swarthout, as soloist, drew largest audience, 7,500, of Minneapolis Symphony's concert series at Auditorium.

Cocoanut Grove, one of loop's largest night clubs, being turned into ballroom, with name bands to be supplied by Rockwell O'Keefe.

Cedric Adams' neck contract for the Palace theatre for infantile paralysis boxing card benefit.

With 10 bands participating, drew 1,200 to Hotel Nicolet at \$1 per.

Hollywood

M. C. Levee laid up with flu. Harry Nace in from Phoenix.

Al Reeves at his desk after flu. Otto Kern back from England.

Boris Karloff laid up with laryngitis.

Philip Dunne home with throat infection.

Irving Cummings to Florida for vacation.

William Berke had his tonsils clipped.

Mike Briskin motoring to Mexico City.

Mike Rosenberg off for South America.

Sidney Salkow laid up with oak poison.

Bess Meredith to hospital for observation.

William Gargan on southern personality tour.

Eugene Forde back from long stay in England.

Sig Schlager merging with Lichth and Glander.

David L. Hanson in hospital with fractured ribs.

W. C. Fields shot a hole-in-one, with witnesses.

Barney McDevitt opened his own publicity office.

June Lang back to work after two-week illness.

Lee Tracy back from six months on London stage.

Jack Schlaifer in from New York to gender product.

Jack Kreindler in from Broadway to gender niteries.

David L. Hanson in from South American holidays.

Spyros Skouras in from N. Y. on two-week vacation.

Edward Arnold, Jr., to Rochester, N. Y., to study.

J. J. Milstein in from N. Y. for huddle with Edward Small.

Crawford Winslow-Curtis outfit moved into new office Feb. 8.

Phil Berle quit agency for production job at Grand National.

Paul Snell taking over Coast end of Steve Hannagan's publicity agency.

Fritz Lang leaving Paramount at expiration of one-year contract, March 15.

Film stunts putting on a stunt show for benefit of disabled members Feb. 6.

Nicholas Murray here from N. Y. to shoot color portraits of film stars for cigaret ads.

Jack Whitney in from New York to huddle with Murray Silverstone and Dave Selznick.

Jean Blondell and Dick Powell bought the old John Monk Saunders home in Beverly Hills.

Palm Beach

By J. Gunnar Back

Mr. and Mrs. Dick Rogers checked in.

Cobina Wright and Cobina Wright, Jr. are here.

Oscar Hammerstein has reunion with brother, Arthur.

Frank D. Sniffen of VARIETY wished he had more business to keep him here.

Drinks on the house getting more frequent as night spots try lifting sag in biz.

Mary Jane Walsh caught a seven-for-five on the day's prize in the Silver Salfish Derby.

Donna Lee; Haskele, the magician; Royal Jesters; Six Jitterbugs, and Paul Sablin's line lineup at Colony Club which opened Feb. 1.

Chicago

Milton Ber

House Reviews

STANLEY, PITT

(Continued from page 45)

vellos, three s.a. blondes, deliver an acrobatic tumbling stanza that's tops, and for an encore, mount a lofty perch about as high as making propitiations. Next-to-closing is reserved for Shea and Raymond, and rightly so. There's little that could follow the nut hooding standard team; as it was, boys had to beg off into the finale. Act's virtually what it was couple of years ago, with just enough new side-play injected to give whole thing certain degree of freshness.

For finish, Morgan cracks into slick arrangement of 'Limehouse Blues', but mechanical troubles dogged him right down to the finish when curtain was late, partly nullifying his signoff. Biz slim. Cohen.

BROAD, COLUMBUS

Columbus, Jan. 27. Blue Barron, 'Crisp', Pincus & Co. (2). Tiny Wolf, Vivien Newell, Russ Carlyle, Chris Craggs; 'Four Girls in White' (U.A.).

Blue Barron's swing music headlines the Broad's first stage sesh this season. Show pleases, despite general lack of umph. Exceptions are Vivien Newell, tapster, and Bobby Pincus, stand-out comic. Barron m.c.'s.

Bill bows with sweet 'Sometimes I'm Happy', gets going with syncretized 'Jeepers Creepers'. Other numbers include 'A Room with a View', 'I've Got My Fingers Crossed', 'Old Rag Bonnet', 'Swing for Sale', 'Begin the Beguine' and 'Umbrella Man'. Newell has tap with finesse and is not seen enough, making only a brief appearance early in the show. Ronnie Snyder, electric guitarist, whistles 'Flight of the Bumble Bee', encores with 'Stardust'. Holmes, vocalist and saxophonist, rates rich reception of specialty in which he plays seven instruments. Trombonist Charlie sentimental and Russ Carlyle, vocalists are okay. Tiny Wolf, 300-pound bass, draws salves with an acrobatic dance.

Among vaude acts, Ventriloquist Chris Cross sesh so-so with Louie, Charlie McCarthy, with Groucho Marx eyebrows that do everything but talk for him. Cross also entertains as marionette manipulator. Pincus is top-notch in a funny, knee-slapping act and dialog with shapely, blonde Ruth Foster. It's strictly burlesque stuff, but lines are well timed and lead into solid laughs. They hoof, too.

Barron troupe leaves Columbus after last show Thursday (2), for Capitol, Washington, which, like the Broad, is operated by Loew's. Bill Zaramba, drummer, and Louie, Manis, Akron, foxed friends first night in town (26) when they skipped out after the last show and got married. Bliss.

STRAND, B'KLYN

Benny Meroff's orch, Hank Rose, Don Popicoff, Tannen Roy Richards, Shirley Rust, Eddie Perry, Wier Bros. (3); 'Smashing the Spy Ring' (Col).

Billed as 'greatest stage show any Brooklyn theatre ever had', Meroff and his aggregation of musical comedians is hardly that. Nevertheless, it's an improvement over standard house band (Cody King) and versatility as an all-round performer is an outstanding asset.

Meroff's kidding of audience and band at opening act is outstanding. Orch opens with specially arranged rendition of 'Mutiny in the Nursery' which is unrecognizable, but spirited enough to get show off to good start. Brass work here outstanding. He then brings on Shirley Rust, youthful tapster, whose shapely gams show to advantage in black velvet dancing costume. Beats out several fast, snappy rhythms and gets by nicely, although nothing sensational.

Wier Bros., European novelty-eccentric comic duo, are preceded by orch interlude, with Hank Rose, ivory tickler, featured. Wier freres, counted on for comedy support of this bill, don't hold up. Not their fault, as under the circumstances and satirical hoke depend principally on intimacy with an audience. This house is too big for that. Boys are clever balancers of volleys, derbies, etc., while dancing in unison or clowning around in knockabout style. Some laughs, but not enough.

Martha Perry, exponent of slow-tempo ballad, sings sentimental numbers puts over 'Heart and Soul' with feeling. Fair voice and sweet, shy personality. Winds up stoozing for Meroff comedy bits.

Popicoff, Meroff's violinist, turned out to be a heavyweight performer, vastly clever, and amusing in wide variety of endeavors. As a 'mad Russian' babbler, Popicoff not only has gift for comic, could stand on his own as a singer. Alternates between bandstand and mike in gage

and laugh-getting bits with Meroff, one of which leads into the one-man vaude show by Meroff.

Giving his conception of what an old-time vaudeville bill looked like, Benny starts off with a bit of ball juggling, plays a giant tenor saxophone; tiny French horn; cello; draws chalk paintings; imitates Ted Lewis, Eddie Cantor, Charles McCarthy, Guy Lombardo, Wayne King, Paul Whiteman, Al Jolson and a host of other impersonations, some of which boys in the band deliver with as much artistry as the maestro himself. Meroff's impression of a news-reel commentator's rendition of current events with caricatures of Mussolini, Roosevelt, Sonja Henie and Halle Scarsie is forte.

Business when caught was strong, but, despite good weekends, stage-show bill is doomed because 40-50c top is too small to pay for overhead of the house, which has ranged anywhere from \$3,500 to \$8,500 per week, depending on strength of attraction.

House consequently reverts to dual-feature film policy Feb. 3 and breaks it again Feb. 17 for Ted Lewis' band, previously dated in On Feb. 24, back to pictures for good.

Leo Morgan, who has been staging the Strand shows, bows out after that date and makes tracks for B. & K. Chicago chain.

Mgr. Try to Get Burley Tag Back Denied by Moss

Move of New York burlesque managers, backed by labor unions concerned in the operation of burley theatres, to secure restoration of the burlesque tag, was reported rebuffed this week. This, however, was denied by License Commissioner Paul Moss, who claimed he had not been approached on the matter.

John F. Masterson, leader of the Mayor's censorship committee, who was designated chairman of the managers-union committee to present the petition, also denies knowledge of such move. Masterson says that a committee of 18 from the Musicians, Stagehands, Costumers, Cleaners and Dyers, Truckers and Theatrical Managers and Agents unions, would formally petition the end of this week.

An attempt was made last summer by officials of the Brother (Burlesque) Artists Association to get back the tag but it was rebuffed. This is the first move the managers themselves have made in that direction.

Decision to ask for the label's return was made last Monday (23) at a meeting in the Hotel Astor, N. Y., attended by reps of the unions who then advised the managers they were strongly behind any action taken with the city administration. Sudden reawakening of interest in the burley tag by the managers is based on the impending World's Fair.

Whitehead Hit

(Continued from page 43)

ago, when he joined, there was little paying membership. Since that time niteries have been organized in New York, San Francisco, Chicago, Los Angeles, and have created a substantial income for the union. This money has been used in chasing various circuses and carnivals around the country, he alleges.

System of elections is partially responsible for appearance of same faces on board every year, says Calkins. He alleges a committee of the executive council names a nominating committee and thus keeps it safely tied up.

When apprised about two weeks ago that an investigation was being considered by the Four A's, this before the Calkins attack, Whitehead confronted council members of the Four A's and asked for a vote of confidence. It was given.

Gillmore stated yesterday (Tuesday) that the letter was being considered and would be passed on to others for discussion before turning it over to the international body for any action. Letter, in Gillmore's opinion, is 'a statement of views' and not a direct charge.

Palmer-Hirst Dicker

For Brooklyn Theatre

Harry Palmer and Izzy Hirst are jointly dickering for the Oxford, Brooklyn, N. Y., for stock burlesque. Pair were formerly associated in burlesque at Werba's, also in Brooklyn.

Oxford has been closed for over a year, shuttering directly after N. Y. cleanup drive started.

Burlesque Review

CONTINENTAL, N. Y.

Rags Ragland, Bob Carney, Johnny Cook, Maxine De Shon, Peaches Strange, Dorothy May, Joan Lee, Mimi Reed, Singers' Sextet, Leon Murray, Murray White.

Burlesque reopened the Continental, formerly the Oriental, Friday (27). It is backed by Sam Briskman, who had a share in Werba's Brooklyn, which folded since Herb and Morton Minsky closed the Oriental the house has been operated as the continental playing foreign films on a film policy.

Operators were smart in inducing Allen Gilbert, producer at the Star Brooklyn, to double and handle the production here. But production, however good, can't carry the entire offering.

Personalities known for good work are wasted. Rags Ragland, one of the top comedians in burley, does what he can with his outmoded material, and is a great size, unusual construction and inadequate stage combine in confining performers and hampering production. Cuts down heavily also on the intimacy needed for burlesque. Ragland doesn't use a mike and his lines, delivered in a normally pitched voice, are lost before they reach the last row of orchestra seats.

One thing that seems to have two strikes on any flesh attempt here is the house lighting, a great size, unusual construction and inadequate stage combine in confining performers and hampering production. Cuts down heavily also on the intimacy needed for burlesque. Ragland doesn't use a mike and his lines, delivered in a normally pitched voice, are lost before they reach the last row of orchestra seats.

There are no attempts at outright dancing numbers by the line, which usually are stage waits for scene shifts, because of the stage setup. Five comedians, three dancing girls, and three boys. Showgirls are introduced by name in one Gilbert bit of lighting and presentation that stands out. Here Mimi Reed, comedienne, gives a kick-swing act that's acceptable.

Three boys tap with three girls in two spots. Sextet handles the terms very well, and judging from the reaction, it's liked very much. Their first number is based on 'You Must Have Been a Beautiful Baby', done by Gilbert at the Star last week. Brings on showgirls tottering and is capped by Ragland and Bob Carney, brought on by lookers and outfitted in three-cornered pants.

Smart production is seen at the opening following a few sets. Carney. It's a winter scene done in front of a drop. Three-girl team then taps, accompanied by the pit band. Carney carries the show mentally, tops any burley outfit around.

Singer's Sextet is in one production piece, preceded by a line try. Six work in a scene which tops all others. Two semi-nudes appear on lighted pedestals on each side of the stage, while in the center a line set-up supports a mixed team giving lively statue effects. Each pedestal has a sign reading 'Do So Help Me' then a film of spray, while another stream appears at the top of each. Unusual pains for present day burley and exceptionally well presented.

Maxine De Shon and Peaches Strange head the strippers. Miss De Shon demonstrates a voice far above the usual burley larynx before doing her stunt in throwing a circular film of spray, while another stream appears at the top of each. Unusual pains for present day burley and exceptionally well presented.

Dorothy May and Joan Lee complete the list. Miss Lee is on fairly early and leads her work with better than average. Singers' Sextet follows too soon behind Miss De Shon, with only a laugh bit from the trunk by Ragland separating. She also presents her work with an acceptable tune. Doffing the groove.

Johnny Cook straightens Ragland and Carney. If this house is to click, setup will have to move evenly spread, not concentrated on production, however good. As it is, comedy, though excellently handled by Ragland, et al, is anemic and the pacing is poor.

OBITUARIES

HELEN WARE

Helen Ware, 61, legit player, who debuted in 1899 and later appeared in many silent as well as sound films, died last Wednesday (26) of a throat infection in Carmel, Cal. Her husband, Frederic Burt, writer, actor and artist, survives.

Miss Ware's first stage part was as an extra in Barrie's 'Little Minister.' For several years she toured the middle west, and reached Broadway in 'The Kreutzer Sonata' in 1908. Her last films were 'The Virginian,' 'Abraham Lincoln' and 'Romance in Manhattan.'

MORDAUNT SHAIPT

Mordaunt Shaipt, 52, dramatist and schoolmaster, died in a hospital at Hastings, England, Jan. 18. He wrote 'The Offence,' 'The Bend in the Road,' 'Crime at Blossoms' and 'The Green Bay Tree,' the latter being produced in New York as well as London.

He spent a year in Hollywood, where he did the scenario for 'Dark Angel.'

PAUL W. COLLINS

Paul W. Collins, 50, first projectionist to operate a talking picture machine in Cleveland, died there Jan. 27 after an illness of five months.

He was employed by Loew's for 30 years, 13 of which were spent at the Circle theatre. Survived by widow, three sons, two daughters, one sister and a brother.

WILLIAM G. FRANKIE

William G. Frankie, for 45 years a member of Doring's Band and also a member of other Troy bands, died in Troy, N. Y., Jan. 28, after a long illness. For 10 years Frankie was assistant librarian at the University of Rochester. A native of Troy, and survived by his widow, a son, a brother and three granddaughters.

H. T. MOORE

H. T. Moore, 64, pioneer exhibitor of southwest Washington, was found dead in a Tucson hotel room, Jan. 26. He was associated in the ownership of the Rialto, Tacoma, and had theatre interests in Olympia, Aberdeen, Yakima, Centralia and Chehalis.

Survived by widow, daughter and two grandchildren.

JULIUS BITTNER

Prof. Julius Bittner, 65, died recently in Vienna after years of illness. A diabetic, both his legs had to be amputated some time ago. Bittner's first opera, 'Red Gerd,' was a failure, but his second, 'Musicalian,' was a local success.

He won state opera honors with 'Hoelisch Gold' and 'Veilchen.'

WILLIAM G. WEIL

William G. Weil, 58, native of Mansfield, O., and a former vaude pianist, died Jan. 23 in Detroit after a long illness. For a long time he had been pianist at the Orpheum, Mansfield.

His parents, widow and a son survive.

FRED GARDNER

Fred C. Gardner, 53, veteran of vaudeville, died Jan. 20 in Los Angeles. He was a member of the Gardner Maniacs and a brother of Dick Gardner of Gardner and Revere.

Surviving are his widow and two daughters.

ESTELLE NORTROP

Mrs. Estelle Northrop, 41, soprano and radio pioneer, died Jan. 22 in Bridgeport, after a long illness.

She was first singer to broadcast over WCWA, now WICC, Bridgeport, and first Bridgeport vocalist on WJZ, New York.

JOE RAFF

Joe Raff, 56, former head of the Metro wardrobe department, died Jan. 29 in a Muretta Springs, Cal., sanitarium after a long illness.

He leaves a widow, son and two brothers, Harry Raff, the Metro producer, and Arthur M. Raff, indie exhibitor.

JOHN J. CORBETT

John J. Corbett, formerly in the Corbett and Forrester act, died recently in Syracuse, N. Y.

Survived by widow, from whom he was divorced, and a 19-year-old daughter.

HARRY SHIFFMAN

Harry Shiffman, 47, theatre operator, died early Saturday morning

(28) at his home in New York of what is believed to have been a heart attack. He is survived by his widow, two brothers and a sister. Further details in the film section.

GEORGE T. FELT

George T. Felt, former proprietor of the Aldine theatre, Wilmington, died last week in Philadelphia, at 52. Operated theatres in Baltimore and held an interest in the Aldine, Philadelphia.

FRANK BEETSON

Frank Beetson, 57, office manager for the Small Co., agency, died Jan. 30 in Pasadena.

He leaves a widow, son, daughter and a brother, Fred Beetson, Coast Hays office official.

ALEXANDER MUGGE

Alexander Mugge, 33, film architect, died suddenly in San Sebastian, Spain, while at work on 'Aixa,' a German-Spanish film.

Morris Bischoff, 77, father of Sam Bischoff, Warner Bros. producer, died at his home in Santa Monica, Cal., Jan. 25, a victim of pneumonia. Widow, three sons and three daughters survive.

Mrs. William B. Leigh of Bridgeport, last surviving granddaughter of P. T. Barnum, died Jan. 26 at her home following a short illness. She is survived by several cousins.

Mother, 77, of Jack Schlatter, western sales chief for United Artists, died Jan. 28 in Los Angeles.

Mother, of Duke McHale, dancer, died at Providence, Jan. 26.

Newman Benson Deyoe, 82, band leader, died Jan. 23 in Connetquot, O.

MARRIAGES

Chloe Elrod to John Mehan, in Hollywood, Jan. 28. Bride is assistant casting director at Universal.

Hannah Resnick to Mel Koff, in Philadelphia, Jan. 29. He operates the Darby theatre, Darby, Pa.

Angela Frances McCosker to Sheldon Vars Oelen, in New York, Jan. 26. Bride is daughter of Alfred J. McCosker, president of WOR, New York.

Jean Hannah Owens to Harry Fields, in Brooklyn, Jan. 18. She's of the dance team of Libertio and Owens.

Marie Francis to George Applegate, in Yuma, Jan. 24. He's announcer at KFL, Los Angeles.

Jane McCreedy to Tro Harper, Jan. 31, in San Francisco. Bride is actress and groom is announcer with KFRC.

BIRTHS

Mr. and Mrs. Irwin Margulies, daughter, in New York, 27. Father is Metro attorney.

Mr. and Mrs. Glan Heisch, daughter, in Los Angeles, Jan. 23. Father is program director at KFI, L. A.

Mr. and Mrs. Gordon W. Fawcett, son, in Hollywood, Jan. 24. Father is western manager for Fawcett Publications.

Mr. and Mrs. Dalton Trumbo, son, in Hollywood, Jan. 26. Father is screen writer at RKO.

Mr. and Mrs. Jack Leary, son, in Pittsburgh, Jan. 25. He's strollers leader at Tito's Gardens, mother is former Nelda Farber, niterly chorine.

Mr. and Mrs. Curtis Mason, son, in Los Angeles, Jan. 26. Father is engineer at KFI-KECA, L. A.

Mr. and Mrs. Kane Richmond, daughter, Jan. 28, Hollywood. Father is film actor; mother the former Marion Burns, screen actress.

Mr. and Mrs. Roland Anderson, daughter, Jan. 30, Los Angeles. Father is Paramount act director.

Mr. and Mrs. Billy Goodheart, daughter, in New York, Jan. 22. Father vice-president in charge of the New York office of Music Corp. of America.

Billy Chandler has joined the professional staff of Mills Music, Inc., coming from Miller Music, Inc. Another newcomer to Mills is Abe Tubin as manager of the firm's Chicago office.

WHAT THEY THINK

Another Fair Guide
New York.

Editor, VARIETY:

In your issue of last week you mentioned several important guides to New York City for the World's Fair. You have failed to note the publication of *New York Panorama* (Random House; \$2.50), which contains an entire section on the World's Fair, as well as the forthcoming *World's Guide to the World's Greatest Metropolis*, publication date of which is set by Random House as approximately the opening day of the World's Fair.

Low Levenson,
Director of Information, Federal Writers' Project in New York City.

Those Dialectic Subtleties
Milwaukee.

Editor, VARIETY:

This is a note that I hope will be seen by someone who has something to do with the adding of English subtitles to the foreign-language motion pictures that are exhibited in the U. S. A.

I enjoy many of these films, and I think it's a good tonic to have a few of them around. But the subtitles, many of them, are howlers. They're not English—let alone American, but some strange fliced-from-the-dictionary dialect: the sort of thing that twists 'This is pretty funny' into 'This is beautiful ludicrous'.

The four-star prizewinner that finally got me to write all of this popped up in a current film titled 'Der Tiger von Eschnapur.' Three men are in India. They are quarreling, and one tells the other two they can go their way and he'll go his. Then the subtitle runs 'something like this: "But you can't—we're always stuck together!"' and that stuck me. Does it stick you?

But producers and distributors of foreign-made films might seriously go about putting a little more English on their titles. It wouldn't hurt their popularity a bit.

C. P. Holway,
(Cramer-Krasselt Advertising Co.)

Beally Brothers
New York.

Editor, VARIETY:

Many thanks for your criticism and suggestions in VARIETY of Jan. 25.

For your information would like to put you at ease on the question

of brotherhood. The gentleman I work with is my brother even though we don't look alike. He has red hair and no moustache, and I have red moustache and no hair. Any more information on the act will be gladly given at the slightest suggestion.

Jay and Lou Seiler.

Faging

St. Louis.

Editor, VARIETY:
Station KWIK, St. Louis, would like to know the present whereabouts of the following people:

Art Gillham, the 'Whispering Pianist';

Phillips Carlin, announcer with Graham McNamee.

Redfern Hollingshead of the old Majestic Hour.

Rudy Bale, former singer over KWIK and Fox Theatre in St. Louis.

Clifford Souther.

Nick Dawson and Elsie Hitz.

Vinton Haworth-Jack Arnold on Myrt and Marge.

Noel Francis.

Armdia.

Brooke Johns, former master of ceremonies at Missouri theatre, St. Louis.

Hazel Whittemore, former stock company player at old Empress theatre in St. Louis.

Claire M. Harrison, Continuity Supervisor.

Missed From Missing
San Francisco.

Editor, VARIETY:

In the box on page 24, issue of Jan. 11 headed 'Missing from Air,' how come Boake Carter's name was not listed among them?

—Walter F. Clapp.

'Presumptuous' WQXR
New York.

Editor, VARIETY:

Do Messrs. Paley and Sarnoff ever feel stirred over what, to an infinitely more humble member of the radio industry, appears to be the continued presumptuousness of Station WQXR in advertising itself as the only station listened to by persons who hate the radio?

Should anyone hate radio? It has its faults, but on the whole it does a swell job. The networks average as many fine type programs as WQXR.

—Annoyed Adman.

VIRGINIA TO HAVE 21 FAIRS IN FALL

Lynchburg, Va., Jan. 31.

A complete fall schedule of 21 Virginia fairs has been set by the Virginia Association of State Fairs. The group has reelected Secretary C. B. Ralston, of Staunton; President H. B. Watkins, of Danville, and vice-presidents Charles A. Somma, of Richmond; T. B. McCaleb, of Covington, and R. W. Eanes, of Petersburg.

Dates follow:
Page County, Luray, Aug. 22-26; Eastern Shore Agricultural, Keller, Aug. 28-Sept. 2; Roanoke, Sept. 4-9; Allegheny County, Covington, Sept. 11-16; Lynchburg-Madison Heights, Sept. 11-16; Franklin County, Rocky Mount, Sept. 11-16; Courier-Record, Blackstone, Sept. 18-23; Rockbridge County, Lexington, Sept. 18-23; Five-County, Farmville, Sept. 18-23; Northern Neck, Warsaw, Sept. 18-23; Botetourt County, Fincastle, Sept. 18-23; Halifax County, South Boston, Oct. 17-21; Amherst, Amherst, Oct. 24; Southwest Virginia, Petersburg, Oct. 27; Danville, Oct. 12-13; Mecklenburg, Chase City, Oct. 10-14; Emporia, Oct. 24-28, and Martinsville, Oct. 16-21.

Rose Signs For N. Y. Fair Show After Wrangling

Billy Rose's Aquacade at the New York World's Fair is now definitely set for the autumn, after looking quite cold last week. Producer was ready to pull out of the deal when Fair officials demanded that his production be part of the book-ticket plan, but the matter was straightened out.

Rose's show, which will have a 40c admission, will not be in the book-tickets as a result of the compromise. Same applies to John Hib's 'Strange as It Seems' show, which will also carry a 40c gate tap. The 25c concession will be a book ticket.

Book-ticket plan would have given Rose and Hib less than 7c on each admission, but Rose insisted that he could not operate his show on that basis. Producer claimed that the majority of the people entering the fair will buy the books, with the result that most of his attendance would comprise 7c admissions. His net, he said, would be much too high for him to stand that.

Book-tickets, it's estimated, will give the concessionaires around one-sixth of their boxoffice admission price on each sale.

Radio Insures

(Continued from page 1)

name performer is concerned. Great dread of the stars is the dawn of the day when the cold shoulder gives its first shrug of indifference. These stars know the success-worshipping nature of the film moguls. And radio at the moment sure impresses Hollywood producers.

A talent purveyor quotes Edward G. Robinson (already the radio's highest-paid dramatic actor), as crediting the popularity, that his work on the 'Big Town' program has brought him with being mainly responsible for a huge salary jump on pictures that he makes outside the Warner Bros. lot. Before he became tied up with a steady program, Robinson's check for such independent film assignments was \$40,000. Now it's a minimum of \$100,000 a picture. On 'Big Town' Robinson gets \$5,000 a program. That's radio's top for dramatic stars.

Claire Trevor's Pull
In the ranks of film producers, Walter Wanger is cited as being solidly sold on the value of a player's air draw. He is also quoted as having declared that his main reason for giving the femme lead in 'Stage Coach' to Claire Trevor was the boxoffice pull that has accrued to her from the connection with this same Lever Bros. stanza.

Another screen celeb who has developed a strong affinity for radio for like reasons is Charles Boyer. He thinks that his recent 13-week

Roosevelt's Air Talk Will Open Golden Gate Exposition, Feb. 18

Drukenbrod Joins Cole

Canton, O., Jan. 31.
Sterling (Duke) Drukenbrod has been signed as sideshow manager of Cole Bros. Circus for 1939. Drukenbrod started last season with the Col. Tim McCoy Wild West show. For several seasons he was sideshow manager of the Al G. Barnes and John Robinson circuses.

Show opens in Rochester, Ind., May 1.

RINGLING, AFA PACT STILL UNSIGNED

Contract between the American Federation of Actors and the Ringling Bros.-Barnum & Bailey circus is still unsigned, although both sides have reached an agreement regarding opening of show again next season.

Pact is being mullied by Ringling attorneys and directors. John Ringling North, nominal head of the circus, is still in Europe, but that's not holding up the signing since directors have power to sanction the deal in his absence.

Last season union forced show to close prematurely in Scranton, Pa. Suit was then filed by union for redress to performers, but all this has been forgotten with new get-together.

N. Y. Fair Concessionaires Name Officers, Open Drive For Full Membership

Having elected officers last Wednesday (25), the Concessionaires Association of New York World's Fair is making a drive to line up those still outside the pale, wanting to present a really united front to Fair officials. Also paramount in the drive is desire to make for better buys all around via a cooperative setup.

One of prime reasons behind move is a matter of insurance. By banding together, boys will be able to get reductions on insurance premiums. It's not a group insurance idea, which is only for employees, but for purpose of making a better buy via wholesale rates, etc. There are already 60 concessionaires set or nearly set for Fair sites. Of foreign number, 30 attended meeting and signed up last week.

Another meet will be held again in February, when executive committee will be named. Unlike organization that functioned at Chicago's Century of Progress shindig, New York group wants greater variety in committees and officers. In Chi, group was controlled by restaurant concessionaires, a condition that did not work to advantage of all concerned.

Harry G. Travers was named president, Joseph Rogers, Harry Dash, Doc Cooney, vice-presidents; George Mott, secretary, and Harry C. Baker, treasurer at elections.

The fair now has 1,400 exhibitors who have contracted for space in the main exhibit area, with 100% of ground space allocated. In the foreign zone, space is also 100% allocated to 62 different nations. Same is reported true of the Amusement (Midway) area, with 98 concessions set in some 296 locations. Those included eight villages, 16 rides and 10 restaurants besides shows, 'walk-throughs,' spectacles and stands.

filer on the Sunday night Woodbury show has gained him a wider following that will reflect itself in a big way on the turnover for his subsequent pictures. Boyer has already been re-signed by Woodbury for another 13-week series starting next fall. His new contract gives him \$4,000 a program, which is \$1,000 better than he had received for the original set.

San Francisco, Jan. 31.
Ceremonies at noon in the Court of the Nations that officially open the Golden Gate International Exposition Feb. 18, with President Roosevelt's air speech the high spot of the ceremony. Hymns of a massed chorus of 500 voices also will feature. Gov. Culbert Olson is expected to attend, making his first public appearance since his illness.

Latest announcement in connection with the opening is that there will be an international boat parade, starting from San Francisco and passing in review in the Port of the Trade Winds on Treasure Island, and a giant 180-foot ski jump. Finals of the championship ski jump will be held at night in the light of giant flares. The ski jump will run for 10 days.

Clyde Beatty has arrived to complete plans for the opening of his circus. The show will run for 41 weeks. Atmosphere of the show, in which Beatty will use all of his animals, will be that of a circus, with entertainment going on at all times.

Although the exposition management has frequently denied rumors that there would be any form of evidence of wasted money or Cornick told radio men last week he was trying to get the board of directors to okay use of Ten-O-Win. If Cornick's plan goes through, the game will have concessionaires contributing to cash awards, which will not be larger than \$20. There is also some talk of an occasional automobile being tossed in during some of the spins.

A new California commission for the International Golden Gate Exposition, which opens Feb. 18, was announced last week by Gov. Culbert L. Olson. George Creel and A. P. Giannini were the only commissioners retained on the board of 25.

Inousting the 23 other members Olson emphasized that there was no evidence of wasted money or intention to open an investigation. He pointed out he was responsible for the expenditure of \$5,000,000 appropriated by the legislature and is entitled to have his own appointees determine policies. Approximately one-half of the State appropriation has been spent by the old board.

\$1,322,490 Budget

Sacramento, Jan. 31.
The new California Commission for the Golden Gate International Exposition, appointed by Gov. Olson, will have only about \$1,322,490 to spend before the end of the fair, which opens this month. F. M. McAuliffe, retiring chairman of the commission appointed by Gov. Frank Merriam to administer the \$5,000,000 voted by the legislature, reported that amount is left. Gov. Olson appointed new members for all but two posts of the 23 on the Commission.

Washington, Jan. 31.
Daniel C. Roper, former Secretary of Commerce, will be President Roosevelt's personal emissary to the San Francisco Golden Gate Exposition. Roper, who recently resigned his Cabinet post, was chairman of the U. S. Golden Gate Commission until replaced by Harry Hopkins, the present Commerce Secretary.

President Roosevelt will open the fair with a radio address on Feb. 18 to the 200,000 visitors expected to be present on the first day. He will visit the exposition in person after the adjournment of Congress, he announced last week.

New London's Beach Park Plan Hits Snag

New London, Jan. 31.
Plans for transforming the Ocean Beach amusement park into a resort have become stalemated. Resort was almost completely destroyed by the hurricane last September.

City has already paid \$7,500 for a plan, submitted by W. Earle Andrews and A. Kenneth Morgan, World's Fair consulting engineers, which estimates cost of developing the properties at \$2,100,000. Plans call for the purchasing of the property by the city.

LOUIS K.O.S LEWIS, JUST AS EXPECTED

By JACK PULASKI

They packed 'em in at Madison Square Garden last week and it was the first time for two colored fighters to draw over \$100,000 indoors. Most matches between men of that race have been virtual walkovers, but this was the exception and once the Brown Bomber went into action it was curtains for the contender. Little more than two minutes and the affair was over, the betting boxes finally calling the turn by making the odds 8 to 1.

The boys are now steaming up a bout between the champ and Tony Galento, the clownish strong man from Jersey, and it is dated for late June. Tony calls every other fighter a bum and thinks maybe he is a bum, too. However, Galento can sock.

Some time ago, when sporting men were talking over the matter of opponents for Louis, Jack Dempsey said that John Henry, who was leaving the light heavyweight division would be the man to take the champ. Evidently he changed his mind for Jack was quoted more recently as saying that it would be 'better than no fight at all.'

Lewis had never been knocked out previously, although he was placed on the floor, James J. Braddock turning the trick at the Garden several years ago. At that time the colored scrapper took a nice count and dropped the white. When Joe Louis hit him the contender went down but failed to take a count. When he went horizontal again, same thing happened and he was felled for the third time. The referee then called it off. The best man stated that he only remembered going down once.

Louis' performance emphasizes the suspicion that he was not really trying when the bout with Tommy Farr went the limit, and that probably applies also to the affair with Bob Pastor, back-peddling exponent. It

National Anthem

(Continued from page 1)

gesture circuit-wide almost three months ago. Paramount followed shortly thereafter at its Broadway deluxer. Loew's has under consideration a similar step at the Capitol on Broadway, plus its other theatres.

WB reports an unusual amount of commendation from organizations, newspapers and school authorities since distributing the 'Star Spangled Banner' reel to all of its theatres. Many of the WB managers are leading school children in the singing of the Anthem at afternoon performances. Reaction has been so favorable, exhibitors have deluged WB with orders for the clip. Last week WB's Brooklyn Vitaphone studio had nearly 200 such requests from indies. The clip is being furnished 'em at cost.

Tulsa Seeks Carnival Ban

Tulsa, Jan. 31.
The city commission is preparing an ordinance banning carnivals from the city.

Mayor T. A. Penney has fought carnivals for several years.

CRIME SCOOP!



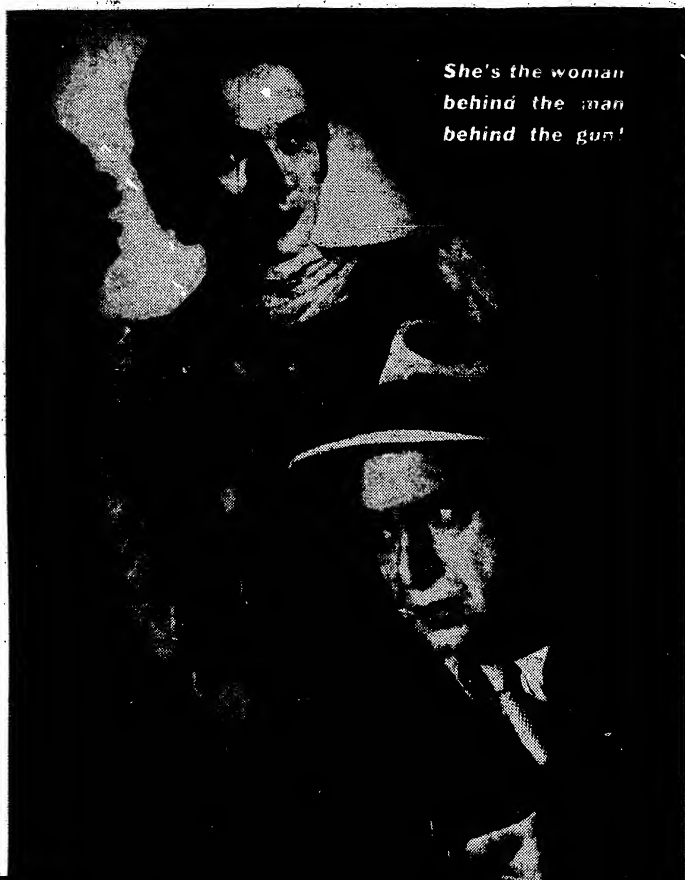
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... Straight from the amazing pages of J. Edgar Hoover's "Persons in Hiding" comes the true story of the beautiful, dangerous woman who sold out the man she loved for a fur coat and a bottle of perfume!

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A Paramount Picture · Directed by LOUIS KING · Screen Play by William R. Lipman and Horace McCoy

Director of Federal Bureau of Investigation

RADIO

SCREEN

STAGE

EQUITY

PRICE
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56 PAGES

AFRICA COMES TO THE WRAPS

'One Big Union' for Talent End Of Show Biz Moves Closer to Reality

Unification of the Associated Actors and Artists of America into "one big union" came a significant step nearer this week. Specific development was the revision of the long-standing Equity-Screen Actors Guild contract. Looming large in the background, however, was the new importance of the American Federation of Radio Artists, by reason of its contract for commercial network broadcasting. Although realization of the "one big union" idea is far from complete, it is now likely to be speedily considered.

Action by the Equity council yesterday (Tuesday), approving the altered terms of the "AAG," has been in the cards for some time, and it definitely indicates other and more far-reaching changes to come. Under the old contract with SAG, Equity received \$18 dues for its members working in films, regardless of whether or not they remained active in legit. Such coin was deducted from members' dues payment to SAG (Equity due being less than the picture union). Thus ever since its formation, SAG has been retaining only a minor portion of all dues payments from former legit players. Regular Equity dues are \$18 a year.

With such a large percentage of screen players having come from Equity, the coin involved ran into big figures and is credited with virtually keeping Equity alive during its otherwise lean recent years. Reported that of the approximate 1,500 paying members of Equity, 1,000 are currently under the SAG banner. This almost two-thirds of Equity's income is derived from the SAG payments—about \$15,000 a year. Naturally Equity doesn't relish giving up that revenue, but the SAG (Continued on page 54)

Taxes Grab 80% Of Hardwicke's Earnings; English Star Squawks

St. Louis, Feb. 7. Declaring that 80% of his earnings are grabbed at taxes by Uncle Sam and John Bull, Sir Cedric Hardwicke, star in "Shadow and Substance," at American theatre here this week, delivered himself of a vigorous rant and said his present American one is not financially profitable. Assured that he'll have been great deal better off financially if he had remained in England, appearing on the London stage and making a few flickers at the same time.

Hardwicke said that if he were interested only in making money he would not afford to work in the theatre. States because of the tax levied on earnings, "Hardwicke goes to Hollywood next week to play in a film starring Spencer Tracy," Hardwicke said he did not enjoy making flickers and never sees the picture in which he had a role if he can avoid it.

HYPER-SENSITIVE MINORITY BLOCS

Stark Realism
Frank Heller, assistant stage manager of "The American Way," at the Center, N. Y., has a one-line "heavy" bit in the show, so he's raising a mustache to be in character.

He reads the line offstage.

'IF NO GUILD CUT, N. Y. POST FOLDS'—STERN

New York Post was asked last week by J. David Stern, publisher of the N. Y. Post. Request was placed by Stern before the Newspaper Guild, together with assertion that, unless granted, paper would have to fold. Matter to be placed before the unit, with staff reported adamant against the slash.

Wage cut is second asked by Stern. Previously effected a so-called "safety loan," whereby Guild members turned back 10% of wages weekly as a loan to the publisher. Regarded by staff members as nothing more than "a wage cut, with scant chance of 'loan' repayment."

LEVENE CASE
Continuous pressure from minority groups has jockeyed NBC into the position where it finds that it must bar comedians from commenting on anything with political, economic, social or racial implications. How tight this ramification of taboos has been drawn around all but established commentators, or recognized experts, was disclosed last week after the script of Sam Levene, stage and screen comic, had been so drastically blueprinted that he had to be withdrawn from last Thursday's (2) installment of the Rudy Vallee-Standard Brands show. He will go on (Continued on page 19)

AFRA's Sweeping Victory; Aim Of Radio Actors' Group Now Is Good Will

Vice Versa
Oklahoma City, Feb. 7. News of AFRA's recent marriage, according to Bert Stern, municipal auditorium concert manager, had this effect on ticket sales for Eddy's appearance here this month:

(1) There was a sharp decline in orders from girls of high school age, who previously had been rushing the boxoffice and (2) men, who had been staying away in droves, bought seats.

N. O. ADOPTS SHOW BIZ AS LURE FOR VISITORS

New Orleans, Feb. 7. A summer magnet designed to attract new visitors and coin here is nearing completion under direction of Mayor Maestri and civic leaders. Plan is to put on flock of attractions from May to August, when the city has a comparative visitor slump. Program calls for a national Little Theatre tournament, an open-air light opera or musical festival, mid-summer hockey, opera season, etc.

Having gained the most sweeping victory in the history of performer unions, the American Federation of Radio Artists officials state they see their victory as a definite obligation. They have claimed, since the formation of the organization, that unionization would stabilize the radio industry and result in more equitable, profitable and desirable conditions for employers as well as performers. They also intend to prove their contention that AFRA is a responsible organization which realizes its obligations to the industry and its ability to carry them out.

It is realized that the contract for commercial broadcasting is a vastly complicated affair, involving as yet unrealized complexities and uncertainties. (Continued on page 24)

N. Y. Bldg. Dept. Orders Rock-'n'-Gibraltar Base For Modern Ballroom

On the premise that modern ballroom floors require strong underpinning to sustain current dance styles, New York city building inspectors refused to allow construction work on the new State-Palace ballroom in Harlem. Refused permit deferred an earlier opening to this Friday (10).

Harlem is particularly addicted to such treacherous mayhem as the aerobics, abag, Lindy hop and truckin'.

Building was an old theatre with the usual graded floor. Rebuilders leveled it off with a system of timber shoring as the original concrete flooring sloped away. Inspection nigged on such a flimsy base forced its being ripped out, space filled in with dirt, and dance area built on solid foundation.

Max Gordon (Harry Goetz)-RKO Film Deal, In the East, For 'Abe' and 'American Way'

Sale of the screen rights to "Abe Lincoln in Illinois" to Max Gordon Plays & Pictures, Inc., for \$275,000, is reported ready for signing. Same outfit is also understood to have a deal virtually set for the purchase of the film rights to "The American Way," the picture which both pictures would be produced in the east for RKO release, with the studio advancing the production cost as well as part of the purchase price.

Understood both deals will call for the pictures to be released only after the plays have run their course on Broadway and the road. "Abe" is currently in its 17th week of capacity business at the Plymouth, N. Y., while "Way" has jumped to virtual capacity in its third week at the Center, N. Y. Tentative plans are still in the works for a Coast company of "Abe," while similar idea has been mentioned for "Way." "Abe" is considered a likely show for extensive touring, so its release as a film might be delayed two or three seasons. But because of its huge production "Way" might not be toured so expeditiously.

Deal for "Abe" is said to call for Robert E. Sherwood to adapt his own play, with Raymond Massey playing the lead and a number of others of the Broadway cast repeating their parts in the film. That would permit production in Astoria, L. I., at the same time the play continues at the Plymouth. Not known who would direct the picture, although Frank Capra expressed a desire to do so when he saw the show during its Baltimore tryout. Later is tied up to Columbia for one more picture, now in preparation.

'American Way' Plans
Way, the play, which is currently in production would also be done by the original authors, George S. Kaufman and Moss Hart. Kaufman, who staged the legit show, would likewise direct the screen version, with Fredric March, Florence Edridge and others of the original company playing their same roles. Although the sale of "Way" to Max Gordon Plays & Pictures is not confirmed, that an offer from Warners (reportedly for \$225,000) is supposed to have been turned down. Whether or not the price will be in excess of the \$275,000 for "Abe" is unknown, but it is reported that the deal will be on a percentage of the picture.

"Abe" is presented by the Playwrights' Co., being its initial tryout. "Way" was produced by Sam H. Lewis, in association with Gordon. Latter's film producing firm is understood to have worked out a regular unit production and release deal with RKO. Gordon picture company, of which Harry M. Goetz is president, was formed about two years ago, its first purchase being the film rights to its own production of "The Women," later turned over to Metro.

Price of \$275,000 for "Abe" would be

the top amount paid for screen rights to a legit show in recent years, topped by \$20,000 the amount paid by RKO for John Murray's and Allen Boretz's "Room Service." Next highest figure the last few years was \$200,000, paid by Columbia for Kaufman's and Hart's "You Can't Take It With You."

Biggest Gross
ever recorded at
Paramount, Atlanta, Ga.
Over \$17,000.00
Phil Spitalny
AND
The Hour of Charm
All Girl Orchestra

MOVIE BUSINESS

Philip Hill, in U. S. on GB-Odeon Deal, Stymied by New London Probe

Merger of Gaumont-British-theatre with those of the Odeon Circuit appears to have been seriously averted. Forthcoming investigation by American affairs under the Odeon regime, by the British Board of Trade, requested by 3,000 Gaumont stockholders, has halted plans of Philip Hill, Odeon underwriter, now in America. Hill's discussions with Joe Schenck, Sid Kent and Nick Schenck currently going on in Florida, were terminated when news from London last Wednesday (1) indicated the Trade Board would go through with the investigation and had appointed accountants to delve into the matter.

Hill's attempts to get Metro and 20th-Fox assets to the deal have been stopped cold, according to executives of the latter company. White purchase of the Odeon holdings in GB is an important factor in the scheme to float a £2,000,000 stock issue, provided both theatre chains can be merged. Hill's mission to America primarily is to get necessary acquiescence to the plan by the American film companies who are increasingly turning towards GB. Finance for purchase of the Odeon shares will probably be supplied by the Arthur Rank Ltd. syndicate in England, although Hill is also said to have sounded out 20th-Fox and Metro on possibility of their financing the entire deal, with control to be vested in British subsidiaries. There is little likelihood of anything conclusive being accomplished along this line until final outcome of the investigation.

Wm. K. Howard's Par Pic Release Stalled By Legal Details

William K. Howard yesterday (Tuesday) submitted to preliminary examination before trial by Max Chomsky, legal counsel for the production of "Back Door to Heaven", on which suit hinges, has not been submitted to Paramount for release, due to delay in clearing up music rights on three songs in "Back Door" and also because of this litigation.

Howard also has under consideration purchase of John Steinbeck's novel, "The Red Pony", contracts on which may be closed this week. Howard's plans for production of Phil Travers' play, "Harry", are being held up also because Wallace Ford, who is to star in the picture, is up with Lewis Milestone's film production, on the Coast, of "Mice and Men". Mr. Ford is expected to return to Travers' play by next summer. Howard will extend his six-month option on "Harry" to next summer.

'ATLANTIC CABLE' 1ST BY EDINGTON FOR U

Hollywood, Feb. 7. "Atlantic Cable", the first production of the first wire between America and Europe, is under preparation by Edington's first production for Universal release.

Edington plan to set up his production unit at Universal, which is to be returned from a material hunt in New York. His schedule calls for two and possibly six pictures this year.

Silverstone East

Hollywood, Feb. 7. Murray Silverstone is expected to return to New York today (Tuesday) after winding up a series of product conferences with United Artists producers. Following a trip to London, Silverstone is expected to return to Hollywood in March to discuss releasing deal between UA and Selznick-International.

G-B Probe

London, Feb. 7. Russel Kettle, chartered accountant, has been appointed by the board of trade to investigate the affairs of Gaumont-British, as had been requested by the committee representing 3,000 stockholders last year.

As viewed here, this action probably will temporarily halt or badly involve all Gaumont-Odeon merger huddles.

Brokerage Firm Sues to Upset RKO Reorg Plan's K

First attempt to upset the RKO reorganization plan which was approved recently by N. Y. Federal Judge William Bondy, but which is not due for formal confirmation until Feb. 10, occurred during the week when H. Cassell & Co. brokers, holding \$100,000 10-year 6% gold debentures, filed an application for leave to appeal the final order of the plan. Nathan Rosenberg, counsel for Cassell, filed two distinct appeals on Monday (6) one to the U. S. District Court, and the other to the U. S. Circuit Court of Appeals. Filing of the appeals from Judge Bondy's previous order of approval of the plan was done because plaintiffs did not want to take any chances of losing their right to appeal. This action was mandatory within 30 days after signing of Bondy's order on January 17, and inasmuch as Monday was the last motion day, next one occurring in March, Rosenberg decided not to wait until after confirmation.

The Appeals Court on Monday (6) ruled that plaintiffs should first seek their right to appeal. Court ruled that applicants have the right to appeal there and do not require consent of the Circuit Court. Rosenberg will not proceed with his appeal until after Judge Bondy's anticipated confirmation on Friday (10). The order of confirmation is now being printed and will be distributed to all interested parties today (Wed.).

Rosenberg will also invoke the Chandler Act in his arguments on Monday. He is determined that, after a Court ruling on Monday (6) found that the Act does apply in the RKO reorganization, since there is more than \$500,000 involved.

The brokers' application lists 30 specifications as errors in the plan, chief among them being that the plan, in its entirety, is unfair and unfeasible.

That against debenture holders and deprives the latter of their property with due process of law. The plan of the plan was improper; that it gives subordinate creditors certain rights which are not given to debenture holders; that the conversion clauses in the plan are inadequate to protect the holders as given insufficient voting privileges, and that the plan deprives control to the present management.

Judge Bondy yesterday (Tuesday) approved appeal papers and Bondy was posted.

Col. Plotting '39-40 Slate

Hollywood, Feb. 7. Columbia's production plans for '39-40 program will be mapped at a series of conferences which opened yesterday (Tuesday) with arrival from New York of Jack Cobb, Abe Schneider, Art Montague and Joe Brown.

Harry Cohn is presiding at the confab.

One for Production Strictly, One for Theatres—Paramount Officials Have Been Skull-Practicing the Idea of Such Schism—Owns Thrice as Many Theatres as Any Other Outfit

IFS, ANDS, BUTS

Complete divorcement of production-distribution on the one hand, and theatres on the other, by the expedient of splitting the present company into two corporations, neither one of which would interlock with the other, is reported to be under serious consideration by Paramount. It's a step that may be taken in the very near future, possibly prior to the annual stockholders' meeting June 15.

It workable, this action by Paramount may serve as a model for the separation of production-distribution and exhibition by Warner Bros., Loew's, RKO and 20th-Fox, although these companies differ considerably from Par in connection with their theatre enterprise setup.

Par, which has three times as many theatres as any of the other four majors, and more than all the others combined, is said to be moving to try the organization of two corporations, with a view to a complete split, which includes the U. S. anti-trust suit, the North Dakota divorcement act pending in Chicago, and similar U. S. Supreme Court, and similar (Continued on page 21)

LOEW BACK AS THE PRODUCER

David L. Loew, back from a South American vacation, moved into the Selznick International studio where he is lining up an independent unit to produce from four to six pictures for major release.

His old company, David L. Loew Productions, disbanded last fall after making six Joe Z. Brown stories.

REPORT JOE BRANDT'S CONDITION CRITICAL

Joe Brandt, pioneer in the film industry and president of Columbia Pictures, retired from the company in 1932 after disposing of his stock holdings to the Cohns for a reported \$100,000. He planned to spend the remainder of his life in Florida, but as recent as two years ago business dabbling in Italian film imports.

Hays Due Back

Will Hays, head of the Motion Picture Producers & Distributors, is expected back in New York in a week or so. He went to the Coast shortly after the postponed directors' session in January on his periodic winter trip.

Hays is cutting short his visit because of details demanding his attention in New York. He planned to remain for the annual meeting of the MPPDA and quarterly directors session in March.

U. S. Puts Further Strings on Majors' Theatre-Expansion in an Exchange For a Status Quo Consideration

Vamp No. 1 Boy

Hollywood, Feb. 7. Oriental romance joins in the pursuit of criminals in Charlie Chan in Reno! at 20th-Fox.

Iris Wong, Chinese gambo girl, is slated to play opposite Charlie's No. 1 son, Sen Yung.

D. C. Solons Put Brakes on Any Anti-Block Bills

Washington, Feb. 7. Brakes were applied to the drive for enactment of legislation prohibiting blockbooking last week when the Senate Interstate Commerce Committee voted to hold new hearings on the bill—hardly surprising, last spring—presented by Senator Matthew M. Neely, West Virginia Democrat. No date yet for testimony-taking.

Indicating lack of sympathy for the proposal, Senator Burton K. Wheeler, committee-chairman, declined to follow the usual custom of making the sponsor of the measure the chairman of the subcommittee. Instead, Senator Ellison D. Smith of Ohio was designated to run the show.

Action of the committee was considered significant. In the last Congress, Senator Neely said the bill through the committee and on to the floor in quick fashion by noting that opponents had been given a chance to register their objections in previous years. As a result, the bill was brought up in the Senate almost without warning and pushed to passage without a record vote and hardly a voice being raised in argument. Industry lobbyists, who insisted there was no possibility the measure would receive approval, were flabbergasted.

Serving with Smith on the subcommittee are Senators Alben W. Barkley, of Kentucky, the Democratic leader; Neely, Wallace F. White, Jr., of Maine, and Charles H. Tobey, of New Hampshire. Last two are Republicans. White is the only individual who attempted seriously to bring about through discussion when the bill was introduced last year. Maine member, the top Republican on the full committee, is a busy man. He planned to spend Pine Tree governor and now one of the Hays organization executive staff.

KANE TO MAKE BUT 8 FOR 20TH-FOX IN ENG.

Robert T. Kane, head of 20th-Fox's British production, slated for London in February (4) after a short vacation in Florida. Only eight pictures will be made in 1939 by Kane, as against a total of 14 announced earlier. Capacity of the Gainsborough Studios is such that not more than one picture could be turned out in a year.

Extensive use of Gaumont British facilities, however, when Kane has lined up for forthcoming productions does not mean that 20th-Fox has taken over all contracts. However, he has first call on their services.

Kane will return to Hollywood next summer for further conferences with studio executives, and plans to make two trips each year.

Washington, Feb. 7. First concrete move toward simplifying the Federal Government anti-trust proceeding against the eight major companies occurred Friday (3) with acceptance of defense proposal—with strings—to preserve the status quo in theatre field. In return, the Justice Department shaves its request for a temporary injunction.

Informed the companies do not plan to take over more houses until the legality of producer-control is determined. The D. J. agreed to accept the promises not to expand present holdings but insisted on freedom of action for each defendant or several defendants in case legal curbs are found necessary. State-filing suits, however, that Attorney Thurman Arnold reiterated the Government contention that 'control of exhibition by the producers and distributors is in violation of the anti-trust laws.'

Outcome of series of discussions between the D. J. and major legal battery was an agreement the temporary injunction plan will not be pressed providing each defendant submits immediate telegraphic report whenever negotiating any commitment to take over additional houses and makes monthly statement of reality holdings. (The government stipulated, however, that if after receipt of these reports, or any of them, the Department of Justice feels that anti-trust suits are not broadening their holdings and 'do not intend to do so pending the final determination of the case, the suits may be equally free to oppose.)

Compact covers all subsidiaries between the D. J. and major legal battery was an agreement the temporary injunction plan will not be pressed providing each defendant submits immediate telegraphic report whenever negotiating any commitment to take over additional houses and makes monthly statement of reality holdings. (The government stipulated, however, that if after receipt of these reports, or any of them, the Department of Justice feels that anti-trust suits are not broadening their holdings and 'do not intend to do so pending the final determination of the case, the suits may be equally free to oppose.)

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Boris Morros-Siritzky (French) Tie In for Indie Remakes of Gallic Pix

Has lines out to the Coast now to hook Grimm up for some flicker

THE LATEST FEATURES

One of Those Stockholders' Suits Attacks Par, Erpi, AT&T, and Others

Attempts by two Paramount stockholders to revive old charges made against directors and executives of the company, and against American Telephone & Telegraph Co., involving alleged malfeasance in settlement of Erpi sound patent claims against Paramount, and the latter's supposed claims against the electric firm, the basis for legal action started last week in N. Y. supreme court.

Additional causes involving dereliction in duties of offices and directors of Paramount, allegedly resulting in substantial losses to stockholders of the corporation, are listed in complaint received by Frank Balaban and Sam Acker, holders of 300 shares each of Paramount common stock. The suit seeks recovery of the sum of \$25,000,000 for all stockholders of the company.

Joined in the complaint are Paramount Pictures, Paramount Theatre Service Corp., A. T. & T., Erpi, Western Electric, Adolphe Zukor, John E. Otterson, Barney Balaban, Stephen A. Lynch, E. V. Richards, all present directors of Paramount; members of the first new board of directors immediately following Par reorganization; and executives during receivership, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson.

Complaint asserts collusion between Erpi and various creditor committees in the receivership resulting in wrongful execution by so-called Erpi group on control and management of Paramount affairs and assets.

Further states company and stockholders suffered losses ranging between \$100,000,000 and \$120,000,000 during the regimes of Otterson and Balaban, because of incompetence and inefficiency of these executives and other lesser employees they hired. Also attacks Zukor's contract calling for compensation above \$5,000 weekly salary, through additional percentage split from film operations by asserting that no relation to services he was rendering and was waste of Paramount assets. Fitch & Nemerov are attorneys for the plaintiffs.

Johnny Walker Given New Trial Vs. His 10G B'way Legit 'Angel'

Johnny Walker, former silent picture star who has ambitions to be a Broadway legit producer, last week was granted a new trial of his suit to recover \$4,400 from Julian L. Reynolds, owner of the tobacco shop which Walker claims, is due him on Reynolds' promise to angel a production called "The 10G B'way Legit". Walker lost the suit several months ago when he was unable to show a jury where he was. Shortly after the Court's decision Mrs. Reynolds sued for separation. Judge Rosenblatt decided Walker was entitled to a new trial on the newly discovered evidence.

REKO Shorts in Good Shape

Hollywood, Feb. 7. REKO expects to wind up its 1938-39 shorts program of 24 around the middle of March. Seventeen already completed.

Death's Double

Hollywood, Feb. 7. Lee Moore, most active 'corpse' in pictures set a new record by dying twice in one day for dear old Paramount.

After his demise in 'The Gracie Allen Murder Case' he hoped to another set and breathed his last in 'Invitation to Happiness'.

2 Suits Claim 20th Infringed on Temple Pix

Two suits against 20th Century-Fox, both involving Shirley Temple pictures, have been filed in N. Y. supreme court. Unlike the usual Federal court actions for alleged copyright infringement, both these actions are on common law (civil) rights, and both by authors.

Stephen T. Dunham, avowed film writer, was commissioned on March 24, 1938, to write a story around the picture, 'Stowaway' for Shirley Temple, but while his yarn was not purchased, the same title, characters and series of events were allegedly employed. He seeks the usual injunction and accounting.

The other is by Lola Forrester Page and Mann Page, who alleged that they wrote 'The Girl on the Billboard' in 1934 as an original for M-G-M. The picture, which they adopted and changed it to 'Joyous' in October, 1934, and that 'The Little Girl in the Evening' Temple picture, was their yarn, substantially, but when they submitted it their story was rejected. Edwin P. Kilroe is 20th-Fox's attorney in both; Julian T. Ables is counsel on copyrights.

LaVarre Loses vs. WB

William LaVarre, author, lost an appeal Friday (3) from the decision of N. Y. Supreme Court Justice Timothy Leary's decision dismissing his suit against Warner Bros. for \$50,000 damages on the claim of plagiarism. LaVarre contended that he had been hired by Warners to do a series of stories, which were later to be scanned. He claimed the corporation rejected his stuff, but that the stories were later used in 'The Bedside Manner' and 'Disheveled Lady'.

Plagiarism suit brought by Edmund Benguit, playwright, against 20th-Fox Corp., based on the picture 'Waile and the Wonder World' shown Monday (6) in N. Y. supreme court with a stipulation that every scene with Coogan in the picture was revealed. Benguit claimed 20th had thefted his scenario, 'Take the Air' in the making of the picture.

BETTY GRABLE NIXES CO-COOGAN BOOKING

Hollywood, Feb. 7. Betty Grable has turned down a proposition to appear with Jackie Coogan at the Frisco exposition. She said she would not, at the time, work with Coogan, her husband, from whom she was recently parted, but would have a couple of weeks with Coogan directing John Little and Gabriel Dell share top male spots.

IRENE BACK HOME, TOO

Hollywood, Feb. 7. Irene Rich rests in the home lead in 'Mr. Martin Comes Home', a featurette starting at Warners this week with Crane Wilbur directing John Little and Gabriel Dell share top male spots.

TO BE HAPPENED THIS WEEK

Legislative Bill Already Drafted to Regulate Actor-Agent Relations—10%ers Amenable

OTHER LABOR

Hollywood, Feb. 7. Plans to push Coast campaign to bring film and radio agents under control of the Screen Actors Guild will be made this week by tops in the SAG. No actual contract will be signed, however, until Laurence W. Beilenson, SAG counsel, and Kenneth Thomson, executive secretary, return from New York.

Actor executives hurried east to supervise negotiations between the American Federation of Radio Artists and advertising agencies representing network sponsors, and to negotiate a new pact between the SAG and Actors Equity. A plan for agents was temporarily sidetracked until AFRA contract was clinched and national radio strike averted.

The SAG has already drafted a legislative bill giving it authority to arbitrate disputes with radio agents. Before the California Labor Code provides arbitration must be handled by the State Labor Commissioner. This was the only serious obstacle preventing the actors from moving on to representation.

In the meantime, 90 associate members of the Artists Managers Guild go into a huddle tonight (Tuesday), to receive a report on the progress of negotiations and to decide whether to make a real fight against being taken over by the SAG. Future action will depend largely upon report and recommendations to be made by a committee composed of Freddie Fraick, Dave Thompson, Bill Woolf, Armstrong. This group has been sitting in with 30 regular members of the AMG who have been directing negotiations with the actors up to this point.

The double deal. The agents are ready to bow to the actors if the proposed pact is amended to eliminate the one-year contract limitation and so to give the agents a better shake on arbitration, especially where revocation of an agent's license is at stake. Actors representatives insist the contract maximum extended to two or three years. They also insist the charter members in state courts or some other tribunal in arbitration where an agent might lose his license to continue in business.

M. C. Leavis, AMG presy, will preside at tonight's (Tuesday) session. Many other charter members also present. (Continued on page 52)

MESS OF WRITERS

Screen Credits' Messle at Both M-G and U

Hollywood, Feb. 7. Protesters' involving work of 10 writers have been filed with Metro over screen credit for 'Broadway Serenade', and at Universal for 'You Can't Cheat an Honest Man'. Studio execs are trying to iron out both controversies, but copies of scripts have already been furnished John Lee Mahin, presy of Screen Playwrights, Inc.

Hans Kraly, who with Charles Lederer has been credited with story credits on 'Serenade', filed protest with Metro saying he believed Ledeb had secured the rights to the story. Eight writers listed as having contributed something to 'Honest Man' furnished John Lee Mahin, presy of Screen Playwrights, Inc. Hans Kraly, who with Charles Lederer has been credited with story credits on 'Serenade', filed protest with Metro saying he believed Ledeb had secured the rights to the story. Eight writers listed as having contributed something to 'Honest Man' furnished John Lee Mahin, presy of Screen Playwrights, Inc.

Tyrone Power's \$4,000 Per From Radio Split 50-50 with 20th-Fox: East's Slant on Zanuck's Action

Technical

Hollywood, Feb. 7. Members of the Screen Actors Guild have been instructed by execs to sign two contracts with producers when accepting jobs as technical advisors on pictures, in which they also appear before the camera. Guild jurisdiction covers acting only.

20-Fox Calls Off 150G Suit, Ritzes Back in 'Gorilla'

Hollywood, Feb. 7. Feud between the Ritz Bros. and 20th-Fox Picture Corp. has been settled with three comics agreeing to return to the studio and resume in 'The Gorilla' picture. The settlement was effected after a meeting between attorneys representing both sides.

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To Beat That Sunday Night Radio: Reverse Prices, 1 Exhibit's Idea

Lincoln, Feb. 7. After several weeks of study, Bob Livingston, manager-owner of the Capitol here, has a method he's trying to sell to the remainder of the theatre row to combat the bullish Sunday night radio programs. Livingston wants to try evening prices in the afternoon, and matinee prices at night—only on Sundays.

He says the idea is steeply up to 4 p.m. Sundays, then drops sharply and stays off.

LUISE RAINER MAY DO PRAYER IN LONDON

London, Feb. 7. Basil Dean's cabled offer to Luise Rainer to star in Cecil Robson's play, 'Sword Against Us', has been tentatively accepted by the Metro, providing the role appeals to her.

Dean will produce in conjunction with Associated Theatrical Properties. Play will have a four-week tryout in the sticks before going into West.

Luise Rainer sailed to London last week to tentative star in a play produced by Basil Dean, London producer-exec. She declined to reveal the character she had negotiated, but said she had accepted the contract and was still on.

Ratoff Vice Del Ruth

Hollywood, Feb. 7. Gregory Ratoff replaces Roy Del Ruth on direction of 'Toss of Washington Square' at 20th-Fox.

Del Ruth checked off after differences with studio execs. Joyce Compton has replaced Marie Wilson in 'Reason'. Latter's illness given as the cause.

Radio's slant on New York on the subject, concern of Hollywood about picture stars on the air, specifically as applies to the Tyrone Power-Darryl Zanuck case, is that the actor was 'getting tired of paying his own salary from 20th Century-Fox. The eastern advertising agencies point to Power's \$4,000 a week from Woodbury Soap and the fact that he split it 50-50 with the studio. Power's stipend from 20th-Fox is \$2,000 weekly, thus his radio earnings for the studio pay off his film work. Power is said to have demanded \$3,500 a week from 20th-Fox on a new picture deal.

Meantime the Zanuck move to terminate radio appearances of actors who appear on the screen in all sorts of plaudits for Hollywood. There are no doubt those who have been petitioning Hollywood producers to take further steps to keep film names out of the picture business. Position of exhibitors has been that picture stars are built up at theatre boxoffice and radio appearances were making a mistake in extending assistance to a competitive industry which kept people home.

Zanuck's Exhibit Curtsy

Hollywood, Feb. 7. Presumably a complete Hollywood exhibitor squawks about picture names on radio, Darryl Zanuck, 20th-Fox picture producer, has been petitioning the industry to take further steps to keep film names out of the picture business. Position of exhibitors has been that picture stars are built up at theatre boxoffice and radio appearances were making a mistake in extending assistance to a competitive industry which kept people home.

Zanuck's statement on radio constitutes a complete about-face for the producer who had long advocated the other plug as a good exploitation medium for film pictures. Zanuck issued the following statement about his action:

"I have no quarrel with radio, but there is a great validity in the insistence of theatre exhibitors throughout the country who contend that they are being severely injured because the airlines are so crowded that they are unable to get adequate material for these air programs, especially when they must present something new. The picture industry spends thousands of dollars and months of time preparing for the daily appearance of one of its stars. By its very nature radio cannot exercise such a degree of protection. The screen and radio can continue to help each other when they are not in competition. But the situation today is such that unless screen measures are taken, both must suffer."

No little lifted by Zanuck's action, which may have a tendency to pressure exhibitors to cut out film plants failed to disclose any bandwagon climbers-on-network and publicity spokesmen gave out freely with their own versions of what was behind the Power withdrawal.

Those close to the Woodbury Playhouse setup claim that Power hasn't been so good a performer as he had been on the American trip. It was during this layoff that Charles Boyer had been given the assignment and so impressed the sponsors that he was contracted to take over the starring role in the picture. But a director's decision to aid ailing big. They are hopeful of similar action by other studio heads.

Unscrambling of WB-Par-Cooper Buying Pool Expected in NW

Oklahoma City, Feb. 7. A number of events and circumstances are locally drawing to a head in the internal readjustment of Standard Theaters Corp., setup, which may see dissolution of the existing buying pool made up of Warner, Paramount and Joe Cooper Enterprises. Since Dinty Moore came in to take charge, it is understood a divestment of interests will result with Warner withdrawing its Midwest Liberty and Warner houses, leaving Cooper-Paramount interests with nabs and the downtown deluxe spot, the Criterion.

It is understood that should this move Cooper will have far more product than his Criterion can show and will be forced to build either an outside house or reach an agreement with T. B. Noble, Jr., in acquiring the present Standard operation, the State. On his last visit here, the understood that Cooper was planning to build another downtown theatre, seeing the split but it is also understood that he contacted Noble with regard to either a partnership or outright purchase of the State.

Neither plan suited Noble, so Cooper talked bullfight with him, but he thought revised opposition from Warner interests. Noble also might not be so nice, but the understood Cooper has made Noble a new offer which involves a swap deal on two leased situations in Colorado now in Cooper's pocket. This, it appears, is more to Noble's liking. He, Ernest Dent whose interests Noble managed prior to his Oklahoma City and Lincoln, Neb. ventures, are the spoken in Colorado on a vacation trip.

Basic of the present stirrings within the Standard home offices is said to be chiefly in playdates on pictures with one group claiming the other has been getting all the breaks and vice versa.

**FORD, HUMBERSTONE,
HOFFMAN LEAVE 20TH**

Hollywood, Feb. 7. Jerry Hoffman turned in his resignation at 20th-Fox and left on vacation to make other deals. Since was upped from writer to associate producer a year ago, Hoffman turned in three pictures, "Speed to Burn", "Don't Denon", and "Winner Take All", for the Sol Wurtzel unit.

Gene Ford and Lucky Humberstone, directors, also checked off the "Don't Denon" payroll. Hoffman returned from London where he directed several pictures.

**Cromwell Calls 'Em On
Gran-Lombard 'Memory'**

Hollywood, Feb. 7. John Cromwell was assigned to direct "Memory of Love" at RKO, co-starring Carole Lombard and Cary Grant. Shooting is slated to start late in March.

Fox Theatres' Trustees

Millon C. Welman, for the past five years receiver for the Fox Theatres Corp., during its liquidation, has appointed Friday with Kenneth Steinhilber, attorney, co-trustee to take over the Fox Theatres Corp. and its final liquidation.

The order—was one of the last to be handed down by Federal Judge J. Stanton, who has resigned under fire.

Nugent Gets The Bird

Hollywood, Feb. 7. Elliott Nugent gets the directing job on Paramount's "The Cat and the Canary," co-starring Bob Hope and Martha Raye.

Picture gets the gun early in March.

HI YA, GIRLS

Hollywood, Feb. 7. John Farrow is slated to direct "Sho' House," Bob Sisk production at RKO.

Picture features James Ellison and Ann Sherry.

Eat in Peace

Hollywood, Feb. 7. Universal studio eatery, where armies of tourists have gathered celebrities at their meals, is now closed to the public. Old slogan, "Dine with the Stars," is no more. Restaurant was reopened last week after remodeling as a private dining place for employees, operated by Universal Studio Club.

Va. State Censors' Rulings Absolute, 'Birth Baby' Decides

Lynchburg, Va., Feb. 7. Virginia censors, with all the power to prevent showing of films certified by the State censor board, Judge Aubrey E. Strode ruled Monday (6) in the case of "The Birth of a Baby," City authorities announced an immediate appeal and asked a 30-day stay order.

Willis Gray, Jr., of Dominion Theatre Co., has not decided whether an attempt will be made to show the film while appeal is pending. Cause of statewide interest since Lynchburg claimed it had the right under its charter to prohibit shows of films "degrading to the mind and human." The court ruled censorship is a state monopoly under the state making the board part of the attorney general's office.

HENIE-POWER PAIRED IN BERLIN'S 20TH PIC

Hollywood, Feb. 7. Sonja Henie and Tyrone Power will be co-starred by 20th in the Irving Berlin picture "When Winter Comes." Don Ameche, originally announced for the film, will be tied up indefinitely with "Alexander's Weekly."

French Version Hits 'Algiers' in London

London, Jan. 29. Despite excellent reviews at the tradehow, supplemented by healthy boxoffice, "Algiers" (R.A.) is not drawing as well as expected. One reason is that its value was diminished by its French production "Pepé le Moko," which ran for a long time in London before the English-speaking version, which was released last week.

Another reason, that the women are disappointed is that the picture finishes with Charles Boyer being killed. They want him to end with a climax.

Raft Dies' for Warners

Hollywood, Feb. 7. George Raft, who recently split with Paramount, checked in as a contract player at Warner.

First role is in "Each Dawn a Dream," as a replacement for Jack Garfield.

Einfield East

Hollywood, Feb. 7. S. Charles Einfield leaves for New York Friday (10) to huddle with Grad Sears and Mort Blumenstock on campaigns for four top-budget pictures being released by Warners this spring.

Will spend 10 days east.

Ruth Gillette Settles

Hollywood, Feb. 7. Ruth Gillette has settled her complaint against Louis Edler and agreed to remain on the agency's roster.

Actress had asked the State Labor Commission to dissolve her contract on the ground of insufficient work.

'Holy Bible Productions' Head Pinched on 2G Chiz

Sacramento, Feb. 7. Jack C. Nelson, self-styled motion picture producer and head of the Holy Bible Productions, Inc., was jailed in San Francisco in lieu of \$50,000 bond or \$10,000 cash bail as a result of charges of grand theft and violation of the California Corporate Securities Act brought against him by District Attorney Matthew Brady.

Nelson, 45, who gave his address as 1000 Broadway, was jailed on warrant from Municipal Judge Herbert C. Kaufman of San Francisco. Miss Parson Connelley told Brady a story of a \$200,000 investment. "Nelson told me he would start me in the first of three motion pictures, to be filmed in the Holy Land, and to be based on the Bible," Miss Connelley said. "I bought \$200,000 worth of stock in his corporation, but nothing happened about the pictures at all."

Brady said the arrest was the first of several which may be made to protect residents of San Francisco and tourists from confidence men expected during the fair.

Loew's 12-Week Profit Ahead of '37 1st Quarter

Net profit of Loew's, Inc., for the first quarter of 1938, is the first in the fiscal year, covering the quarter ended Nov. 24 last, totaled \$2,979,843. The net profit was 10 percent of the total revenue of \$29,798,430, the first quarter of the previous fiscal year. It represents \$1.74 per share, or 56.7 percent of the \$3.00 shown on each share of common in the 12 weeks ending Nov. 25, 1937. It is equal to \$21.80 on each share of preferred, or 46c, more than in the 1937 quarter.

Operating profit after subsidiary preferred dividends, but before deducting for depreciation, taxes and interest on long-term debt, totaled \$4,929,934 for the first quarter of Loew's new fiscal year, as against \$4,989,651 in the comparable 12 weeks of 1937.

Corporation showed \$600,000 reserve for contingencies in the first quarter of the current fiscal year and nothing for such reserve in the 12 weeks ending Nov. 25, 1937.

Regular monthly meeting of Loew's directors, scheduled for Feb. 1, will be held today (Wednesday).

Fried, Philly Indie Scores Point in His Trust Suit's WB

Philadelphia, Feb. 7. Harry Fried, operator of four suburban theatres, was the victim in the first round of his battle with Warner Bros. Circuit Management and nine major distributors in U. S. District Court today when Judge William Patrick dismissed a motion for a bill of particulars filed by the defendants on Friday (6). The judge's decision accused the defendants of failing to answer ordered them to file an answer to Fried's complaint in 20 days.

Fried filed his action on January 15, charging monetary, unfair business practices and unconscionable protection for Warner theatres and the exclusive time area in which he operates his four theatres. Fried asked for an injunction against the defendants, including the final decision on his charges.

Judge Kirkpatrick in his ruling dismissing the motion for a bill of particulars said: "The complaint does not require further clarification, and the expedition of disposition of the case will not be aided by a dilatory motion, which may, and probably will, be duplicated in subsequent proceedings."

Roll Call for 2 at WB

Hollywood, Feb. 7. Two pictures roll tomorrow (Wednesday) at Warners, one about gangster life and the other directed a blind horse.

"Waterfront" features Humphrey Bogart and Terry Moore in the role of a blind horse. "Gangster's Grease" is based on the career of the lightest show horse, Elmer Gantry.

Now That Skouras Has Fox, Del., It's a Tossup What Policy to Set

Tenderfoot

Hollywood, Feb. 7. Harry Sherman, producer of "Hoping Cassidy" series for Paramount, required 35 stitches in his scalp when thrown from a bicycle Sunday.

Also suffered a dislocated shoulder.

306 Pickets 20th's Home Office, Lab., Etc., Following Staff Slash

Members of Local 306, Moving Picture Machine Operators, of New York, on Monday (6) started picketing the 20th-Fox home office, its De Luxe Laboratories and Fox-Movie-tone newsreel in N. Y., following withdrawal of its projections from these various 20th-Fox units. This included operators working in projection rooms in the home office for screening.

Impasse resulting in the picketing followed negotiation of a 10% increase for operators at Fox, Fox-Movie-tone and DeLuxe. Although granting the boost in pay, 20th refused the number of men from 20th-Fox with a view to getting 100 men out of the four men left but without effect.

Following this action, a committee of the executive board of 20th-Fox, headed by the general manager of the union thereupon contacted operators Monday afternoon (6). Negotiations will continue in an effort on the part of 306 to reach an amicable settlement with 20th, but the picketing will go on meantime.

METRO DENIES ANY 'NEW' PLAGIARISM

Charlotte, N. C., Feb. 7. Denial of infringement of the copyright of the book, "Marshall Ney: A Dual Life," by LeGette Blythe of the Charlotte (N. C.) Observer staff, is contained in the answer served the plaintiff by the defendant companies, Metro-Goldwyn-Mayer Distributing Corp. and producers of the picture, "The Bravest of the Brave."

In the complaint filed last Dec. 1, the plaintiff contends that a company produced and distributed a short mystery film plagiarized almost entirely from the book, which was published March 15, 1937, and subsequently in England and Germany and asks for damages and profits derived from the showing of the film throughout the United States. Canada in an amount not less than \$250,000.

Real Snow for a Change

Hollywood, Feb. 7. Water Warner camera crew is en route to the snow-covered hills of Hanover, N. H., to shoot backdrops for the picture, "Winter Carnival," starring the collegiate winter sports at Dartmouth.

Also Lovering heads the group, with Bert Glenn handling the cameras.

UA After Leigh Oldie

United Artists is negotiating with Eric Pommer and Charles Laughlin to produce and distribute the picture, "The First and the Last," in the U. S.

Picture features Vivien Leigh and Laurence Olivier, and while produced in 1937 was never released here.

REVIVE 26-YEAR-OLD SILENT

The 26-year-old spectacle, "Cabrila," has been revived and is being re-released by the other director, produced in Italy has been cut to eight reels from sixteen, re-edited and supplied with a sound score. Maciste, Italian giant, was starred. Picture is being distributed by Ben Brody, of Latin Films.

Detroit, Feb. 7.

Future policy for Fox vaudeville here, turned over late last week to new operating setup, Fox-Michigan Corp. (Skouras), will be determined definitely by the end of the week, as soon as Charles P. Skouras returns to New York from the Coast. Whether \$500,000-unit, only vaudeville to 1,000,000-unit, will drop shell for a straight pix policy, or whether house will be turned over to George W. Trendle (United Detroit theatres prez) for operation in a pool with the ex-vaudeville Michigan theatres, hinges on several factors.

Unless Fox can line up couple other product sources, in addition to its present 20th-Fox, RKO, Columbia and Universal setup, straight film policy would be more hardscore than the present vaudeville policy, which has been a losing proposition in the past, but occasionally brings in nice coin.

Annet the Trendle deal, it now appears impossible in view of agreement last Saturday (4) between film producers and U. S. Government to maintain status quo on theatre contract until Government's anti-trust suit is settled. Trendle, in addition to being a Paramount subsidiary, is naturally affected. Should eventual abandonment of theatre become a fact, however, Trendle could take over the Fox here and pool its pic production with the 1,000,000-unit Michigan, show the pick of the films at one house and present vaudeville at another.

Under reorganization plan, which has been under consideration since last week after Fox sold its picture machinery, finally came to a head. Fox is leased to the new Fox-Michigan Corp., controlled by Skouras brothers, for 15 years at a fixed rental of \$150,000 annually guaranteed by National Theatres, which has a five-year franchise to show 20th-Fox pictures. Fox also provides for 12 1/2% of gross income if vaude is used or 15% if straight pictures are shown.

When theatre filed under 77B in May, 1938, liabilities were listed as \$183,000. Defaulted bonds, \$100,000 in defaulted taxes, and general liabilities totaling \$3,685,000. Under new plan, shareholders will get 10 shares of \$3 preferred stock and 10 shares of common for each share of common they now hold.

With turning of theatre over to the new Fox-Michigan Corp., United Guardian Trust Co. and Dave Itzall, managing director of theatre, was named as president, however, remains in charge of spot.

PAR'S NEW ORLEANS CONV. IDEA NOW OFF

The convention of the Paramount picture company, which has many partners, operators and associates, which was planned for New Orleans in March, has been dropped. The idea was dropped because of the New Orleans, La. Y. Frank Freeman, former theatre head, who was strong for a convalesce of the picture company, has been years ago, had set New Orleans, headquarters of the Senger circuit, and the picture company, which was the date but since then has transferred to the Coast. A head over theatres and picture company, which was not appointed, with Barney Bland assuming direct control.

La Cava's RKO Initialed

Hollywood, Feb. 7. Gregory La Cava's first producer-director job at RKO is "The Girl in the Red Velvet Robe," with Ginger Rogers starring. Studio and La Cava are dickering on a three-year pact as producer-director with a minimum of two pictures yearly.

Jean Arthur's Top Role

Hollywood, Feb. 7. Jean Arthur gets a co-starring spot in Frank Capra's "Mr. Smith Goes to Washington," which will be released in March. Title role has not been played but Capra is trying to borrow Jean Arthur from Sam Davis, who is being used on Lewis Ransome Foster's novella, "The Gentlemen From Montana."

**RKO RADIO
MEETS THE DAWN
OF A
NEW DAY
WITH THE
PROUDEST
PRODUCT
IN ITS
HISTORY.....**

*On the following
pages a few of the
big attractions that
will highlight the
COMING WEEKS...
One after another
...starting **RIGHT**
NOW!...Big shows
that set the pace
for the industry!...*

THIRD WEEK!...RADIO CITY MUSIC HALL

HOLDOVERS FOLLOWING ONE ANOTHER AS FAST AS OPENINGS... EVERY NEW DATE A NEW DEMONSTRATION OF TERRIFIC BOX-OFFICE POWER...NEW YORK, LOS ANGELES, MIAMI, CHICAGO, SAN FRANCISCO, BOSTON—EVERYWHERE THE BIGGEST MONEY PICTURE THE INDUSTRY HAS SEEN IN MONTHS...IT'S THE EXTENDED-RUN SENSATION THAT HITS THE PACE OF THE ALL-TIME TOP-MONEY SHOWS ON OPENING AND HOLDS THE STRIDE DAY BY DAY!

"Three cheers for 'Gunga Din,'" shouts Kate Cameron in the N. Y. Daily News—Summing up the tenor of the daily newspaper reviews all over the country.

"An achievement to make the industry proud... One of our truly great pictures," says Sam Shain, editor Motion Picture Daily, echoing the opinion of the entire trade press!

GARY GRANT • VICTOR McLAGLEN
DOUGLAS FAIRBANKS, JR.

SAM HARTY • FRANK CHURCHILL • SAM HORTON
FRANK S. CHURCHILL IN CHARGE OF PRODUCTION
STORY BY JAMES H. HOGAN AND JAMES HOGAN
SCREENPLAY BY JAMES HOGAN AND JAMES HOGAN
DIRECTED BY VICTOR McLAGLEN, WITH
MUSIC BY MAX YERGAN AND MAX YERGAN

Word of its greatness is spreading around the country like wildfire... These New York motion picturegoers the action of Coast to Coast critics for the first of this year's "Ten Best!"

"A great show...cannot help but attract patronage."
—Kate Cameron, N.Y. Daily News

"A disarming and enchanting film... You will be making a mistake to miss it."
—Howard Keweenaw, N.Y. Herald-Tribune

"A noteworthy picture...Climax reduces one to tears."
—Blond Johnson, N.Y. Daily Mirror

"A picture with its heart in the right place."
—R. C. C., New York Times

"As fine and engaging an entertainment as the screen has offered in months."
—William Roach, N.Y. World-Telegram

"A real picture—a tender, relishing comedy with all the drama it needs."
—Ellen Crockett, N.Y. Sun

"Has both charm and humor... thoroughly enjoyable... well worth seeing."
—Rose Palmer, N.Y. Journal & American

"Yesterday's premiere audience charmed... packs a wallop of pep and dying sense of humor."
—Gene Tager, N.Y. Post

NOW AT THE PEAK OF ITS NATIONAL PRESTIGE!
RADIO CITY MUSIC HALL ATTRACTION...
NOW PLAYING FIRST RUNS COAST TO COAST!

A MAN WITH
A HOLE IN
HIS PANTS... and
two loyal kids...
bring you priceless
entertainment.



The Great John Barrymore
THE GREAT MAN VOTES
PETER HOLDEN • VIRGINIA WEIDLER • DONALD MacBRIDE
KATHARINE ALEXANDER • PANDRO S. BERNMAN IN CHARGE OF PRODUCTION
DIRECTED BY GABOR RABIN • PRODUCED BY CLIFF REID • Screen Play by John Twist

RK

6
7

Irene Dunne, as Terry McKay, Park Avenue lady of leisure... loving ease and luxury... playing at life in the world's gay places!... Charles Boyer, as the reckless, dashing, irresistible Michel Marnoy... international lover, carefree heartbreaker!... these two—swept off their feet by a love that would not be denied!.....

What a situation for burning romance!—for drama, conflict, hope and heart-break jewelled in settings of richness such as to arouse the secret dreams of every woman!... What Box-office!... Stars, Story, Director, Production Elegance—everything for big money!

Irene **DUNNE** * Charles **BOYER**
A LEO McCAREY PRODUCTION
"LOVE AFFAIR"

MARIA OUSPENSKAYA • LEE BOWMAN
ASTRID ALLWYN • MAURICE MOSCOVICH
SCREEN PLAY BY DELMER DAVES AND DONALD OGDEN STEWART
DIRECTED BY LEO McCAREY

... last Fred and Ginger in a grand
DRAMATIC LOVE STORY!... portraying the lives of the glamorous couple who made dancing the great international pastime!... Irene, the fashion-plate girl who wore the first bobbed hair; Vernon, the band leader whose rhythmic feet were drilled in war-torn skies... Tender romance, high hope, laughter, heart-thrills and fight against odds!... Fred and Ginger re-living the sensations of the first Castle Walk, the Tango, the Maxine, the Texas Tommy!—the most thrilling dancing of the Astaire-Rogers careers—to the haunting hit melodies of the exciting times!... All the glory that made the Castles the most talked-of figures of their brilliant day make this THE BIG STANDOUT SHOW FOR TOP CROSSES THIS YEAR!

FRED **ASTAIRE** * GINGER **ROGERS**
in "THE STORY OF
VERNON and IRENE CASTLE"
(TEMPORARY TITLE)

EDNA MAE OLIVER • WALTER BRENNAN
LEW FIELDS • ETIENNE GIRARDOT • JANET BEECHER
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
Associate Producer—GEORGE HAIGHT
Directed by M. G. POTTER

ADIO
G
CES!

Never in modern times has the imagination of the world been so quickened as it was by "Careless" Corrigan's greatest of all do-or-die deeds... Overnight he became dear to the heart of every man, woman and child with a drop of red blood in his veins... Now he's on the screen, with his smile, his "crate," his life, his flight—woven into a drama of such excitement, such speed and thrill and ready exploitability as to stamp this great picture THE NUMBER ONE SHOW SENSATION OF THE SEASON!

THE SKY'S HEADLINE HERO SOARS TO SCREEN STARDOM

DOUGLAS ^(Wrong) Way CORRIGAN
"THE FLYING IRISHMAN"

Ginger
ROGERS
in
"LITTLE
MOTHER"

With production completed on the Astaire-Rogers "Castles" show, Ginger begins work on her greatest straight dramatic role since "Stage Door"... Here she has a stage play full of emotional fire... A romance rich in heart-hitting situations and bristling dialog!... and too little love!... The story of a girl with too much levelness... another woman's baby in her arms!... An exciting change of pace for Ginger... another big show coming up for YOU!

R K O
RADIO
PICTURES

GEORGE SCHAEFER DRIVE

JANUARY 28.. JUNE 2

American Firms See Japs Reacting Unfavorably to Washington Rebuffs, Thus Hitting New Nippon Distrib Deal

London, Feb. 7. After protracted negotiations and considerable competition, Charles Clore and Alfred Esdaile, owners of the Prince of Wales theatre, have closed a deal with receivers of the London Casino for a new cabaret theatre venture there. Clifford C. Fischer's was the last production policy here.

About 75% of the playing time in Italian theatres was devoted to American pictures previous to the royal decree forcing them to cease business in Italy.

It's in the Wind!

TRADEVIEW
W. R. WILKERSON

THAT Warners crowd, as we have suggested before, is about the most versatile collection of producers we have in this picture business today. They run the gamut of every entertainment idea in the production of their pictures. ¶Take the list of their bigaest hits for the past five months—"Four Daughters," "Brother Rat," "Angels With Dirty Faces," "The Sisters," "Devil's Island," "Dawn Patrol," "They Made Me a Criminal," and "Wings

of the Navy." No two on the same subject or even approaching the same theme; all of them

daring; all of them with a sock. ¶Now take the bunch they have in production, "Confessions of

a Nazi Spy," starring Edward G. Robinson;

"Juarez," with Paul Muni, Bette Davis and John

Garfield, "Dodge City," with Errol Flynn and Olivia

de Havilland; "Oklahoma Kid," in which Jimmy

Cagney goes western; "Dark Victory," starring

Bette Davis; "Brother Orchid," with Edward G.

Robinson; "Hell's Kitchen," with the Dead End

Kids; "Yes, My Darling Daughter," with the new

kid combination of Priscilla Lane and Jeffrey

Lynn; "Each Dawn I Die," with Cagney and

Garfield; "The Sea Hawk," with Errol Flynn; "The

Old Maid," with Bette Davis; the sequel to "Four

Daughters"—"Four Wives," and others. ¶Has this

industry ever been given such a diverse list from

one major company? And with Warners clicking

them off as it has; certainly this is a program to

be reckoned with, and one that is bound to com-

mand even greater audience attention. ¶Jack

Warner and Hal Wallis are carrying the burden,

with a very efficient organization under them,

fighting every minute to turn out successful pictures:

As written by W. R.
Wilkinson for the
'Hollywood Reporter'

**WARNER
BROS.**
Holdover
Headquarters

STAGECOACH

United Artists, Hollywood, Feb. 8. Features Claire Trevor, John Barrymore, Andy Devine, and Walter Catlett. Directed by John Ford. Screenplay by Bruce Van Hise. Story by Ernest Haycox. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes. **St. Louis Blues** (MGM). Features Claire Trevor, John Barrymore, Andy Devine, and Walter Catlett. Directed by John Ford. Screenplay by Bruce Van Hise. Story by Ernest Haycox. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

Sweeping and powerful drama of the American frontier. Stagecoach displays potentialities that can easily be taken through any medium. It is a prize big grosser of the year. Without overburdening the picture with over-the-hill scenes, it is a masterpiece of exploitation to attract, and will carry through word-of-mouth, after it is gone.

Directorially, production is John Ford at his best. The picture is a masterpiece of suspense throughout, and with exceptional handlings of the scenes. Picture is a display of photographic grandeur.

Takes an incident from the pages of the early west to weave a tight knit drama of suspense and entertainment. It is the adventures of a group about a stagecoach through the bad lands of the frontier. The picture is a masterpiece of suspense throughout, and with exceptional handlings of the scenes. Picture is a display of photographic grandeur.

ST. LOUIS BLUES

Permanent release of *St. Louis Blues* (MGM). Features Claire Trevor, John Barrymore, Andy Devine, and Walter Catlett. Directed by John Ford. Screenplay by Bruce Van Hise. Story by Ernest Haycox. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

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THREE MUSKETEERS

20th Century-Fox, Hollywood, Feb. 8. Features John Barrymore, John C. Miller, and John C. Miller. Directed by Allan Dwan. Screenplay by Allan Dwan. Story by Allan Dwan. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

Utilizing the broadest strokes of comedy technique, this version of Dumas' romantic adventure, 'The Three Musketeers', is a masterpiece of exploitation to attract, and will carry through word-of-mouth, after it is gone.

Miniature Reviews

'Stagecoach' (UA). Fine western frontier drama. Clinch for the year.

'St. Louis Blues' (MGM). Fair entertainment with Dorothy Lamour topping cast.

'Fisherman's Wharf' (RKO). Bigger, better, and more interesting than the last.

'Yes, My Darling Daughter' (WB). Highly amusing comedy.

'Three Musketeers' (20th). Fast-moving farce plentifully supplied with laughs.

'St. Louis Blues' (MGM). Fair entertainment with Dorothy Lamour topping cast.

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ances are of high merit, and directorial touch is smoothly and effectively applied. There are a few lagging sequences, apparent because of general fast movement of the picture.

'Fisherman's Wharf' (RKO). Bigger, better, and more interesting than the last.

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CAFÉ SOCIETY

(WITH SONGS) Paramount, Hollywood, Feb. 8. Features Fred MacMurray, Shirley Ross, and a good cast. Directed by George Cukor. Screenplay by George Cukor. Story by George Cukor. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

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'Three Musketeers' (20th). Fast-moving farce plentifully supplied with laughs.

FISHERMAN'S WHARF

RKO release of *Fisherman's Wharf*. Features Leo Carillo, Fred MacMurray, and a good cast. Directed by George Cukor. Screenplay by George Cukor. Story by George Cukor. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

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'Three Musketeers' (20th). Fast-moving farce plentifully supplied with laughs.

GIBRALTAR

(FRENCH RELEASE) Paris, Jan. 27. Features Fred MacMurray, Shirley Ross, and a good cast. Directed by George Cukor. Screenplay by George Cukor. Story by George Cukor. Camera, Bert Hall. Music, Max Steiner. Production, Bessie Beatty. Released by United Artists. Running time, 76 minutes.

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THEY'RE OFF...

Million-dollar horseflesh in breakneck competition!

A racing picture to make your heart pound with the exciting glamour of the track...and then make your heart ache at its story of three very human people... a man who was king of the turf... a boy who rode his miracle horse to victory... and a beautiful woman who took her son away from the man she once had loved! ...**"KING OF THE TURF" WILL BE KING OF THE BOX-OFFICE!**



DRAMAT...as a betting ring plots to "fix" the big race of the year!



Edward Small presents
ADOLPHE MENJOU
King of the Turf

with
 DOLORES COSTELLO · ROGER DANIEL · ALAN DINEHART
 WALTER ABEL · HAROLD HUBER · WILLIAM DEMAREST
 Screenplay by GEORGE BRUCE • Directed by ALFRED E. GREEN
 Produced by Edward Small Productions, Inc.

Released thru **UNITED ARTISTS**



THRILLS!...as a "has-been" tries a comeback for the sake of a boy!



THE PORTRAIT OF A FATHER AS MIGHTY IN ITS EMOTIONAL PULL AS THE PORTRAIT OF THE MOTHER IN "STELLA DALLAS"

Paramount's "BEACHCOMBER"

is still pilin' 'em up!

HARTFORD, CONN.—Allyn Theatre... 40% over average, beating such top-grossing Paramount hits as "Sing You Sinners", "Spawn of the North", "Men with Wings". **HOUSTON, TEXAS**—Metropolitan Theatre... zooming receipts up to the high marks set by "Spawn of the North", "If I Were King", "Men with Wings". **WORCESTER, MASS.**—Capitol Theatre... way over average, equalling the take on "Sing You Sinners", "Spawn of the North", "If I Were King", "Men with Wings". **NEW HAVEN, CONN.**—Paramount Theatre... "Beachcomber", out in front, ahead of "Sing You Sinners", "Spawn of the North", "Men with Wings". **STATEN ISLAND, N. Y.**—St. George Theatre... 75% of an average week's business in the till after the first 2 days!

and now...

Here comes that Paramount showboat,

"ST. LOUIS BLUES"

BEAUMONT, TEXAS—Jefferson Theatre... 25% over average, ahead of those top-notch attractions "Paris Honeymoon", "If I Were King", "Men with Wings". **SPRINGFIELD, MASS.**—Paramount Theatre... equalling the business of high-grossing "If I Were King", "Men with Wings"... and beating the take on "Paris Honeymoon", "Arkansas Traveler", "Zaza". **NEW ORLEANS, LA.**—Saenger Theatre... out-grossing such important-money pictures as "Sing You Sinners", "If I Were King", "Men with Wings", "Arkansas Traveler". **MEMPHIS, TENN.**—Malco Theatre... equalling the sensational receipts garnered by "If I Were King", "Men with Wings".



Gimmicks Back in Fox-W.C. C's Drive; Autos and \$1,000 in Cash

Los Angeles. Fox-West Coast theatres lifting the embargo against gimmicks during Arch Bowler drive. Autos and \$1,000 in cash will be given away for one lucky.

Max Mulling, former manager of Monogram's exchange in Los Angeles, the new West Coast district manager, covering the entire west coast. He is now in charge of the Fox-W.C. C's, general sales manager, Frost in Southern California orange belt nipped theatre grosses in Riverside, Redlands and San Bernardino. Male population was kept busy keeping Sunday fires burning.

Philly Variety Club OK
Philadelphia. Merly balance rests in the Variety Club's treasury, reports the New Amsterdam revealed. Figures in 1938, plus \$1,018 in the M.V. Fund. Outstanding is \$1,315 on due for baquets, which will allow the club to clear up \$1,000 in outstanding debts. Cash profit on the annual banquet in December was \$2,500, with \$1,135 more from ads.

Max Nicholson has taken over the Douglas theatre. Former amusement park operator, this is his first theatre. S. R. C. remains as manager.

Parlow is new head of Metro ad department, replacing Bud Bache, who moved into booking department. Jim Scull is new night skipper. Frank Jelenko transferred to Metro's office exchange from New Orleans. He takes place on the sales staff of George Schwartz, resigned to become manager of Universal.

Rugar Elected
Salt Lake City, Utah. John A. Rugar, of Park City, Utah, has been re-elected president of the International Theatre Owners' Association. Other officers: George W. Magna, Utah, vice president; Beverly S. Clendenin, Salt Lake City, secretary-treasurer; J. J. Gilmore, Utah, secretary; J. J. Harris, Evanston, Wis.; Stanley Rich, Montpelier, Idaho; John J. Harris, Salt Lake City, and Paul De Mordant, Blackfoot, Idaho, directors. Frederick J. Ewald, Salt Lake City, was named chairman of a Utah legislative committee to study trade practices with distributors.

Sundays Mixed
Cambridge, Ohio. A city ordinance prohibiting Sunday exhibition pictures was upheld by Common Pleas Judge M. H. Turner. An appeal is planned.

Quinlan's New Berth
New Orleans. John Quinlan took over management of Mott H. Singer's Liberty here. He hails from Minneapolis. Cliff LaFrance, treasurer of the house, eloped same day with Cynthia House Price, a local sweetheart of Centerville, Miss. He was formerly secretary to Vix Meyers, Orpheum manager.

W-K Moves 'Em Around
Spartanburg, S. C. Dave Garvin, assistant Carolina manager here, transferred by Willy Kinney to his new house. Bill Blackwell, assistant Carolina manager, replaced Garvin at Carolina, with Buddy Turner taking Blackwell's spot. C. E. Stone is manager. State Change and

Some Movie Executive Can Use a Smart Young (28)
Assistant. I'd particularly like to work for the present Paramount Pictures, Barret McCormick, Class. E. McCarthy, who has been with the company for a long time and is a very capable and publicist. But, I'll take an assistant who has a creative ability, imagination, common sense and a schooling in the business. At present employed as theatre manager. Excellent references. Age 28, Varior, New York.

Install
Oniowin Cabinet Toilet Tissue
ECONOMY WASHROOM SERVICE

Modern motion picture theatre for rent, wonderful opportunity for sale, well located, the picture business. The house has new seats and modern equipment. Will give you free. WRITE IRVING H. SCHWARTZ 1618 Broadway, N. Y. C.

nounced by Bob Tolbert, W-K's city manager. The Chesnee theatre opened at Chesnee, N. C., by George Ward, Elaborn new house operating at Chesnee, S. C., near Salisbury.

Schline Circuit Shifts
New York. Y. Shakeup in Schline houses here brings Edward Branbush from Riverside, relieving Louis Levitch, city manager. Bob Baker, Glenn Felix, replaces Joe Goldberg, vice resigned, as manager of the Dixie. Manager, Lee Slater, later married recently to Judy Block, back to the job after honeymoon in New York.

Smalley's New Corp.
Albany, N. Y. Smalley Chain Theatre, Inc., with headquarters in Connecticut, has changed its name to Smalley Theatres, Inc. Papers filed in Albany by Smalley Corporation, after which that Port Plain Theatre Co. of Port Plain has changed its location to Cooperstown.

Divinity-Exhibit
Minneapolis. Garden City, S. D., in local territory, has appointed a new director, Doolittle. Baptist minister, as manager of the municipal cinema, town's first. The exhibit, showing the rounds of the exchanges, lining up product.

Divorcee
The company would require the assistance of a state legislation crying for separation.

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theatre and one of the other. Or all of it in one or more companies.

Separate Boards
Each corporation would function as separate entities, the new exploitation offered for public consumption, and separate presidents. V.P.'s, who would be elected by the stockholders, would be elected by the stockholders, or officers, if the plan is to assume responsibility less than an indirect control between the two companies. Whether the theatre unit would own any stock in the production corporation or not, the plan would be to have a controlling interest or a voice other than that of any stockholder, in the management of the theatre. U.S. suit's goal is that no producing-distributing company can own any interest in the theatre.

A general shuffling of present Par personnel, going to rest officially under different roof would come from any complete cleavage of the company into two corporations which, in no way, would be related to each other. "Whether Barney Balaban would swing over as president of the new theatre unit and who might be Frank Freeman, or someone else, would head the new producing-distributing company, Presumably, he would be others in presidential capacities, is of course, speculative in advance of any action being taken. Undoubtedly both Balaban and Freeman would be strong candidates for the new theatre unit. Whether Zukor might fit into the picture is another guess.

There are various powers among the Par partners who also loom up on the horizon, not the least of these being E. V. Richards. He is now Par's outdoor, being thus as a 50% partner of Par, who is on the board of the new theatre unit. Incidentally, A. H. Blank, R. B. Wilby, Sam Panikoff, Martin J. Mullin, George W. Winton, J. J. Fitzgibbon and John J. Friedl are other powers in the Par theatre domain.

Par has over 1,600 wholly or partly owned and leased theatres in its set-up. It controls outright Balaban & Katz, which in turn owns Great States; the Olympia circuit in New England; the Ohio-Kentucky group through Public-Virginia; the upstate New York Metro circuit; the Minnesota Amusement chain in the north; the New England hop along the coast; and the Paramount circuit set up, as well as the Paramount, Bessie, and the other circuits.

Partners, largest of which are on a 50-50 basis, others being on a lesser basis, include in the list: Famous Players-Canadian string, Sanger, Malco, Kinney-Willy, Interstate, E. J. Sparks, Richards-Vacc, A. H. Blank, Mullin, Panikoff, Luskus & Jenkins, United Theatres of Detroit, J. H. Cooper, Butterfield, and New Hampshire Theatres.

Although figures are not available, many of the Par theatres in recent years have been due to the fine showing of its theatre interests, as against the picture business, for the production-distribution branch and its various subsidiaries. In view of the conclusion that the picture business is broken down, it would show Par to be in the red without theatre earnings, the question is what would happen if it goes entirely on its own as a producer-distrib, sans any exhibition business. A severe economy program might be the first step of any new company set up under a separation from Par, and the details of the long franchises from the theatres now under the Par wing, as a consequence of the divorce, would be another eventuality in view of the move.

STORY BUYS
Hollywood, Feb. 7. Matt Taylor, hold his mng story, "Old Grad," to Universal.

It's Four Straight Ones and Emote Kipling to Plug Dim' in New Orleans

New Orleans, Feb. 7. Gar More, Orpheum Theatre blust, introduced a new exploitation stunt here for "Gunga Dim", which grabbed off quite a bit of space in the item and the States, p.m. delays. He lined up contestants before a French quartet, who made them drink four 'straight' ones and then recite Kipling's poem. Local critics were judges to decide who best emoted the ballad.

Carl John Sarusien, father of Wilma Francis, stage and screen actress, copped the cash prize.

Builds Teacher Interest
Rochester, N. Y.

Manager Lester Pollock, Loe's, is building relations with teachers of English and history in the city schools. Began with several requests to the classic study in the schools. Taking this as a step, Manager Pollock wrote all teachers who might be interested in the subject, wherever desired. This built up Pollock's case as the contact and made it look less official, as schools here are tough on anything that looks like theatre promotion. Copies of the Educational and Recreational Guide were addressed to each teacher. When the classroom use and offering to furnish copies to classes when needed. A reluctant pupil interest also talks up films to parents.

'Happened in Omaha'
Omaha.

Early morning picturegoers drew a breakfast as an added incentive to best attendance for the opening of 'It's the Delight' (M-G) (4) when the Omaha opened its doors at 8 a.m. The picture was served to 3,000. There were 300 housed by 6 a.m.

Pictures got an extra plug from the Omaha, which was in Omaha, the site of the film's early success.

Metro's Paris Stunt
Paris.

Metro pulled a good one for France by having its stars sign stamps out in this country for the anti-culture fund.

At a late attended by President Leger, Minister of Public Health, Rucart and Minister of National Economy. The stamps bearing such signatures as

New York Theatres

THERE'S A BETTER SHOW AT THE

WINGS OF THE NAVY

ARTIE SHAW

AND HIS ORK.

OPENS 8 A. M. STRAND

LATE FEATRE TONIGHT 12 MIDNITE

Norma Capito

SHREER

CLARK GABLE

IDIOT'S DELIGHT

ASSTON

LESLIE HOWARD in Bernard Shaw's

THE PYGMALION

(BIG WAL) AL-M-G-M-H

PARAMOUNT

"ST. LOUIS BLUES"

IN PERSON JOHN L. BLUES

VINCE LOPEZ

and Lyle Orchestra

RADIO MUSIC HALL

HELD OVER THIRD WEEK

"GUNGA DIN"

Spectacular Stage Productions.

Blazing Friday

"One Third of a Nation"

LAST TWO DAYS

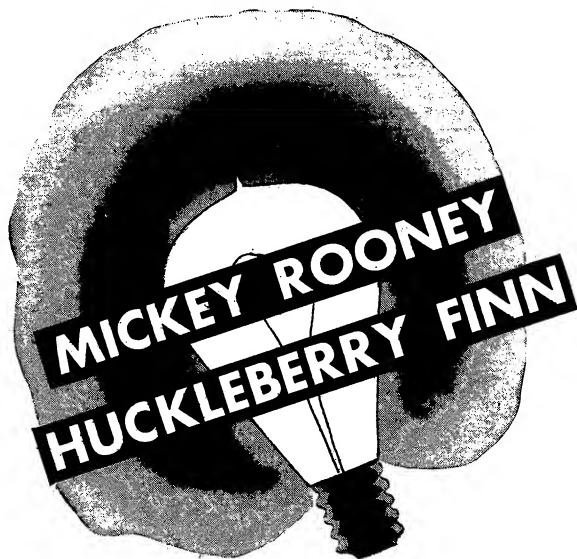
"SON OF FRANKENSTEIN"

UNIVERSITY

REVOLI

Dance Open 8:30 A.M. MIDNITE SHOWS

ROXY
7th Ave. & 6th St.
ALL SEATS 25¢ 1 PM.
-On the Spine-
New Stage Show



it's going to look great in your electric lights . . .

because 75 MILLION READERS including all your customers will see it first in full page M-G-M ads in the national magazines:

Saturday Evening Post
Good Housekeeping
Scholastic Magazine
Boy's Life
American Boy
The Instructor
Junior Scholastic

American Magazine
Popular Mechanics
Open Road for Boys
Catholic Boy
Grade Teacher
Young America
Newsweek

Life
Liberty
Look
Collier's
Time
Parent's Magazine
Red Book



Just to give you an idea of the giant campaign. All are full page smashes!

LETTERS TO THE EDITOR

Chain Income from Time Sales

NBC				
	1938	1938	1937	1936
January	\$4,033,906	\$3,793,516	\$3,541,969	\$2,861,815
CBS				
	1938	1938	1937	1936
January	\$2,674,057	\$2,978,945	\$2,778,820	\$1,901,023
MUTUAL				
	1938	1938	1937	1936
January	\$315,078	\$289,894	\$213,748	

NBC Has First \$4,000,000 Month In History; CBS Off, Mutual Up

Relative time billings picture for the three networks remained unchanged with the initial month of 1938. Compared to last year's figures, the January tallies showed an increase for NBC and Mutual and a slide-off for Columbia. NBC for the first time passed the \$4,000,000 mark; its gross last month was \$4,033,906, a boost of 8.3% over January, 1937. CBS \$2,674,057 represented a decrease of 7.1%. Mutual grossed \$315,078, which was 16.7% above the previous January's take.

Breakdown of the NBC gross for last month discloses the red (WEAF) still running far ahead of Columbia. The red's share figured \$3,035,511 and the blue (WJZ) took \$998,395. It was the first time in over five years that the blue came that close to the \$1,000,000 mark.

Mutual has shown a rising percentage of increase consistently since last May.

No Theatre for Benchley, No Tys for Art Shaw, Part of Old Gold Grief

Lennen & Mitchell agency has already begun to worry about what it's going to do for an audience stock when the Bob Benchley-Old Gold show moves to Hollywood March 19. CBS has its local studio facilities all tied up for that evening of the week. About the only solution is the renting of an outside theatre or auditorium.

Another element about the same program that's unsettled is whether Art Shaw's band will accompany Benchley to the Coast. Shaw has a band that can be made for Shaw with a Los Angeles nitery, currently in negotiation the program. Shaw, on the west coast cut into him and he will have to cut him out from the proceedings from New York. That will necessitate the hiring also of an orchestra on the spot for program bracketing and intermission.

Shaw is figuring on a tour of one-nighters in the direction of the Coast, meanwhile cutting into the city show from various spots. Currently starting a vaude-vaude one-night tour at the New York Strand. Art Shaw orchestra will move to New York each week on March 12 for a one-night radio show with Bob Benchley.

Shaw's crew may take over the entire Old Gold show during the summer. However, that hinges on the sponsor's renewing the air time which runs out in May, and whether or not Benchley exercises his privilege of fading for the summer if the program is continued.

Petersen in Shenandoah

Shenandoah, Ia., Feb. 7. M. H. "Pete" Petersen became general manager of KPNP here next week. Associated with Petersen in the operation and management of the station will be Jess Kaufman. Petersen previously worked with Hearst and Blackett-Sample-Humert.

GOVERNMENT STILL HOPEFUL ENOUGH

Both Plant and Library Would Be Assets to Its New Subsid, Chain Feels

DEAL UNLIKELY

CBS has deferred designing the new headquarters for its subsid, the American Record Co., until it becomes possible that there's a chance of making a deal with Percy L. Deutsch for the purchase of the World Broadcasting System. Columbia would like not only to occupy World's studios at 711 Fifth avenue (formerly NBC) and have the use of its up-to-date equipment but to acquire the World recorded library. The indications are that Deutsch won't sell.

Columbia made its original approach to Deutsch about the time it started dickering with Herbert J. Winchell, producer of the American Record Co. combine. Its interest in the World setup, it explained, was because of the World's library, recognized from time to time but without material headway being made.

If nothing can be done with Deutsch, American Record will take quarters either in the Julliard building, which the network recently acquired, or at 790 Seventh avenue where CBS has the former Decca studios under lease.

TRACTORS SEEK FARM SHOWS

Two tractor manufacturers, Allis Chalmers and Ford Motor, are scouting the field for daytime farm programs. Both are after locally produced programs, with Allis Chalmers leaning most toward farm newscasts that contain the noon hour.

Bert S. Gittins, of Milwaukee, and W. M. Ayer are the respective agencies.

Eller Succeeds Geissinger As Sunkist Ad Chief

Sacramento, Feb. 7. California Fruit Growers Exchange (Sunkist) last week promoted Russell Eller to be advertising manager, succeeding W. B. Geissinger who has just left the association to become associated with Lord & Thomas Agency, Chicago.

R. S. Simmons of the growers relations department succeeds Eller as assistant advertising manager.

CBS Denies Overtures to Affiliates

Was Reported New Time Divvy Would Involve Station Paying Line Fees

Columbia's stations relations department last week firmly denied reports that the network had made an offer to affiliates about being approached with a revised plan affecting free hours and network line charges. The proposition, as quoted by these station men, called for the reduction of the number of hours each affiliate would be asked to give to five and the affiliate in return assuming the cost of the network's line charges. The co-affiliate plan, according to Herbert Akerberg, CBS v. p. in charge of station relations, says that the network has not advanced this proposal to anybody, nor does it contemplate any such step.

Network Survey by Doorbell System Helps Case for Saturday Radio

Our Alone

Washington, Feb. 7. That Philip Morris couldn't afford its unique ingredient inspired Art Godfrey, mischievous CBS announcer, to roar into the mike: "WSJ, Washington. No other radio station can make that announcement."

LARRY NIXON RESIGNS WNEW FOR WRITING

Larry Nixon has resigned his press agent post at Station WNEW, N. Y., effective Feb. 15. He's been with the indie transmitter for the past 18 months, prior to that being connected with WMCA, N. Y., in a like capacity. No successor has as yet been named.

Nixon will fulfill a contract for a sequel to his travel book, "Vagabond Voyaging," which has sold 10,000 copies.

8,000 CRITICS

They Think Commercial Too Long —Don't Fancy Swing

Detroit, Feb. 7. WJBK has received over 8,000 replies to "Listeners Write Your Own Radio Schedule" invitation. Over 80% decried excessive commercials on current programs asking blurb limit of two minutes per 15-minute show.

Very few replies wanted deletion of music from the program. Most voted for smooth and popular music over swing. News gained against the poll, listeners wanted news broadcasts shorter and often.

Young preference generally was down the list. Education programs, of which news was considered a type by many, showed up better than expected.

Station states it's rearranging its daily schedule to conform with poll results, except for WJBK's foreign language programs, unaffected by poll.

Gilchrist's 'G-Woman'

Chicago, Feb. 7. New program tagged 'G-Woman' has been arranged by Charles Gilchrist here along with a female member of the Federal Bureau of Investigation. Gai is currently with the FBI and has participated in some 75 Federal crime hunts.

Program, set to run 30 minutes on a one hour slot, is based on the actual experiences of the G-woman in tracking down nationally known criminals.

Initial analysis of the NBC-CBS jointly financed survey of urban listeners' habits was published in a couple weeks. The final detailed tables of the study were approved at meeting of the technical committee of the Joint Committee on Radio Research last Thursday (2). This work is expected to fill in the gaps left by the rural listeners study which was released through the JCRR last week.

Tabulations in the urban project cover inquiries made by door-to-door callers during the summer and fall of 1938. Results of the winter queries are now beginning to come in. Information gathered so far shows that the number of listeners at home Saturday mornings is considerably greater than has been heretofore estimated. NBC and CBS figure that if the urban pattern were nothing else it will equip them with data that is certain to help fill up Saturday Saturday mornings.

It is intended to take these urban polls quarterly, with the purpose of showing (1) how many families are in various sections of the country, (2) how many are in working class and (3) how many families are likely to be turned in at definite hours of the day and night, or what portion of the potential listening audience the average commercial program can depend on snagging.

Loft's Third Formula Has John Chapman And Irene Kuhn Doing Spiels

John Chapman, New York Daily News columnist, and Irene Kuhn, freelance newspaperwoman and writer, signed a new contract with Loft, Inc., advance to 17-week radio contracts for airing through WOR, New York.

Chapman bowed last night (Tuesday) at 7:15 p.m. Miss Kuhn takes slot on Friday at 11 p.m. starting this week. Both are quarter-hour shots and to be talk sessions along their respective lines.

Chapman bowed last night (Tuesday) at 7:15 p.m. Miss Kuhn takes slot on Friday at 11 p.m. starting this week. Both are quarter-hour shots and to be talk sessions along their respective lines.

MURDER PRELUDE TO SYRUPY MUSIC

Philadelphia, Feb. 7. WFIL is joining the horror cycle with the airing of a weekly hair-raiser, "The Whistler." Music based on famous Scotland Yard murders. Series to start on Thursday night, 11:30 to midnight.

To offset the chill the scorer will be followed by a 15-minute softer, "Fascist Valley," complete with soft organ music and all-right-with-the-world poetry.

Horror tales being scripted by Roy Lefebvre, WFIL writer, and James Hoban, Philly barrister. First episode will be the famous "Jack-the-Ripper" murders.

Dorrell Leaves WWOV To Join John Blair Co.

Fort Wayne, Feb. 7. W. Ward Dorrell, former manager of Westinghouse stations WWOV and WGL, but recently sales manager, "Fascist Valley," complete with soft organ music and all-right-with-the-world poetry.

Dorrell is leaving for WWOV and WGL, but recently sales manager, "Fascist Valley," complete with soft organ music and all-right-with-the-world poetry.

ACTORS, GUARD SHOP; UNION IS STABILIZING FORCE

Agencies of Divided Sentiment—Some Had Hoped for 80-20 Shop—Possible Effect on Production Not Clear—Greater Care in Rehearsal Inevitable

(Continued from page 1)

rious difficulties of administration. But the union officials are determined to disprove allegations made during the heat of agency negotiations that they are radicals or agitators. They believe that wise and just administration of the contract will retain the confidence of the agencies, sponsors and networks, ultimately wiping out any bitterness resulting from the long wrangling.

Intimated that having won such favorable terms, the union will be inclined to make every reasonable concession in regard to specific applications of the code, particularly toward agencies that prove conciliatory and helpful in the negotiations. It is emphasized, however, that AFRA will not make any concessions or allowances of any kind to agencies refusing to sign the code, or to any alternative code. Any such exceptions would be a breach of faith with the agencies that did sign, it is explained.

Admen Foresee Drop in Daytime Sales

General reaction among the ad agencies to the AFRA contract after the weekend was that the next several weeks would find many programs going through some form of budgetary adjustment. It was felt that agencies would not only trim down the number of radio spots on their script shops, but would study the possibility of replacing some programs with musicals for the same quarters. It was predicted that daytime commercial schedules will from time be thickly studded with musical entertainment, since the attractiveness of the script pattern to the advertiser has been largely due to low cost. The scale for actors now tops that for musicians.

When the agencies say they will be heavy pruning is the choral field, particularly in the case of groups formerly for atmosphere. The effect. Also likely to be hard hit are the variety. The contracted scale, it is likely to be least to the detriment of the elimination in a big way of the dramatized commercial. The agencies make point with a heavy hand, since through constant experiment with the dramatized device they have been able to take the place of the rut of monotony and make it more palatable to the listener.

As the contract is signed, agencies men contend, the opportunity for newcomers to radio acting has become highly restricted. Producing agencies won't be inclined to retain anybody who doesn't rate as thoroughly capable of the demands of the rut of monotony and make it more palatable to the listener.

As the contract is signed, agencies men contend, the opportunity for newcomers to radio acting has become highly restricted. Producing agencies won't be inclined to retain anybody who doesn't rate as thoroughly capable of the demands of the rut of monotony and make it more palatable to the listener.

Blackett-Sample-Hummert Expected to Feel Pinch

Increase in talent costs will make it necessary for practically all agencies using non-name actors and singers to call upon their clients for increased contribution to the budgets. In a goodly number of cases it won't amount to 15%. Agency that is slated to feel the pinch the most is Blackett-Sample-Hummert, Inc. Air Features, Inc., New York, producing setup for the latter, estimates that the AFRA agreement will mean a difference upward of at least 30% in producing, advertising and talent. It made it clear that it would waive its practice of deducting a 5% commission on network performance in cases where the actor's net earnings are not above the required scale.

the saving assurance that the difference that advertisers will have to pay won't amount to much in the long run. The networks point out that, even if the talent cost for a daytime script serial goes up 30%, the advertiser still will be small when compared to the joint cost of time and program, and should in general figure not over 5%. And since the basic cost of the medium is still cheap when compared to others, the sponsor hasn't much to complain about.

Bolled down, the advertisers had one main problem: how to save a little, which, until the networks stepped in, threatened to disrupt peace and quiet. They subconsciously accept a Guild shop. Such acceptance would in many cases have a direct bearing on union problems in factories, distribution plants, etc. What some of the advertisers would like to see is a more direct, work-a-day tactic was a direct deal, but with some modified basic setup. An 80-20 shop was mentioned. AFRA, however, would not like the pie.

"Contract" won from AFRA by the agencies in the contract for commercial broadcasts are regarded by the union as the favorable result. Pointed out that all discounts for strip shops, rehearsals and rebroadcasts are based on a play-off-guaranteed employment for at least a 13-week period.

AFRA feels that application of guaranteed employment on 13-week basis would involve complete realignment of the existing script shops. The union feels that men, actors would jump at a chance for guaranteed 13-week employment for a 13-week period.

Union execs also point to the fact that in the case of all discounts there is a minimum guarantee that prevents the reduction from applying except for overtime rehearsals, etc. This is in the case of the code of \$15 per 15-minute program, plus \$6-an-hour rehearsal fee, the actor is guaranteed to make at least the five broadcasts a week. Any 15% discount may be deducted only as long as the net amount is at least \$105.

In other words, only when the producer is unable to get a 13-hour hour can the discount be taken. And it is pointed out by AFRA that with rehearsal and the discount, the actor's salary will be rehearsed more than the single hour. It is therefore apparent that the actor will be paid more than the single hour. It is therefore apparent that the actor will be paid more than the single hour.

Spatilany Cites Henry Souvaine Before Union

Phil Spitalany and Henry Souvaine, freelance producer, were slated to thresh out their differences over a 15-week period and even then the New York musicians' union yesterday afternoon (Tuesday). The matter was before the union as a matter of unfair dealing. He claims that he advanced \$7,000 to Souvaine two months ago to get him a General Motors contract, and that efforts to recover this money, after the assignment was made, failed.

Souvaine declared yesterday that he himself had filed a suit against Spitalany in the New York courts four months ago for monies due on personal services, and Spitalany's lawyer added that he would file a countermove to this litigation. The producer of the William General Motors contract added that he would like to eliminate the personal angle of the controversy by letting the matter go to arbitration.

Eligible for Auditions

Established radio actors who were with station WJLB for nearly four years came to New York to be audited by audition system of NBC.

Grid auditioned two weeks ago, then was called in. After being told that she has passed, she was instructed to return again in three weeks for another audition.

ADMEN HEAD POST-MORTEM ON AFRA

Last-minute intervention (by invitation) of the two major networks last week averted a possible strike of radio actors and resulted in a settlement by which the networks assumed the responsibility for the closed shop demanded, and were achieved by the American Federation of Radio Artists'. Advertising agencies have until Feb. 11 to initial letters of understanding. Meanwhile, the actors union has won all the major objectives, the unionization of performers is assured, and another strong link has been forged in the chain of actor unions encompassing all forms of amusement, including, besides broadcasting, pictures, concert, the vaudeville and night clubs.

After about two years of existence and 10 months of abortive discussions, the union forced an end, with the marshalled strength of the allied unions which emerged from the Billmore hotel meetings after all-day and all-night sessions early last week, to victory.

All their salient points were carried, but AFRA did consent to add various union details (not on adjacent page) granting consideration for certain possible circumstances. All the union demands are primarily based upon situations where the employer guarantees continuous employment over set periods on a play-or-pay basis.

Advertisers also were granted minor concessions on voice-dubbing, annual rehearsals and the computation of actor rehearsal pay. In essence, AFRA said "this is it." And it was.

Actors' solidarity was unquestionably superior to the advertisers who were weakened by divided opinion and a lack of concise policy. The union remained in voice-dubbing handicapped at all times, even up to the last moment, by lack of authorization to make the actor union decided say when it went into the last ditch.

At a weekend vacation from a subject that finally became painful, the four "men" yesterday afternoon (Tuesday) in the Billmore hotel, a post-mortem on the Battle of the Billmore hotel was thrown out of bed to prepare to signify their formal acceptance of the terms announced by AFRA, a solid white heat of last week's meeting.

A tentative proposal to issue a "Vote assume that" with the winning of the AFRA fight, "A Radio Artist" will be perfectly willing to accept the terms of the trade-off, and to give him—without his support!

Unlike "A Radio Artist" we proudly sign our names.

Win-Strickland, Rene Sikorski, Finney Briggs, Thelma Karul, Philip Ford.

• Signature semi-illegible.

AFRA ABIDEN

Spies Will Happen
'Here listen,' said Wilfred Lytell, as he returned to the actors committee room at the Billmore hotel last Tuesday, 'let's not talk so loud, there's a Vauxhall man hiding behind a potted plant outside.'

What about the actors agreeing to the negotiations "emotionally" among the networks, whose executives thought some of the sponsors and agencies were represented by purple-necked sputters. Tempers were pretty frayed at the time the union came through its first all-day all-night session. Reterees had a busy time of it.

McGrady Brought In Briefly
For the second time since RCA retained him as its labor counsel, Edward P. McGrady, former Assistant Secretary of Labor, was called in last week by NBC to serve in a gesture of good will in a union settlement. Most of the time he had to do with the agency-network negotiations for an AFRA contract. McGrady accompanied Niles Trammell, NBC executive vice president, on a visit to AFRA headquarters.

McGrady's previous like chore for NBC occurred during the negotiations with the American Federation of Musicians of a settlement plan for increased employment of musicians among radio stations.

Networks Win Agency Praise
NBC and Columbia are glowing over the expressions of appreciation and approval that they have been receiving from ad agency officials over the way the networks have handled the situation of a ticklish situation and are going through the negotiations with the AFRA. The two weeks had reluctant to step into the controversy for fear that they would later be charged by the agencies with selling them out. The networks, which had been set for Jan. 19 that the latter made a hurried call upon AFRA spokesmen to see if they previously had been in the agency's line of attack. NBC and CBS for having succeeded in a likewise side out of a strike.

Transcription Sales Expected
Transcription producers are now waiting for a call from AFRA to discuss terms of a contract for them. Union wants to wait until the pact on the transcription goes into effect. The AFRA will be the subject of 34 for an hour's rehearsal, with the latter split up into 20-minute periods. This figure, but about \$15 per hour, is a record that has been the customary tariff in the trade, even when four or five programs are turned out at a single session.

No Pledge From Musicians
Failure of the radio actors to enlist the support of the American Federation of Musicians in last week's negotiations for an AFRA contract broadcasting is now viewed as a fortunate break for the actors. Union officials are understood to have made numerous attempts to gain the pledge of support from the musicians, but in every case found responsible AFRA executives 'out.'

Broadcasters now believe that if they had succeeded in gaining an alliance with the musicians in last week's negotiations, the actors would have known how much the AFRA support had been a real victory. Explained that as things now stand, the actors won their battle on their own.

Answers AFRA Rap WHO'S WHO ON ACTORS' TEAM

Chicago, Feb. 4.
Editor, VARIETY:
May we reply to 'A Radio Artist' whose dissembling slant on the AFRA strike vote appeared in the VARIETY, issue of Feb. 1st.

Editorial Editor Jack Benny, Lawrence Tibbett and other big names are behind AFRA—not through self-interest, but because they recognize the legitimacy of the united efforts of radio actors to bring about just working conditions.

If the strike had been called—these stars would have sacrificed substantial per centum of their income to we average actors were losing comparatively small amounts. Their stand, therefore, is all the more creditable. They have lent their strength to a worthy cause—and the cause was won.

Equity won its strike years ago—and so did the Screen Actors Guild—by reason of the stars' support—not for themselves, but for the benefit of thousands of actors who earn modest salaries.

As to "Radio Artists" fear that the sponsor of his show might switch to another actor, we would like to say of a job—that is a contingency which might happen under any conditions.

Unlike "A Radio Artist" we proudly sign our names.

Win-Strickland, Rene Sikorski, Finney Briggs, Thelma Karul, Philip Ford.

• Signature semi-illegible.

T. B. Smith's Radio Course Philadelphia, Feb. 7.
College course in radio got under way last week at the West Chester University, Ohio, under the direction of Thomas B. Smith, general director of WFCN.

Students wishing to college and high school teachers wishing to get the lowdown on how to put across educational programs on the air.

Beltsman, western legal representative for AGMA and for Authors League and is chief counsel for SAG. He was formerly attorney for the Screen Writers Guild and currently represents a number of leading picture radio stars.

Nearly all his practice is in Hollywood.

AFFRA Contract Negotiated Between Artists and Announcers

AMERICAN FEDERATION OF RADIO ARTISTS
(Affiliated with the American Federation of Labor)

Main Office: 2 West 54th St., N. Y. C.
Chicago Office
540 North Michigan Ave.
Los Angeles Office San Francisco Office
6511 Hollywood Blvd. 663 Mills Building

CODE OF FAIR PRACTICE for COMMERCIAL BROADCASTING MINIMUM TERMS AND CONDITIONS for RADIO ARTISTS

We, the undersigned, on this _____ day of _____, 1939, agree with the American Federation of Radio Artists that we will accept and conform to the Code of Fair Practice and the minimum terms and conditions promulgated by them for the engagement of radio artists on commercial broadcast programs produced under our auspices on the network systems and their several stations. We hereby accept notice of the minimum terms and conditions as specified in the schedules annexed to this Code, which schedules (pages 1 to 6, both inclusive) are included herewith and are hereby made a part of this Code.

The American Federation of Radio Artists herein called AFFRA agrees and represents that it is and will continue to be an open union. AFFRA agrees that it will keep its membership rolls open to all members of our union, and will give radio artists whom we engage to appear on such commercial broadcasts. We agree that on all present and future commercial broadcast programs produced under our auspices, we will use the services only of performers, including actors, singers and announcers, who are members in good standing of AFFRA or become members prior to their appearance on such broadcasts. AFFRA agrees not to impose unreasonable entrance fees or dues upon its members. It is mutually agreed that it is a part of the Code of Fair Practice that the engagement of radio performers for all such present and future commercial broadcasts can be made only under the minimum terms and conditions provided herein or better.

We agree that we will not, for the purpose of evading performance under this Code, substitute any other organization for commercial network programs produced by us to any third person, and that we will not transfer our operations to any other points of origination for the purpose of defeating or evading this Code.

This agreement is in effect beginning with February 12, 1939, until and including February 12, 1940.
We agree with the American Federation of Radio Artists for this period to submit to arbitration all questions relating to the minimum terms and conditions of employment on commercial broadcast programs not covered by this agreement and Code, as well as any controversy or dispute between AFFRA and ourselves arising with respect to this Code or the interpretation or breach thereof.

Such arbitration shall be conducted under the rules then obtaining of the American Arbitration Association, with the following specific provisions:

Either party may demand such arbitration in writing, which demand shall include the name of the arbitrator appointed by it. Within three days after such demand, the other party shall name its arbitrator, or in default of such appointment, such arbitrator shall be named forthwith by the Arbitration Committee of the American Arbitration Association. The two arbitrators so appointed shall select a third within a period of five days from a panel submitted to them by the Arbitration Committee of the American Arbitration Association, and in lieu of their agreement upon such third arbitrator, he shall be appointed by the Arbitration Committee of the American Arbitration Association. The hearing shall be held on two days' notice and shall be concluded within four days after the hearing as ordered by the arbitrators. The award of the arbitrators shall be made within seven days after the close of the submission of evidence. An award so made shall be binding on the arbitrators so appointed shall be binding upon both parties, during the period of this agreement, and judgment upon such award may be entered by either party in the Highest Court of the Forum, State or Federal, having Jurisdiction.

This agreement and Code of Fair Practice shall be construed by the laws of the State of New York.

In Witness Whereof, we have signed this agreement and Code of Fair Practice on the day and date above stated.

American Federation of Radio Artists _____ Producer _____

By _____

SCHEDULE OF MINIMUM FEES AND CONDITIONS FOR RADIO ARTISTS APPEARING ON COMMERCIAL PROGRAMS PRODUCED BY THE AMERICAN BROADCASTING COMPANY, THE COLUMBIA AND MUTUAL BROADCASTING SYSTEMS AND THEIR SEVERAL STATIONS

Actors
Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$15.00 \$10.00
16 to 30 minutes..... 25.00 17.50
31 to 60 minutes..... 35.00 17.50

Rehearsal: \$6.00 per hour, first hour required; after first hour rehearsal may be computed at the rate of \$3.00 per hour or part thereof. Rehearsals for programs in excess of 15 minutes, may be held in two sessions; rehearsal to be held at least one hour before separate unit and no such session shall be computed as less than one hour. Individual compensation shall be on the basis of the unit contracted for and no rehearsal time may be requested and if agreed to, paid for.

In the event that an actor is engaged and paid for five 15-minute programs per week, then the minimum rehearsal time shall be computed at \$5.00 per hour, the first hour required; after first hour, rehearsal may be computed and paid for in quarter-hour periods at the rate of \$2.50 per half hour or part thereof.

Thirteen Weeks' Continuous Guarantees—

(a) Where a producer on an after-the-minute dramatic strip shows written contract with the actor guarantees a thirteen weeks' continuous non-cancellable engagement on such show, the producer may, at his option, terminate the contract shown in the following schedule if the producer guarantees the actor the minimum amounts shown in the schedule, no matter whether he plays or rehearses or not. Base rate on

rehearsals where such discount is effective is six dollars per hour. The minimum discount is:

Single Broadcast per Day
Number of Appearances per Week. Discount. Guaranteed Minimum.
5..... 15% \$105.00
6..... 10% 100.00
7..... 5% 80.00

Broadcast and Repeat
Number of Appearances per Week. Discount. Guaranteed Minimum.
5..... 15% \$140.00
6..... 10% 125.00
7..... 5% 100.00

Advance Recording Plus Live Network Broadcast (Each appearance means one for recording and one for live)
Number of Appearances per Week. Discount. Guaranteed Minimum.
5..... 15% \$105.00
6..... 10% 100.00
7..... 5% 80.00

The compensation which shall be paid to the performer upon advance rehearsal, week's continuous guarantee or live above specified, shall be the applicable fee plus rehearsal pay, less the discount above set forth, or the guaranteed minimum, whichever is higher.

(b) On written guarantee continuous thirteen weeks' non-cancellable engagement of actors for half-hour and hour shows, the same is true after six hours, beginning with the first hour of rehearsal.

(c) On half-hour shows after four hours rehearsal per appearance, rehearsal rate of three dollars per hour, beginning with the fifth hour of rehearsal, and on hour shows, the same is true after six hours, beginning with the fifth hour of rehearsal.

Program Auditions: Shall be paid for at one-half the broadcast fee. Rehearsal time for auditions at the same rate as specified for regular broadcasts or broadcast for only one hour. This compensation is for program auditions; voice tests may be made without compensation but the producer shall not use the price of the test for any other purpose.

Recordings: Off-the-line recordings may be made and used only by the original sponsor or his affiliated companies. They shall not be used for extra fees to the performer under the following conditions:

(a) Providing that such recordings are not broadcast on any major station in the city of origination; or broadcast to a network, or to the city of origination; or broadcast to any network providing national facilities; and providing further that such recordings are used only once for the original sponsor and are not broadcast on any major station affiliated with the National Broadcasting Company, Inc., the Columbia Broadcasting System, Inc., or the Mutual Broadcasting System, Inc., in New York, Chicago, San Francisco, Hollywood or Los Angeles. Further providing, however, that this latter restriction shall not apply if recording is made by network stations, or by stations located on that station because of unavailability of facilities at time of live broadcast, and such operations are billed to the sponsor and are not broadcast on any major station.

If off-the-line recordings are made and broadcast, except under the provisions outlined above, the performer shall be paid not less than the re-broadcast fee for such recording broadcast, unless he has already been paid a fee for a live re-broadcast of the same.

(b) Providing that such recordings are not broadcast later than _____ months after the discontinuance of the program on a live basis;

(c) Where a record is made either prior to or subsequent to a live broadcast or re-broadcast, and an extra performance is thereby required, the fee should be paid under the advance recording date and rehearsal time specified heretofore in this scale.

Rehearsal: Where the actor is engaged for a dramatized commercial, the following minimum scale shall apply:

Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$15.00 \$7.50
16 to 30 minutes..... 25.00 12.50
31 to 60 minutes..... 35.00 12.50
A fifteen minute rehearsal period prior to the dress rehearsal may be included in the foregoing scale.

Singers

Class 1—Groups of 9 or More Voices:
Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$15.00 \$7.50
16 to 30 minutes..... 25.00 12.50
31 to 45 minutes..... 35.00 12.50
46 to 60 minutes..... 45.00 14.00

Rehearsal: Orchestra and all coaching rehearsal \$4.00 per hour, first hour required; after first hour, rehearsal may be computed and paid for in quarter-hour periods at the rate of \$4.00 per hour or part thereof.

Class 2—Groups of 5 to 8 Voices Inclusive:
Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$15.00 \$7.50
16 to 30 minutes..... 25.00 12.50
31 to 45 minutes..... 35.00 12.50
46 to 60 minutes..... 45.00 14.00

Rehearsal: Orchestra rehearsal \$4.00 per hour, first hour required; after first hour, rehearsal may be computed and paid for in quarter-hour periods at the rate of \$1.00 per quarter hour or part thereof.

Class 3—Groups of 2 to 4 Voices Inclusive:
Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$10.00 \$5.00
16 to 30 minutes..... 25.00 12.50
31 to 45 minutes..... 35.00 12.50
46 to 60 minutes..... 45.00 14.00

Rehearsal: Orchestra rehearsal \$5.00 per hour, first hour required; after first hour, rehearsal may be computed and paid for in quarter-hour periods at the rate of \$1.25 per quarter hour or part thereof.

Class 4—Soloists:
Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$40.00 \$15.00
16 to 30 minutes..... 50.00 12.50
31 to 45 minutes..... 60.00 12.50
46 to 60 minutes..... 70.00 12.50

Rehearsal: Orchestra rehearsal \$8.00 per hour, first hour required; after first hour, rehearsal may be computed and

paid for in quarter-hour periods at the rate of \$1.50 per quarter hour or part thereof.

Program Auditions: Shall be paid for at one-half the broadcast fee and one-half the broadcast rehearsal fee for all time required. Individual voice tests may be had without compensation.

Special Minimum Working Conditions for Singers: Any performance must begin within twenty-four hours of the original to be considered a re-broadcast. If otherwise, first performance fee prevails.

No rehearsal shall be considered as less than one hour in duration, except in the case of a singer who is called into the studio before or after performance. However, a singer may be required to rehearse for fifteen (15) minutes before a performance without payment of rehearsal fee.

Orchestra rehearsal shall not be divided into more than two sessions.

There must be a rest period of five minutes each hour in rehearsals of more than one hour duration.

Any member who auditions for a program, as a member of a group, shall, in the event that a group is accepted for the program, be considered to be a member of said group and may not be discharged without AFFRA's consent as long as group remains on said program for a period of thirteen (13) weeks, whichever is less.

Coaching rehearsal is designation only for a rehearsal session other than rehearsal with orchestra or other acts in which material is prepared for a specific broadcast or audition.

On written guarantee continuous thirteen weeks' non-cancellable engagements of singers for 15 minute, half-hour and hour shows, the same is true after six hours, beginning with the first hour of rehearsal.

Signature numbers shall be at the rate of \$15.00 for the broadcast and \$10.00 for rehearsal from scale of ten per cent. of the basic scale is allowed.

Exceptional situations such as traveling on the road will be met by waivers under paragraph "8" of the Rules.

ANNOUNCERS

Length of program. Fee. Rebroadcast fee.
15 minutes or less..... \$15.00 \$10.00
16 to 30 minutes..... 25.00 12.50
31 to 60 minutes..... 35.00 17.50

Rehearsal: \$4.00 per hour, first hour required; after first hour rehearsal may be computed at the rate of \$3.00 per hour or part thereof. Rehearsals for programs in excess of 15 minutes, may be held in two sessions; rehearsal to be held at least one hour before separate unit and no such session shall be computed as less than one hour. Individual compensation shall be based on the unit contracted for and no rehearsal time may be requested and if agreed to, paid for.

Where an announcer is engaged for a commercial program for guarantee of more than thirteen (13) weeks, 15 minutes programs broadcast five (5) times or more a week, the following minimum weekly compensation may be provided:

Weekly Minimum Weekly fee Compensation for re-broadcast.
Times a week. 8..... 85.00 42.50

In such cases of guaranteed term engagements at the weekly rate, 45 minutes rehearsal allowed for each of five such broadcasts at the rate of \$10.00 for each such announcement.

Program Auditions: Shall be paid for at one-half the broadcast fee. Rehearsal time for auditions at the same rate as specified for regular broadcasts. Voice tests may be had without compensation.

Special Provisions Regarding Announcers:

(a) Where a live record is made in connection with a live broadcast, the fee for the record shall be \$50.00.

(b) The 45 minutes rehearsal allowed for each of five broadcasts may be computed as 225 minutes used by producer as desired within five days. If producer desires, he may use such broadcasts in any other manner, but the announcer agrees to allow 15 minutes of pre-recordings and announcements for each broadcast.

(c) On five minute local news broadcasts with not less than two per day, the fee for the news reporter shall be \$5.00 for each such broadcast. In such cases where a supporting announcer is used, the fee for such supporting announcer shall be \$4.00 for each such broadcast.

CANCELLATION OF BROADCASTS

1. Engagements: Performer shall give specific notice of the part to be played, date, time and place of broadcast, of the re-broadcast, if any, place of rehearsal and rehearsal time contracted for. An actor or singer engaged for a specific part per performance without additional compensation. In variety shows, or where the program consists of a series of short distinct episodes, the performer shall be engaged for dramatized news broadcasts or historical sequences, such program shall be considered an exception. Participation in crowd noise and in the event of a cancellation, the performer shall be paid for the time specified in the contract.

2. Compensation: Performer shall be paid not less than the minimum fee applicable in legal tender and not later than seven days after the date of the cancellation of the broadcast. The minimum fees shall be net to the performer and no deductions whatever may be made therefrom (except for such taxes and withholdings as are required by law) or term or provision of this Code may be waived by any performer without the prior written consent of AFFRA, but notwithstanding the above, the performer shall be paid for any terms and/or conditions more favorable to such performer than those specified herein.

3. Cancellation: Where the performer has notice that the performer is a member of AFFRA and must obey its rules. Producer, specifically, notice of the rule which requires the performer to be a member of AFFRA. If the performer is a member of AFFRA, the performer shall be paid for any terms and/or conditions more favorable to such performer than those specified herein.

4. Cancellation: Where the entire program is cancelled, the performer shall, nevertheless, be paid in full for all contracts entered into in connection with the program, shall have been notified in writing of the cancellation at least 24 hours in advance of the first scheduled call for rehearsal.

5. Cancellation: Where the performer's engagement for the program is cancelled, Producer agrees, nevertheless, to pay the performer in full for all contracts entered into in connection with the program, shall have been notified in writing of the cancellation at least 24 hours in advance of the first scheduled call for rehearsal.

6. Cancellation: Where the performer's engagement for the program is cancelled, Producer agrees, nevertheless, to pay the performer in full for all contracts entered into in connection with the program, shall have been notified in writing of the cancellation at least 24 hours in advance of the first scheduled call for rehearsal.

(Continued on page 32)

AFRA Contract Negotiated By Admen

(Continued from page 24)

ducer agrees that where the engagement is made, the risk of performer's income is assumed by the producer.

6. **Arbitration:** Any controversy or claim between any Producer and any member of AFRA arising out of, or relating to, this Code or any contract or engagements governed by this Code, or the breach thereof, shall (with the consent of AFRA) be settled by arbitration, in accordance with the rules and obtaining of the American Arbitration Association, and judgment upon the award rendered may be entered in the Highest Court of the Forum, State or Federal, having jurisdiction. The arbitration shall be held in New York City, and shall be the same as that specified on page "1" of this Code.

7. **Additional Services:** No service of the performer is contracted for except as specified herein.

8. **Waivers:** AFRA will give waivers in proper cases upon application by the Producer to meet any program requirements with respect to working conditions. Minimum fees are not working conditions.

9. **Production Proceeds:** In the event that the program for which the performer is engaged is complained of and any prosecution, civil or criminal, private or governmental, shall follow, Producer agrees at his expense, to defend the performer and to pay all charges and judgments so incurred.

10. **Alterations:** Producer agrees that he will make no contract with any performer at terms less favorable to such performer than those contained in this Code and make no changes or alterations of these provisions without the written consent of AFRA, nor, without such consent, shall any performer be deemed to have accepted any contract which might suit such performer to any act after this Code expires, which would violate any rule of AFRA.

11. **Residual in Code:** AFRA reserves the right, in the event it determines that a particular Producer is not able or financially responsible, to require the posting in advance of an addendum to the Code and make no changes or alterations of these provisions without the written consent of AFRA. Producer agrees that he has notice that the AFRA Code of Fair Practice represents the minimum standards and working conditions for performers in the commercial broadcasting. Anyone engaging performers in this field who breaches or violates conditions of the Code may be regarded as unfair to performers and may be indicted not to work for anyone who is unfair.

12. **Notice of this Code** will be given to AFRA members, and they will control the terms of the Code and such conditions shall be done so as not to interfere with the conduct of the producer's business.

13. The producer agrees, for the benefit of AFRA and all performers employed by the producer, that existing contracts with all performers are hereby modified in accordance herewith. The terms of the Code shall be applied to all performers who are more favorable to such performers than the terms, wages or hours herein specified, shall not be modified, nor shall any performer be given more than or among signatories to this Code or those who signify their intention of abiding thereby, which require performer to work under such terms, wages or conditions less favorable to such performers than this Code, then, notwithstanding such contracts, it is agreed that this Code shall, nevertheless, apply for the benefit of all performers, and to AFRA.

14. The terms and conditions covered by this agreement are the engagements of performers in the commercial network broadcast programs produced under the auspices of the producer, on the network facilities of the National Broadcasting Company, Inc., the Mutual Broadcasting System, Inc., and the Mutual Broadcasting System, Inc., originating in New York, Chicago, Hollywood, Los Angeles or San Francisco. "Network" means two or more stations which broadcast simultaneously broadcast. On major stations in New York and Chicago, the network rate shall apply to a broadcast from one such station.

15. Nothing in this Code shall be construed as preventing the producer from buying package shows from fair independent contractors; provided that the producer must, in its agreement with the independent contractor, include a provision requiring such contract to sign this Code. Where AFRA's Code of Fair Practice, and further provided that such independent contractor becomes a signatory to such Code. The minimum signature fee for a performer shall be a minimum of \$50.00 for five programs a week and \$25.00 for the re-broadcasts; \$10.00 for single broadcast and \$5.00 for re-broadcast; and 15 minutes shall include one hour of rehearsal time.

16. The fee for a record made prior to the live broadcast on a 15 minute program shall be \$10.00 and \$6.00 per hour for first hour of rehearsal or per hour thereafter for additional rehearsal.

17. Audience participation is accepted.

18. Extra and superannuaries who do not speak individual lines shall be paid not less than \$7.50 for the program and \$5.00 for rehearsal, including 4 hours of rehearsal time in two sessions.

19. The re-broadcast fee on 15 minute shows includes a 15 minute dress rehearsal immediately preceding the broadcast. This applies both to actors and announcers. In cases of lateness for rehearsal or other breach by any member of the Code, AFRA will give disciplinary action.

20. **Constitution.** In the event of a collection of any fine due to such disciplinary action, AFRA may reimburse the producer who has suffered loss due to lateness or other breach.

21. Children on adult programs shall receive the minimum applicable fee for adults. Special children's programs

where more than 75% of the cast are children come within the provisions of the waiver clause and shall be so treated.

(THE LETTER)

February 2, 1939.

Columbia Broadcasting System, Inc.
New York
National Broadcasting Company, Inc.
Mutual Broadcasting System, Inc.
New York City
Gentlemen:

This letter is written in connection with and is part of the Fair Practice for Commercial Broadcasting signed between your companies and the American Federation of Radio Artists, dated February 2, 1939, and in order to clarify the same.

The following clarifications or additional terms, as the case may be, are a part of such contract, namely:

1. On page 1, line 3, the words "promulgated by them" herein contained.

2. The mere fact that your facilities are used for the broadcast of a radio program does not make such program one produced under your auspices, nor does it bring such programs under the Code.

3. The words "several stations," as used throughout the agreement are clarified and controlled by paragraph 18, and no additional obligations are imposed by the addition of the words "several stations."

4. The American Federation of Radio Artists represents that it will not during the term of this agreement represent for collective bargaining purposes, a majority of the actors, singers and announcers, as required by the National Labor Relations Act. The agreement is not used for this agreement is without prejudice to either party.

5. Throughout the Code a variety of terms are used, such as "actors," "singers," "performers," etc. Nevertheless, the Code is intended to cover and does cover only actors, singers and announcers.

6. The arbitration hereunder, each side bears half the expense.

7. AFRA agrees that it has no present rule and will make no such rule in derogation of the Code, and paragraph 3 is so limited.

8. AFRA hereby consents to any arbitration requested by the producer under paragraph 6.

9. Paragraph 7 is not intended to prevent the performer from contracting for services of a kind not covered by the Code, but it is intended to prevent the performer from accepting such conditions as the producer and the performer shall agree, subject only to the fact that it shall not be in conflict with this Code.

10. Paragraph 9 does not apply to a case where the performer is in the line of material furnished by the performer or acts done by the performer without the authorization of the producer.

11. Paragraph 12 is a statement by the producer that he has notice of the facts stated in paragraph 12, and goes no further.

12. With respect to paragraph 17, AFRA agrees with the producer that it is an independent contractor has signed this Code and the producer has complied with paragraph 17.

13. AFRA will not exercise its right to strike against the independent contractor so as to create program emergencies for the producer.

14. For any more favorable terms or conditions given to competitors producing network shows at the five points of origination mentioned in paragraph 16 will be given by AFRA to the producer to the extent given such competitor, but does not apply to waivers given by AFRA in special instances, if such waivers be given in good faith and without intent either to evade the Code or to give an unfair competitive advantage.

15. So long as the producer performs this Code, AFRA will not strike against the producer or the performers covered by this Code in the field covered by this Code. To the extent AFRA has agreed not to strike, it will order its members to perform.

16. Paragraph 17 applies to producers who sign this Code. AFRA agrees to give a waiver for persons employed in the field of origination during the term of this agreement because of reputations acquired in fields other than the amusement field.

17. At least sixty days prior to the end of the term of this Code, AFRA and the producer agree to negotiate in good faith.

18. National Broadcasting Company, Inc., and Columbia Broadcasting System, Inc., by signing the Code, are signing such Code, and the same shall apply to them respectively, and not for any other person, firm or corporation.

19. With respect to the last sentence of paragraph 16, the Code is intended to cover the performers who are included in the terms "major stations in New York and Chicago," namely:

New York Stations WABC, WJZ, WJZ, WJZ and WOR.
Chicago Stations WBBM, WMAQ, WGN, WGN and WLS.

With respect to AFRA's agreement not to impose unreasonable terms or dues upon the producer, it is intended that wherever necessary for the producer's program purposes, the producer may require members within 24 hours after notice from the producer.

20. With respect to the following respective provisions on good faith, namely, reading as follows, to wit: "Rehearsal for programs in excess of 15 minutes may be held in two sessions" and "Orchestra rehearsal may not be divided into two sessions," the producer agrees that the producer does hereby waive such provisions for "sessions," AFRA agrees that it will not exercise its right to strike against the performer, but this does not alter the fact that whenever an actor or singer is called for rehearsal, he gets out

minimum of one hour's rehearsal pay, except as in the Code otherwise provides for the waiver clause and shall be so treated.

21. With respect to the section on "Records" at the top of page 3, add a sentence at the end of the second subparagraph (b) to read: "Records shall be filed in accordance with the limitations of the first subparagraph of this paragraph (a) do not apply."

22. Further in respect to the second subparagraph of paragraph (a) on page 3, one or more sponsors other than the original sponsor or his affiliated company, may be used in any off-the-line recording made, but any such sponsor, rebroadcast fees as herein provided shall be paid to the performers for each such additional sponsor so used.

23. Further in respect to "Records" at the top of page 3, the blank in subparagraph (b) is filled in with the word "two."

24. Further in respect to the same general section, in subparagraph (c) the word "date" shall be "rate".

25. With respect to the last line before the asterisks on page 3, after the phrase "dress rehearsal," insert the words "and the dress rehearsal."

26. All rates in the Code are per person and not per group.

27. In the second sentence of the second paragraph on page 4, after the word "Individual," insert the words "and group."

28. In the seventh paragraph on page 4, second line, after the words "discharged," insert the words "without justifiable cause."

29. In the same connection, on page 5, paragraph 5, line 4, after the words "and AFRA consents to such dismissal without payment."

30. With respect to paragraph 1, strike out the last two sentences. Change the last sentence of paragraph 22 to read as follows: "In the event of a collection of any fine due to such disciplinary action, AFRA will reimburse the producer who has suffered loss due to lateness or other breach to the extent of such fine."

31. When a record is made prior to the live broadcast, the producer shall be paid a minimum of \$50.00 for five programs a week and \$25.00 for re-broadcast; and 15 minute rehearsal; dress rehearsal included.

32. Paragraph 19 applies to both actors and announcers, but not to singers.

33. Paragraph 22 also applies to singers, and during the term of this Code, prior to rehearsal, they will rehearse 15 minutes prior to rehearsal. They will rehearse 15 minutes prior to rehearsal.

34. Paragraph 22 also applies to singers, and during the term of this Code, prior to rehearsal, they will rehearse 15 minutes prior to rehearsal.

35. When a record is made prior to the live broadcast, the producer shall be paid a minimum of \$50.00 for five programs a week and \$25.00 for re-broadcast; and 15 minute rehearsal; dress rehearsal included.

36. For the purposes of the Code, an actor is a person who performs in the Code and who performs a role, or who enacts a character or performs a role, persons like Eddie Cantor who play themselves are actors; a singer is a person who performs in the Code and who performs a role, persons like musical compositions; announcer is defined as the term is generally understood in the industry, but the commercial rates specified in the Code and the same shall apply to performers by announcers on the staff of a broadcast company of station identification, music-erect, cut-in and local spots except as specifically provided for in the Code, time signal and similar announcements, switching and giving switching cues, certifying master copies of continuities and performing other routine duties for the broadcast company, and not part of the services rendered by announcers for sponsors or advertising agencies on commercial programs or other.

37. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

38. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

39. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

40. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

41. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

42. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

43. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

44. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

45. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

46. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

47. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

48. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

49. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

50. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

51. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

52. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

53. Paragraph 18 is modified so that the rates in the Code do not apply to programs originating in Hollywood, Los Angeles or San Francisco, unless the same are available to stations in other than the eleven Western states. Originations from Chicago are also subject to the Code scales on good faith and without intent either to evade the Code or to give an unfair competitive advantage.

'Wives Night Out' to CBS
After Clicker on Chi

Chicago, Feb. 7.

Having found a click in picking up interviews of celebrities on Columbia-BBMM is preparing to shoot the gaudy scenes over the web to see if the rest of the country will take to the chattering class.

Will be known as "Wives Night Out" and ride each Thursday for 30 minutes.

CURT PETERSON ON TRIP
Columbia, S. C., Feb. 7.

Sound dim, "News in the Air," was used to tell 600 Esso dealers convening in Columbia how the retainer's news bulletins are prepared and

also promoters were also given to know how they can promote the program to their local sales advantage.

On hand for the showing was Curt Peterson, of the Marshalls 20 Pratt agency.

BOB HAWK'S NOVELTY
In Radio 12 Years—First Transcon-
tential Book-up

Appearance of Bob Hawk on the Rudy Vallee-Standard Brands show was put off last week until tomorrow night (Thursday).

Thompson, agency on the S. Walter, figured that his act, a novelty, would have been reaction, if the sound effects involved were more thorough.

ly got out and rehearsed.

Though he has been in radio for over 12 years as announcer and m.c., Bob Hawk's first transcontinental book-up has been in the new book "The People's Rally (Mutual)" for the past 15 weeks.

Mary Mason quarrel, with Fred Allen and "For Men Only" radio shows, plays the Yale from Feb. 24. Four open at the Glass Hat, Belmont-Fix Hotel, N. Y. tonight (8).

Boake Carter Suggested
For Nash Transcriptions

Nash and Klevinwiller go in for a campaign of transcribed minute

transcriptions submitted by the agency on the account, Geyer-Cornell & Newell, is approved.

Boake Carter has been suggested for the talking job.

AMERICAN FEDERATION OF RADIO ARTISTS
By _____
Executive Secretary

Agreed to and Accepted:
Columbia Broadcasting System, Inc.
By _____
General Manager, Columbia System, Inc.

15 Broadcasts, 76 Speakers Lined Up For WPRO's Over-the-Air Convention

Providence, Feb. 7. More than 8,000 copies of schedules to guide radio's first exclusively over-the-air convention on WPRO the week of Feb. 15, have been mailed to members of the Rhode Island Agricultural Conference. Details of the program which includes 15 broadcasts opening at 9 a.m. Monday (13) and closing Saturday (18) at 7:15 p.m., have been worked out by H. William Coster, program director of WPRO. Total of 76 speakers are included in the program.

Old Rudy Vallee-NBC Issue Adjudicated; Dismissal Stands

Rudy Vallee and the National Broadcasting Co. again came out on top Friday (3) when the Appellate Division of the N. Y. State Supreme Court denied an appeal of the Ruvall Orchestrated Corp. former operators of the restaurant Villa Vallee, refused to reverse a lower court ruling which dissolved the suit of the restaurant corporation against the two defendants. Ruvall had claimed that its officers were responsible for Vallee's initial success on Broadway and had tied him and his Connecticut associates up to a three year contract to appear at the restaurant. This was in 1929. Vallee quit the restaurant a year later and signed up with NBC and a sponsor. Ruvall claims the band which was induced by Vallee to leave the restaurant, Vallee, however, claimed the restaurant corp failed to carry out its end of the agreement and had sought \$177,000 from Vallee and \$395,000 damages from NBC, charging the restaurant had since folded.

STARS' AUTOGRAPHS TO HYPO DIME MARCH

Paul Whiteman, Eddie Cantor and Barbara Luddy, latter on First Nighter show from CBS's Chicago outlet, are formulating a plan to obtain additional discs for President Roosevelt's Infantine Paralysis fund. Fund did not reach the expected proportions last month and the trio hope to hype it via the sale of autographed photographs which ordinarily are given reassigned gratis. They also expect to sell the idea to other stars. Whiteman is heading the move in the East, Miss Luddy in Chicago and Cantor in the Coast. Thing will be given wording on respective air shows.

Menser Swells the List

Chicago, Feb. 7. C. L. Menser, program department chieftain of NBC here, has completed a home for the first time. He signed "So You Want to Go Into Radio?" Probably the longest dissertation on radio technique, running to more than 300 pages.

Jack Berch's Discs

Jack Berch and instrumental trio of the CBS-TV Southwest network set for 33 transcriptions. Spotting 7m on 45 CBS outlets in behalf of the technique.

Stars cutting tomorrow (Thursday).

Lohr's Cincinnati Talk Cincinnati, Feb. 7. Lenox R. Lohr, NBC president, addressed a luncheon at the Chamber of Commerce for today (7) in the Sinton hotel on "Problems Facing a Radio Station." He was introduced by Jim Shouse, general manager of WLW and WSAI. Lohr was aired on WSAI for 30 minutes.

Sponsor Sidelight

Providence, Feb. 7. Sally's Fur Studio of this city has a radio program over WPRO on one occasion paid it directly \$33.00. Further has a weekly song guessing contest over that station. Contestants are eligible, must pay a quarter entrance fee for which they receive some perfume. Weekly prize of a Bulova watch is awarded. On one of its recent contests, audience response was so great that the turnover of perfume allowed enough of a profit to pay for the station time, talent, cost of perfume, promotional matter and other incidentals. The profit of \$33.00. Program is handled by Hammer agency of Hartford.

CBS' N. Y. SUSTAINER HAS \$2,500 BUDGET

'This is New York, CBS sustainer which Ed. Gardner produces and which is broadcast on the radio, has a \$2,500 budget for talent. Hour show employs about five or six guests, and utilizes no band interludes, so this guest must do a substantial show. It is said to have had commercial nibbles.

Weidenaur at WKRC

Cincinnati, Feb. 7. Clair Weidenaur, radio promotion director of the City Post for the past two years, is acting special director of WKRC, 12. Wayne, Ind., and WPMF, Memphis. Of late Weidenaur has been conducting a 15-minute program, four times weekly, on WKRC for the Allied Forces Association. He will continue that chore, supervise news and sports programs, and handle trade press publicity in addition to directing special events. This week the local CBS outlet added five members to its music staff, among them Chick Maule, vibraphonist; Jimmy Wilburn, clarinet and sax, formerly with Ted Lewis, and Ray Moore, bass. Labeled the Tune Toppers, they have been assigned to the women's hour program, conducted by Ruth Lyons and including the Savoy Sisters, vocal trio.

Ethel Winsor's New One

Chicago, Feb. 7. Ethel Winsor, who already is on the air with her "Know Your Authors" series, has signed a new contract with the radio for her new series, "The Little People of the World." She is already lined up 30-minute one weekly program based on Modern Romances, which a Chicago station for a midwest ether client this week.

LARRY CLINTON'S DROPOUT

Larry Clinton drops out of the Quaker Oats show on NBC Saturday night, a stretch of four weeks, starting March 4. Tommy Ricks is going to the Coast and Clinton's commitment won't permit him to go along.

Nate Perlechin to Fabst

Chicago, Feb. 7. Nate Perlechin has resigned from the Morris, Shenker & Roth agency, where he was associated with radio and publicity department. He joins the Pat Brewster firm in charge of publicity, exploitation and merchandising.

Ken Murray got another option this week of "The Star Line" there, airing from the Coast.

Wigglesworth Sings Mc-Ninch and Whole Failure to Lay Down Satisfactory Policies or to Stop Trafficking in Licenses

A SIZZLER

Washington, Feb. 7. Radio cops were bawled on the floor of Congress Monday (6) after the House Appropriation Committee chopped all FCC appropriations from the Independent Offices' supply bill in view of the President's plan to renovate the agency. With enough money to carry on through June, the Commish was denied a request for \$2,000,175 without explanation and then laid open with a blast from Rep. Richard B. Wigglesworth, Massachusetts Republican, listing sins of deed and omission. Deficiency fund will be forthcoming when Congress and the White House agree what should be done about restoring the regulatory agency. Wigglesworth also charged that the FCC's failure to heed his complaints, the elimination of private ownership of the radio frequencies, which the Bay-Statler said again have a monopoly on broadcast frequencies.

Rad Situation

'No one can read the provisions of the Federal Radio Act or the Federal Communications Act without realizing that Congress endeavored to obtain certain objectives,' Wigglesworth declared. 'Among those objectives were the elimination of monopoly or the evils of monopoly, the elimination of private ownership or the equivalent in radio frequencies, the elimination of undesirable radio trafficking in radio licenses. 'Not for years there has been mounting evidence indicating that none of these objectives has been attained. The evidence has indicated on its face the evidence of virtual monopoly in the hands of the Columbia, Mutual and National broadcast companies, with the latter more fully said to have been fostered by the government itself.

No Clear-Out Policy

Blasting the Commish for failure to lay down vital policies, a national plan, standards of service, license transfers, newspaper ownership and other matters, Wigglesworth squawked all over again about favoritism, political shoddiness, and three-man Commission, he has every reason to believe that the more he appears the more he will appear of an attempt to abolish the Commission as we have known it and to substitute a centralized administration, possibly

Sacramento-Fresno Fed an 8-Page Facsimile Newspaper by KFPK-KMG

Down to Boss' Speed

During the recent department store fur sales, the wife of the president of a station rep firm had a chance to make a good buy on a mink coat. Because the wife of the president of the same outfit didn't own a mink coat. The v.p. didn't want to stir up any inter-family bickering. Junior partner not so long ago had to give up the idea of buying a high-priced car because he realized that the head of the company drove a medium-priced one.

DOC ROCKWELL DICKERS WITH NBC

Doc Rockwell's Brain Trust may sign for a program starting himself on NBC. Would hit Tuesdays at 9:30. If the proposal goes through it will be the most expensive variety sustainer on the network.

FOLGER'S NEW SERIAL

Ann Seymour Produces, Savage Writes, Virginia Payne Acts

Kansas City, Feb. 7. Folger's Coffee is spotted on stations from Chicago to the Coast including KMGBC here a new transcription, "Tom Bradley and Ed Fisher." It's on a basis of five quarter-hours a week. Ann Seymour is producing the series from scripts by Courtney Savage, with Virginia Payne, of 'Ma Perkins' in the chief role. The serial replaces 'Judy and Jane'. Folger's script standby for eight consecutive years. Gardner, of St. Louis, is the agency on the account. Gardner is also arranging to boost Baldwin Furina's 'Radio Story' now clearing out of Chicago to the west coast over a CBS split network, to transcriptional status in March. Bid for a hookup has been submitted to CBS and NBC. The order to go to the one that can furnish the more acceptable half-hour period.

Cosby Leaves KWK

St. Louis, Feb. 7. Robert T. Conway, pres. of KWK confirmed this week the resignation of Clarence G. Cosby as general manager of the station. Relations came to a big surprise in the local radio circles as Cosby, associated with the station since 1930, is credited with having done much to build the station's reputation for last year, making an all time high in the station's history. Cosby is out of town and cannot be reached for a statement. Before joining KWK he was advertising manager for Baldwin Piano Co. Conway has not selected Cosby's successor.

Maytag Blurb Splash

Chicago, Feb. 7. Maytag washing machines will be plugged nationally through an extensive radio intensive ether announcement campaign. Being set agency here.

In the hope of avoiding investigation, Wigglesworth feared. 'It looks like a real attempt to make this quasi-judicial agency subservient to the executive branch of the government to line up every general proposal in the original reorganization bill which excited such condemnation from those directly concerned.'

Sacramento, Feb. 7. The Radio Bee, believed to be the world's first network facsimile newspaper, made its bow to readers in Sacramento and Fresno, Feb. 2. According to C. Hamilton, general manager of the McChubb Newspapers, and radio stations, 100 facsimile sets have been placed in various homes of Sacramento and Fresno.

Facsimile newspaper is prepared in Sacramento and fed over the California Radio System network line to the Fresno station. Consists of eight pages of United Press news, dispatches, pictures, comics, sports and other features.

Experiments have been going on in Sacramento and Fresno for the last two weeks to determine the various problems to be overcome. The first actual broadcast took place Jan. 21, when a special issue was transmitted from Sacramento to the California Newspaper Publishers' association convention at Fresno.

The broadcast, Feb. 2, marked the beginning of a regular daily paper, including Sunday, to be transmitted to a different group. This procedure will be continued for one year with the hope of the publishers.

Seven employees, including technicians and editors, have been added since the beginning of the trial run of the regular KFPBK and KMG staff and they expect their full time to the radio Bee.

Greene Agency Renamed; Donahue & Coe in Atlanta On Ed Churchill's Hunch

Atlanta, Feb. 7. Donahue & Coe, agency last week opened offices here with Harry L. Morrill, Jr. in charge. Morrill, formerly of the Chicago office of the agency, sold interest to Charles A. Rawson, who meanwhile set three new offices in Atlanta, Robert C. Frank Bell and George Smith. Crigington Perry was named secretary.

Edward J. Churchill, prez of Donahue & Coe, stated that, in his opinion, the South is on the threshold of the greatest industrial, agricultural and general business growth in its history. I am backing my own convictions with a substantial investment in organization and facilities. I am backing my own associates hope to become an integral part in the development and expansion of Southern industry. Another agency change in Atlanta has taken place when name of James Greer & Co. agency was changed here 17 years ago, was changed to Donahue & Coe, Inc. Firm was purchased last November by latter, who joined Greene & Co. in 1932.

ENNS HEADS IOWA WEB NATIONAL SALES DEPT.

H. T. (Ted) Enns has been named national sales manager of the Iowa Broadcasting Co. (KANT, WMT, WNAW and KSO), Co.-owned stations in Des Moines, Waterloo and Keokuk. Enns was with Cramer-Krasselt agency, Milwaukee, as radio account executive for the last 10 years. Relations. Will headquarter in Des Moines.

Downey in Papal Salute Morton Downey will sing in Latin the hymn, 'Panis Angelicus,' on the special radio service to be held in the Pope Feb. 12 from the Dominican Church of St. Vincent Ferrer, New York. Downey honors the 19th anniversary of the Pope's coronation. Giovanni Martinielli and Enzo Zuccato, Metropolitan Opera will also take part.

coupled with 'Music Maestro Please.' Story of the University of Minnesota's first rock band, the 'The Gravel Pit,' was featured on how co-eds avoid unwelcome goodnight kiss was followed by 'The Girl Friend.' The show also featured parodies, but sung straight and pleasantly by Miss Holley and the trio. Strength of show depends on the interest and humor in the news items available. Vic C.

Yorkton Broadcasting Co. from James Richardson & Sons. Steps up its power from 100w. to 1,000w. and goes from 1390 to 1430 kc.

Dawson Richardson, original owner of station before sale to Richardson years ago, is new president of company. Les Garside, sales manager for All-Canada Radio Facilities, new manager. Studios and office in Winnipeg.

Inside Stuff—Radio

Kidding the Statistics

Various survey organizations, checking local New York stations for program schedules, invariably tip off the stations in advance of surveys. It is not exceptional for stations to make radical changes to strengthen their program line-up any night a survey is expected. Turks and duds are yanked and stronger attractions inserted.

It's the radio equivalent to dressing the house to make it look good.

'PARTY LINE' SHOW CANCELS

General cancellation has gone out on Dr. Caldwell's Syrup of Pepsin's 'Monticello Party Line' series, effective Feb. 17. The account, which is controlled by Sterling Products, switched the week before last from Cramer-Krasselt to the Chicago division of Benton & Bowles.

'Monticello' series has rated as the country's top puller among spot features.

50 Stations Sold During 1938

\$205,000 for WNAX, Yankton, Highest Amount Involved—KFDM, Beaumont, Sold for \$115,000

Tibbett's Florida Trip; Jaffe to Breathe Deeply

Lawrence Tibbett leaves Sunday (12) for a few days' rest at Hobe Sound, Fla. He will appear on the Kellogg program Feb. 19 from the Coast, but Mrs. Tibbett will remain south for several weeks.

Henry Jaffe, AFRA and AGMA attorney, plans to go south with the Tibbetts, but will go on to Miami for a week's rest after recent slap-happy suit settling AFRA-agency situation.

Lothman-Ferris Merge

George D. Lothman and Earle Ferris have merged their praideries, former becoming v. p. of Ferris' partnership known as Radio Feature Service. Lothman will be a roving contact, traveling with the seasons into the sundry resorts. He starts by headquarters in Miami Beach for the rest of the summer.

Lothman's personnel merges with Radio Feature Service.

Washington, Feb. 7. Sums paid for broadcast stations declined materially in the past year—possibly because of agitation over trafficking in licenses and trend toward the bare-bones policy—although the FCC winked at numerous discrepancies between demonstrated worth and cash consideration.

Ownership of more than 50 transmitters was revealed to have changed hands between Dec. 18, 1937, and Dec. 31, 1938, but the top price was only \$200,000 and the consideration exceeded \$100,000 in only one instance. In past years the level has been much higher.

Most costly purchase was WNAX, Yankton, S. D., for which the Cowies interests (Des Moines Register-Tribune, Look, etc.) gave Chandler Gurney, now a U.S. Senator, and his family \$200,000—twice the estimated original outlay and nearly three-times the claimed value of the stock.

Next largest payment was \$115,000 handed over by Beaumont Broadcasting Co. for KFDM, Beaumont, Tex., which had an original cost of \$51,588.

Fact that Carol Lombard and Cary Grant won't be on Kellogg's Circle (NBC) the next two Sunday nights is apparently responsible, as J. Walter Thompson explains it, for the report in the trade that these two screen names would quit the programs altogether. Still another report has it that Ronald Colman is also anxious to bow out of the program.

Thompson's New York office doubted the Colman angle and pointed out that it was never intended to have all three of screen names as steady fare on the program. Also that now that the show was securely routinized these celebs will alternate appearances.

Grant was missing from last week's (5) installment.

Columbia Broadcasting Class B stock turnover was 5,200 shares in December, according to Securities & Exchange report published last week, with Samuel Paley disposing of 5,000 shares and CBS prexy, William S. Paley, dropping 200 shares. Both transactions listed as gifts.

Samuel Paley retained 12,000 shares Class A stock and 22,000 Class B tickets after a December 10 transaction. Bill Paley's holdings at the end of the year totaled 20,100 shares Class A and 340,556 shares of the junior stock, following disposal of the 200 shares Dec. 22.

Jack Hasty, radio writer with McCann-Erickson agency, has been assigned regular television script writing at NBC. Now on 'May Day'.

Met wants to have script supply on hand by April when World's Fair schedule will be inaugurated. Majority of scripts are to be adaptations taken from radio script already on hand at NBC and which have still not been aired over regular system. Originals will also figure in the lay-out being prepared.

WOR, Newark, took precautions against the inclusion of its building's elevator operators in a neighborhood strike of service employees last week by arranging for a set of rooms for the operators in the nearby Astor hotel. Station's Manhattan studios are located on the 24th and 25th floors at 1460 Broadway.

AFM BOARD OK'S CRA CLAIMS VS. WHITEMAN

Executive council of the American Federation of Musicians upheld claims for \$4,000 commission brought by Consolidated Radio Artists against Paul Whiteman. Claim was made by CRA for commission on band leader's Chesterfield radio commercial.

Whiteman held that the booking office was not responsible for his radio contract and that he had secured it himself. He also had entered a counter claim for return of \$3,000 commission already paid CRA on grounds that coin had not been due the agency. His stand was aided by attorneys are now awaiting official confirmation from union giving them permission to proceed with a civil action.

CRA took over his contract from NBC about two years ago when stations were ruled out as band bookers by the union. CRA is an offshoot of NBC and still connected with latter as its band booker. Whiteman contract was signed with NBC in 1937 for 20 years.

McCLATCHY'S STOCKTON AS A LINK TO MUTUAL?

Sacramento, Feb. 7. McClatchy group's KWG, Stockton, may become an affiliate of Mutual through a deal that is now being negotiated by the Don Lee Network. Latter wants to include KWG in its California link.

It would make the first realignment for a station in the McClatchy group since it broke with CBS in 1935 to go with NBC.

Sponsors Himself

Fort Wayne, Feb. 7. The 'Sponsor Talks', 15-minute lightly newscast over WWO, sponsored by Morris Plan Bank.

James J. Studer, advertising managing firm, does own, speaking on broadcast.

IN BALTIMORE ITS **WJED**

NATIONAL REPRESENTATIVES EDWARD PERLEY & CO.

ON THE NBC RED NETWORK

MORE QUESTIONS ABOUT WLW

Here's another opportunity to find out how much (or little) you know about WLW. Give yourself 10 points credit for everyone of the following questions you answer correctly. A score of 10 proves you've been paying fair attention to our ads, 70 is a mark

of a fairly well informed radio executive, 80 or better proves you know the story of WLW well enough that odds are your next big network campaign will originate at the Nation's Station.



1 "Peter Grant's Sunday Evening Newspaper of the Air," an NBC feature originating at WLW is sponsored by

The Grant Clubs Sunday Newspapers, Inc.
Procter and Gamble Biscuit Coffee

2 "Vocal Varieties" was one of the first programs to feature a

Cuban Rumba Orchestra Six Kazoo Players Singing Strings

3 Network programs can be originated at WLW independently because of

Production costs are WLW's studios are located near the antenna
Fewer WLW mikes are needed
Announcers write their own continuity

4 "Everybody's Farm," WLW's regular Saturday morning agriculture program recently received considerable publicity because Ed Mason, the M.C., announced

A sure cure for colic halting to a full hour
A new way of getting Beans had been secured at potato bugs carefully grown for the program
The program would peas and panned Beans be lengthened from a

5 The Nation's School of the Air, a WLW production heard on Mutual from coast to coast, is now celebrating its anniversary

Wood Platinum Leather

6 Among the many creations of WLW's outstanding Sound Department is a

the only one of its kind in the world;
Time Chime Fog lifting machine
Machine to produce Sound record of an the sound of a wound-angry Belgian Hare
ed call elephant

7 Before joining "Avalon Time," Red Skelton, the star comic, had experience in

Teaching African Playing in moving duck-billed women to pictures
Performing in circuses as the world's largest midget

8 "The Big Ben Day House" which originates at WLW concerns itself with

The scientific way of Interesting experiences building a new home that have taken place beneath Big Ben
The manner in which True Stories about a listeners managed to police dog named Big get into the Dog House Ben

9 During the month of January, units of WLW's Boone County Jamboree played in an approximate audience of

10,000 2,000
20,000 75,000

10 The title of WLW's weekly salute to South America is

La Cucaracha Los Amigos
Mis Pueros Chili Con Carne

Correct answers to these 10 questions can be found on page 34. We operate on the honor system and so you're not allowed to peek. However, if you want to boost your sales to new peaks, we give you our word that a network show originating at WLW is the right system.

WLW
THE NATION'S STATION
CINCINNATI

CBS WINDS UP, MUTUAL ON TECHNICAL CHARTS GIVE FCC DATA

Columbia Artists Bureau Earned \$82,671 on Stable of 110 Performers—Judson Monoply Denied—Duplication Fear Declared Unjustified

Washington, Feb. 7.

Economic arguments against restriction of network operations bolstered by engineering evidence that duplication fears are exaggerated, closed Columbia Broadcasting System's presentation at the FCC chain-monopoly inquiry last week. Commish probes turned spotlight on Mutual this week after spending twice as long as expected examining CBS.

Taking almost the same slant as NBC experts, William B. Lodge, frequency engineer for CBS, presented raft of statistics and charts demonstrating his reasons for concluding that elimination of existing duplication is not feasible and that degree of overlapping is so small that there is no necessity for stringent policies. Apprehension over possible waste of facilities is only a nightmare, he suggested.

If the Commish embarks on a crusade to eradicate what duplication exists at present, some populous areas will be deprived of service, according to Lodge. Overlapping described as by-product of essential

coverage—is inevitable under the allocation scheme followed by the Commish. Problem is of concern only in the northeastern segment of the nation, where the concentration of population requires numerous outlets that are bound to duplicate to some degree. With present economic and technical knowledge, there is no way to adopt a policy and distribution method which would eliminate overlapping.

Frank Stanton Offers Series of Exhibits

While some clear channels are necessary, evidence compiled by CBS as a result of numerous listening surveys indicates that distant coverage which the engineers talk about exists only theoretically. This was the gist of a chain of exhibits offered by Frank Stanton, web research director, who showed that the audience pattern does not coincide with the technical map. In the small towns and villages, the tendency is to tune the nearest station, with some qualifications, and actual coverage by occupants of exclusive ribbons is

definitely less than the theoretical accomplishment.

Instead of a public benefit, limitations on network size would be a distinct disadvantage to listeners, employees and station proprietors. Numerous undesirable results were identified by Stanton, including the reasons agencies and sponsors use webs.

Additionally, details about the operations of Columbia Artists, Inc., and the investment of WCAU Broadcasting Co. wound up the chain's case. Lawrence W. Lowman, chief of operations, revealed the talent agency, with a stable of 110 performers, pocketed \$32,871 after paying Federal taxes last year. Documented by Judge John J. Burns chief of the legal battery, showed the Philadelphiaans acquired 2,000 shares in small lots during 1937 and 1938 at average price of \$23.34.

Telling the technical story, Lodge asserted developments — directional antenna reduction, automatic volume control, etc.—since 1928 has approximated a 20% gain in signal strength but has been materially counteracted by noise from the home and in electrical glands in the home and in industry. Sometimes the result is a 10% loss in signal strength. When all factors are considered, the result is a 10% loss in signal strength. Power increase on the shared channel.

Web's Steady Growth In Signal Strength

While engineers have made progress, selective fading cannot be cured by use of automatic volume control, which has been helpful in improving service in other ways, the expert testified. Relocation of transmitters has been beneficial, because of more strategic placing, although sometimes the engineers have been wrong. The improvements still have not resulted in a net gain. Listeners now demand a higher type of service. Rural service has improved considerably, but there are many problems uncovered. Lodge felt the Commish engineering standards should be based on the average amount of present data — but also would like to see them revised to provide a higher degree of signal intensity.

Statistical evidence presented by Stanton bolstered the network case by emphasizing the advantages of chain operation to all groups concerned. Study of billing and revenue, for instance, shows income of affiliates went up 55% from 1935 to 1937 while the income of network themselves rose only 32%.

For Columbia, the net sales of 33 affiliates on the network throughout the 1933-1937 period jumped from \$2,977,295 to \$4,630,935, or 180%, his figures showed. In the same time zoomed from \$750,000 to \$3,500,000, or 366%, calculated, on basis of net sales to revenue from the chain, the latter item shot up 276% in five years.

Getting into the matter of listener habits and distribution, Stanton offered a multitude of charts and tables showing radio homes, population intensity, and station locations. The distribution of broadcast stations in cities carrying CBS programs closely parallels the distribution of receivers, he pointed out.

Network Superiority Argued from Data

General listener preference, for web stations was shown by several exhibits. Even in periods when non-web quarter-hour programs were more numerous, bulk of audience tuned to web features. "The average audience of a group of selected stations was shown to have expanded greatly after the transmitters joined networks, going up 63% in the daytime and 75% at night.

Clear channel audiences in rural areas decline in size as distance from the transmitter increases, Stanton testified. Until at a point between 450 and 750 miles out only 0.5% of the listeners dial the 50 kilowatt.

The surprising evidence of listener preferences showed that at 110 miles distant the average night audience of a c. is only 30 to 40% of the total who would receive were working when check occurred. At

FCC Wisecrack

Washington, Feb. 7.

With NBC and CBS having completed their sessions before the FCC monopoly investigation the net impression on the broadcast trade has been one of puzzlement at the erratic course with nothing happening. Had a dozen expected attacks did not materialize to the relief of nervous witnesses who came loaded with defensive ammunition they never had to use. Contrarywise there were several surges of important nature, against spokesmen for the phases of operation admittedly near-invincible.

One wit last week quipped: "The FCC is like a blind pig in a butcher shop—it can smell meat, but can't locate it."

650 to 750 miles there are practically no listeners, with a precipitous drop observed at 300 miles. Stanton told the Commish there is a constant and rapid decline from the outset.

Data on listener comments was furnished by Stanton. With a total volume amounting 3,533,133 pieces last year, only a microscopic portion was critical. The remaining overwhelming proportion naturally related to commercial programs, with 3,279 listeners writing about sustainers. About 25% of all mail was listener reaction to commercial features, with 9/10 favorable and only 13% unfriendly. Of the sustaining mail, 78% was favorable and only 1% adverse.

Denies Booking Division Represents a Monopoly

Admission that the Artist Bureau has an inside track on jobs for performers on sustaining programs was made by Lowman, who rounded out testimony given the prior week by Arthur Judson. Web's standard contract allows the bureau to require members of the stable to perform on sustainers as ordered, in return for fixed weekly salary. Web has option to terminate and takes no commission from this sort of business.

But Lowman refuted the idea the booking agency has a monopoly. In a sample month, considering New York organizations only, bureau and age performers were but a fraction of the talent needed for all types of programs. There were 32 sustaining programs employing 987 artists, but 46 were on the roster to attract to the bureau. Of the 2,506 persons appearing on 340 commercials, only 41—or 1.6%—were managed by the network subside.

The 1938 business was highly profitable. Out of total income of \$147,750, around 40% was gross. Columbia Management of California, a little brother, took however \$8,707. Income of the bureau from bookings outside CBS was commissions totaling \$45,000.

Jess Benton, columnist and cartoonist of Bridgeport Herald, joins Jimmie Fidler star in Hollywood later this month.

FCC PITCHING TO MUTUAL

Washington, Feb. 7.

Elementary picture of cooperative efforts opened Mutual presentation, slight twist to record radio and film. Leading witnesses were Andrew Poole, traffic manager, and Elbert M. Antin, executive secretary-treasurer.

Outlining development, Antin testified capitalization is 10 shares \$100 par equally split between WGN and Bamberger Broadcasting service. Presently Cross Radio Corp. has no financial interest, although for brief period the Cincinnati Enterprise had one-third of stock when 13 shares were outstanding.

Because operations are cooperative, Mutual has no program department, engineering staff, or artists bureau, Antin said. Stations classed as members, participating members (such as Don Lee and Colonial outlets) and affiliates. Web gets 35% of receipts with WGN and WGB underwriting losses. Each up to \$5,000 originally, being repaid over long period. Degree of chain emphasized by wire line outlets. At October 1, 1938, before Mutual was \$100,000 monthly; now \$42,000. Last year's cost was \$381,265.

THREE OUT IN CBS' PRESS DEPT. SWEEP

Axe flew last week in Columbia's press department. The three tagged were Bruce Foucher, Wally Wors and Carl Lloyd. Part of the general reorganization that Lou Ruppel, new chief p.a., has mapped out for the department.

Foucher was on the copy desk, Wally Wors specialized in engineering, television and American Record Co. handouts and Lloyd was on the sight trick. Week before last Ruppel went to work on the network's photograph division.

Oakland Ad Convention

Oakland, Feb. 7.

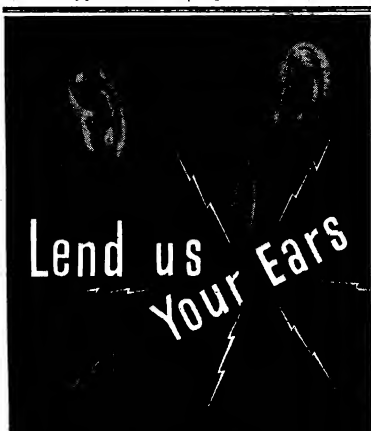
Preliminary plans are being formulated for the 96th annual convention of the advertising club in California, Oregon, Washington, British Columbia, Nevada, Utah and Idaho.

Expected to draw more than 1,000 representatives of advertising clubs in California, Oregon, Washington, British Columbia, Nevada, Utah and Idaho.

LaChoy Set for WOR

Chicago, Feb. 7.

Local sales office of WOR set for week closed deal for new program series by LaChoy products on the New York radio. Will be a three-a-week slot starting Feb. 13 on a year's schedule.



● The quickest way to measure why WSM has as large an audience as a listener to it is to tune in to 555 Wavelengths — not once but several times, and at different weekends of the day. Notice the variety of entertainment WSM offers, the breadth of its audience appeal. Notice how many WSM broadcasts sustaining and commercial, are built around five talent WSM talent. Pay particular attention to the selling copy. We check it carefully for good taste, selling ability and truthfulness.

Then, make a note of the services and products sold by WSM to the WSM audience. The variety will be a frequent testimony of size, responsiveness and purchasing ability.

But most of all, notice that each product or service offered is one that offers value returned to the customer. We do not accept contracts, nor any other agreement, unless it is a very powerful reason why our audience is happy and responsive, why you can count on it in any year's product of your service.



Patent Registration, United Pat. & O.

The Faith of Our Audience Comes First

3 GENTLEMEN FROM INDIANA



Three promotion men from Indiana ready to go to market for you... and how they can sell Experience shows that they, like our other Stations, produce

Results That Count!

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO
Radio Station Representatives

FOR THE RECORD

For the third successive year NBC scores outstanding victory in 3 great nationwide radio polls!

NBC is proud that its programs and personalities have proved so popular. And although space does not permit a complete listing of the awards voted in three great nationwide radio polls, for the record we list a few—and say a sincere “thanks” to all those whose votes have determined the winners! And for the record, too, our hearty congratulations to the artists, their sponsors, and to those who planned and produced their programs. They have enabled NBC to present on its networks “the greatest number of the most popular programs.”

NATIONAL BROADCASTING COMPANY

A Service of the Radio Corporation of America

NEW YORK WORLD-TELEGRAM

Radio editors of U. S. and Canada

Division Winners 8 out of 14—NBC!

Programs First 6—NBC!
11 out of First 15—NBC!

Comedians First 4—NBC!
8 out of First 12—NBC!

Male Vocalists (Popular Music) First 2—NBC!
9 out of 11—NBC!

Vocalists (Classical Music) First 3—NBC!
6 out of First 7—NBC!

FAME-MOTION PICTURE DAILY

400 leading radio editors, coast-to-coast

“Radio Champions of 1938” 4 out of 5—NBC!

Best Popular Male Vocalist . . . First 4—NBC!
4 out of First 5—NBC!

Best Classical Male Vocalist . . . First 3—NBC!
3 out of First 5—NBC!

Best Comedian First 3—NBC!
4 out of First 5—NBC!

Best Comedy Program 5 out of First 5—NBC!

Radio's Foremost Announcer
5 out of First 5—NBC!

RADIO DAILY

Editors and critics, coast-to-coast

Program popularity First 5 Programs—NBC!
8 out of First 10—NBC!

Personality popularity
First 5 Personalities—NBC!
7 out of First 10—NBC!

LESS WASHINGTON EN BUSI-AS FOR FCC REDUCTION FROM SEVEN TO THREE MEN

**McNinch Confers with Wheeler and White—Will
File Opinions in Writing—Radio Overhauling
Progresses Slowly**

Washington, Feb. 7. Disagreement about the most promising way to reorganize the FCC came to view last week, causing additional doubt whether Congress will overhaul the administrative machinery at this session. Introduction of a bill pruning the seven-man body now appears unlikely in the near future.

Chief development was a lengthy talk between Chairman Frank E. McNinch and Senators Burton K. Wheeler and Wallace E. White, Jr., which was followed by disclosure that the latter—ranking Republican member of the Interstate Commerce Committee and co-author of the 1927 Radio Act—is not convinced of the merits of the ideas advanced by the Administration. So far, McNinch has not held any further talk with Chairman Clarence F. Lee, the boss of the comparable House committee, who feels there is no need for haste and will be occupied with more pressing matters for several weeks.

No Tangible Proposal Reduced to Writing

The McNinch-Wheeler-White parley—described as a 'round table discussion' and a general exchange of opinions—was inconclusive except that the FCC head promised to reduce his thoughts to writing and get a proposed bill into shape as quickly as possible. Although he had been expected to hand Wheeler a tentative measure several days before, McNinch said Friday (3) after the confab that he still has not framed any legislation. Job should not take 'many days,' however, he added.

Wheeler and White said they were in accord on 'funda-

mentals,' all indications were that many wrinkles must be ironed out. Furthermore, White hinted strongly, he is not enthusiastic about substituting a three-man board for the present unit of seven co-equal regulators, although he conceded some changes are urgent. He declined to state whether he shares the Wheeler-McNinch view—adopted by President Roosevelt—that the machinery should be overhauled before Congress writes a new declaration of policy to guide the unit. By implication, he seemed inclined toward the point of view taken by Lea, who regards McNinch's plan as putting the cart before the horse.

Three-Man Team Not Favored by the Critics

Industry observers heard reports that the three-man idea has been scrapped because of adverse reaction and fear the opposition will be too strong. While Wheeler insisted he still thinks the board should not exceed this number, McNinch's attitude hinted that he is losing interest. When asked for a definite answer, the North Carolina reformer replied that the observation there have been 'lots of suggestions' ranging from three to seven men. General expectation is the argument will wind up in a compromise on five.

McNinch was not talkative after the session at the Capitol. After explaining there had been 'indefinite and hazy' discussion of broad policy questions, he said the time had been devoted chiefly to 'a lot of talk about this and that would function within the framework of the present law.'

Some details of the forthcoming legislation became visible after the

conference, when Wheeler reaffirmed his belief that 'a small Commission is more efficient—the smaller the better.' He hinted that:

1. There will be no single administrator but it is likely the smaller board will be more efficient. The smaller the better. He hinted that:

2. The board would be chiefly a policy-making agency. The suggestion—said to be favored by brain-trusters—of a single administrator such as was created to supervise the air transport industry, Wheeler outlined a set-up under which the Commission would have important key assistants to take over much of the work load. These individuals who might be placed in charge of different phases of the entire communications industry and different sorts of details could pass on applications, with the right of appeal to the board. But the responsibility for setting policies is carried out would rest on the three at the top.

Possibility that none of the present members will remain—if the McNinch plan are followed—was suggested by Wheeler. His objective is to get rid of four of the present seven and placed great emphasis on the need for new executives. In reply to objections that three could not handle all the cases, the Senator said that 'three high-grade men' would have no difficulty in discharging the obligations.

Deny Reduction Desire To Shed Four Members

'Whether it will work out personally to a large extent on persons,' Wheeler said, 'We need competent men for such a job. No commission reduction if it is loaded down with political hacks.'

There was some talk of regulatory power Wheeler and White confined largely to the matters that require study. No attempt to agree was made on the Commission's reduction. During the present week, Wheeler and White expect to decide whether the best way to get answers is to introduce proposed amendments to the law and then hold hearings or to make another attempt to get authority for a comprehensive fact-finding investigation such as the latter suggested last year.

The present law is insufficient to guide the regulators because legislation has 'developed so fast' in Wheeler's estimation. Congress did not know enough about the business when the law was enacted originally 12 years ago and revised in minor details in 1934, while subsequent events have brought into view 'many difficulties.'

Although he agrees that a new set of regulatory principles is needed, Wheeler opposed delaying the reorganization. He said, 'I don't think there is any doubt' that the machinery should be replaced as soon as possible. With the present seven-man setup, there is so much discussion that it is hopeless to expect satisfactory regulation. Congress must 'when you have a lot of these commissions, you have a lot of fighting.'

Suggestions that the reorganization bill may be pushed through without public discussion were thrown down. With White indicating he intends to make the hearings, Wheeler said he thinks it will be necessary to get outside advice and aid on reaction to the plan. Conceding that it is inevitable, principally from persons who fear they will lose their jobs, but intimated other means may be permitted to offer their views.

Undecided about what approach to adopt, Senator White said he has made a start on remedial legislation but did not disclose its scope. General understanding is that it goes much farther than the proposal McNinch is to put in writing.

BUFFALO JO OPEN

Buffalo, Feb. 7. WGR-WKBW getting plenty of applicants for the sports announcing job to be vacated this spring by Roger Baker when he moves to WSAI, Cincinnati. First picking most locals had of the switch was Vancina's last week under a Cincinnati date line.

The Lounsbury, executive v.p. of the stations, was out of town.

Had Swell Time

Washington, Feb. 7. Attitude of Communist examining division toward playboy applicants expressed recently by Examiner John P. Bramhall. After ogling financial statement of 22-year-old J. Samuel Brody, Sumter, S. C., Bramhall proudly commented that the youth had passed the test.

Brody's net worth was \$33,600—\$12,500 of which was described in the report as 'a residence which applicant claims to have given him in 1933 for the purpose of obtaining an education.'

When asked what became of the \$75,000, Bramhall said that the witness stated, 'It has gone with the wind.'

Brody's chances of obtaining a station to be operated on 1310 kc. with 100 watts nights, 250 watts day, will be determined with the wind if the Communist follows recommendation of the examiner.

HUSKIES' SPOTTING IN NELSON TOWNS

General Foods is contemplating a spot campaign of major proportions in the Huskies through Benton & Bowles. Query put out by the agency last week was for five-minute spots six days a week.

Plan calls for starting off the campaign in the 10 towns that compose the list of the A. C. Nielson test markets. Nielson outfit specializes in retail sales checking for major drug and food manufacturers and the towns that this service considers to be best assortment of income strata are Minneapolis, H. Erie, Pa.; Union, N. Y.; South Bend, Ind.; Harrisburg, Pa.; Peoria, Ill.; Charlotte, N. C.; Shreveport, La.; Sacramento and Spokane.

Steuben Society Officer Conducts Beer Session

Milwaukee, Feb. 7. New program to press over WISN is 'High Life Hour,' quarter-hour of all-German music reminiscent of the old Milwaukee gemutlichkeit (cheerfulness). Bernard Hofmann, prez of the Wisconsin Steuben Society, will conduct the program each Sunday, beginning the 12th.

Sponsor is Miller Brewing Co.

Brockshire Bankrupt

Norman Brockshire, rated among the country's top announcers a few years ago, has turned to the Brooklyn Federal court for relief from his creditors. The schedule attached to his petition of bankruptcy gave the liabilities as \$4,195, with practically all of this due tradesmen. There were no assets.

Of late Brockshire has been working on WOR, Newark, commercial.

Thorn Fisher on WKCY

Cincinnati, Feb. 7. Thornton Fisher, sports commentator and cartoonist, is a newcomer to WKCY. Does a nightly sports sports special will be sponsored by the Peter Ibold Co., local cigar manufacturer. Starting Feb. 14.

Craig Follows Graham

San Francisco, Feb. 7. Ken Craig has been added to the announcing and production staff at KFSO here. Formerly with KNXK, Hollywood, he succeeded Vance Graham, who resigned because of ill health.

Graham has returned to his home in Colorado Springs.

WRC Also Moves a Lot of Merchandise in Washington

NBC FRISCO STATIONS' NEW SLOGANS

San Francisco, Feb. 7. Newly adopted slogans for the two local NBC outlets are 'The Voice of the Golden Empire' for KPO and 'Your Exposition Station' for KGQ. It is planned to stress the slogans in sales promotion material and slogans, as well as on the air. Station-board announcements using the slogans are scheduled every two hours.

One of the KPO slogan is being held pending settlement of a controversy which arose when station KHSB, a 250-watt owned by the Golden Empire Broadcasting Association in Chico, Cal., protested, KHSB execs claim the Chico transmitter had been employing a similar slogan for some time. 'Golden Empire' is a recently adopted designation for the Northern California and is being plucked by Californians, Inc., the San Francisco Chamber of Commerce, the Sales Managers Association and other civic agencies in a campaign to 'sell the northern part of the state, in which KPO is the most powerful station, a 90,000-watt.

NATIONAL BISCUIT CHARY OF BANDS

Idea of the National Biscuit Co. returning to NBC with an extended dance program Saturday nights has gone completely cold. Music Corp. of America had suggested resurrection of this program, marinated in McCann-Erickson, agency on the account, with Benny Goodman proposed as the permanent accompanist on the series. The other hands would change from week to week. National Biscuit Co. multiple band show which ran three hours on NBC four years ago.

Bud Moriarty With Elliott

Oakland, Feb. 7. Bud Moriarty is new publicity director and account executive for the San Francisco office of Harry Elliott Advertising, Inc.

Moriarty has been in Hollywood where he has been managing editor of a trade mag.



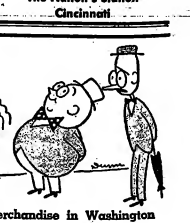
MORE ANSWERS ABOUT WLW

Here are the answers to the questions on page 31.

1. Social Coffee.
2. A Vocal Orchestra.
3. Production costs are lower.
4. The program would be lengthened from a half to a full hour.
5. Tin.
6. Time Changes.
7. Playing in moving pictures.
8. The answer to which has been managed to get into the Dog House.
9. 25,000.
10. Los Angeles.

WLW

The Nation's Station Cincinnati



CONSISTENT...

Overnight sensations are beautiful things to watch, but sometimes heartbreakingly, as very often they fall with the same speed that boosted them so high.

We are most proud of our record over the past six years: SIX YEARS of bond-leading and SIX YEARS of placing among the top ten band conductors in EVERY NATIONAL POLL (newspaper, trade and public) HELD DURING THAT TIME.

Paraphrasing a cigarette claim, only two other band leaders (at the most) can make that statement.

RICHARD HIMBER ESSEX HOUSE, NEW YORK

Starting March 1, NBC, for Reid's Ice Cream, with George Jessel

Management MCA

Alton Cook's
Scripps-Howard Poll
Dinty Doyle's
Hearst Radio Editors Poll
Radio Daily
Radio Guide

McNinch Favors Wattage Tax?

Present Chairman Apparently Sympathetic to Radio
Paying Special Assessments for FCC Upkeep

Washington, Feb. 7.

Thought of forcing broadcasters to pay for the privilege of doing business came to life again this week with disclosure FCC Chairman Frank R. McNinch is pondering a recommendation that Congress levy some sort of tax on license-holders. Idea bobs up about this time every year.

Surprise for industry observers resulted from publication of McNinch's testimony to the House Appropriations Committee two weeks ago. Transcript revealed the industry reformer told the legislators the Commission may suggest a levy under which users of the spectrum would partially finance the registration there. Same answer was given two years ago by late Anning S. Pratt, then McNinch chairman.

While he said the duty of finding new revenue sources belongs to the Treasury, McNinch stated that formal talks have been held concerning the basis upon which broadcasters may be charged for the privilege of existing. No conclusion or suggestion at this time, however.

Former Moves

The tax idea has been thrown out for several years but the only specific move to lay a levy was made by the late John J. Egan, New York Congressman, with the aid of Commissioner George Henry Payne. His plan providing a graduated fee according to wattage, never received serious attention from Congress, although it was back-pedaled by the Internal Revenue Bureau.

How far McNinch has gone in developing a tax formula was not known. Other members of the FCC said they have heard no talk during recent months about making any recommendations to Congress and were entirely in the dark about the meaning behind his statement.

Shortage of Info

In justification of the request for more money, McNinch stressed the lack of data possessed by the regulatory authority—despite the flood of questionnaires and series of investigations during the past year—and outlined the way in which the Commission would utilize the services of four lawyers which it wants to add to the present staff. He confessed the shortage of information has caused "severe criticism" from the courts and other quarters.

Although stations and networks have been plagued for statistics and other data more in the past year than any time since the government was checking the industry, McNinch was revealed to have explained there is "little first hand information with regard to program service, financial conditions, or actual as distinguished from nominal control and as to the general activities of broadcasting stations other than from an engineering standpoint." He commented that "innumerable cases" are decided on the basis of depositions and ex-parte affidavits submitted by applicants.

A new legal unit would be created if Congress gives money for four additional attorneys, McNinch explained. Would allow the Commission to have a representative in attendance at deposition sessions, assist U. S. district attorneys in prosecutions and inspectors in enforcement of the law, watch local litigation, develop facts for presentation at hearings, permit "comprehensive investigations" of complaints and "periodic examinations of the books, records and contracts" as well as more thorough review of balance sheets and financial statements which must be filed with applications for construction permits and renewal tickets.

WOULD EMPOWER TOWNS TO REGULATE STATIC

Lincoln, Feb. 7.

Radio is looking over Senator Gault's bill which seeks to empower cities in Nebraska to pass their own ordinances regulating radio interference. Measure in the hopper the last day of the regular introductory period.

Many small towns have their reception ruined by am radio tuners and other bothers.

McNinch 'Explains'

Washington, Feb. 7.

Members of Congress wondering how the FCC reconciles its denial of permission for CBS to lease KFSO, San Francisco, with prior approval of similar transactions, are still trying to follow this explanation given by the House Appropriations Committee two weeks ago by Chairman Frank R. McNinch:

"If I recall that case, and I believe I do, that is the only case that presented the situation presented in that case. That was unique in that it was not, as I understand it, or as I recall it, denied because the term of the lease ran beyond the six months period, but because the licensee agreed to provide in the effect that the new licensee, or the then licensee agreed to aid the licensee and the licensee to obtain any renewals of licenses from time to time, and particularly at the end of the lease period, whatever that may have been, that the then licensee and licensee agreed actively to aid the former licensee to procure a license before the Commission. We regarded that as something unwarranted entirely by the statute, and would not approve it because of that condition, in my recollection."

NORMAN CASE OPPOSITION COLLAPSES

Washington, Feb. 7.

Nomination of Norman S. Case for a full seven-year FCC term, hanging ever since Congress opened a month ago, was confirmed in the Senate Monday (6) despite undercover opposition from Senator Theodore Francis Green, successor in Rhode Island governorship, and the scheme to oust four present Commission members.

After a recess appointment, Case's name was sent to the Senate two weeks ago and favored by the Interstate Commerce Committee without the anticipated hearings. Support of Case in presenting the report was attributed to wire-pulling by Rhode Island interests angered by FCC failure to grant a recent application. Even though Case did not take part in the debate which led to the unfavorable decision, nomination rubber-stamped without debate.

KOMA LOOKING INTO

'THIS WKY BUSINESS'

Oklahoma City, Feb. 7.

Entirely overshadowed by WKY locally in the past KOMA is stepping out under the management of Raymond Ramsey. Will build local shows, go in for promotional stunts and live broadcasts.

Setting up new department of publicity and station promotion was Ramsey's first move after taking over the management. He named Bill Salathe, former promotion manager for Swift Airlines, to head the department.

Following this, Ramsey then signed a contract with the city of Okla. for a weekly series of KOMA dances in the ballroom of the civic auditorium, using the station band and talent in establishing a Saturday night club.

Local civic organizations and educational societies were next given KOMA's full co-operation in furthering their purposes. Plans are under way to promote interest in KOMA throughout the local school system. First move in this direction was contest among highschools for the job of part-time speaker.

Charles Weintraub switched from Mills Artists to Joe Rivkin agency on the Coast to set up radio department.

Showmanship is a WLW birthright. Located in the musical center of America, in an environment rich in the tradition of the theatre, and administered with a sympathy for the likes and dislikes of those it serves, WLW has become world famous for the excellence of its programs and its ability to unerringly satisfy the entertainment tastes of its listeners. It has discovered many of the present radio stars. A surprisingly large number of the "new" program ideas just reaching New York and Hollywood already have a program history at WLW.

It is only logical that with the benefit of immediate reaction by millions of radio listeners WLW should become the greatest program laboratory in broadcasting. It has for years been a source of thoroughly tested foolproof shows, minus only the hazard of costly experimentation. WLW already holds an enviable position as an originator of network programs by national advertisers.

To further enhance the value of its services to both listeners and advertisers, WLW in cooperation with TRANSAMERICAN offers two new services.

Material from one of the world's greatest story libraries is available for WLW production. This library of over 5,000 stories is unquestionably the greatest source of new radio material available.

ONE WAY PASSAGE

MOBY DICK

ABRAHAM LINCOLN

PASTEUR

CHARGE OF THE LIGHT

CHINA CLIPPER

BRIGADE

BEETHOVEN

NAPOLEON

Many hundreds of equally important stories will supplement the original material for which WLW is famous.

To make these vast program resources accessible to advertisers, facilities are now available to advertising agencies anywhere in the United States that will permit the auditioning and unhurried study under conditions best suited for the purpose.

WLW productions are sensibly priced and unexcelled in quality. There are several programs of unusual merit that have successfully passed the WLW audience test.

Full particulars regarding them can be obtained from the TRANSAMERICAN office nearest you.

TRANSAMERICAN BROADCASTING & TELEVISION CORPORATION

NEW YORK

CHICAGO

HOLLYWOOD

KMOX ADDS TRIMMINGS TO KITCHEN GALLOP

St. Louis, Feb. 7.

KMOX has made complete re-organization of station's "Magic Kitchen" co-sponsored program directed by new setup Katherine Snodgrass, the "Jane Porter" of the kitchen for the past five years becomes director of home economics and Margaret King, formerly with WBBW, St. Louis, has been penciled in to be actual music maker. Mary Manizer, another new comer to KMOX staff, will make daily trend to make the actual music making of recordings of female customers for airing following day. Maurice Cliffer has been regularly assigned to the Kitchen as gaffer, the staff orch contributes musical interludes with the Shumate brothers during a "Singing Chef" chore. Soliea porter, contributes banter with Bernice, the Kitchen's maid.

Schudt a 10-Year Man

Cincinnati, Feb. 7.

Groundhog day marked the 10th anniversary for Bill Schudt, WKRC manager, with CBS Saw his childhood at his desk. Schudt was on the World-Telegram in N. Y. C. before joining the network as publicity director of WABC. In 1931 and 1932 he devoted attention to television. From 1933 until April of last year when he came here, Schudt managed WBT in Charlotte, N. C.

Charleston Staff Changes

Charleston, S. C., Feb. 7.

WCSC, Charleston, has reshuffled its program and management staff. Charles McMahon, formerly with WNOX, Knoxville, is the new program director. Revamped staff of announcers consisted of Phil Sturtevant, formerly of WEAB and WLAF, Louisville; Bob Leigh, who came from WCRB, New Albany, Ind., and John Watkins, previously also, with WABC.

C. B. Thompson Upgraded at WEBR

Buffalo, Feb. 7.

C. B. Thompson is now director at WEBR, succeeding Hervey C. Carlin. Thompson came here from Columbus about three months ago to take a program production assignment.



PAUL WHITEMAN

and his
All-American Band
Broadcasting Tontie
for CHESTERFIELD
OVER CBS, 8:30 P. M.

From
The Southland's Famed
GASPARILLA BALL
AT TAMPA, FLORIDA

Booked Exclusively by
Artists Management, Inc.
17 East 45th Street
New YORK, N. Y.
Telephone ME 5-1465

Don't Miss
"HOT LIPS HOUSE"

by
Adelaide Marston

Dedicated to women of America.
The story of a woman who must
choose between love and the career
of raising other women's children.

WABC-CBS-10:30-10:45 A.M. E.S.T.
WOR-4:30-6:45 P.M. E.S.T.
Monday Through Friday

Direction BENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York

F. C. C.'s WASHINGTON DOCKET

Washington, Feb. 7.

(Test-case on new Commission procedure out this week with a proposed ruling on the conditions of law in a Florida application (see below). Commish P.E.F. takes the place of the old-time examiner's report and is part of the new streamline policy initiated by Chairman McNinch. Some question as to whether it will simplify or increase the volume of radio applications with the feeling that it is more expensive and cumbersome than the old method.

(Under the new regs, applicants must have their counsel file proposed findings, etc., with the Commission, which in turn files its own version in the same style. Twenty days are allowed following the last step, in which dissatisfied parties can present squawks, after which an F.C.C. decision is rendered.)

PROPOSED FINDINGS

Florida: Hundred-watt for Costa received the distinction of being the first applicant considered by the Commission under the new system. Fies of John T. Alois, Jr., for a station to operate on 1550 kc was recommended by the Commission to the favorable finding of the Commission. Hearing was held in the Florida case last October, before the Commission. Present parties included the applicant and intervenor (Martin Anderson, Orlando) submitted joint proposed findings. Costa, Feb. 15.

Alois, former mayor of Jacksonville and for 15 years public relations expert for the Patent Office, is a well known Florida business background with which to undertake the proposed station and his services.

No primary service resulted in Costa at present and operation of the proposed station would not interfere with other transmitters. Considerable advertising support indicated. Principal found for Costa.

Clairence C. Bell and James W. Gum appeared for Alois with Elmer W. Pratt representing intervenor.

MAJOR DECISIONS

California: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in San Francisco area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in San Francisco area is well served by other stations. The station was located in San Francisco area is well served by other stations.

Illinois: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Chicago area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Chicago area is well served by other stations.

Michigan: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Detroit area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Detroit area is well served by other stations.

Minnesota: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Minneapolis area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Minneapolis area is well served by other stations.

Nebraska: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Omaha area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Omaha area is well served by other stations.

New York: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in New York City area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in New York City area is well served by other stations.

Ohio: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Cleveland area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Cleveland area is well served by other stations.

Oklahoma: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Oklahoma City area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Oklahoma City area is well served by other stations.

Oregon: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Portland area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Portland area is well served by other stations.

Pennsylvania: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Philadelphia area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Philadelphia area is well served by other stations.

Rhode Island: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Providence area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Providence area is well served by other stations.

South Carolina: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Charleston area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Charleston area is well served by other stations.

Tennessee: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Nashville area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Nashville area is well served by other stations.

Texas: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Houston area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Houston area is well served by other stations.

Utah: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Salt Lake City area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Salt Lake City area is well served by other stations.

Vermont: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Montpelier area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Montpelier area is well served by other stations.

Virginia: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Richmond area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Richmond area is well served by other stations.

Washington: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Seattle area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Seattle area is well served by other stations.

West Virginia: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Charleston area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Charleston area is well served by other stations.

Wisconsin: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Milwaukee area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Milwaukee area is well served by other stations.

Wyoming: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Cheyenne area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Cheyenne area is well served by other stations.

Zimbabwe: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Harare area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Harare area is well served by other stations.

SYPHILIS PROGRAM ADVERTISED IN PRESS

Philadelphia, Feb. 7.

Radio program dealing with syphilis is being aired next Tuesday and Wednesday (15). The program is being broadcast by the Federal Theatre Project's syphilis program, "The Syphilis Project," to open at the Walnut St. Theatre. The program is being advertised in dailies under box ad reading: "For Adults Only."

FCC Forgiveness for All-Save WBAX, Wilkes-Barre

Washington, Feb. 7.

Scheduled spankings for five transmitters abandoned last week when the Commission decided that program transgressions either had been corrected or were less serious than had been reported.

Two California transmitters and one each from New Jersey, Michigan and Minnesota were excused out of the doghouse by promise of renewal of their licenses. Pennsylvania station—WBAX—was tossed to the wolves.

Alleged lottery broadcasts accounted for the crosses of WBRC, Detroit, and WMIN, St. Paul, which were reinstated after proving that they no longer carried the banned programs.

KFOJ, Long Beach, welcomed back into the fold after showing that it had thrown out objectionable broadcasts advertising quick medical remedies and fortune telling. Second California transmitter, KYA, San Francisco, was pardoned after it had been shown that all announcements are now being made regarding sponsorship of certain programs, while WBFL, Newark, was found not to be operating against the public interest.

After an investigation showed that it had carried a program which had been formally objected to, John H. Stenger, whose station at Wilkes-Barre, Pa., has been in hot water over a period of years, was finally disposed of when the Commission refused to grant station renewal consideration and okay on his applications for renewal of license and for voluntary assignment of license.

Memo McClellan, John KFBRO, Longview, Tex., Feb. 7.

Monroe McClellan, owner, formerly with WFAA, WOA1 and TW, has been added to grant station renewal and assigned a five per week morning 15-minute broadcast.

He is a cousin of Gene Austin.

NBC Thurs.

8:30

JOSEPH RINES

HARRY RICHMAN'S

WILLIAM MORRIS AGENCY

ATTENTION, AGENCY AND RECORDING EXECUTIVES!

Turn in

AS SHAYNE

Radio's Ambassador of Song

Every Mon., Tues, Wed. 7 P.M. EST, WHN

"Orchids to Al Shayne's M.C'ing and grand warbling. It is tip tops!"

Met. WEN ARREST DEBUTANT

WBAL means business in Baltimore

Radio station expanding sales department—Want energetic and live salesmen—

All replies will be held in strict confidence

Care Variety, New York

MINOR DECISIONS

California: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Los Angeles area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Los Angeles area is well served by other stations.

Colorado: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Denver area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Denver area is well served by other stations.

Connecticut: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Hartford area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Hartford area is well served by other stations.

Delaware: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Wilmington area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Wilmington area is well served by other stations.

Florida: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Jacksonville area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Jacksonville area is well served by other stations.

Georgia: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Atlanta area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Atlanta area is well served by other stations.

Idaho: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Boise area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Boise area is well served by other stations.

Illinois: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Chicago area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Chicago area is well served by other stations.

Indiana: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Indianapolis area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Indianapolis area is well served by other stations.

Iowa: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Des Moines area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Des Moines area is well served by other stations.

Kansas: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Topeka area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Topeka area is well served by other stations.

Kentucky: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Louisville area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Louisville area is well served by other stations.

Louisiana: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in New Orleans area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in New Orleans area is well served by other stations.

Maine: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Portland area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Portland area is well served by other stations.

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Michigan: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Detroit area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Detroit area is well served by other stations.

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Montana: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Helena area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Helena area is well served by other stations.

Nebraska: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Omaha area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Omaha area is well served by other stations.

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New Hampshire: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Manchester area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Manchester area is well served by other stations.

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North Carolina: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Raleigh area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Raleigh area is well served by other stations.

North Dakota: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Bismarck area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Bismarck area is well served by other stations.

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Vermont: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Montpelier area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Montpelier area is well served by other stations.

Virginia: Decision rendered by Commission when station failed to show a sufficient need for the proposed station. The station was located in Richmond area is well served by other stations. Commission decision was rendered in favor of the existing station. The station was located in Richmond area is well served by other stations.

Agencies—Sponsors

South Mills and West Realty Companies have signed **Norman Twigg** for quarter-hour news broadcast every Sunday afternoon at 146 for 13 weeks. Program replaces same sketch, "Jack and Jill" dramatic sketch, which did one week on new contract. Placed direct. Two-week contract. Also news for two other commercial accounts on week-days.

Louis-Wiles Biscuit Co. has taken "Women in the Kitchen" show, quarter-hour, five times weekly, over KDKA, Pittsburgh, for 38-week contract. Includes Charlie Urquhart and Bernie Armstrong. Placed through Newell-Emmett.

Chilcote Electric Co. will sponsor "Toys for the Poor" KDKA, Pittsburgh, for next 13 weeks. It's a 15-minute, four-times weekly show with A. K. (Kasey) Rowles. Selling bits of honey philosophy to organ accompaniment by Bernie Armstrong. Station placed account direct.

Kelllogg Co. participating in KDKA, Pittsburgh, Home Forum three times weekly for 13 weeks, with Spear Co. going into same station's Shopping Circle three times weekly for 26 weeks. Accounts placed by Walter-Dowling.

Noville & Hitchings, Inc., Philly agency, changed its name this week to **William Nevill & Associates, Inc.**

Dioxgen Cream is going in for a transcription campaign with World furnishing the programs. Latter will consist of music dubbed from the World program library.

Chamberlaine Cream is booking a spot-anonymous campaign with westcoast stations.

Slanco has started to place its transcribed dramatic series, "Alice Blair." Campaign embraces 15 stations and McCann-Erickson is the agency.

Dr. Caldwell's Syrup of Pepsin account has gone with Benton & Bowles Chicago office.

Leighton & Nelson has taken time on WOKO, Albany, for a series of daily quarter-hours, with music and chatter, on behalf of WGY Food Products (Jonathan Levi Company, Schenectady). Sylvia Klarfeld of agency staff is voicing as "Sylvia Kay." Announcer Ralph Kanna working with her.

BBD&O has spotted a 15-minute sports program, three weekly for 39 weeks over WGY, Schenectady, starting March 28, on behalf of Blackstone Cigars. Gene O'Haire, miking.

Coca-Cola renewed for 13 weeks its daily program featuring Doc Schunder's Texans on WFBC, Greenville, S. C.

WMJ, MILWAUKEE, NEW BIZ John & Fink (Hinds House, Almond Cream), 60 spots, through William Esty & Co., New York.

George Horner & Co., Austin, Minn. (Spam), 60 spots, through Batten, Barton, Durstine & Osborn, Minneapolis.

Beckwood & Co., New York (Peanut Feast), 108 spots, through Federal Agency, New York.

Li-On Bedding Co., Milwaukee, 92 spots, through Gustav Mar Agency, Milwaukee.

Freder & Gamble, Cincinnati (Crisco), 26 station breaks, Compton, New York.

Like Idea Too Well

Kansas City, Feb. 7. Doan Fitzor, chieftain of WDAF here, now isn't so sure he wants to bring personalized announcers into their prominence. Some time ago Fitzor sent a memo to the spicers telling them to announce their number, because, stated Fitzor, radio is show business and show biz depends on personality and name value.

Last week, however, Fitzor sent through another memo telling the boys to cut down somewhat on the announcing of their names, squawking that the spicers were overdoing a good thing.

KGO Gets Baseball Again

San Francisco, Feb. 7. Baseball broadcasts will be aired over KGO again this year under the sponsoring of General Mills, for Wheaties, and the Goodrich Tire Co. Ernie Smith, splicing Smith will air home games direct from Seals Stadium. He will do the recreation of the out-of-town games from telegraphic reports received in the studio direct from the various fields where the home team is playing.

Ernie Flo-Bite is auditioning to switch his "Studies in Contrast," WOR-Mutual music program, to a variety show.

Ultra-High Frequency Resumed by NBC, Chi

Chicago, Feb. 7. NBC here has resumed broadcasting on the ultra high frequency band after a layoff of several months. Used station WBXS located in the old WENR studios in the Civic Opera House, shooting a power of 100 watts.

Piping several standard NBC shows on the usual broadcast band into the high frequency transmitter.

JEMAIL LOBBY SHOW USES B'WAY TALENT

Each week the Paramount, N. Y., will put its own people, current band leaders, artists or others appearing at the theatre, on the Jimmy Jemail 15-minute broadcast which is aired under an arrangement with the Par. from the lobby of the theatre. Initial Jemail broadcast went out Thursday (2), with Bob Crosby, now playing the Par. Clem McCarthy and Jack Dempsey as guests.

For the plug it receives the Par. N. Y. merely provides the lobby as locale for Jemail's inquiring. Program is set for 13 weeks on Mutual, with Wilbert Products (Ho-Rub Wax) as the sponsor.

Calkins Back to Work John T. Calkins, gen. mgr. of the Elmira Star-Gazette and its radio stations, WESG and WENY, has returned to his desk after a seven-month illness. He underwent a major operation last July.

Radio Daffodils

FL. WAYNE—WGL's "Speed Gibson" adventure series for Solco health food has created a 'crisis' in public schools. Kids are sending illegal notes in classrooms and they're in code. State teacher demanded station give her code book so she could read the notes.

Lubbock, Texas—A valuable Persian cat disappeared and its frantic owner called KFYO here to broadcast an appeal for its location. Next day came a missive reading:

"Gentlemen: The Persian cat described over the radio this evening is in the alley behind the City Hotel with another feline. Please tell the lady not to worry; that he will be home in a day or two."

Hartford, Conn.—Hour after WTIC decided to broadcast Connecticut's first lion hunt the station found a sponsor for the event. It was Jack the Tire Expert, local distrib for General Tires. Program was sold on the proposition that the GTT is "the tire with the grip as powerful and safe as the sure-footed lion." The hunt took place at Glastonbury, 12 miles from Hartford, but the safari did not meet with the cat. A legend had been built around the lion after it had killed several barnyard animals.

Sedbury, Ont.—CKSO broke into a broadcast of the Metropolitan Opera (NBC) to describe a ruckus taking place in the station's studio between a wolf that objected to having his picture taken and a wolf team trainer, Joe LaFamme. The wolf had broken loose from his chain and the extemporaneous blow-by-blow description had to do with the retraining of the animal and the muzzling of its snout. Fight lasted 25 minutes. The event also got six pictures and a column and a half of text in the Sedbury Star.

Paris, Texas, Application Colonial Web Adds WBRK

Paris, Tex., Feb. 7. KPIT is asking FCC for full-time operation, Fred Humphrey, manager, states. Should full-time operation be allowed station will be on the air until 11 p.m. At present it signs off at 8 p.m.

It has been granted a temporary extension of time from six to seven p.m. for the month of February.

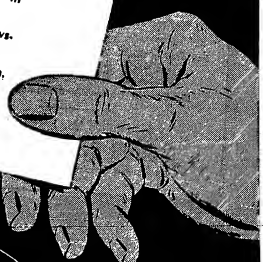
Pittsfield, Mass., Feb. 7. WBRK, which has been a CBS supplementer since its founding almost a year ago, joins Colonial net, with Mutual affiliation, March 1. Pittsfield station's owned by Harold Thomas, whose WATR, Waterbury, Conn., lately hung up Colonial-Mutual shingle when WERY of Waterbury shifted to CBS.

"Miss Perkins, make a new file on WWL New Orleans..."

WWL-New Orleans—Now 50,000 Watts

Blankets 5-state territory of 10,000,000 people.
5 times the power of any station within 400 miles.
Established preference through leadership in covering important events.
Building ever-larger audience by intensive news-paper campaign running in 37 newspapers.
Dominant station in the prosperous Deep South.

Tell—Sell—over WWL—New Orleans
CBS AFFILIATE
50,000 WATTS
Represented by THE KATZ AGENCY, INC.
VINCENT F. CALLAHAN, General Manager



WWL
The 50,000 Watt Station
in NEW ORLEANS

5000 Watts Day 1000 Night
ALL YOU NEED IN CENTRAL OHIO
CBS
wbls
Columbus, Ohio
John Blair, Rep.

Inside Stuff—Music

Roy Music Co. is suing Leo Feist, Inc., in N. Y. supreme court over 'My Margarity,' alleging title infringement and unfair trade competition in that Roy's song of that name, by Emma P. La Fontaine preceded Feist's recent hit by four years. Roy Music avers that its 'Margarity' was copyrighted in April, 1934, again in May, 1934, and re-copyrighted in March, 1935, when published. Feist's 'Margarity,' by Maria Grever (lyric by Walter Hirsch), was published in April, 1938.

A technicality of law figures as the copyright defense by Feist, stating that Roy's song is in the public domain because of having erred in labeling it 'My Margarity' instead of its original 1934 protection. Feist also objects to Roy having waited so long to bring its action.

Roy has made a motion to strike out both defense angles, and this premise will be further argued next week in court.

Rather than handicap the writers involved in collecting future royalties, Remick Music Corp., one of the Warner Bros. combine, has turned over the entire handling of 'A Bird in a Gilded Cage' and 'Down Where the Wurzbarger Flows' to Harry von Tilzer. Remick had acquired the lyric rights to the two numbers as part of a mass renewal rights deal for the works of Arthur J. Lamb and the late Vincent Bryan. All Remick asks is that Von Tilzer turn over to it the lyricist's share of the various royalties for relay intact to Lamb and Bryan's estate.

Von Tilzer, who has his own publishing firm, wrote the melodies for both songs.

'Begin the Beguine' and 'Indian Love Call' having become identified with Artie Shaw's swing style, RCA Victor is issuing an entire album of similar swing arrangement of music by Von Tilzer. The 10 sides on five 10-inchers include 'Caricaca,' 'My Bill,' 'Dionysus Serenade,' 'My Heart Stood Still,' 'Lower Come Back to Me,' 'Rosalie,' 'Zigeuner,' 'Supper Time,' 'The Man I Love' and 'Vilia'.

Frank Mansfield, old time vaude performer, wrote a tune called 'Think I'll Over' brics of which advise jolly pilots to think it over before recklessly raking traffic hazards. It's in line with current safety campaigns. Last week New York cop presented him with a summons for reverse action on a one-way street.

Muzak, on its printed schedule of music, sent into restaurants, cafes, bars, etc., features the Varsity selections of the top sellers. These numbers are used as a guide to the tedious broadcast. Muzak disseminates 1,700 selections per week by leased wire.

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. 30-Feb. 5). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. in 'Source' column, 'denotes film song, 1 light (and 'pop' speaks for itself).

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Jeep Creepers	Witmark	'Going Places'	46
This Can't Be Love	Chappell	'Boys from Syracuse'	32
Thank You, Everything	Chappell	'Leave It to Me'	30
I Have Eyes	Paramount	'Boris Houseymoon'	28
Umbrella Man	Harms	'Boys from Syracuse'	21
I Cried for You	Miller	'Boys from Syracuse'	21
For the Love of Him	Spiel	'Boys from Syracuse'	21
Penny Serenade	Shapiro	'Boys from Syracuse'	21
Annabelle	Feist	'Boys from Syracuse'	20
Color Me Bored	Feist	'Boys from Syracuse'	20
Between a Kiss and a Sigh	Santley	'Boys from Syracuse'	20
Deep in a Dream	Harms	'Boys from Syracuse'	20
Let's Stop the Clock	Chappell	'Boys from Syracuse'	20
F.D.R. Jones	Chappell	'Boys from Syracuse'	20
Deep Purple	Robbins	'Boys from Syracuse'	20
You're a Sweet Little Headache	Chappell	'Boys from Syracuse'	20
Maskerade Is Over	Crawford	'Boys from Syracuse'	20
Good for Nothing	Witmark	'Boys from Syracuse'	20
My Heart Belongs to Today	Chappell	'Boys from Syracuse'	20
Sing for Supper	Chappell	'Boys from Syracuse'	20
Two Sleepy People	Chappell	'Boys from Syracuse'	20
I Promise You	ABC	'Boys from Syracuse'	20
Let's Stop the Clock	Chappell	'Boys from Syracuse'	20
We Speak of You Often	Holman	'Boys from Syracuse'	20
You Must Have Been a Beautiful Baby	Remick	'Boys from Syracuse'	20
Get Out of Town	Chappell	'Boys from Syracuse'	20
I Must See Annie Tonight	Bregman	'Boys from Syracuse'	20
Let's Stop the Clock	Chappell	'Boys from Syracuse'	20
Room with a View	Bregman	'Boys from Syracuse'	20
It's Lonely Trail	Berlin	'Boys from Syracuse'	20
My Robber	Berlin	'Boys from Syracuse'	20
Never Tell Him	Miller	'Boys from Syracuse'	20
Love and Hiss	Miller	'Boys from Syracuse'	20
We'll Never Know	Berlin	'Boys from Syracuse'	20
Swing the Hammer	Phelan	'Boys from Syracuse'	20
Blame It On My Last Affair	Miller	'Boys from Syracuse'	20
Please Come Out of Your Dreams	Words-Music	'Boys from Syracuse'	20
End of Loneliness	Words-Music	'Boys from Syracuse'	20
I Get Along Without You Very Well	Famous	'Boys from Syracuse'	20
Perfidy the Bull	ABC	'Boys from Syracuse'	20
Pop Shicks	Chappell	'Boys from Syracuse'	20
I Want My Share of Love	Harms	'Boys from Syracuse'	20
Pop Shicks	Chappell	'Boys from Syracuse'	20
Singin' in the Saddle	Powell	'Boys from Syracuse'	20
Swingin' the Nursery Rhyme	Hollywood News 1938	'Boys from Syracuse'	20
Just a Kid Named Joe	Shapiro	'Boys from Syracuse'	20
Ya Got Me	Lincoln	'Boys from Syracuse'	20
Lovey Delight	Lincoln	'Boys from Syracuse'	20
It Took a Million Years	Lincoln	'Boys from Syracuse'	20
Love a Heart	Lincoln	'Boys from Syracuse'	20
This Night	Berlin	'Boys from Syracuse'	20
Cuckoo in the Clock	Berlin	'Boys from Syracuse'	20

Band Bookings

Bunny Berigan goes to road Feb. 8 from Southland Cafe, Boston, after breaking records there. Red Norvo replaces him.

Dick Stabile, Statler hotel, Cleveland, Feb. 15.

George Hall, Loew's State, N. Y., March 8.

Kay Kyser theatres for MCA in March. Ditto Eddy Duchin, currently.

Emil Coleman, Waldorf-Astoria hotel, N. Y., April 8.

Harry James, Benjamin Franklin hotel, Philadelphia, Feb. 9, for MCA.

Gotta Get Some Shuleys, Dallas, Tex., four weeks, April 8.

George Hamilton plays spot, starting Feb. 16.

Joseph Studer, en route to Cosmopolitan hotel, Denver, for preem Feb. 24.

Also set for Victor record series through CRA.

Carl Ravazza returns to Rainbow Rendezvous, Salt Lake City, Feb. 11.

Russ Morgan to Chee Paree, Chicago, March 3.

Henry Busse returns to New Yorker hotel, N. Y., in March.

Art Melien to Madura's Dancehall, Whiting Ind., Feb. 10.

Rudy Bundy playing Archer ballroom circuit in Midwest.

Hurricane Bros. strollers, St. Francis Drake hotel, San Francisco, Feb. 12.

Les Brown to St. Paul hotel, St. Paul, March 11, four weeks, for CRA.

Preeds Freddy Fisher, Commodore Perry hotel, Toledo, Feb. 13-26.

Jimmie Richards, Commodore Perry hotel, Toledo, Feb. 13-26.

Larry Clinton starting theatre-entire tour in March. Ditto Artie Shaw.

Teddy King, now with ROK, Into Village Barn N. Y., Feb. 20.

Cleu Miller, Meadowbrook Club, Cedar Grove, N. Y., March 7, four weeks.

Billy Baer theatering for ROK through Midwest.

Neil Golden held over indefinitely in Stuyvesant hotel, Buffalo.

BIBRIERY: CHAPTER 546

MPPA to Reel Music Men's Anti-Bibbery Program

Board of directors of the Music Publishers Protective Association met to meet today (Wednesday) to discuss industry acceptance of the plan of the Professional Music Men, Inc., for curbing evil exploitation practices. Also a proposal that the MPPA establish a central shipping bureau to service chain stores and the outlets being developed by the American News Co.

PMX wants the pubs to bind themselves to an agreement not to employ contact men who have been deemed guilty of violating the PMX code of fair practices. The professional men's organization seeks not only to do away with bribery methods but a restriction on attendance at dances and celebrity nights.

As for the central shipping bureau, Walter G. Douglas, MPPA chairman, feels that through such a project, which would cut better handling and bookkeeping overhead for retailers, the syndicates would be encouraged into opening many more counters.

Fishman Carries Morris Band Campaign to Chi

William Morris agency's band booking department is turning its attention to Chicago territory next week with departure of 24 Fishman for Windy City on Monday (13).

It's Fishman's first trip out of New York area since taking over band division for Morris, and likely to precipitate an account and attraction in Chi, which is still without an official Morris band rep.

Southard with ARC

Paul E. Southard has joined the American Record Co. in an executive sales capacity. He was a music merchandising specialist at RCA Victor.

Music Notes

Richard Hageman, currently scoring 'Music Superior' at Paramount, sold a ballet score to music committee of New York World's Fair.

Frank Waxman doing music score for 'Lucky Night' at Metro.

Frank Churchill wrote the theme song of the San Francisco Fair, 'The Gals at a Date at the Golden Gate.' Paramount Music Co. is publishing.

L. Wolfe Gilbert writing an American adaptation and publishing the Australian city, 'Where the Dog Sits on the Tucker Box.'

From the 5th Edition of the Cotton Club Parade

MY LADY IN LOVE WITH YOU

By Benny Davis and J. Fred Coots

From the Grand National Picture The Sunset Strip Cafe

I'D RATHER LOOK AT YOU

By Sam Colow

LAMBETH WALK

Still the country's biggest dance sensation

From the Grand National Picture The Sunset Strip Cafe

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Still the country's biggest dance sensation

From the Grand National Picture The Sunset Strip Cafe

I'D RATHER LOOK AT YOU

By Sam Colow

LAMBETH WALK

Still the country's biggest dance sensation

THE FIRST SMASH BALLAD HIT OF 1939

PROLIFERS YOU

ABC MUSIC CORP.

By ALICE FAYE, BEN OAKLAND and SAMUEL LERNER

799 SEVENTH AVENUE

NEW YORK

FRANK HENNIGS Prof. Mgr.

FACE OF THE FUTURE

15 Best Sheet Music Sellers

(Week ending Feb. 4, 1939)

Umbrella Man	Harms
*Deep in a Dream	Winmark
Jeepers Creepers	Winmark
You Must Have Been a Beautiful Baby	Remick
This Can't Be Love	Chappell
12, 12, 12	Chappell
They Say	Winmark
*Two Sleepy People	Famous
Bury Home	Spieler
I Must See Annie Tonight	Bregman
You're the Only Star	Robbins
Between a Kiss and a Sigh	Santly
*Have Eyes	Paramount
*Get Out of Town	Chappell
*Put a Kid Name	Shapiro

* Indicates filmused song.

† Indicates stage production song.

The others are pops.

Coin-operated Phonograph Not Sunday Violation, Hartford City Court Rules

Hartford, Feb. 7.

Dancing in eating establishments after midnight on Saturdays is not a violation of the Sunday observance law when music is furnished by a phonograph and paid for by the patrons according to a decision announced last week by Judge Edward C. Carroll of the Eastern District Court. Judge Carroll dismissed cases against two restaurants who had been brought before him for allowing late midnight dancing.

Hartford vice squad several months ago requested an opinion from the prosecutor's office on similar type of dancing. Was told that dancing in establishments where it is incidental to the restaurant business when music is furnished by phonographs and paid for by patrons, is not a violation. Could be considered an entertainment which is legal on Sundays.

Bert Lown Back With New Orchestra, Including Six Alumni of 1929

Bert Lown, who had orchestras of his own for years and numbered Ray, Alice, Jimmy, Horney, Red Nichols, Budny, Benign, Will Osborne and Adrian Rollins among men associated with or working for him, is returning to the field after having spent several years in book and other endeavors.

He is organizing a 16-piece outfit and will carry a vocalist as well as a specialty trio. Since 1929, Lown from his original band of 1929 will be among those in the one with whom he returns to the field.

Rehearsals started yesterday (Tues.). Ronnie Ames will act as manager. Lown with Rockwell-O'Keefe. Ames has opened a New York office of his own and is negotiating for a spot for Lown. Ames was also with Fred Warne, who was also with Hal Kemp. He continues to publish and is also with the Avocado Growers Assn. of that state.

In addition to three years in South America, Lown booked for night clubs and hotels in Miami since he left down his baton. He was also with Rockwell-O'Keefe for a time.

Cahn-Chaplin Duo Severs Managerial Tie to Levy

Sammy Cahn and Saul Chaplin, songwriters currently under contract to Vitaphone, have severed their managerial agreement which Lou Levy obtained at the time he wrote their English version of "The Girl Who Sings Du Schoen." Levy also manages the Andrews Sisters.

Severance deal was worked out by Watson & Watters, accountants for the writers, and Bernard Miller, representing Levy.

WB, DREYFUS NOT CLOSING DECCA

Small Profit Margin Caused Fear New Royalty Advance Might Have Been Disastrous—Music Houses Do Not Want to Crimp Coin-Operated Development

WILL ADJUDICATE

Warner Bros. and Max Dreyfus publishing combines have revised their tactics in the campaign to collect a higher royalty on phonograph records used in coin machines. Pop tunes of these two groups will again be available to labels retailing at 35c. or less for a 15c. royalty. Meanwhile steps will be taken to test the question of the statutory right to arrange in the federal court, a deal understood that counsel for the disc manufacturers have agreed to draw up a set of stipulations covering their side of the issue so that an adjudication of the matter could be expedited.

Shift in the situation by Warner and Dreyfus had been prompted by the legal complications that might stem from the business harm done the Decca Record Co. as well as the Victor brand through the enforcement of a 2c. royalty. The present change of these two labels is based on a 15c. royalty and a profit heard got around the music industry that the possibility that the disc boom in royalty plus a strict accounting of the records manufactured, instead of these sold, would wipe out this profit altogether.

No License Issued

Under the new conditions set up by Warner and Dreyfus the cheaper labels will be permitted to base their accounting on the number of records sold, and the accounting may be made quarterly. No licenses will be issued there. They will continue to manufacture under the compulsory provision of the copyright statute, with Warner and Dreyfus waiving this provision's restriction of a 2c. royalty and monthly accounting of the records sold. Warner and Dreyfus turned the right to change this policy on 30 days' notice, and the right to sue on the arrangement in connection with production numbers.

Waiver will remain in effect until one of the two publishing groups is ready to file a test suit on the right of a recorder to change a number or to sue on the arrangement without permission of the copyright owner. And whether a record is made under a compulsory license may be used in coin-operated machines, it is understood. The performance for profit without further royalty or specific license for use in coin machines is understood by the publishing group has gone through the necessary routine in laying out the foundation of its case now for both camps will get together on the stipulations covering the legal right to sue on the arrangement. Publisher and recorder will at the same time agree to be bound by the pressing industry and refrain from appealing to any higher court.

Under the arrangement the phonograph record industry is experiencing the most prosperous period since 1920. Records are being sold in quantities by RCA Victor for the final quarter of 1938 show tremendous increase in the number of new titles, new and old tunes, as compared to the previous like quarter. One publisher got over one million more than a number than the same company paid him when it originally became a hit three years ago.

Music Aid to Workers' Nerves; Also To Reduce Longshoremen's Fights

Victor Men Re-Titled

Frank B. Walker's promotion to v.p. in charge of all RCA Victor recording activities was formally announced yesterday (Tuesday). Thomas F. Joyce, advertising director, was also made a vice-president.

Another boost was that of Edward W. Butler as manager of the radio and victrola division.

Supplanting a piano which was wheeled from room to room to hype and ease the strain on workers, Muzak, wired radio service, has installed a music unit in the Henry Clay, Block & Co., Ltd., cigar factory in Trenton, N. J. The subsidiary of American Tobacco Co. (Corona-Corona). Factory employs only women. Rolling of cigars to be done properly, has to be done in a rhythmic motion.

Flas 30, Brooklyn, is operating with Muzak to soothe ruffled longshoremen's feelings irritated by hard work and thereby eliminate to an extent resultant fights, broken crates and other damage. Latter is the idea of the Lombard-Moller Steamship Co., which, while owning the pier, has nothing to do with its workers, hiring them through a labor-supplying company and paying off per 1,000 pounds loaded or unloaded. The pier is not to be used for work but cut down on damage. Payoff in the reason for the musical background is the owner's discovery that 90% of Brooklyn dockworkers are Italian and naturally responsive to music.

Rift in Attitude Of Unions Opens Picket Line to Spokane Local

Spokane, Feb. 7. Musicians International lifted a ban on the Davenport hotel, Feb. 3, in protest against a hotel's refusal to put into effect in August, 1937, when laundry workers union called strike in the hotel. Musicians International of 13 men lost jobs because of ban. Chet Griffiths' non-union footers were not in the hotel at that date.

Recently state department of public service ordered union teamsters to leave the hotel. Teamsters resumed deliveries, disregarding laundry union picket line. Teamsters' action was unfair for local musicians to lose work under these conditions. In national rule allows union musicians to play in Davenport as long as teamsters continue to make deliveries.

Hotel has not yet decided whether to re-employ union band.

More Screwball Song Works; Wilder's Wildies

New 'chamber rhythm music' set, headed by Alec Wilder, is recording leader's own compositions reprinted in the "New Chamber Music" published in sheet form by Bregman, Vocco & Coan and include also of new set of fantastically labeled tunes.

Composer-arranger has surrounded and made a record of Gross on harpsichord, Mith Miller on oboe and English horn, Tools Mondello's clarinet, Edith Goss on flute and bassoon, bass fiddle and drums. First four records to be released are "A Debuts' Day," "New Chamber Music," "Concerning Etching" and "Little Girl Grows Up." Eight more are to be released. "New Chamber Music" includes "The Proud Baby and the Bouncing Father," "It's Still—Feel It," "For a Dishing Song," "Tender Night," "Try My Eyes in Butter," "Smells Scenta," "Shall Be Seven in May," "Lady Giveth's Horn."

Coin Machine Aims 'New Files'

Sacramento, Feb. 7. Automatic Music Merchants Association, which will work for the replacement of the "New Chamber Music" published in sheet form by Bregman, Vocco & Coan and include also of new set of fantastically labeled tunes.

Main office will be in San Francisco.

Mills-Cinephonic Dicker

Mills Music, Inc., a deal understood that counsel for the disc manufacturers have agreed to draw up a set of stipulations covering their side of the issue so that an adjudication of the matter could be expedited.

Mills heretofore has sold such rights on a per number basis.

DUBIN-McHUGH SIGN UP WITH WARNERS

Al Dubin and Jimmy McHugh yesterday (Tuesday) went under contract to Warner Bros. music publishing combine. The connection reunites them as a writing team for the first time in 12 years. Deal is for one year with an option for a second year.

Clothing with Edwin H. (Buddy) Morris, general manager of the WB music interests, was a sudden one. Dubin had already worked out a pact with Jack Robbins, head of the Metro-Robbins publishing group, and the writer's own signature. For McHugh it is the initial step into the Warner fold. His previous assignments have been with the Metro and Universal studios, also with Robbins.

Yesterday's pacting means that Harms, Inc. one of the WB group, will publish the score for the new McHugh and McHugh are writing for Harry Kaufman, Shubert producer. Their first assignment is tentatively titled "Streets of Paris."

Harry Warren, WB contract writer, is due in New York Monday (13) or Wednesday (15) to discuss a renewal deal with Morris.

Will Dillon's Sequel

Will Dillon, who wrote the yesterday pop hit, "I Want a Girl Like the Girl That Married Dear Old Dad," has authored a sequel, 20 years later, "I Want a Girl Like the Girl Who Loves You (Leave the Other Little Girls Alone)." Jerry Vogel publishing the new song.

Dillon is collaborating with his father on the 1939 sequel, the song done the tune.

Green Bros. & Knight File. N. Y., Feb. 7. Green Bros. & Knight, Inc., has been chartered at Albany to conduct a general music publishing business in Manhattan. Directors are: Johnny Green, Mordecai Green and Bud Green.

Capital stock is 100 shares, no par value. Bernard L. Miller, filing attorney.

CONNECTICUT ANTI-ASCAP BILL

American Society of Composers, Authors and Publishers is waiting for a hearing date to be set before entering any protest against a hostile bill which has been introduced in the Connecticut Senate. This measure seeks to have performing rights combines file with the secretary of state a list of the compositions each controls or represents and to impose a tax of 5% on all monies collected by such organizations in the state.

ASCAP believes that the legislation is being fostered by Connecticut film theater operators.

All Quiet in Nebraska

Lincoln, Feb. 7. Legislative game closed with 70 new jobs against ASCAP, although it's considered only a breath. Quiet in this territory is to await the outcome of the three-judge consideration of the constitutionality of 1937's anti-ASCAP legislation. Feeling in law quarters here is that the trio of judges won't move in the matter until the U. S. Supreme court acts on the Florida and Washington cases, and what happens to the case in Washington will mirror events to come forth here.

Senator Frank Brady, Atkinson, the anti-ASCAP law, has stated if law's ruled official, he will take advantage of every loophole to make it legal on ASCAP with some new bill.

It will be a little tougher on Brady now to introduce some new stuff, because it takes the signature of 60 senators to bring out emergency measures. Date of closing for ordinary introductions was Monday (30).

Decca's Stock Setup

Washington, Feb. 7. Holdings of principal stockholders in Decca Records, Inc., were barred today by Securities & Exchange Commission. Newly registered planter concern listed 22,615 shares common stock, with largest amount held by Decca Record Co. Ltd., of London, England. Other principal holders were Brunswick Record Corp., New York, and Jack Kapp, also of Manhattan.

Listings as of Dec. 28 were: Decca Record Co. Ltd., 8,571 shares; Brunswick Radio Corp., 402; Jack Kapp, 33,091; E. R. Lewis, London, 2,285. Report also revealed that Decca has owned and controlled disclosed partnership an additional 19,888 shares, but failed to show whether the 8,255 was a proportionate share of the partnership or a separate holding. George Lawrence Lloyd, New York, 4,726 shares; Milton R. Rackmil, New York, 2,714; Herman Starr, New York, 1,337; E. F. Stevens, Jr., New York, 13,971 shares.

B'way Par Protecting Itself By Optioning Its Name Bands Into '40

Booked on band attractions through to July 1, the Paramount, N. Y., is signing contracts with leading orchestras which carry with them options, held by the theatre, on repeat engagements during 1940, or as agreed upon in contracts. This step has been initiated as a means of protecting the theatre against the booking of the same bands by opposition New York theatres.

Opening with Vincent Lopez today (Wed.), the Par has lined up the Hal Kemp, Phil Spitalny, Henry Busse, Chick Webb, Dick Himber, Gene Krupa, Larry Clinton and Tommy Dorsey orchestras. Of these, Busse is the only outfit that hasn't appeared at the theatre before. Under the current pit-band policy, insured by Bob Weisman, managing director, and Harry Kalchman, booker, three years ago, Spitalny has played the Par three times and Tommy Dorsey four. Latter holds the record on repeat dates.

When Dorsey plays the Par in April he may have his brother, Jimmy Dorsey, against him at the Strand, N. Y., which is emulating the policy of pit shows established by the Par.

Tom Morton Will Book Artists Corp. Bands

Artists Corporation of America, under vaude bookers Bill Miller and Al Rogers, has added a band department headed by Tom Morton. Latter at one time had the Century Orchestra Corp. New Artists dept. will be called Century Orchestra Service.

Nucleus of the band setup is the Rocky Millinder outfit, set to be augmented within the next week or two with others.

Squawkers Deplore WKY, KOMA Bands Playing Dance Dates

Oklahoma City, Feb. 7. Though twice defeated locally, a minority element of the AFM is still chafing because of radio bands playing outside dates. Some efforts are now being made to organize a test which will decide whether or not the radio staffs should be allowed to play dance and party dates. The net that the points has been twice defeated may deter any further effort.

Both WKY and KOMA bands have been on many outside dates with WKY's aggregation under leader, Alvin Karpis, as many as the state as the boys are physically able to take. The WKY aggregation has played almost every corner of the state on special civic, municipal and social affairs.

Hereafter KOMA's band has more or less stayed in the studio, but now is angling outside dates with its high spot being stations deal with the city for Saturday night Swing Sessions in the auditorium ballroom.

LOMBARDO'S HABIT OCCASIONS SHINDIG

Considerable group of publishers and writers, headed by Guy Lombardo, had a surprise party Monday night (8) at the Hotel Roosevelt, N. Y. Occasion was to congratulate Lombardo on winning the Scripps-Howard radio poll for the eighth consecutive year and also present the music industry's appreciation of past favors and methods.

Cold pen and pencil was presented to each of the men in the orchestra.

Irving Berlin completed four songs for "When Winter Comes" at 20th-century Fox. Ditties are "I'm Sorry for Myself," "The Song of the Metronome," "An Old Fashioned Tune Is Always New" and "Back to Back."

Another WNEW Poll

Results of the band popularity poll conducted by Martin Block of WNEW, N. Y., which ended Friday (3) rated Artie Shaw in the top spot with 10,000 votes. Goodman, Steve Lacy, currently at the New York Strand theatre. Ballots were segregated according to styles, listing 100,000 swing and sweet, then combined for an all-around picture. Total of 67,000 votes were cast for the top 20 crews. Shaw drew \$3,604 to win, and Goodman \$2,510 to place, in swing.

First 10 swingsters were: Shaw, Goodman, Tommy Dorsey, Guy Lombardo, Benny Goodman, Gene Krupa, Chick Webb, Jimmie Lunceford, Duke Ellington, and Bob Crosby. Sweet listed New Gray in the top spot, followed by Sammy Kaye, Guy Lombardo, Kay Kyser, Reddy Duchin, Richard Himber, Horace Hildt, Hal Kemp, Will Osborne and Ozdie Nelson.

All around listing ran: Shaw, Goodman, Dorsey, Glen Gray, Sammy Kaye, Count Basie, Larry Clinton, Gene Krupa, Guy Lombardo and Chick Webb.

\$45 for Standbys As Dorsey Seven Serenade Chimps

Philadelphia, Feb. 7. Despite the fact that his audience consisted of three chimpanzees Tommy Dorsey had to pay a \$45 standby to the manager of the Lincoln Union last week for using his "Clam-bake Seven" for a jam session at the Plaza.

Stunt was an "experiment" (in public) to see how the other swing would be on man's primordial ancestors. It was witnessed by Dr. Thaddeus L. Bolson, director of the psychology department of Temple University, who opined:

"Scientists react to the high frequency of vibrations in music played in fast tempo. They are soothed by sweet music."

Dorsey as Publisher? Tommy Dorsey has evolved a yen for becoming a music publisher. His personal manager, John Gluskin, is making inquiries about the possibility of the availability of a good catalog for a buyer with lots of cash.

Dorsey has never before been mixed up with a publishing venture.

FRANK BURKE RUNS WHITEMOICE

With resignation of Paul Winchell as leader from Paul Whiteman's Artist Management office, Frank Burke was named to succeed him. Winchell had been with outfit about a year. Burke moved in a few months ago.

Norman Campbell, who came in about same time Burke, now handling all bookings, replacing Winchell. Irving Strouse is back as road manager for Whiteman band.

TRoubles Of TOURING Non-Union Teamster Causes Goodman Some Annoyance

One-nighter at the Stanley Theatre, Syracuse, N. Y., last Thursday (2) night got Benny Goodman into a peak of trouble with local theatre and momentarily cost him one of his clarinets. Indie baggage toler had contracted by mail to transport the Goodman entourage from depot to theatre, but on arrival Goodman was informed by the theatre's road manager his stuff would be moved by four truckmen or he would give up no concert.

Spurred trucker and his entourage sent a \$200 attachment to the leader's clarinet which was lifted by a bond made up of a pool of the Goodman cash of Goodman musicians, stagehands and employees of the theatre, and the union teamsters. The clarinet is retained until Friday (10). It was served during intermission of the outfit's concert but confusion was delayed until the curtain.

Chick Webb and Ella Fitzgerald introduces "One Side of Me," new tune by Marion Sunshine, this week. E. B. Marks publishing.

On the Upbeat

Sleepy Hall took on vocalist Carol Horton for stay at Show Bar, Forest Hills, N. Y.

Nation, Sis and Gay, instrumental strollers' trio, into Hotel Roosevelt's Lounge Cafe, Pittsburgh, for indent stay. Placed by Joe Miller for Feb. 18.

Jimmy Dorsey's orchestra has been engaged for the Troy Police and Benevolent Association's ball in the State Armory April 14. Event draws the state's largest crowd, last year's attendance being about 10,000. Bob Eberle, vocalist with Dorsey's crew is native of Hoesick Falls (north of Troy).

George Hall's orchestra has been booked for the junior prom at Rensselaer Polytechnic Institute, Troy.

Count Basie orchestra repeats its week ago stand at the Apollo theatre, N. Y., April 7. Date is an anniversary celebration for the theatre.

Buddy Rogers moves into Coconut Grove, Los Angeles, April 10, replacing Freddy Martin.

Arthur Herbert orch opens Feb. 13 at the DuPont hotel, Wilmington, Set by Meyer Davis.

Buster Harding held over at the Onyx Club, N. Y., for two more weeks.

Tommy Chaffield current at Century Room, Tulsa. Bill Marshall will replace.

Ran Wilde's band doing series of

JAN GARBES SET FOR NEW YORK HOTEL DATE

Never before located in New York, the Jan Garber orchestra opens at the New Yorker hotel April 26. Garber's run is indefinite. Jimmy Dorsey, now at the New Yorker's Terrace Room, bows out March 15. Replacement not named. Guy Lombardo, chief reason for Garber's absence from New York, exits his current Rooming Room, N. Y., stand May 1, so there will be no conflict of similar styles.

Garber's current at the Blackhawk, Chicago. He played two weeks at the Strand theatre, N. Y., recently.

Billy Sherman Trial Balloons Own Ensemble

Pittsburgh, Feb. 7. Billy Sherman, vocalist with Maurice Spillane at KDKA, is indefinitely on his own dance band here, using the old Val Garvin crew as a nucleus.

Garber's former partner, Guy Lombardo, has been asked to join for the maestro his seriously.

First date for new band will be at Bill Rogers' Casino, with opening set for Friday (10), with a WCAE and Mutual wire. For the time being, just a trial run for Sherman, although he may later decide to go in for the maestro his seriously.

Add: Prisoners' Songs

Another Southern Michigan Prison inmate to click with a song is Billy Britton, 62, whose tune "My Papa, He's a Vamp" was accepted by the Columbia Song Corp., Inc., of Toronto, Canada.

Britton is the third prisoner in that state whose musical composition has been accepted in the past 30 days.

Teagarden's Personnel

New Jackson Teagarden orchestra, which made an unofficial debut in the Hotel Lincoln, N. Y., Friday, Saturday and Sunday of last week between the exit of Artie Shaw, who Teagarden himself, heard seven bars.

Personnel lists: Ernie Caines, Clinton Garvin, Artie St. John, John Van Epps, Bud Lytle, saxophones; Gene Gutterman, Red Ketchum, Mark Bennett and Teagarden, trombones; Charlie Spivak, Karl Garvin, Alex Ellis, clarinets; Allen Rouse, tenor; Artie Miller, bass fiddle; Johnnie Anderson, piano, and Clois Teagarden, younger brother of the leader, on drums.

Crew has an unknown, Meredith Blake, doing the vocals.

one-nighters in northern California.

Jack Gerrity, Jr., resigned as personal rep and manager of Buddy Rogers' orch.

Mary Noble's band to open one of the ballrooms at the Frisco Fair (18).

Gene Krupa wound up recording on musical numbers for "Some Like It Hot" at Paramount.

Al Fremont into Bill Green's Casino, Pittsburgh, Friday (3) for short engagement, succeeding station WCAE Alhambra.

Jay Starr crew, with Millie Wayne doing the vocals, moves into Show Boat, Pittsburgh, Thursday (9) for indefinite stay, replacing Al Maricao band, which has been at river spot for last 16 months.

Mike Riley's original two-week contract lifted at New Penn, Pittsburgh, and he's now working in-borough, and he's now working definitely on an optional week-to-week arrangement. Handled by Joe Miller for C.R.A.

Murphy-Kellon Orchestra, Inc., chartered to conduct business in New York. C. R. Volovick, E. Fleischman and Mildred Rothenberg, are directors.

Mary Ann McCall, vocalist who tried out with Tommy Dorsey, is with the Woody Herman crew at the Rialto Ballroom, Boston.

Tommy Dorsey changes three men in the brass and sax section of his crew within the next two weeks. Dean Kincaid, sax; Dave Jacobs, trombone, and Lee Castaldo, trumpet, are set to go with Pee-wee Irwin replacing Castaldo.

Benny Goodman returns to the Empire Room of the Waldorf-Astoria hotel, N. Y., Oct. 1.

Millen Schatz, saxophonist with Clarence Fuhrman's WPA Philly house band, left to join Jimmy Himber.

THE HOUSE OF 1000 HITS

Our New No. 1 Ballad AMONG THOSE SAILING

Watch out for YOU ASKED FOR IT YOU GOT IT

By Charlie Tobias and Abel Baer A Great Novelty "Ride" Tune

A "Natural" If There Ever Was One

"Heavy, Heavy Hangs Over My Heart"

AND A Really "Different" Novelty "Bennie, the Bumblebee, Feels Bum"

VANGUARD SONGS

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OLD SONG SUGGESTIONS JIMMY McHUGH'S "LET'S SIT AND TALK ABOUT YOU" MILLS MUSIC, INC.

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"A LOAD OF DYNAMITE"

(GOTTA GET SOME)

SHUT EYE

Also

CUCKOO In the CLOCK

Both Songs by WALTER DONALDSON and JOHNNY MERCER

"The Song Hit That Will Bring Back the Waltz"

IRVING BERLIN'S Newest Song

WE'LL NEVER SLOW

Also Arranged for Fox Trot

JOE SANTLY, Prof. Mgr.

IRVING BERLIN, Inc. 799 Seventh Ave.

International Casino, N. J., \$250,000 In the Red, Goes on Auction Block

New in the red for over \$250,000, the auctored International Casino, on Broadway, held an auction Friday (3) to partially satisfy unsecured claims of merchandise creditors. Only foodstuffs and liquor were put on the block. All else in the auction lot tied up with chattel mortgages which, it is reported, the City Farmers Bank & Trust will buy up and preserving the spot over for another prospective buyer. Top heavy capital structure of two major creditors is a prime reason behind the collapse of this the most pretentious N. Y. cabaret-theatre.

It has been stated that it was the constant pressure of many and varied creditors and mortgage holders that drove I. C. to the wall. Even after cutting down costs, help, etc., it was necessary to take in the red. \$35,000 weekly to keep it in the clear. That was under the guidance of Bob Christenberry, Joe Moss, Lou Brock, and George Olsen, Christenberry, an employee as general manager, is still owed around \$40,000, the state, of the reorganizers. The Moss-Brockmen then tried to liquidate the spot in 1937 at a reported cost of \$60,000.

About \$125,000 is still owing to future and supply concerns. Latter have first mortgage on everything in the Casino. The City Farmers Bank, London, are holding second mortgages for about \$100,000 for the I. C. It's a big mess, but the fact that covers everything after first mortgage creditors have been satisfied is also another reason why the I. C. was bid on a mortgage held by Harry Chasan, assignee for Amalgamated Hotel and Restaurant Supply Credit Association, that was bought by Arthur Ganger, a fixture upon the I. C. to the wall. There are several in the wind, with hopes of getting one more within a fortnight.

Figures do not include unpaid personnel of the show who have, to date, only received part of their salaries due; help around the niter, and back taxes. However, it is said, only a few more days of deposit and always has been regularly put down. The bank, if buying off the other creditors would then be able to liquidate the indebtedness under one heading for slower payoff and thus give operators a fresh chance. A name bank policy, in time for the N. Y. World Fair, is very likely, but it is not up to the I. C. This marks spot's second financial hurdle.

4 CAFE OPS HELD IN FLA. ON MANN ACT CHARGES

Tallahassee, Fla., Feb. 7. Four persons, listed as Keltion Moore, Charlotte Moody, May C. Womble and Alice M. Fontenot, all identified by Sheriff Frank Nierley, were put under arrest on charges Thursday (2) on charges of having operated a house of prostitution in violation of the Mann Act. They were arrested before U. S. Assistant Attorney General Raymond B. Marsh. Stoutmire, who was charged stemmed from probable a "letter state" charge. The 16 girls, some of them no more than 16 years old, had been summoned to the premises against Womble and Moody.

Persons arrested last week on charges of transporting girls across state lines, from Dothan, Ala., were bound over to Federal grand jury after hearing before U. S. Commissioner W. H. Milton.

Palace, Columbus, Back To Vaude After Pictures

Columbus, Feb. 7. After several weeks of straight time, the Palace theatre here returned to vaudeville, starting Feb. 10. Folies Bergere of 1929 comes in for the opening week.

SPITALNY'S ATLANTA HOLDOVER FOR 10 DAYS

Atlanta, Feb. 7. Normally three-day stay down, Paul Spitalny's all-female orchestra was held over for 10 days at Paramount here. Booked in a week ago Thursday (2) for a week, the General Electric-sponsored combo stayed until Saturday (4), running into extra playing time because of illness of the "Secrets of an Actress" (WB) on screen.

Spitalny's arrival here was the occasion of a municipal feud, with several merged bands greeting Spitalny on his local arrival.

Femina aggregation goes to Baltimore Feb. 17.

OK AFA NOTION TO KILL NVA 250G SUIT

Motion of American Federation of Actors for dismissal of National Variety Artists' \$250,000 libel suit against the AFA was granted by Justice Brandeis on Thursday (2) in New York supreme court.

However, court left members open for NVA to bring a second suit. Action has been on the calendar for next eight months. NVA started suit against the AFA, claiming \$250,000 damages, for libel, after the writer refused permission for NVA to appear at an NVA benefit. The AFA, however, refused to do so. Matter of reopening or dropping the suit will be taken up at the next NVA board meeting.

Elections of NVA will be held Sunday (12) in N. Y. Nominees are Leo Mandin for president; Billy Glendon and Leon Beaudin, first and second v.p.s., and William Marble, treasurer.

2 N. O. Film Groups In Protest Appeal On Dillinger Moll's P.A.

New Orleans, Feb. 7. Turned back on two fronts in their protests against the appearance at the Joy-Strand theatre here of Evelyn Frechette, sweetheart of the late John Dillinger, leaders of two film organizations here Thursday (2) said they would take their appeal to the courts.

Mrs. Joseph F. Friend, president of the Louisiana Motion Picture Association, and Mrs. J. F. Williams, president of the New Orleans Better Film Club, said they would join with Judge William H. Byrnes on Thursday (9) on the matter.

Superintendent of Police George Reyer Wednesday (1) that the police department would not allow the appearance of Miss Frechette's appearance since there was nothing immoral in her person.

Mrs. Friend said the groups intend to Miss Frechette's lectures on the subject of "The Girl in the Street."

"We have been trying to build up children's interest in motion pictures, but we cannot cooperate with the picture houses if they put on objectionable attractions," she said.

Virginians-Lyman Suit Settled Out of Court

Breach of contract suit aimed at the Lyman Enterprises, Inc. by the Virginia Theatre, of Kansas City, Mo., out of court last week. I. Robert Broder is attorney for the singers. The Lyman Theatre charged that Lyman breached a contract with the Virginians calling for the act to tour with his band.

Add: Old Times

Greenville, S. C., Feb. 7. Emmett Miller, old-time black-face comedian famous for his recording, "A Thousand Fogs on a Log," kibitzed a game of pool here last week and probably an old-time end man "Tuck" McBee, who lives here, to remark: "If you had ever been so funny on the stage, minstrels would never have died."

NEW ACT VOUCHER IN PHILLY SETS PRECEDENT

Philadelphia, Feb. 7. First audition ever held here for new acts was staged at the Hotel Cecil last night (5) by the Entertainment Managers Association, local bookers. Stout was successful and the new acts were given the right to appear out-of-town and new acts a chance to show their wares to local bookers and save others.

Feature of the affair was the public people making of Tom J. Ryan, his agent of the American Federation of Actors, and Florence Bernad, president of the EMA, who have been a dagger-point over the union. Kelly once threatened to order his members to stay away from the grounds that it was a booking agent's racket.

Charged to the members of the EMA with future auditions. Twenty-two new acts displayed their wares.

"A new act committee of the EMA," as set up, chartered by Roy C. to "clean up the mess" among agents booking acts in the niteries. Situation was described as "very bad" by Mike Bernad, who said that some bookers were spotting acts for as low as \$1 a throw. A 10% minimum was laid down.

To allow membership of several bookers still outside organization, the EMA has been unable to raise \$500 initiation fee; the stipend was lowered to \$25.

GIRARD TO CRACK DOWN ON UNLICENSED BOOKERS

Philadelphia, Feb. 7. Vic Girard, Philadelphia enforcement agent in charge of the state booking laws, announced he will start to crack down on unlicensed bookers within the next two weeks.

Girard has been under fire from the Entertainment Managers Association, local bookers, for his "taxation" of the law required of them to pay a \$100 license fee to operate while outsiders worked free.

Littlebel Ballet Booked For Vaude; Opens in Chi

Chicago, Feb. 7. Littlebel Ballet will take a whirl at picture houses, starting Feb. 18 in the Babylon & Katz Chicago. Carrying 44 people. Price report at \$100. Ballet played a series of dates in the Chicago Civic Opera House earlier this season.

Ambroses Sail For Dance Dates Abroad

Ruth and Billy Ambrose, Hollywood, O., dance team, which has been appearing with major units in picture houses, are going for several weeks in Chicago night clubs and hotel ballrooms, said Ambrose.

They open in Cannes Feb. 17 and four weeks later play the Savoy hotel, London.

Howard Bros. East

Hollywood, Feb. 7. Willie and Eugene Howard have left for New York, going into George White's new "Scandals." They also have a contract with the Y. M. C. A. They recently returned from an Australian tour.

Chester Hale-John Hickey Place Robitschek's No-Payoff Back Into License Comm'r Moss' Lap

Responsibility for the failure of the acts in Kurt Robitschek's straight-vaude venture at the Majestic, N. Y., to collect salaries from the show, was tossed last week at License Commissioner Paul Moss. The official was charged with negligence for permitting Robitschek to open a show at the Majestic without first seeing to it that the foreign showman paid previous salary claims against him.

Chester Hale, through his business manager, John Hickey, is the chief complainant against Moss' methods of handling the License Department. Hale had a claim against Robitschek and Hickey for back salaries in the amount of \$1,000. The claim was based on Robitschek's failure to live up to a contract for a line of 24 girls at his previously proposed vaudeville try at the Palladium (Cine Roma), N. Y.

Three hearings on this complaint had been heard by Moss, with Robitschek finally agreeing to pay \$500 as partial compensation for the expenses Hale and Hickey incurred in bringing the troupe from Chicago to New York. N. Y. The Robitschek failed to pay more than \$100 on this claim, Hickey wrote Vincent C. Calabrese, legal member of the board, a week prior to the Majestic's opener. Letter read in part: "I, Chester Hale and myself would like your department to know that our complaint in this instance is not a threat, but is a demand. We are engaged and materials bought, with nothing in the way of assets to back up the contract."

"Had No Funds" For instance, Mr. Robitschek "didn't have the money to pay," he couldn't pay anything, and finally under the penalty of possibly losing his contract, he agreed to pay weekly. Yet, as today's papers show, contracts for actors are being issued, and the troupe is working on their new project at the Majestic theatre. It would appear that a lot of money must be available to make certain just what the status of these producers was. As we are informed, the troupe is on the grind, but would still hate to see any reputation of such disagreeable conduct as has already happened.

Robitschek's show, under a different corporation than was to have been at the Palladium, opened and played for three weeks at the Majestic. Final week, the performers only received a fraction of their salaries. Last week, Hickey wrote Clenda another letter, which is self-explanatory of why Hale and Hickey now feel that license from the License Department is just \$25.

"I have just returned from Washington and have received word at my office that some one in the department called our office and requested that we show leniency in the matter of the Robitschek (American Productions) (Kurt Robitschek).

"It is true and that does not seem to be any reason in the world why we should not be lenient. I am pardoned if we say this is the most ridiculous thing we ever heard of in the history of the License Department is showing this man enough leniency for both of us. When you give me the money to get a license, one of the things you stressed was the protection of the public. I am sure that in checking all your correspondence you can find any signs of protection, and I am sure that Mr. Robitschek I wish you would let me know."

"I can assure you that in correspondence with your office I advised you of the fact and enclosed you a statement of all the obligations of his former venture. Your office did nothing to forestall this, regardless of the fact that your man admitted signing a contract for the services of our people running under the name of the Robitschek, with not a dollar to back it up."

"Now, despite our warnings and pleas, there are no more signs of vaudevilleurs who have just played a week at the Majestic theatre for Mr. Robitschek and received

a pitiable percentage of the money they were contracted for. "Why people have to be victimized in this fashion and then have the License Department request the License Department is something I wouldn't know about."

"I wish we had a license and if this is what we need \$25 a year, then we won't want our license and will be very glad to donate the \$25 to charity, as it will serve more purpose."

Early this week, Hickey received a letter from Clenda asking him not to drop his complaint against Robitschek. Nothing was mentioned regarding the License Department's indifference, permitting Robitschek to open another show without first paying off on the first attempt.

Moss Drops Legislation Due to alleged lack of cooperation among agents, New York License Commissioner Paul Moss has abandoned his plan to present a new theatrical agent bill in Albany. The other bill will now be presented by the State Labor Department when and if one can be drafted in time for current legislative session.

Three agent bills have already been introduced in Albany. One of the bills of last year have been reintroduced, along with a new one. The Beverly Hills Seasonal Road of agent bills fair to equal that of other seasons before legislators quit. The bills are not regarded as a threat in Albany. The fact that the Labor Department, nearly always, is being by agents to be friendly to all types of employment agencies, is sponsoring one givesthrough the State Labor Department has issued that the Department will in the future take over all the agents' business.

Trouble has been that there have always been too many bills, presented by agents, to the Legislature, hence, agents claim. Last year there were eight introduced before they were concluded, but none was passed.

Several agents have stated they would not be able to afford to pay the money to seek legislation. Agents claim they had been working pretty closely with the State Labor Department. When queried two weeks ago by Vauxner, the Commission denied that the agents' move on the matter.

When licensing comes up again in May Moss may have difficulty in getting the bills passed. The license for failure to help them with legislation. Already designated agents are being asked to join the Unemployment Insurance Board, club-date bookers say they took out license anyway as a gesture of cooperation.

AFA Council Awarded Right to Demand Bond From Doubtful Mgrs.

At closed meeting Thursday (2) in New York, members of the American Federation of Actors passed resolution giving the council the right to demand a bond of act employers to insure payment of salaries. Members also okayed a plan to set up a fund for the Relief Fund, named for its president. System to be employed among vaudeville and stock to insure that doubtful backing is similar to that of Equity, which demands that sufficient bond be taken from the union with the union to insure payment of salaries. Equity's rules, however, demand that the bond be bonded. Procedure will be applied nationally.

Because of failures, headed by the International Casino, Hollywood Restaurant and Majestic theatre, all the union's action. All quit owing acts most of their salaries.

Bands at Par. Ft. Wayne

Line-up of name bands for Paramount theatre is as follows: The Blue Creations, starting Wednesday, Feb. 8; Jan Garber, four days, Feb. 10-12; Ted Weems, four days, Feb. 14-17; Paul Whiteman, three days, Feb. 18-20.

N. Y. Burley Ops to Sign with Union

Personal Division—Civil

Number of items	100% correct	75% correct	50% correct	25% correct
0	100	75	50	25
10	100	75	50	25
20	100	75	50	25
30	100	75	50	25
40	100	75	50	25
50	100	75	50	25
60	100	75	50	25
70	100	75	50	25
80	100	75	50	25
90	100	75	50	25
100	100	75	50	25

of Music.' Henry King follows
Masters, Feb. 22.

Wednesday, February 8, 1939

ICO, NEW YORK

Drunk Fell from Mez Into Orch — Floor, Hitting Dancer; She Gets 25G

Stanley Mark Strand Theatre Corp., which operates the Strand theatre, Broadway and 47th street, New York show window for Warner Bros. pictures, will appeal from the verdict of a jury before N. Y. Supreme Court Justice William E. McLean which awarded \$250.00 damages to Filomena De Salvo, dancer, for injuries received while she was a patron at the theatre in 1938. Miss De Salvo had used the theatre corporation for \$100.00 damages claiming the accident had destroyed her nervous system and that, as a result, she could not carry on her profession of dancing career. Up to the time of the accident the plaintiff was a member of the dance team of Phillette and De Salvo.

The accident took place during the midnight show at the theatre on Oct. 6, 1938. Miss DeSalvo with an escort was seated in the orchestra directly under the rump of the mezzanine floor. The testimony at the trial showed that a couple of "potted" youth made a running leap leaving their seats in the mezzanine. One of them toppled over and onto the shoulders of Miss De Salvo. She was knocked out. Although no bones were broken the jury was convinced from her appearance in court her nerves were still somewhat shattered.

The theatre's defense was that the iron protection railing along the edge of the mezzanine met the requirements of the law and that it was adequate to prevent patrons from tumbling over. In this instance the man who fell was either drunk or was skylarking. It was contended the theatre was not responsible for the acts of every patron in the theatre unless the patron's actions continued to annoy others. There was no negligence on the part of the theatre in relation to the De Salvo accident, it was contended. The jury, however, thought differently. The person who fell from the railing was uninjured.

MPLS. HOUSES BOOK OCCASIONAL VAUDE

Minneapolis, Feb. 7. Lower loop grind houses and some of indie nite spots are breaking out with occasional vaudeville. Crystal, dime grind subsequent-run, this week played Capt. Frank Allen, 'Believe It or Not' man, who swallows nails, glass, etc., and is frozen in cake of ice; double features and shorts. A nite, the Princess, used a band act on its stage with feature and shorts for 15c. admission.

Probable breaker ahead, however, is the stagehand's union which is expected to step in shortly. House isn't using any now.

Nan Wynn Replaces Kirby at N. Y. Nitory

Nan Wynn, record and sustaining radio singer, replaces the John Kirby orchestra in the Famous Door, New York, tomorrow night (Thursday). Miss Wynn is in for four weeks with options. She'll work with the Charlie Barnett crew, with which Kirby's side-piece outfit alternated. Latter has been at the Door since Count Basie exited early in December.

Miss Wynn starts on a new one-year recording contract with Brunswick Records today (Wednesday).

ACT STRANDED, SUNG MGR. IN CHI

One of the rarities in vaude today, a suit aimed at an agent-producer for stranding an act, is being filed in Chicago against Sam Roberts by Johnny Woods, performer. Action is being handled by I. Robert Broder, N. Y. attorney.

Woods charges Roberts and Nicholas Bola with leaving him stranded in Dayton, O., after he had played a week there (Jan. 20) at the Colonial theatre in their unit, 'Folies d'Amour'. According to Woods' complaint, the producers wanted him to go on with the show to Evansville, Ind., and when he refused they did not pay him off. He claims he had to wire east to his family for funds.

Subsequently, Roberts and Bola sent Woods a check in N. Y. for partial payment, but this was returned. Woods preferring to sue for the entire amount.

See Det. Nitory Biz Up Due to Conventions

Detroit, Feb. 7. With a number of conventions scheduled through February, local niteries figure on big biz during the month. Biz has been off since the holidays.

So many conclaves are carded for February, according to Detroit Convention Bureau, that many will overlap, with sometimes as many as six running simultaneously.

BUT Direct

Philadelphia, Feb. 7. Harry Kalliner, operator of the Little Rabbitkall here, climbed aboard the World's Fair ballroom bandwagon this week. He advertised his feature in the local dailies: 'Yvette and her parrot—direct from the Chicago World's Fair.'

PROPOSE BILL IN CAL. TO EASE CURFEW

Sacramento, Feb. 7. Night clubs in California will be permitted to sell liquor until 4 a.m., two hours later than at present, if the Legislature and Governor Olson approve a proposal by Assemblyman Ray D. Williamson of San Francisco. Williamson would make it possible an emergency measure so it could be in operation during the Golden Gate Exposition. The proposed bill follows the procedure set down by the New York Legislature.

Night clubs and other establishments wishing to remain open and sell liquor until 4 a.m. would pay a higher license fee to the state than others.

Violations of the State Alcoholic Beverage Control Act in 1938 cost the owners of the Ranchero, San Pablo and the Acme club, niteries in El Cerrito, Cal., 10-day license suspensions. Both spots are operated in El Cerrito's 'no man's land'.

Licenses suspended as a result of selling liquor after hours.

Akron Cleans Up

Akron, Feb. 7. The Merry-Go-Round, largest of Akron's downtown night clubs and almost an institution in night life here, was shuttered Saturday night (4) when the new state Republican administration, operating through the state liquor control commission, ordered the spot closed and announced that Operator A. C. Tony Masino's liquor license had not been renewed. The license expired Thursday night (2).

Gov. John W. Bricker has announced a drastic change of policy is to be adopted in the granting of safe and private club licenses. Thus far he hasn't issued a definite policy.

State agents who told Masino to close said: 'This same thing is going to happen to plenty of other night clubs and so-called private clubs before long.'

Closing of the Merry-Go-Round followed by two days the revocation of three Akron and Summit county 'private club' liquor licenses, the Old Trail, Walter Gersche's club and the Azar, operated by a brother of Assistant County Prosecutor Robert Azar.

Two of the clubs, declared by police to be 'bogus,' operated for private gain with slot machines and other gambling paraphernalia, have been raided a number of times. Vice Squad Chief William Hogeword has estimated that not more than 10 of the 85 private clubs are 'phony.'

With pressure being brought all over the State to eliminate these 'clubs,' operators are moving to protect their interests. Representatives of 40 private clubs met at the Mayflower hotel here Wednesday night (1) to discuss organization plans.

JESSEL OUT OF PHILLY CAFE DUE TO ILLNESS

Philadelphia, Feb. 7. George Jessel, set to headline at Jack Lynch's Thursday (9), cancelled booking due to sinus condition. Nitory without a headliner for opening.

Rest of the show includes Holland and Hartz, the Jivejets, Dolly Arden and Frate, the Silevers.

HARRY GOLUB'S CAFE

Denver, Feb. 7. Harry Golub, former manager of the Orpheum theatre here, has taken over the Yacht Club and reopened it after making improvements.

Detroit Sings the Night Club Blues; Downtown Casino Folds, Seeks Aid

Nick Kenny in Accord With TA on Benefits

Friction between the Theatre Authority and Nick Kenny, New York Daily Mirror columnist, has been dissipated. Radio writer is now co-operating with the TA after allegedly bucking its charity setup by playing his 'Nick Kenny Revue' of 'amateurs' at benefits that didn't contribute 15% of the take to the TA.

Truce was declared last week in Miami Beach, where Kenny was requested to appear at a benefit for the YMCA. He phoned Alan Corelli, executive secretary of the TA, in New York, asking for okay. Also refused to appear until TA has been assured of its percentage (15%) of benefit's take, required of all benefits at which acts appear gratis. TA recently complained to Charles McCane, Mirror publisher.

Adranne Trio Back

Adranne Trio, adagio dancers from New York, returned yesterday (Tuesday) from a seven-month tour of Europe, South Africa and South America.

Adranne Denison, femme with trio, was married to George McDonald, also in the act, Jan. 5 in Rio de Janeiro.

Detroit's nitory ranks are getting thinner daily, with no relief in sight.

Downtown Casino, which opened late in December as town's first theatre-nitory, in the old RKO Downtown theatre, pulled stakes last week after a poor run. Webster Hall hotel's grill, for several years Detroit's lone hotel cafe, is scheduled to shutter Feb. 14 after months of bad biz.

Casino, headed by Sidney Berman, who several years ago was connected with the defunct Paradise-on-the-Lake summer dance spot, may reopen soon, however, if Berman is successful in lining up backers. Closing forced cancellation of engagements of Henry Busse and Blue Barron bands, which had been pencilled in at \$3,500 and \$3,000, respectively.

Webster Hall, which collected the cream before Book-Ca l'illiac opened its Casino and Hotel Slater built the Terrace Room, has suffered to date from lack of topnotch attractions, true of several other spots here.

Paul Draper to Play Chicago, Chi; 2G Per

Chicago, Feb. 7. Paul Draper comes into the Chicago, Chi, on Friday (10). Set through Ingalls-Davies at reported \$2,000.

Blanco (bro	Ethel Maeder
go Clifford	Viola Klais Ore

1

their rendition of which they did for the purpose of that name, Sullivan said in a financial speech. She heard auditors and she's in her cor-
the night.
ed the new eight
is their first pub-
work permit
east soon. They
ground. The
Mob that caught
gave them a
for R. A. Me-
her cor-
the place, tak-
former oper-
who is installed
in the court-
right to the Lamaze
ing the courts for
he monies he
Heim.

Main Room
(HOTEL, CHI)

MILWAUKEE, Feb. 4
The show will be the beginning of the season at hotels, but now
down to seven-
ence is one, the
turning to the
followed by the Col-
tel Sherman.
room is the
interbugs who can
stage stamp floor
to Room 10.

of the convention.

ers. can entertain
when a dozen
get on this floor
room for any
to just hop up
tionally wave their
just tap their
hands in time
regular jam group
net and amplified
dio-tube pumping
Smith
The youngsters
off and keep yell-
ing, which is one
members.
In this basement
d, with a general
-up, overhanging
The bill
are printed for the
ces, evidently, be-
things you order
fresh out of
there are candies
Gold.

KLIA. N. Y.
(MAN'S)
hurry, Amelia Gil-
erson, Jack Miller
Kardos arch, Bela

...eating place, and
...sitting down from

Miller (and Janet),
is doing the m. c.
being only skating
talking. Line of
so small and occa-
the objectionable
t and not clutter-
s. dancer ones

Fairly nice-looking

the twelfth costumes, at her tempting. Dr. Singer, in the role of a singer, wears a white and red costume. Two more and Bartone is limited to this type. The aged singer (works in the canteen) of the canteen old-timey. He looks like the cute old-timey. He is in voice, and gets - in the role of a singer. Pulls a "A-Ticket" while Bartone works in the canteen.

and for some time, usual tricks of lightningning electrically in the darkness, and with the girl. The point of using auditions which includes the role of cheap wine. Singer is lost in giant.

both on show and the string ensemble and for Miss crew is younger and more much sufficient for this fiery requirements.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

Rain Cools Business on Broadway; 'Hellz' Keeps \$34,000 Pace, 'Way'

1st than twice the take here on
at season's visit at same top. A
m- first night played s.r.o entire w

Broadway

Marc Connelly sailing to Rio.

Sidney Howard has postponed his trip to the Coast until after the Chicago Grandstand has returned to Chicago and is working on a new play.

Leo Berger, of Center boxoffice, gained forehead on heavy theatre door.

Jack Keyner, Warner Bros. foreign publicity exploiter, backed by Robert E. Sherwood due head from his South American cruise about Feb. 15.

Jack (Stork Club) Estrater making shorts for Warners; in Brooklyn with LeRoy.

Edna Ferber to the Coast before publication of her autobiography, "A Peculiar Career."

Federation of Arts Unions (WPA) will hold entertainment and dance at the Astor Feb. 20.

Allen Starnes, former vaudeville headliner, closing touring stage department and singing.

Jack Osterman's tune "Where Tor?" accepted by Robbins for publication. Rudy Vallee first introduced it.

Due to serious illness of his name, John Gilchrist, who has been in Kansas City on his way west.

Errol Flynn on a hunting trip in Virginia. Will visit Hollywood in Havana before returning to the Coast.

Tales of a Wayward Inn' by Frank Case, manager of the Algonquin hotel, being turned into a Braille.

Tina Krelberg, of Metro, who married Jones J. in London, Nov. 28, Jan. 28, had the job after a headshot.

Jimmy Durante will lead grand march at the Astor Feb. 24 during the Fall of Numbers' musical assembly.

Florida his n.c., what with no rain and no snow, is a little bit, but it's the seasonal squawk when it comes on.

Letta gripe has bedded quite a few Broadwayites. Present off his bed, Marie is ill in part on extent of colds, etc.

Dance teachers and school owners around New York are currently waging battles for unionization, forming of new associations.

Free ticket (Wednesday) for Al Reid, Fagan circuit 'n.c., by the Virginia, Fox and Strand, Broadway, said. At Michael's, Brooklyn.

Convert charge policy off at the Road to Mandalay, with Harry Richmond scanning to Miami and a lower cut show in the usual minimum now.

Walter Huston will be guest of honor, Mark Hall luncheon Feb. 10, turning his 37th year in the theatre. Mrs. Theodore Roosevelt, it will be hostess.

Calico begins in March Comop format series entitled 'Tales of Six Cities,' dealing with the adventures of an American newspaperman in the world's capitals.

Second Grand Organi' featuring a new musical instrument, Novohard, to produce every tone or color of orchestra.

Edwina Booth, 66, who has been married six octaves and one manual.

Virginia Becher, who has been married six octaves and one manual.

Evans office, to Atlantic City with her father for a week or two.

Robert B. Lewis, who has been married six octaves and one manual.

Greenwich Village will make a bid for the tourist trade by presenting a fair with an ambitious institutional campaign in behalf of the entire city.

Bennie Cohen, who has been married six octaves and one manual.

The leading spirit.

Alfred C. Fischer, whose show closed at the International Casino, latter spot sold at auction last night.

From Paris to New York, America. Fischer's 'Polis Berger' and 'The Price'.

St. Louis

By Sam X. Hurst

Burton Holmes starts yearly series Feb. 20.

Jack Lucas and hand linked for engagement at Chase club, starting Feb. 20.

Sid X. Hartman touring talent in Connecticut and Dayton for 'Chain'.

Red Kellow, promoter of midget races, will lead ice skating extravaganza at Hot Springs, Ark., Feb. 15.

varna, elected prez of St. Louis World Guild.

Percy Barr, former local manager, returned to Screen Service, came from Chicago. Announcement of his daughter's engagement.

Local Union, announced National Federation's association, in Hollywood recognized by the city council.

St. Louis is working on a new play by staging of national hillbilly jamboree in Municipal Auditorium.

Laurie Melcher has been linked for 'The Waltons,' a musical comedy sketched in spring series of the Grand Metropolitan Grand Opera association. Officially 'n.c.' as the others.

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St. Louis singing on March 3 and 4. Death and illness in Stravinsky's 'The Rite of Spring' by the American tour.

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London

Max Wall's mother operated on for gallstones.

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Minneapolis

By Les C. Lewis

Bill Edwards, head book-keeper, under doctor's care.

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Hollywood

Sam Harris here from London.

They Delapp laid up with flu.

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Minneapolis

By Les C. Lewis

Bill Edwards, head book-keeper, under doctor's care.

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Palm Beach

Paula Stone leaving.

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Local Union, announced National Federation's association, in Hollywood recognized by the city council.

St. Louis singing on March

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FIRST

swing band in Downbeat's annual poll!

FIRST

swing band in World-Telegram's annual poll; fourth among all!

"LIFE"

goes to a party "to hear Artie Shaw, Swing's newest King"!

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presents Robert Benchley and Artie Shaw, WABC-CBS 10 P. M. EST Sundays!

Rockwell O'Keefe

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N. Y. STRAND NOW! LINES TO 8TH AVENUE IN THE RAIN!
THE BIGGEST ORCHESTRA ATTRACTION IN THE U. S. TODAY!

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NEW YORK, WEDNESDAY, FEBRUARY 15, 1939

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FACSIMILE WANT \$2 LEIGH

Facsimile Newest Gadget for Homes; Crosley Already in Mass Production

Little known as yet in the public at large, although familiar to the radio and newspaper trades, facsimile is now entering mass production while the much-hyped television still amounts to very little. Facsimile media news over the air on radio waves giving the owner of a facsimile receiver a printed reproduction of visual material. It is suitable to cartoons and pictures and may one day be used in education and advertising. The entertainment possibilities as yet are limitless.

Meanwhile evidences of facsimile's advances include the Crosley plant in Cincinnati which is manufacturing 500 sets a week under Patent. (Sets are priced presently at \$75). Transradio news service meanwhile is experimentally organizing a facsimile news service to take advantage of the A.P. UP, INS restrictions. Some 10 radio stations have facsimile setups.

Claiming "no wise to supplant newspapers, but to supplement them, facsimile's greatest value is felt to be in rural areas where per copy cost of circulation is high and there are no hourly editions to grab off convenient newstands. With its ability to transmit pictures and other graphic material, it is looked on as a valuable educational force, too.

In the metropolitan N. Y. area, WOR is airing nightly from 1:40 to 4 a.m. on its regular wave length (facsimile transmitter is merely plugged in place of a mike) and from 2 to 4 p.m. on its short-wave, W2LTJ. They alternate between Finch and RCA equipment. W. G. H. (Continued on page 54)

Lights Club, Once Famed in Show Biz, Destroyed by Fire

Clubhouse of the once famous Lights Club in Freeport, L. I., was completely destroyed by fire last Wednesday (8). Building, which stood on the waterfront, had been unoccupied for the past several years, a roadhouse venture having passed out after the Lights went broke about 12 years ago.

Victor Moore, current in "Leave It Me" on Broadway, was the last president of the Lights, which at one time boasted 1,000 members, comprising the most prominent performers in the show business in the area. Club's title stood for Long Island Good-Hearted Thespians Society.

Actually, the Lights was in existence for only about 10 years, having financial difficulties almost from the very beginning. The clubhouse, built and furnished at a cost of \$85,000, was supported by Lights Club Cruises, annual show events, and other means. These tours were confined (Continued on page 55)

Plenty Airy

There's a curbstone agent around Broadway whose card reads: "Business hours—2 to 8 p.m., in front of Bond Building."

B'WAY CAPITOL TO PARADE M-G NAMES

When the Capitol on Broadway, Loew's next, returns to stage shows in April, after being straight films for about four years, the Metro roster of Hollywood names will parade across the Cap's boards. Ideas will be primarily for showstopping, good will, etc., attendant to the anticipated influx of N. Y. World Fair crowds from April 30 on.

Loew-Metro figures that these personnel will be worth any economic loss because of exploitation. However, the 481-capacity house can gross \$75,000 a week, and more, at the present \$2-\$1.85 scale, exceeding the Paramount (Par), Strand (WBD) and State (Loew second-run vaudeville) in capacity. The Rocky and Radio City Music Hall, with flesh shows right along, exceed the Cap's capacity.

Whether pit handshakes or reclaimed use of the stage, latter, of course, entailing a larger backstage crew, will be the operation choice, has yet to be decided upon.

Along with the names, the Capitol is sending out feelers for name bands. This would place the house into bidding competition with the Capitol.

The Cap, pioneer presentation house, has had the idea of a return to flesh only as when the anticipated heavy transient crowds, coincidental with the '39 Fair, made it necessary. Loew-Metro theatre operation department has long since concluded that, even if losing money on straight pit, the "red" was less than when hitting a snag with presentation policy. The theatre's last two years' grosses, sans flesh, have averaged lower than the house first dropped its stage adjunct.

M-G Mulls Full Opera

Starring Iona Massey Hollywood, Feb. 14.

Complete grand opera film, starring Iona Massey, is being mulled by Metro execs, with cavaliere Rusticana as the likely choice. Singer is presently recording numbers from the Mascagni opera.

MANAGERS FEEL CUT NECESSARY

Masses Haven't the Coin—More Ticket Sales Than Ever Directly at the Box Office—Agency Calls Off—Bulwark of Legit in the Past Was the Mass Turnover—N. Y. Fair Crows a Factor

\$3.30 FOR MUSICALS

A concerted managerial move among Broadway legit producers is afoot to reinstate the \$2 drama. It's felt that the mass production price will ultimately prove the salvation of the theatre and insure its survival.

Concrete evidence of two salient economic factors, that have inspired this thought, is there in (1) the fact that more people are buying their theatre tickets directly at the box office, as evidenced by the drop in theatre brokerage sales; and (2) the fact that, if unable to get desired seats at the box office, they don't go to the agencies. This is interpreted as a vital financial factor along the lines that the masses haven't the money for fancy legit prices, and if they stay away it only deluges them into picture houses or other form of amusement.

In the heyday of yesteryear legit the \$2 drama was the bulwark of the business. Of course, today, with the U. S. tax that must mean \$2.50. And also, in the case of musicals, a \$3.30 scale would have to obtain.

Along the lines of mass patronage, the New World's Fair (S) is (Continued on page 48)

BBC VISIO CATCHES ITS FIRST ACCIDENT

London, Feb. 14. The Sensational Macks had the distinction of putting on visio's first accident when the man and girl in their roller coast car shot off the platform into back-chill. Man broke his arm.

Program was blacked out for a brief period.

Barely Escaped

Atlanta, Feb. 14. Alexandria Wasilewska, evangelist and ex-showgirl, opened six-day preaching series at Atlanta Gospel Tabernacle today (Tuesday).

Advance billing says femme will be one of her days on the Keith circuit and how she was converted on eve of her entrance into the Gospel "banders" after reading a Bible loaned by a cousin.

Admen Minimize Hollywood's New Anti-Radio Stance as a 'Gesture'

Don't Trust Dot

"Information, Please" (Canada Dry) is unable to turn up a woman who is a good ad lib talker. Program feels the need for one of the sex to balance the jury of experts, but most of them have been too spin, slow witted and self-conscious.

On the other hand, they don't quite trust Dorothy Parker, who would probably fill the bill but make everybody nervous.

SEEMS KIDS ARE EATING WRONG BREAD

Bond Baking Co. as underwriter of "The Lone Ranger" in all towns made available by the latter accounts exit March 24 except Chicago where Bond has no distribution. Switch of sponsors selling the same article has occasioned much surprise in the trade. Withdrawal of Gordon from the horse serial was done on the recommendation of Young & Rubicam, the new agency on the account. Gordon has been financing the "Ranger" since 1924 on Mutual and even before that as far as WXYZ is concerned.

Bond's tieup with the western is nothing new. The account has been identified with it in five Mutual spotbills for some time. The expansion will give Bond 10 spots on the Mutual release of the show. It is understood that there will be a week's interval of broadcasts on a substantial basis in the current Gordon spots so that the changeover on bread brand calling won't be too abrupt for the kid listeners.

Cukor's Walk on Selznick

Said to Involve Viv Leigh

"One With the Wind" has reached hurricane proportions. With George Cukor's walkout on the direction, but assured, due to reported dissatisfaction with Vivien Leigh in the "Scarlett" role, it now seems that Miss Leigh may also withdraw. In the meantime, with Cukor out, indications are that Victor Fleming will be borrowed from Metro to direct "Wind." Cukor will probably go over to RKO Radio to handle "Memory of Love."

Early reports claimed Cukor asked to be relieved of the "Wind" assignment after several disagreements with Selznick on production policy.

Advertising agencies in New York are confident that there will not be a wholesale migration of film players from radio in the near future, even though Metro has joined 20th Century-Fox in trying to appease exhibitor clamor against the profuse appearance of picture talent on the air. The ad men regard the latter now being made in Hollywood about radio as another of those periodical campaigns likely to blow over after a batch of token withdrawals have been made and that the film selling season is well under way.

Feeling in agency quarters is that screen personalities have become too thoroughly interwoven in the fabric of air entertainment for the picture companies as a whole to take such drastic action against the medium. The film producers must realize, radio argues, that not only would they be going against their better judgment in exploitation values, but that they would have to contend with much resistance from stars who have developed important air followings and who have become accustomed to the financial income that this additional work brings them.

The admen point out that the heavy tieup with pictures likewise has had unfavorable repercussions for them. They have looked on the relationship as one of give-and-take, with the result that they have had to contend with mounting listener opposition to the multiple plugs given current or forthcoming films, because of the players involved on the various programs. For their part, they have kidded these plugs as having the aspect of a mutual admiration society (Continued on page 2)

'Refugee' Song In Five Languages; Cut For Aid Promised

"Refugee," a song acquired by Mills Music, is being published in five languages, namely, English, Yiddish, German, Spanish and Chinese. A number is dedicated to the refugees to the title states and a substantial portion of the profits accruing from the composition will be donated to refugee relief.

The writers are Dr. William B. Rieder, Billy Hays and Frank Capano.

Mayer's 'A' Horses

Hollywood, Feb. 14. Louis B. Mayer is the leading movie winner among the horse owners of the film colony at Santa Anita, with a total of \$16,800 to date. The Mullin Stock Farms, owned by Bing Crosby and Paul Hays, is second with \$5,600, and Howard Hawks' Moon Stable is third with \$2,850.

U. S. SOCKS

U. S. LOOSENS A KNOT

In sustaining a lower court decision that eight major film distributors and the Interstate Circuit, Inc., and Texas Consolidated Theatres, Inc., were violating anti-trust laws through the practice of film licensing and clearance, based on public admission prices, the U. S. Supreme Court has given a ruling of utmost importance to the film industry and its future development. Clipped of legal verbiage and the highly technical arguments on the questions of the rights possessed by copyright owners (films are copyrighted), the high court decision may be far-reaching and result in radical changes in trade practices.

Briefly, the decision declares illegal any contracts between distributors and first runs which specify subsequent run admission prices, or limitation of the right of subsequent runs to show films in double bills.

The complaint by the Department of Justice charged in its original suit that the defendants conspired to require certain Texas operators to meet price and clearance stipulations before they could exhibit class A films. It was alleged further that the contract prohibited exhibition in second run theatres of such pictures for an admission price less than 25c., or as part of a double feature program.

It appears likely, as interpreted in distribution circles, that the decision unwinds much of the complicated industry texture which has developed in the past decade, and points the way to a return to first principles of theatre operation and film selling.

That first principle was the acknowledged right of any distributor to sell a first or subsequent run of a film to any exhibitor, irrespective of what the exhibitor charged the public. Operation of this fundamental practice in the early and expanding days of the industry prompted the investment of millions in theatres and resulted in the building up of the magnificent exhibition structure of the country. Viewed in this light, the Supreme Court has put the industry back on its early course. The effect can be interpreted only as salutary.

An observer does not necessarily take any biased position toward the pending Government civil action on the anti-trust laws when it is stated that the large affiliated and independently owned theatre circuits, now in control of first run exhibition, have derived their strength and sustained their position through territorial control of product. It can be argued successfully that chain operation has raised the standard of the art of film exhibition in some sections of the country. It cannot be denied, however, that theatre building, exhibition expansion and independent investment have curtailed with the increasing development of the big chains.

Film clearances between first and subsequent runs, based upon admission prices, obtain in many sections of country other than Texas. In some instances, independently owned houses and circuit theatres have joined in working out price-clearance schedules. How soon and to what extent the Supreme Court's most recent ruling will force a change in current practices is difficult to anticipate. The industry may be sure, however, that dissatisfied exhibitors will press for readjustments under the encouragement of the court's ruling.

Although the Justices were divided five to three on the issues (an indication of the legal complexities which the film industry reflects), the ruling in the specific case does not seem harsh, nor does it present handicaps on distributors and exhibitors.

The constructive feature is that encouragement will be given to independent capital and enterprise to expand holdings and increase film attendance and picture rentals. The Court has severed an ever tightening knot which was retarding exhibition development.

ROACH FAVORS NEW PRODUCTION SETUP

Hal Roach is mulling the idea of a producer-director setup to replace executive production post recently created by Milton Eren. Lewis Milestone is said to be dictating with Roach to produce and direct John Sturges' picture, "Three Mice and Men." A. Edward Sutherland already works on a producer-director basis.

SKOURAS EAST
Los Angeles, Feb. 14.
Seymour Skouras leaves Friday (17) for New York after passing three weeks here sitting in for brother Charles, now in Greece.

Edington Setting Talent In N. Y. for First U Pic

Harry E. Edington, who has a four-picture production deal with Universal, is in New York seeking talent for his latest, "Atlantic Cable," which is set to go into production on the Coast May 1. Denison Clift has been commissioned to write the screen version of the story. His contract calls for films budgeted around \$600,000 each. Second production will be "Paris Streets," the third probably a "South Sea" picture.

Getting Glasses Crossed
Hollywood, Feb. 14.
Warners will shortly produce a Technicolor featurette, "Atlantic Cable," Harry Edington has also announced a feature with the same title for U.

UPHOLDS TEXAS RESTRANS CASE

In No Mincing Language, by a 5-3 Decision, U. S. Supreme Court Slaps Down the Eight Big Producers—Repeals Copyright Law Protection of Film Property as Excuse for Restraining or Conspiracy Actions

ROBERTS DISSENTS

Washington, Feb. 14. Judicial stopper to any joint film industry campaign against dueling and price-fixing came from the U. S. Supreme Court Monday (13), in a decision upholding the Government in the crucial Texas test case, involving eight majors and two chains. Divided 5 to 3 the tribunal took a view of the copyright statutes which puts severe curbs on the industry, and probably will be reinforced by Justice Department's New York anti-trust proceeding.

The court's complaint against major distributors in the civil anti-trust action now pending in New York is to be reinforced by Justice Department's New York anti-trust proceeding.

While some points raised by defense counsel were sidestepped, the majority opinion covered the chief arguments on which the unfavorable court ruling was based. In voicing the majority sentiment, Justice Harlan Stone interpreted the copyright laws in a way which will materially tie major hands in further attempts to erase disliked trade practices.

Contention that the evidence failed to prove conspiracy on the part of the defendants was rejected after a review of the circumstances. Fair conclusion from stipulations and testimony about conduct of the involved parties, is that restrictions—denying films to subsequent runs which have double-features policy, or night admission scale under 25c—were inserted in license agreements as part of general understanding. Distribute went along in the attempt to curb competition from indie exhibitors, Justice Stone implied.

More important aspect was the majority comment on the copyright laws and the extent of protection granted producer-distributors. Justice Stone skirted the question of whether the companies can impose restrictions independent of the spoken word. Majority said the copyright privileges do not overcome the prohibitions in public contract. Further, the curbs would be illegal under any conditions.

Complete freedom to say how their product is used, just as holders of patents have, was the majority view. Parallels is not complete, Justice Stone explained, adding:

Copyright patentees have power to control the price at which their license may sell the patented article, it is understood that the owner of a copyright can dictate that other pictures may not be shown with the licensed film if the admission price which shall be paid for an entertainment which includes features other than the licensed picture license.

Cannot Use Copyrights For Restraint Purposes
Without positively answering this challenge, the majority view is that even if individual producers could place such curbs on the sub-theatrical market, they are free to use their copyrights as implements for restraining commerce

(Continued on page 23)

N. D. Kayo of Divorcement Bill May Have Restraining Effect On Similar Bills in Other States

Col's Refugee Pic

Hollywood, Feb. 14. Political refugees from a European country form the basis of a picture being released by Columbia under the title, "Fifty-one People." George Halacz is developing the story for production by the Irving Bricks unit.

PAR NORTHWEST JUBILANT AT REPEAL

Minneapolis, Feb. 14. John J. Friedl, general manager of the Paramount Northwest Circuit, is "content" that a realization of the "injustice done" to his chain had prompted the North Dakota state legislature to repeal the theatre divorce law. Foes of producer-distributor ownership and operation of theatres, however, have set wheels anew in motion to get the measure back on the statute books. Friedl believes that the legislators "have seen the error of their ways" and that Gov. John Moses will succeed in getting the lower house of the legislature to pass a motion to reconsider the repeal and to request the governor to veto it. The repealer was whisked through both the house and senate with virtually no debate. Majority Leader R. R. School, who made the motion to reconsider, argued that the legislators didn't understand what they were doing when they voted repeal.

Passed in 1937. The theatre divorce law originally passed in 1937. A voters' court tribunal upheld its validity, but the Paramount circuit has appealed to the U. S. Supreme Court, which has consented to pass on its constitutionality. Pending the U. S. Supreme Court ruling, Paramount by consent, has been permitted to retain ownership and to continue to

(Continued on page 48)

KNOFF GOES GOLDWIN IN HULBURD'S BERTH

Hollywood, Feb. 14. Edwin Knoff, resigned as head of Metro general department, has closed a deal with Samuel Goldwyn to produce and act in a general editorial capacity on all future Goldwyn productions. This is the spot occupied by the late Merritt Hulburd.

Knoff's Metro schism is a bit of a mystery. He had a five-year, non-option contract, which still had four years to go. While giving no reasons for his action, it is understood Knoff was in company with question of becoming a Metro producer.

While Kenneth MacKenna is succeeding Knoff in the scenario spot, it is understood that it is only a temporary appointment. MacKenna was originally a Knopp appointee as eastern story editor of Metro.

Following the surprise action of the North Dakota legislature in repealing its own chain divorce bill, although meantime argument on its appeal pending before the U. S. Supreme Court in Washington, industry spokesmen in the east view the odds as vastly changed in their favor in connection with similar separation moves in other states. At present there are divorce bills in Nebraska and Kansas.

The about-face that has occurred in North Dakota is accepted as strongly arming producer-distributors against passage of divorcing legislation in other commonwealths, and itself should discourage the spread of this type of law-making. Ambitious exhibitors, opinion is divided as to what effect the ND repeal may have on the U. S. anti-trust suit. The latest move is one of its main objectives the complete separation of producer-distributors from theatre operation.

Defense against the U. S. suit may be considered strengthened in view of the ND action. In other commonwealths, and itself should discourage the spread of this type of law-making. Ambitious exhibitors, opinion is divided as to what effect the ND repeal may have on the U. S. anti-trust suit. The latest move is one of its main objectives the complete separation of producer-distributors from theatre operation.

Other states had previously sought divorce but failed to get the necessary action, including Minnesota, Wisconsin, and Ohio. That was two years ago, while this year, in addition to introduction of chain divorce bills in Kansas and Nebraska, other states, including Arkansas, are threatening them.

Although it is unexpected from the governor of North Dakota, view of the overwhelming majority voters for repeal of divorce.

(Continued on page 18)

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INDIES VS. B & K POSTPONED RULING DUE AFTER MARCH 7

Theatre Chain Would Make Indies Open Up Their Books—Indies' Lawyers Cite a Previous 'Variety' Story as 'Inspired'

Chicago, Feb. 14. Another postponement was added to the calendar of the independent theatre owners' suit against Balaban & Katz and the eight major distributors here. Case will come up for hearing on March 7, the federal judge having promised to devote the entire day to the case at that time. Court has been weighed down by several other suits during the past months.

On March 7 the judge will decide whether or not the B & K. attorneys can make the exhibitors close their grosses, profits and losses in court. No date for trial has been set.

Meanwhile, attorneys for the plaintiffs have two important items people before the master in chancery for depositions. They are Abe Kaufman, booker for Balaban & Katz, and Clyde Edwards, chief in this territory for 20th Century-Fox exchanges.

A total of eight Chicago corporations, operating as many indie houses and originally participating in the suit, have withdrawn.

Much of the present case, according to the feeling along film row, hinges on whether or not the attorneys for the exhibitors will be forced to bring their books into court and reveal their financial statements. This case is emphasized by the exhibitors' attorneys who state, in the petition, that they have been hindered by the exhibitors in the case would be forced to produce their books and disclose their profits.

VANZETT's own story to this effect is made a part of the petition, which is filed under date of Feb. 13, 1939 and prior to the bringing of this suit, Vanzett, a nationally circulated theatrical journal, published an article in words and figures, as follows: to wit:

RESTRAINTS. THAT THE INDIES' RESTRAINT SUIT WILL OPEN UP LONG HIDDEN BOOKS, DISCLOSE PROFITS, ETC.

Chicago, Sept. 13. While the exchanges are being held in part of the independent theatre owners' restraint-of-trade suit, the distributors are awaiting the suit with considerable interest. They feel that, though they are named as among the defendants by the exhibitors, they will come out of the suit armed with enough information that inside dope on the exchanges to make up for most of the trouble and headaches of the case itself.

There is no question that the attorneys for the defense, in the restraint suit by the exhibitors against Balaban & Katz and the distributors, will demand that the plaintiffs bring in their books to prove that they have suffered, and are suffering, the financial damage they allege in their bill of complaints.

Exchange men around to get a first-hand squint at the box-office receipts of the theatres in this territory. They feel that, though they have been closed for a percentage, flickers in the quarters. With the result that the exchanges have been forced to deliver flickers on a straight rental basis, and rate no share in the receipts of the theatres.

On that basis the exchanges have been able to gain no direct share on the box-office receipts of the theatres, and have been forced to rely strictly on guesses—when it comes to setting a price for film rentals to these houses.

Maybe Films Sold Too Low? Perhaps these prices have been just fair, state the exchanges. But on the other hand, they feel that the exhibitors pay for product. And, therefore, no matter what the actual exchange in the lawsuit itself, the exhibitors believe that they will win considerable important knowledge when the books of the in-

dividual theatre owners are brought to light.

Exchanges are even looking to the suit, and in addition to give them the opportunity to bring percentage flickers into the territory through the exhibitors. The books in court reveal that the theatres have been getting product at a cheap price, the exchanges will insist on higher rentals next season.

On their hand, the exhibitors will unquestionably battle any attempt to put through a real price book, with the result that the exchanges feel that they will settle for a number of pictures on percentage.

Attorneys for the exhibitors, in their petition, state, "and petitioners charge that said article, as well as general discussion to the same effect which has taken place among members of the National Association of Theatre Owners and in about the city of Chicago, have been inspired by the defendants, or some of them, in an endeavor to bring about a discontinuance of this suit."

VANZETT simply reported the facts of a general consensus in Chicago's film row. It's an opinion concurred in by many exhibitors as well as exchange men.

Par's N.Y. Suit Due Soon

The Orange County Theatre, Inc., anti-trust suit for \$225,000 damages against Paramount and others, is scheduled to come to trial some time in March in the U. S. District Court, N. Y.

Notwithstanding for March follows examination before trial conducted during the past two weeks by defendant counsel.

Plaintiff company, an independent brought by Harry Friedman, operates in New York, N. Y., and in P. A. names as defendants, N.Y. Theatres (Par subsidiary), RKO, 20th Century-Fox, United Artists, Universal, George Walsh and Noddy, Eugene Levy (Par partner in Newburgh) and Joe Low, branch manager for 20th-Fox at New York.

While varying as to observance of Lincoln's birthday (13), picture home offices are all planning to close home all day on Washington's birthday (22), which also is Ash Wednesday, the beginning of Lent.

On Monday (13), 20th-Fox was the only picture to close for the full day. Others shut at 1 p. m., excepting RKO.

Jack Moffit Back to K. C. Star After H'wood Stay

Hollywood, Feb. 14. Jack Moffit, star of the new Kansas City Star as motion picture actor, his first job, after three years' leave in Hollywood, is back.

He checked off the Paramount lot after turning in a screen play for Bob Burns.

Five for Bette at WB

Hollywood, Feb. 14. Warners has five high-budget pictures lined up for Bette Davis in the next 12 months, starting with "The Old Maid" in which she co-stars with Miriam Hopkins.

Others are "A' Dill and Heaven," "Let's United and Let's Sing," "The Miracle" and "Memphis Belle."

Dick Powell Due East

Joan Bonnell, accompanied by her husband, Dick Powell, is coming to New York early next month to visit her sister, Gloria.

His background is being groomed for radio in the east. Any picture work she does probably will be in New York.

656 for F.D.R.'s Fund

Los Angeles, Feb. 14. Total of \$51,708 for the President's Infirmary fund drive was turned in by California theatres under Fox-West Coast management.

Further collections are expected from northern California independent houses. Final figure of about \$50,000 is anticipated.

CONTROL FILMS' HAYSIN SEALS

The old battle to keep advertising and sponsored pictures out of the theatre circuit is being approached from a new angle by the movie office—official designation on the film as advertising matter and an advertising seal of approval. The Motion Picture Production Code and Distributors Ass'n is understood to be approaching the time-worn controversy over advertising pictures on the screen from the point that the theatre screen is the exhibitor's most valuable asset and the pictures he shows off are all that the exhib has to sell.

Haysian admit that it is doubtful if exhibitors or producers of commercial films will submit them for approval or designation as advertising matter. The exhibitor and the producer would prefer taking a chance of getting a looking in non-advertising pictures in the exhibitors' invariable opinion this type of product.

MORE PATRIOTISM

WB and "Time" Share—Chit's National Anthem—Militarism

The subject of Americanism, approached from two different angles, was treated in two short picture last week. One was Warners' order, "The Nine Million," while the other was a two-reel picture in the new issue of March of Time, "Young America."

Warners' short is a compilation of newsworthy shots and feature film clips, stressing the refugee problem, starting with the world war and continuing to the present. America is depicted as a "new homeland" in this sense.

The Boy Scout movement in this country and its movement in other countries, where the organization is pointed to in "Time's" treatment as an investment in Americanism. Scout training was shown as building respect for the rights of others and attitudinal the younger generation for future citizenship.

Ch's Anthem Slings

Chicago, Feb. 14. Patriotic fervor of the times is reflected in general treatment being played by the National Anthem at all places of amusement and public gathering to conclude all legitimate gatherings. All Shubert theatres with the "Star Spangled Banner" as a feature of the program. The Eranger will do it with the "Star Spangled Banner."

"Picture houses are also reviving the policy of playing the national anthem as a feature of the program. The Eranger will do it with the "Star Spangled Banner."

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Lefty Ponders the Golden Jubilee; Sez He Gets Pix Older Than 50 Yrs.

By Joe Laurie, Jr.

Coleraine, Cal. Feb. 14.

Dear Joe: Well, at least our California weather is back to normal—it's raining. We had a few good pictures last week, a started doing business, but when I sent a few bad ones and so our business is back to normal too. We had one last week that they should have been some releases made on it, put in some new news and doing and then they have the audience all stood up, putting out fourth dimension Class D pictures; the only thing novel about that would be the dimension. I've been reading where they're all set to start celebrating the Golden Jubilee of pictures that means that pictures are 50 years old. Well, all I can say is that the ones I've been getting look much older. I wrote a letter to the Exchange manager telling him that he is unfair to the younger generation, because they come into my theatre to hold hands and instead hold their noses.

Read your letter telling me about the opening at the Center theatre in New York of the American Varsity. In fact he took him for a real Greek and wouldn't serve him the food. He said there were two real Greeks around to kill any off.

Have been reading a lot in the papers about the big picture producers taking their big stars off the radio. Well, maybe soon everybody will stay in their own business, and not go into another guy's racket. You don't see them on the radio, but they are still getting away with it. I've been practicing with Aggie, Junior, Viv, Florence and anybody that's around, and have guessed as close as within 20 pounds, but Aggie and the other girls are not getting away with it. I've been practicing with Aggie, Junior, Viv, Florence and anybody that's around, and have guessed as close as within 20 pounds, but Aggie and the other girls are not getting away with it.

Best to the boys and girls and tell 'em when the Fair opens it will be very interesting to stand in front of the Palace theatre and see a lot of people walk by from the small crowd to see them. Best regards, sez.

Aggie sez something has got to be done or else multiply-peg will become the other best entertainment. The way things are going, we have almost give my customers a written guarantee that my pictures are good on Sundays or else they threaten me that they will stay home and listen to the radio. I've been practicing with Aggie, Junior, Viv, Florence and anybody that's around, and have guessed as close as within 20 pounds, but Aggie and the other girls are not getting away with it.

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Beachcomber Stout \$18,500, L.A.'s Acer; 'Wings' Flies High 23 1/2 C, Holds, 'Stand Up' Slim 21 G, 'Gunga' 3d, 12 1/2 G

Los Angeles, Feb. 14. Healthy tone generally this week, with bulk of houses in middle. 'Beachcomber' at Paramount and 'Wings of Navy,' each flying high. 'Stand Up and Fight' doing fair at the State but not so hot at Chicago.

'Pygmalion' is holding steady pace at the Four Star, now in its eighth week, is heading Under Artists' and Veterans to nice take.

Estimates for This Week
Chase (Grauman-F.W.C.) (2,004; 24-40-55)—'Stand Up and Fight' (MG) and 'Fighting with Fats' (MG). Chase colony mob and flying. Beatty-Turner the expected play and the answer is about \$9,000. Last week, 'Idiot's Delight' (MG) and 'New York Steeps' (20th), each \$15,000.

Downslump (WB) (1,800; 20-40-55)—'Wings of Navy' (WB) (2d wk). Another trail, a cinema store after first week brought profitable \$12,000.

Four Star (F.W.C.-UA) (300; 40-45)—'Pygmalion' (MG) (8th week). Credits merit only and will add another \$5,000. Seventh week topped that figure slightly.

Paramount (P.W.) (2,750; 30-40-55)—'Wings of Navy' (WB) (2d wk). 'Wings' is increasing its gross, but not \$11,000 first seven days; looks like \$11,000.

Paramount (Pan) (2,112; 30-40-55)—'Gunga Din' (RKO) (3d wk). Still in the profit class and 'Gunga' will be added. Looks like \$5,500 currently in its second week.

Paramount (P.W.) (3,385; 30-40-55)—'Beachcomber' (P.W.) (1st wk). Pulling up very big \$18,500 on first week and holds. Last week had two days of 'Zaza' (Fair) fair \$4,000.

RKO (2,272; 30-40-55)—'Gunga Din' (RKO) (3d wk). Held steady in six days. Last week day-dragged \$13,500.

State (Loew-Fox) (2,414; 30-40-55)—'Up' (MG) (1st wk). 'Up' (MG) (1st wk). Not very healthy at \$13,000. Last week, 'Up' (MG) (1st wk), excellent \$17,500.

State (Loew-Fox) (2,100; 30-40-55)—'Up' (MG) (1st wk). 'Up' (MG) (1st wk). Not very healthy at \$13,000. Last week, 'Up' (MG) (1st wk), excellent \$17,500.

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Broadway Grosses

Estimated Total Gross
This Week.....\$129,000
Last Week.....\$178,000
(Based on 12 theatres)

COLD NIPS K.C., 'GUNGA' FORTE \$10,000

Kansas City, Feb. 14. Film row is currently a striking contrast to past several weeks. Of course, which had recently trailed field home has good chance of coming in ahead with 'Gunga Din.' Film appears set for extended run.

In other spots his is mediocre or less. Midland gave sectional premiere of 'Pygmalion' unusual build-up, with a Thursday night (9) reserved seat showing. But it, however limited appeal. Newman is remaining on Wednesday night to turn the sun, but will work back to Tuesday night, which can get eight days. 'St. Louis Blues' is having a fourth week.

Later part of week and opening days of current week suffered from lack of interest of year. Cut in on his noticeably.

Estimates for This Week
Equipe (Midwest) (Fox, Midwest) (620; 12-20-40)—'Gunga Din' (RKO) (4th wk). Cherry at combined 10,000. Early run shows outstanding \$15,000, \$10,000, \$7,000 in previous week.

Midland (Loew) (8,752; 10-25-40)—'Pygmalion' (MG) and 'Son of Crispin' (Fremont) (2d wk). Thursday night was hampered by rain. 'Pygmalion' (MG) (2d wk) \$9,000. Last week, 'Topper' (UA) and 'O'Connor' (RKO), started build-up but sheared off by weather to \$12,500, still good.

State (Paramount) (1,900; 10-25-40)—'Pygmalion' (MG). Getting some natural section interest, but held at \$12,500.

Orpheum (RKO) (1,500; 10-25-40)—'Pygmalion' (MG). Getting some natural section interest, but held at \$12,500.

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'Waltz,' Durbin Films Capacity in S. Africa

Cape Town, Jan. 27. The Great Waltz (MG) has done capacity business here at the Plaza. The Waltz in Durban, in 'The Great Waltz' (MG) at the Colosseum, has also topped full houses.

'St. Louis Blues' Happy \$9,200 in Denver

Denver, Feb. 14. 'St. Louis Blues' is packing 'em. The picture is doing the best big in town. It'll hold.

'Gunga Din' moves to the Rialto for a fourth week.

Estimates for This Week
Alhambra (Fox) (1,400; 25-40)—'West Point' (Fair), after a week at the Denver. Fox \$4,500. Last week, 'Gunga Din' (RKO) (3d wk), \$9,200.

Estimates for This Week
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Bliz, 25-Below Temp. Runs Mpls.; 'Gunga' Good 14G Despite Handicaps

Key City Grosses

Estimated Total Gross
This Week.....\$1,192,280
(Based on 27 cities, 178 theatres)
Last Week.....\$1,154,666
(Based on 27 cities, 183 theatres)

LAUGHTON - ORK LEAD WASH., \$18,000

Washington, Feb. 14. 'Beachcomber,' helped by Russ Morgan, who is shoving Earle into the lead by a very slight margin over 'Idiot's Delight,' which opened Thursday at 11 P.M. Both did not run with word of badly and rave review.

Alhambra spots look like it will, toward the end of last week, with blame being placed on cold rainy weather. Under cover, however, managers are admitting it is happening.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40)—'Idiot's Delight' (MG) and vaude, Benny Davis' revue little help against opposition. 'Idiot's Delight' (MG) (2d wk), \$18,000. Last week, 'Idiot's Delight' (MG) (2d wk), \$18,000.

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Minneapolis, Feb. 14. Worst weather of winter has been soaking grosses below the belt. As a result, Saturdays and 25-below zero temperatures, with the usual random attractions are suffering plenty and getting nowhere near expected first-run grosses.

No less than three of the current offerings are hold-overs—all hoping for a better break from the elements. 'Gunga' and 'Jesse James' are in second weeks, 'Man to Remember' in its fifth.

Only important newcomer to town is 'The Bold and the Brave,' forth at the State and striving, now too successfully, to overcome the adverse weather handicap.

Estimates for This Week
After 'Over-Singer' (20th; 15-25)—'King Underdwarf' (WB) and 'Fisherman's Wharf' (RKO), dual first-run. 'Over-Singer' (20th) (1st wk), \$18,000. Last week, 'Over-Singer' (20th) (1st wk), \$18,000.

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Honor, \$3,800, Tops Lincoln; 'Wings' Fair

Lincoln, Feb. 14. Openings have all crimped here by the first sub-zero weather this season. Most showings of 'Wings of Navy' and 'Stand Up and Fight' are fair.

State (Loew-Fox) (2,414; 30-40-55)—'Up' (MG) (1st wk). 'Up' (MG) (1st wk). Not very healthy at \$13,000. Last week, 'Up' (MG) (1st wk), excellent \$17,500.

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Indoor Circus, Ice Hockey Hit Cleve. O.s.; Pkg. Juicy \$18,000

Cleveland, Feb. 14. Grotto indoor circus is the bugaboo town's biggest regular business for a fortnight, offering new and old circus acts. This year the Fraterno circus, which have been more by getting daily exhibition as high as \$5,000 coming from the circus.

Another anomaly in exhibitors' soup is popularity of ice games at 910 Cathedral Ave., which have been magnetizing nightly crowds of 9,000 and more. The ice skating rink is one of the best in the city.

Against such opposition 'Pygmalion' is the sole film to make any headway. 'Pygmalion' (MG) (2d wk), \$9,000. Last week, 'Pygmalion' (MG) (2d wk), \$9,000.

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'Huck Finn' Strong 5 1/2 G In Port.; 'Topper' Clicks

Portland, Ore., Feb. 14. 'Gunga Din' (RKO) and 'Huckleberry Finn' (P.W.) are the top two. 'Gunga Din' (RKO) (3d wk), \$18,000. Last week, 'Gunga Din' (RKO) (3d wk), \$18,000.

Estimates for This Week
Broadway (Paramount) (2,000; 30-40-55)—'Huckleberry Finn' (P.W.) (1st wk), \$18,000. Last week, 'Huckleberry Finn' (P.W.) (1st wk), \$18,000.

Estimates for This Week
Broadway (Paramount) (2,000; 30-40-55)—'Huckleberry Finn' (P.W.) (1st wk), \$18,000. Last week, 'Huckleberry Finn' (P.W.) (1st wk), \$18,000.

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Pitt Has Prosperity; 'Pyg' Big 22 1/2c, 'Buchman' Helps 'Criminal,' \$21,500

Pittsburgh, Feb. 14. This is the best box session the town has seen since the Kansas festival. Except for the Alvin, which is feeling the pressure of new shows on its three-week holdover of 'Jesse James,' all the others will be in the blue chips. Senator, out of its first box for first time since opening and heading for a new high with re-run of two Academy Award pictures, 'Deeds' and 'Happened One Night.'
Surprise smash of week is 'Pygmalion,' at Penn, which sold out and is downpouring the Alvin, which reserved seat preview Thursday night (9) and has been packing the natives ever since. While not as powerful as in previous engagements here, Edna Duvall's work in the role of a satirical writer for Stanley, where it is coupled with 'Happened One Night.'

Estimates for This Week
Alvin (Harris) (1,500; 25-30-40) — 'Jesse James' (20th) (3d wk). Feeling the pressure of strong openings at other sites. Big drop from second week, but still profitable at \$4,800. Last week, powerfully at \$4,800.
Fulton (Shea-Hey) (1,750; 25-40) — 'Tillpitt' (20th). First sunshine here after succession of reviews, but hunger bookings. Good badly by the parade of the Alvin, which studio starlets helping house week to \$5,800. Good. Last week, 'Little White Lies' (RKO) (20th) and 'Wings' (RKO) (four days of 2d run).

Fenn (Loew's-UA) (2,300; 25-30-50) — 'Pygmalion' (M-G). Critic did not like it, but manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.
Senator (Harris) (1,500; 25-40) — 'The Night' (M-G) (revivals). Double-header of Academy winners bringing home box and manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.

Warner (WB) (2,000; 25-40) — 'Off Broadway' (WB) and 'The Night' (M-G) (revivals). Double-header of Academy winners bringing home box and manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.

RITZ THEATRE
M-G. \$7,300 IN THREE WEEKS.

Indianaapolis, Feb. 14. Although first-run grosses generally have lightened up a bit since week, 'Gunga Din' is pushing through a heavy box, and 'Pygmalion' and 'Jesse James' will probably stay for a long time. Nothing else outstanding. 'Trade Winds' and 'Strange Case of Dr. M.' are doing well. 'Lincoln in White House.'
Lyric is getting a poor figure for 'Pygmalion' and 'Jesse James' shows.

Estimates for This Week
Alvin (Harris) (1,500; 25-30-40) — 'Jesse James' (20th). Moved from Indiana after two weeks here. Getting \$2,500 per week. Last week, revivals of 'Mississippi' (RKO) and 'Happened One Night' (M-G) (2d run).
Fulton (Shea-Hey) (1,750; 25-40) — 'Tillpitt' (20th). Moved from Indiana after two weeks here. Getting \$2,500 per week. Last week, revivals of 'Mississippi' (RKO) and 'Happened One Night' (M-G) (2d run).
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'Gunga', 13G, 'Jesse', 10C, ROBUST IN PROV.

Providence, Feb. 14. 'Gunga Din,' at the Alvin, and 'Jesse James,' at the Majestic, are running up good grosses.
'Zaza,' at the Strand, is not attracting much attention.
Estimates for This Week
Alvin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.
Fenn (Loew's-UA) (2,300; 25-30-50) — 'Pygmalion' (M-G). Critic did not like it, but manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.

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Mcney B.O. Better; 'Pyg' Hot \$12,500, 'Wings' Fair 10C

Cincinnati, Feb. 14. Returns are above par on fresh releases from four major stanzas. Fronter is 'Pygmalion,' a respite for the Shubert after disappointing 13-week vaudeville try. 'Honolulu' is sweet music for the Palace. Albin has 'Wings of the Navy' and Keith's 'Four Girls in White' for fair returns.

Estimates for This Week
Albin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.

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Brushoff De Luxe

Minneapolis, Feb. 14. Newest thing in service de luxe was introduced by the Uptown theatre (Paramount) during the heavy snowstorms last week. Manager had uhers stationed at the door and as each snow-covered patron entered he or she received a complete whiskered brushoff served double purpose of drying off the customer and saving carpets and seats.

Expo, Cold Hurt Frisco; 'Tailspin' Fair at \$13,000

San Francisco, Feb. 14. Local exhibitors are attributing poor grosses to civic-mindedness of natives about the Exposition, which opens Saturday (18). After one of the best shows in the city since Francisco, a cold spell of unusual severity has set in, keeping plenty of potential customers home.

Estimates for This Week
Fox (F-W-C) (3,000; 25-35-75) — 'Tailspin' (M-G) (20th). Moved from San Francisco after two weeks here. Getting \$2,500 per week. Last week, revivals of 'Mississippi' (RKO) and 'Happened One Night' (M-G) (2d run).
Fenn (Loew's-UA) (2,300; 25-30-50) — 'Pygmalion' (M-G). Critic did not like it, but manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.

Estimates for This Week
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'Gunga', \$16,000, 'BU. STADOUT'

Buffalo, Feb. 14. 'Gunga Din' looks like the top gross in town this week, standing \$16,000. 'Jesse James' is up to competition. Strong publicity buildup is pointing up the tale.

Estimates for This Week
Albin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.

Philly Perks, but Goodman, Plus 'Moto,' 10C Under Last Yr.; 'Wings Good 5C

GARFIELD TOPS OMAHA WEATHER, NICE \$10,500

Omaha, Feb. 14. 'They Made Me a Criminal' is standing up under the winter's cold, and sure to last the week's big take at the Orpheum. It's dually well served for every reason. 'Off the Record' and 'Arizona Wildcat' are doing well at the Omaha at \$5,000 for five days. Short week will put the house back on regular schedule.

Estimates for This Week
Advent-Dunne-Military (M-G) (2,000; 25-30-50) — 'They Made Me a Criminal' (M-G) (20th). Moved from Omaha after two weeks here. Getting \$2,500 per week. Last week, revivals of 'Mississippi' (RKO) and 'Happened One Night' (M-G) (2d run).
Fenn (Loew's-UA) (2,300; 25-30-50) — 'Pygmalion' (M-G). Critic did not like it, but manager, who plays with stardom all shows. Heading for \$10,000. With 'Pygmalion' for continuation of downtown run. Last week, 'Trade Winds' (UA), \$10,000.

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H.S. SPACE HUB; 'Gunga' \$22,000

Boston, Feb. 14. 'Gunga Din' in second week, up to grosser currently, with opposition from 'Trade Winds' and 'Jesse James,' also h.o.s.

Estimates for This Week
Albin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.

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Philadelphia, Feb. 14. With a sprinkling of good product and a little bit of rainy spell, big in downtown houses. Last week after a sad beginning. Although receipts are far below this week's, movie managers are a little happier.

Estimates for This Week
Albin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.

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APOLLON NEWSBOYS' NEAT 114C, 'WAUKEE

Milwaukee, Feb. 14. With sub-zero weather and possible snow in the offing, 'Wauke' will drop considerably this stanza. However, Dave Apollon's 'Varieties of 1899' seems likely to grab all the business.

Estimates for This Week
Albin (RKO) (2,000; 25-35-50) — 'Gunga Din' (RKO). Drawing peasant big in months for swell \$15,000. Last week, 'Man Power' (RKO) and 'Valley of the Law' (Loew) (1,400; 25-30-50) — 'Honolulu' (M-G) and 'Adventure' (Saban) (20th). 'Honolulu' gets fair \$4,000. Last week, 'Made Me a Criminal' (M-G) (20th) and 'Wings' (RKO) (2d run). Last week, \$5,000.

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WORLD NEWS

Clarify the U. S. Commerce Report

Report of U. S. Commerce Department showing Great Britain to be the best film customer, and Argentina and Brazil next best for American picture companies, gives an interesting impression. While U. S. alone is the most film to Great Britain gets the greatest total revenue from the British market, Argentina, Brazil, Mexico and France, which are listed next in order, rank high in the list simply because of American company policy regarding negative and positive prints.

Actually, Great Britain ranks much higher in total footage and value of film stock, if the same policy were followed as with most Latin-American countries. In the U. S. companies merely ship the negatives to England including Technicolor pictures, and make the positive prints from these because of splendid laboratory facilities in Great Britain. Also because of the duty on positives.

On the other hand, the U. S. companies ship all necessary positive prints needed to the South American territory because there are no plants available as yet for suitable printing. Same procedure as with Great Britain is followed in Australia because of heavy duty on positives.

Even in the Far East, which is listed far down the list by the Commerce Department, U. S. companies only ship negatives because of adequate printing facilities for positives.

SERIOUS U. S. FIRMS

Recent Attention by Yankee Companies to the Market Results in Concentrated Drive for Help in Native Producing

THE GOAT?

Recent attention accorded Latin-American countries as potential markets by the U. S. film industry has resulted in increasing demands from these nations for U. S. aid in native production. In such demands each Latin-American country wants American companies to either finance production or do the actual native producing.

It is a concentrated drive apparently the part of native South American picture boosters who want all Spanish languages to be produced in their own country (drive also includes Portuguese languages for Brazil, since this language is the official language). Latest to join the parade is Argentina. There are now 18 or more nations in the South and Central American territory seeking home production with U. S. financing.

Fact that American producer-distributors companies already have made some inroads in Spanish for the Latin-American market exclusively has only whetted the appetite for more. In the U. S. the 20th-Fox and Paramount notably have gone in for making groups of three or four pictures in Spanish feature program lineups, idea being to offer these native-language films to additional language in "buy the full line of product."

Only excuse offered thus far as to why these Spanish language films should be turned out in Latin America is that this is the only way cultural and artistic backgrounds can be furnished. However, it's viewed by U. S. company officials as merely the way to develop native production at American expense. Producers in this country fail to see why strong Spanish-language product can't be turned out in New York or on the Coast, especially when capable producers, supervisors and talent are obtainable. And they do not feel like launching production expeditions in every Latin-American nation desiring such.

Spanish picture production in each U. S. company's regular seasonal lineup have Spanish language titles in the program, widely distributed in South and Central American countries, excepting Brazil where Portuguese language is spoken there.

Prior to the Spanish civil war, when the United States eliminated American companies dubbed a majority of features into Spanish when capable local distribution in Spain. This was done because few patrons in rural districts of Spain could read the numerous Spanish titles. Many of these prints of course were made available for other Latin-American nations.

Another instance of this trend towards home production is the "Mexican" in Mexico. The picture long has been a favorite in that country, and since producers in Mexico now want to participate in pictures, some in the Mexican trade are trying to force him to produce the pictures turned out in Mexico. Guzman has appeared in films produced in Mexico, but recent made films in the country, some being Spanish-language.

Delish OK 'Snow White'

The Hague, Feb. 7. The Netherlands authorities have decided the ban for children in connection with the "Snow White" youngsters now offered to view the Disney cartoon feature.

Rank-Lord Portal-Deutsch-Pommer

And Laughton Head New Syndicate Taking Over Amalgamated Studios

Underground Cinema

Berlin, Feb. 5. The world's record for the lowest underground picture house is held by one in the mining town of Oberhausen, near the Rhine. It is situated 2,000 feet below surface and was built in 1901 in a deserted mine shaft. It is 300 feet in length, seats 186, and contains a completely modern projection room.

Rest of the shaft was reconstructed to hold a mining excavator for technicians, scientists and experts interested in German mining craft.

U. S. COS. FEAR IMPORT CUTS

U. S. distributors are watching with concern moves made by the labor government in connection with its new import licensing system. Importation so far only apply to the commercial film of New Zealand. It's doubted by many whether any ban will be placed upon the importation of U. S. picture or stage shows employing overseas performers.

Governments' laissez-faire policy on the entertainment field is said to be only because the country itself could not supply sufficient pictures or stage shows for its own needs.

U. S. distributors, while presently feeling somewhat safe, wonder whether or not the government, because of its inability to curb entertainment imports, will increase taxation in the near future to offset latter.

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IT HAPPENED IN LONDON

Mrs. Nix Shaw, Despite Betty Laughton, Because of Theme

London, Feb. 14. It rarely happens that West End managers will turn down a show when there's a backer with a hefty bankroll, one of the best institutions in the business. But such is the case of "Rovina" by Albert Baynes.

Show was produced by the Players Club, at the Aldwych, for a Sunday performance, and then bought by Noel Coward for American production. However, C. and changed hands several times, finally being owned by Jack Buchanan and Ralph Lynn, but actors-producers are unhappy under the management.

Reason for objection is that play deals with tuberculosis. Action takes place at a recuperating hotel in Switzerland.

Buchanan and Lynn have now closed a deal with Jack de Leon to produce the play at the Strand in London suburban house, so that West End managers may take another gender at it, which may change their minds.

Little Ladyship. In Hay's latest comedy, bowed at the Strand last Tuesday (7).

Lilli Palmer stars. Plot is based on an amusing but improbable situation. Appears unlikely.

RETURNS TO MEX PRO.

Mexico City, Feb. 14. Alberto J. Pani, ex-finance minister and Mexican capitalist, is to re-enter the film production field. He did some producing several years ago, then gave most of his attention to the hotel biz.

London, Feb. 14. The Amalgamated Studios picture originally built by Paul and S. Soskin (Soskin Productions, Ltd.), but never utilized, has been acquired by J. Arthur Rank, film magnate for a reported price of £250,000. Elisha, against the Rank syndicate was John Maxwell, of Associated British Pictures, who went as high as \$1,750,000 in number of offers to the receiver of the studio.

A new company with £1,285,000 capital is being formed to operate Rank's studio by Rank, his associate Lord Portal; Oscar Deutsch, of Odeon Theatre, and two others, who are most likely Rich Pommer and Charles Laughton, of Mayflower Productions.

One of the first producers to rent space in the Amalgamated Studios will be Orson Welles, who is producer of the Elizabethan, the Mayflower Productions, with Maxwell, who has two more pictures in addition to "St. Martin's Lane," deal which has been recut and re-edited, but which may not be distributed until next fall.

One of the two additional production "Jamaica Inn" which Alfred Hitchcock is completing for Maybank, so far only apply to the commercial film of New Zealand. It's doubted by many whether any ban will be placed upon the importation of U. S. picture or stage shows employing overseas performers.

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ANZAC BOARD TO HEAR GUT PLAINT VS. HOYTS

Sydney, Jan. 26. Probably the first time since before the Films Commission, recently named, will be Greater Union Theatre, London, stars Elisha, against the Rank syndicate was John Maxwell, of Associated British Pictures, who went as high as \$1,750,000 in number of offers to the receiver of the studio.

Commission is part of new legislation in N. South Wales to regulate the film business, has full power to make a decision on the matter. Commission is empowered to conduct an inquiry when a distributor, exhibitor or exhibitor over product or on any question relating to the refusal or failure of a distributor, exhibitor or exhibitor to supply films to exhibitors or to any particular exhibitor.

African Cons. Sets Up \$1,200,000 for Building

Capetown, Jan. 28. African Consolidated, which has set aside more than \$1,200,000 for the theatre reconstruction and building of a new movie house, Capetown, is only the beginning of similar facilitating operations in Johannesburg, Port Elizabeth, Durban and other places.

The project calls for raising of numerous small amounts of money, "action of virtually a new chain of modern, luxury houses, including some producing several years ago, then gave most of his attention to the hotel biz."

Plan Closing of All French Cinemas in Retaliation for New Paris Taxes

Paris, Feb. 6. First stage of battle, which began here early in year, between cinema owners and operators and the city of Paris over new taxes, came to a close Friday (3), one month to a day after it began, with neither side the winner.

After attempted arbitration by a committee appointed by the government, additional charges on cinema, from 3.5 to 15%, depending on size of house are being levied throughout the city. However, house operators have reached an agreement on measures of retaliation against the city. They say:

(1) The suppression in all newsreels, documentary films, etc., all material that might be considered government propaganda, and (2) total suppression of all sign and billboards publicizing films throughout the city. As all signs in France are taxed by law, such a move would deprive national and city treasuries of some \$7,000 weekly.

The first measure becomes effective Wednesday (8), and the following goes into effect as soon as record can be arranged. If these do not bring some sort of relief, plans are being made to stop all production and distribution, which would necessarily bring shutting of all houses throughout the country.

The new taxes which have been collected during the last two days have an average over \$5,000 daily into the city's coffers. And as the measure is retroactive from the first of the year, it means the city may have to cough up that amount for every day since the first of the year. They have now been given until the end of the year to meet the amounts thus due.

30% ALIENS ON ANGLO BILLS, VAF SCHEMES

London, Feb. 14. After persistent agitation, the Variety Artists Federation has prepared a scheme to limit foreign vaudeville talent to 30% of any program.

Resolution will be submitted to Labor Ministry. Insiders predict acceptance though strenuous opposition is bound to be registered by bookers.

Hicks' Delay

London, Feb. 14. John W. Hicks, Jr., head of Paramount's foreign department, probably will not return to New York for another month. He had originally been tabbed to return earlier. Hicks' Adolph Zerkow, world ambassador, and David Rose, in charge of company affairs in England, were guests at the London given last week by Lord Mountbatten.

Record Heat Wave

Kayoes Aussie Biz

Sydney, Jan. 26. Terrible heat wave has knocked the film biz out of gear for a long in many sections of Australia. Bush fires have caused much damage and loss of life. The city has sweltered for several weeks now, temperature one day reaching 113 degrees, all-time high here.

Nearly every theatre suffered heavy losses. One town experienced 22 consecutive days when the mercury went above 100, touching 116 at one time. Fire loss, though limited to the commonwealth is estimated at more than \$30,000,000.

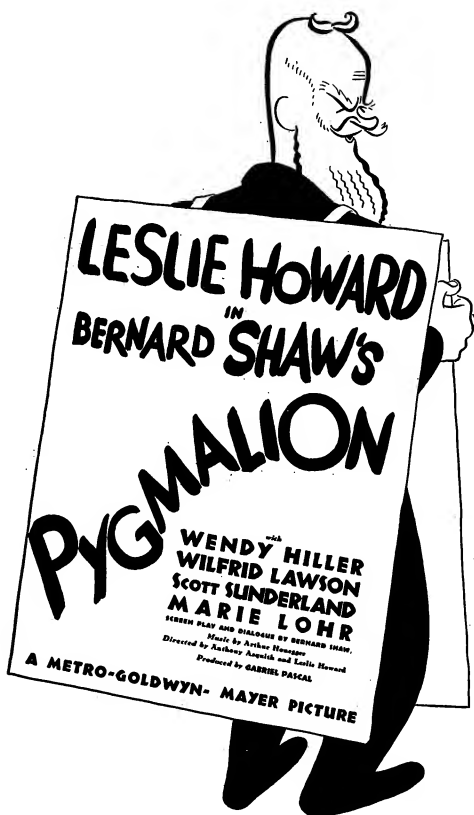
MORE ITALIAN PIX INTO REICH

Berlin, Feb. 6. Official figures show that up to November last, 132 pictures had passed the German censor, as against 182 in the preceding year. Indicative of the current trend is that in 1934 there were 34 American pictures passed, as against one from Italy, while during the same period last year 29 American, but seven Italian films got the censor's nod.

Current London Plays

(With Dates When Opened)

- 'Me and My Girl,' Victoria Palace—Dec. 16, '37.
- 'Running Riot,' Gaity—Aug. 31, '38.
- 'Flaming Stream,' Lyric—Sept. 1, '38.
- 'For Two,' Comedy—Sept. 6, '38.
- 'Dear Octopus,' Queens—Sept. 14, '38.
- 'The Corn Is Green,' Duchess—Sept. 20, '38.
- 'Elephant' in Arcady,' Savoy—Oct. 5, '38.
- 'We Are Married,' St. Martin's—Oct. 11, '38.
- 'Quiet Wedding,' Wyndham's—Oct. 14, '38.
- 'Goodness, How Good,' Vaudeville—Oct. 24, '38.
- 'Geneva,' St. James—Nov. 22, '38.
- 'Under Your Hat,' Palace—Nov. 24, '38.
- 'No. 6,' Aldwych—Dec. 21, '38.
- 'The Heart's Desire,' Dec. 24, '38.
- 'They Walk Alone,' Shaftesbury—Jan. 26, '39.
- 'Chavvy Rovers,' Kingsway—Jan. 17, '39.
- 'Mayer Melody,' His Majesty's—Jan. 26, '39.
- 'Design for Living,' Haymarket—Jan. 26, '39.
- 'The Sign of the Cross,' Criterion—Jan. 26, '39.
- 'The Sign of the Cross,' Apollo—Jan. 31, '39.
- 'Worth a Million,' Saville—Feb. 2, '39.
- 'Little Ladyship,' Strand—Feb. 7, '39.



A man with a long white beard is writing a new chapter in film history and his picture is soon coming to you

The success of this down-to-earth comedy romance, "Pygmalion", is phenomenal. Its progress has been watched with keenest interest by the entire industry. More than \$150,000 in quarters and half-dollars from delighted movie fans in 11 amazing weeks at the Astor, and no let-up in sight! The mass audience appeal revealed by the Astor crowds was further emphasized by the cross-section of the public in all subsequent test engagements. Literally, its biggest business comes from the masses. It is in its 7th week at the Four Star Theatre, Los Angeles, and still packing them in. Dayton was chosen next as a typical American city and it beat "Good Earth", "Marie Antoinette", "Captains Courageous" and other big shows and was HELD OVER FOR 2nd GREAT WEEK! Miami and Miami Beach followed to prove equally successful and now its triumph has spread to Chicago, Cleveland, Pittsburgh, Cincinnati, Kansas City and Houston. Watch these and other cities as M-G-M's showmanship surprise hit continues on its record-breaking career!

How the New N. Y. Chain Store Bill, If Passed, Would Affect Theatres

Paramount, Loew's, RKO, Warner Bros., the Schine Bros., the Smalley Circuit, Pines & Rinzler, the Bland Bros., Springer & Coals, Walter Reade, the Century circuit, Public's e., Comfortor, Consolidated, Columbia, Scouris, Mahan and lesser circuits would be affected, some more than others, by the chain store tax bill introduced during the past week in the New York Legislature by Assemblyman Louis Bengtson, Bronx Democrat.

Loew's, Par, Schine, Springer, Bland and Century would be the heaviest affected among the theatre strings coming under the provisions of the bill, it passed.

The larger the chain the greater the tax would be, with the fee scaling from a low of \$50 a theatre to as high as \$1,000, the larger the territory when a circuit has more than 25 theatres. Where the chains number from two to five theatres, the tax yearly would be \$50 for each theatre. Scaling of other rates are \$100 a theatre when there are in excess of five, \$250 for each in excess of 11, and \$500 for every house if there are more than 25 under one operation.

"Bill takes in all stores, restaurants, mercantile establishments and other places vending goods, wares, merchandise, etc., as well as theatres," Bengtson, affect of the measure in all probability. There are three branch points in the state, New York, Albany and Buffalo, where all distributors having exchanges in these regions.

Assemblyman Bennett's measure provides that license applications be filed with the State Department of Commerce and Finance. Filing fee of \$50 is required with each application. Section of the act would make a misdemeanor, punishable by fines of \$25 to \$100. Bill would become effective on July 1.

UNTENANTED MINN., IMPLS. FOR VAUDFILM?

Minneapolis, Feb. 14. The 4,200-seat Minnesota theatre, long tenanted by Paramount, is still without a lessee. Out-of-town theatre men have been here looking over the property, but rental asked is deemed too steep.

A group of independent neighborhood exhibitors have been discussing the formation of a pool to take over the house and operate it with vaudeville at a net \$50 gate. It is estimated that at least \$100,000 would be required to replace the theatre. Much vaudeville, and a few vaudeville would have to be purchased, since Par has removed that.

WB Cuts Sale in Philly; Vaude from Earle to Fox

Philadelphia, Feb. 14. One of the most drastic changes in the auction prices and policy will be launched by Warner Bros. Feb. 24. The removal radical change will be the removal of flesh from the Earle to the Fox and relegation of the Earle to second runa.

Okay for Sound

Hollywood, Feb. 14. With production on standstill, RKO is utilizing its time in rebuilding and modernizing sound stage buildings. Biggest construction job is on Stage 7 where the entire floor has been torn out. Ideas are being thrown to permit camera shots from below.

Yes, on Pay Days

Hollywood, Feb. 14. "Are Husbanda Necessary?" goes back to the Paramount schedule with Edward H. Griffith slated as director. Co-stars are Fred MacMurray and Madeleine Carroll, whom Griffith directed in "Face Society".

Diamond Joins MGA

Hollywood, Feb. 14. David Diamond has folded his agency and is joining the MGA. He joins MGA to handle writers and stories.

Dufaycolor to Tackle Coast for the 1st Time

Los Angeles, Feb. 14. Color, Leon R. Metzger, vice-president of Dufaycolor, Inc., and representative of foreign financial groups in the company, called for Paris last week. Metzger will return to New York in the summer and meanwhile will discuss with his group a forthcoming campaign for Dufaycolor's first attempt to woo Coast producers.

Colors of the company, formerly in British hands, has been transferred to American interests headed by Piercefent Morgan Hamilton as president.

CLEMMONS BOWING OUT OF GORDON'S CO.

Friction between Sol Gordon and J. C. Clemmons in Beaumont Amusement Co., southwestern Texas theatre circuit, partnered with Paramount, has resulted in the withdrawal of Clemmons from the company. Gordon, president of Beaumont, is a two-thirds owner, with Clemmons' plans for the future unreported.

Headquarters around 70 theatres, headquartered in Beaumont, Tex., led by Clemmons.

Duluth Amphitheatre

Collapse Injures Four

Duluth, Feb. 14. Four persons suffered minor injuries when the Duluth Amphitheatre collapsed last Sunday afternoon (12) when the front half of the Duluth Amphitheatre collapsed under the weight of snow during the Duluth-Munitions building, where lighter snow had been piled up the same time-claim.

Cracking of beams first brought cries of "fire" from the crowd of 1,000. The crowd fled in panic, children, who were cleared out from the building immediately after the collapse. Fact that collapse came between periods, when many were in the lobby, is believed to have averted a worse death toll.

Leland McEwen, KDAL staff organizer, played the organ to keep the crowd calm until police arrived. The building was damaged by inches as the snow-laden roof crashed.

Ahoey for Cagney

Hollywood, Feb. 14. James Cagney tossed away his flimsy and draws a cutback in his forthcoming picture, John Paul Jones, a tale of Revolutionary battles against the British navy.

Crane Wilbur is doing the screenplay.

Murphy's Encore

Same group that financed the production—The Third Man—has decided to use Dudley Murphy as director and producer on a second production, "Twisting the Arm of the Law." Murphy is officially credited as director and adaptor of "Third Man." Film was produced by Harold Ord, but no mention made in connection with the new Murphy feature.

Production starts at Eastern Service, Los Angeles, as soon as leads have been picked.

Boland's Dramatic

Hollywood, Feb. 14. Mary Boland forgoes light for heavy stuff in her top role in "The Lady of the Lake," Paramount, starting tomorrow (Wed.).

Role calls for an ex-opera star involved in political plots in Europe.

TRUSTEE FOR ASCO, CINEMA

Los Angeles, Feb. 14. Walter C. Durel was appointed trustee of the assets of Associated Artists by Hugh L. Dickson, referee in bankruptcy.

Hearing on the sale of the studio was postponed to March 7.

Balance of Power

Minneapolis, Feb. 14.

Reports are around Film Row here that a larger circuit is in a certain out-of-town theatre passed hands in a crap game. The "colliers" of the little city were local independent circuit operators. The half-interest in the theatre was stated against cash.

As a result of the game, one owner has a larger circuit and other one less house than before, by a half a theatre.

The Army and the Navy And the Warner Bros. 'Wings' Pic Started It

Washington, Feb. 14.

Army Air Corps officials are reporting that the sides won the recent bidding of an artist employed to advertise "Wings of the Navy"—a recent picture glorifying the Navy's air prowess.

While Naval officials squirm with embarrassment, Col. Ira Baker, in charge of the Army's public relations, is showing signs of being particularly peeved at the Navy, since the "Flying Fortresses" depicted were recently ordered back to shore by Naval officials who objected to Army showing off the "Wings of the Navy's" air fleet. Navy is particularly peeved at the Navy, since the "Flying Fortresses" depicted were recently ordered back to shore by Naval officials who objected to Army showing off the "Wings of the Navy's" air fleet.

Appearance of the "Wings" advertisement in the Army's official service in formation—will not draw a formal representation from the Army, Col. Baker declared, but there's no law against Army fliers making the most of the Navy's discomfiture. Naval officials are pride using the back door of the War-Navy-Munitions building, where lighter snow had been piled up the same time-claim.

Bobby Jones' WB Coin Basis of U. S. Tax Claim

Macon, Ga., Feb. 14.

District Attorney T. Hoyt Davis left here last week to be present in New Orleans Monday (13) morning when the income tax suit of Robert Tyne (Bobby) Jones, Jr., Atlanta's ex-empire of golfing unities, is set for trial. Jones, more than \$50,000 from Internal Revenue Dept. Monies involved were Uncle Sam's share of the Jones received from Warner Bros. for a series of golfing shorts.

Cadence of the U. S. Fifth Circuit Court of Appeals, Federal Judge Bascom S. Deaver has previously ruled against the retired champ here. Prosecutor Davis will assist Miles Kitchen, special attorney general of Washington, in representing the Internal Revenue Dept.

Splitting 6 with Rudy

Hollywood, Feb. 14.

Twentieth-Century Fox has selected Shirley Ross from Paramount for one of the leads in the Sonia Henieman production co-starler, "When Wives Come."

Mis Ross will sing three of the songs in the picture, which is with Rudy Vallee warbling the other three.

Cohn Leaves 20-Fox

Hollywood, Feb. 14.

Alfred A. Cohn has quit his writing job with 20th-Fox by friendly agreement. He retains his rights to "Capitol Hill," a yarn about Washington, D. C., written on the lot.

Cohn has been at the studio since he resigned as Collector of the Port of Los Angeles a year ago.

UA SETS MEXICO

United Artists has closed a deal for its 1938-39 product with the Metro circuit, last of its film deals with Paramount partners on this season's pictures.

George Walsh, who operates the update New York chain for Paramount, has ended the negotiation in behalf of Metro, Harry Gold acting for UA.

Film Biz Wondering When Stream Of New Tax and Other Bills Will End; 151 in 32 States So Far

With more than 151 tax and regulatory bills already introduced in some 32 state legislatures, which directly or indirectly affect the picture business, industry chiefs were wondering this week when the stream is supposed to reach the stop. Record of so many proposed measures covers only the first three weeks of convolving state sessions this year.

Bills cover the greatest number of bills cover theatre divorcement and general tax schemes which will hit the film business. Next are those touching individual state taxes on admissions, newest entry being 10% tax on admission tickets in Georgia. Atlanta is reported ready to introduce a theatre divorcement plan while several other states have bills on the same subject drawn up. It will await the decision of the U. S. Supreme Court on the North Dakota law before introducing legislation. There have been several crackpot schemes introduced in several states whereby more coin could be raised with the picture business singled out to bear the brunt of taxation. However, few of these seem likely to pass.

N. Y. a Bad Situation

New York state presents the worst situation possibly of any state not only from the number of bothersome film business proposals but also because the industry would be called on to carry the load in supplying much of the new improvements.

Outstanding of these is the new housing-claim clearance project, with the industry or more practically, the funds to make this part of the state's program an actuality. Proposal to get out of housing clearance by taxing outdoor advertising presents a serious problem for the film business. Since bill not only would seek all billboard advertising, but would double the rate of taxes on all electrically lighted billboards, this would take in all theatre marquees, industry attorneys claim.

What is feared is a storm of protest has started against such arbitrary taxation scheme. Some picture officials claim that it might tax numerous theatre marquees out of existence. Cal's 6% Payroll Tax

San Francisco, Feb. 14.

Already faced with more taxation schemes than ever before, and with payroll tax, the movie industry budget in its history, California will soon be asked to undertake a 6% payroll tax to establish a state-wide compulsory health insurance system. The measure is already being introduced to employ a number of sources.

Only a few days ago a 3% payroll tax in California was proposed by itself. It was understood to have administration blessing, but now an amendment has been introduced reported under preparation to be introduced when the legislature reconvenes.

The new bill would have the effect of putting the tax to meet Federal requirements and assuring the contributions to the fund. With the Governor Olson administration anxious to cooperate with the Federal Administration, it was considered likely that the bill on payroll tax to determine the \$10 weekly minimum wage law for women in California would be introduced.

This is necessary because commission can rewrite the present minimum wage order, adopted in 1923.

Neb. Film Lobby Firms

Lincoln, Feb. 14.

Opposition stiffened when the lobby against the theatre divorcement and regulation bills which were introduced in the Nebraska legislature by Sen. E. M. Neuberger. Numerous small exhibitors have been beating the drum and heard the Nebraska legislature, after first showing signs of being lenient, now shows they will

have to be numerous corrections made in distrib methods or they'll have plenty to worry about.

Lawyers called in by Sen. Towle, who spearheaded the film lobby, were non-committal when queried about the bill. They said they were encountering, but both have received calls from the small film arena, who want them to go to bat for both measures.

Meanwhile, both circuit and indie exhibitors are taking the anti-labor bill, authorized by Senator Richard Johnson, was given a pass on the back committee, after a hearing, and given a favorable report which almost assures it of passage.

Measure has had no opposition so far, and is slated for a committee of 24-hour committee with the film biz, such as skatathons, roller derbies, and other, with exception of racketeers, \$100 to \$500. It has provision for country runs. In other advertisement or staging one, with additional penalty of 10 days to six months in jail.

At the hearing, educators and law enforcement officials spoke in favor of the bill, denouncing the marathons and staging one, with additional criminal element, as well as brutal punishment for the participants.

Ohio Encouraged

Columbus, Feb. 14.

Ohio theatre men are apprehensive over the possibility of an upward revision of the admission tax law, which would increase the rate of the approximate \$200,000 deficit in the state's treasury. The measure in the legislature has met with encouragement in the legislature by Gov. Wm. B. Bricker in his inaugural address of his previous pledge to avoid any new or increased taxes.

Immediately following his inauguration, Gov. Bricker issued a statement in which he promised reduction in departmental salaries, sharply paring various budgets and the inclusion of a program to eliminate waste and unnecessary expenses.

Nevertheless, exhibitors are urged by the ITO of Ohio, through J. P. McCarty, secretary, to work in close harmon with legislators to see that the proposed admission tax be sold to that level.

Willy-Kinney's Nick

Spokane, S. C., Feb. 14.

City council's new license schedule picks local theaters \$100 per year, and \$5 for each additional \$100. Heaviest tax was introduced in the legislature bill is Willy-Kinney with four local houses.

Two Bills Introduced in Indiana

Indianapolis, Feb. 14.

Two bills have been introduced in the current session of the Indiana legislature which have theatre managers gulping bromes. One is designed to curb bank, bank, night, and all giveaway offers, not only in theatres, but in social, fraternal, or religious organizations.

Another bill is aimed directly at picture with stage shows. Bill would require that all movie exhibitors standees waiting for break in full house to get seats. Also would require house to employ attendants for each 500 people present in auditorium, house to pay freeman for work.

Okla.'s Censor Eyes

Oklahoma City, Feb. 14.

Bill to prohibit Sunday shows in the state and provide for a board of censors to review all motion pictures has been drawn. Bill will be introduced into house at session this week.

Bill provides for a setup of a board of censors composed of three members and two editors appointed by the governor, and provides a \$1,000 fine for showing a picture without its approval.

Appropriate Enough

Hollywood, Feb. 14.

Doug Corrigan's "Flying Irishman" set, Pat Patrick's Day release. The drama had the usual New Year's reaction before acting on the flyer's option for a second picture.

*Reading from left to riot, the principals of
the world's greatest crowd-gathering fend!*



From Universal—February 17th!

The New Universal presents

W. C. FIELDS

in

"You Can't Cheat An Honest Man"

Edgar

with

Charlie

BERGEN

•

McCARTHY

and **"MORTIMER" • CONSTANCE MOORE • MARY FORBES**
THURSTON HALL • PRINCESS BABA

Original story by Charles Bogle
Directed by **GEORGE MARSHALL**
Produced by **LESTER COWAN**



X marks spot
and season food
resumes!



Here's innocent
bystander who
becomes involved!



This girl is torn
between love and
Daddy!



Charlie enlists
aid of old college
chum!



Gentleman whom
nobody asks to
bust in!



Fields rings in
old friend of his
dream!



AFTER A WIDE PRE-RELEASE THAT

EMBRACED SITUATIONS SELECTED

TO INCLUDE BIG CITY AND SMALL

TOWN AND NATIONAL GEOGRAPHICAL DIFFERENCES

WARNER BROS. ARE PLEASED TO REPORT THAT

'WINGS OF THE NAVY' IS ACTUALLY OUTGROSSING

'FOUR DAUGHTERS'. REGULAR RELEASE THIS WEEK

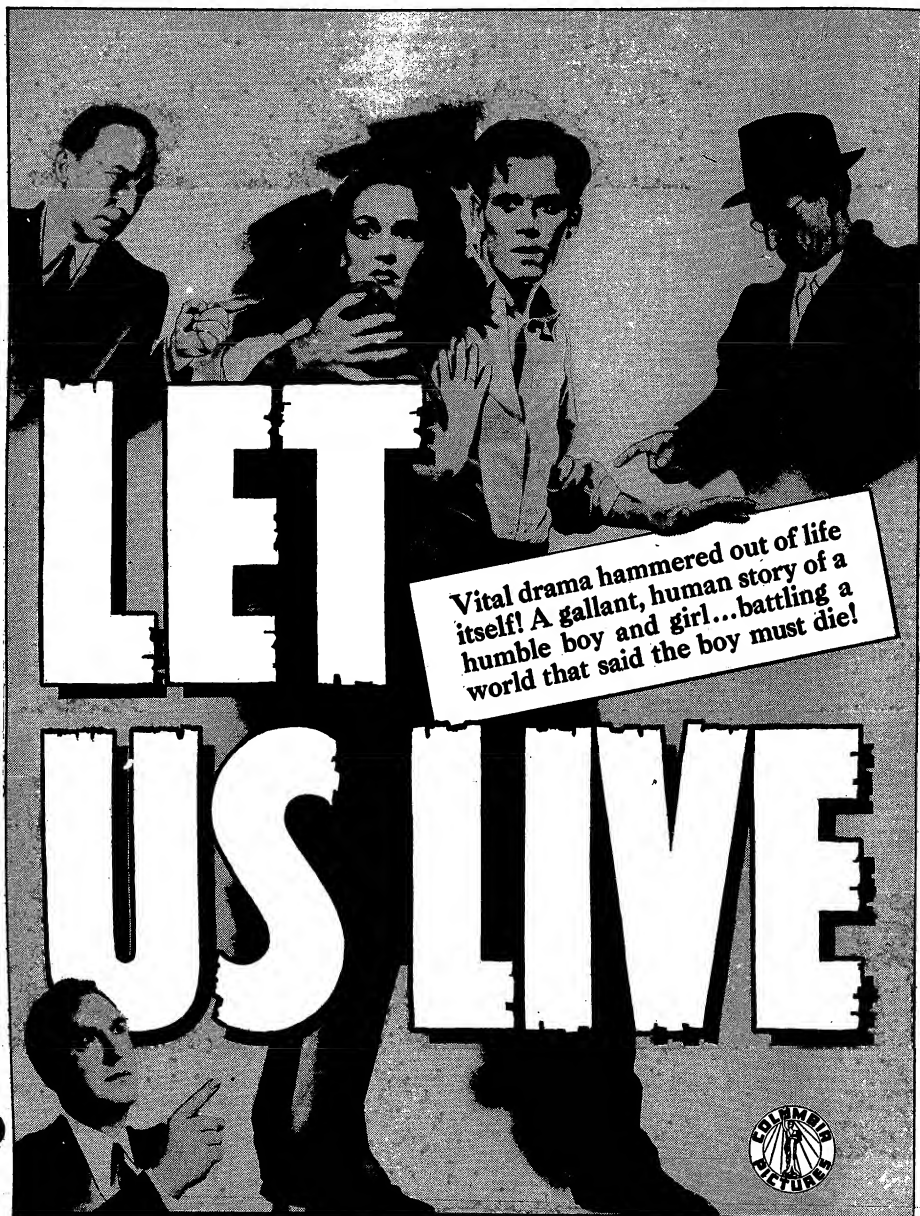
"NEITHER RAIN, NOR SNOW, NOR GLOOM OF NIGHT CAN STAY THESE AUDIENCES FROM THEIR APPOINTED ROUNDS!"

(with apologies to Herodotus)



These Roxy crowds, braving pouring rain, typify the way TAIL SPIN has captured the imagination of the public everywhere! From all points comes the glad news of pre-release holdovers . . . sensational highs in new openings!

20th CENTURY FOX
THE KEYSTONE
OF YOUR FUTURE



MAUREEN O'SULLIVAN • HENRY FONDA • 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

(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.	REVENUE AT VARIETY
12/2/38	PLEASANT WITH PATHE LITTLE ORPHAN ANNE WESTERN JAMBOREE ROAD DEMO STRANGE FACES	David Lowry John Seelie Harry Grey Sol Wurtzel Bert Kelly	MGM Comedy Rep 24th WB	Comedy Comedy Western Sports Comedy	J. Brown-L. Carrillo-S. Duna A. Gifford-S. Davis G. Andry-S. Burnett R. Arthur-J. Valente D. Kent-J. Jenks	F. MacDonald R. Holt Ralph Staub Otto Brower Jack Pagani	70 57 57 70 57	12/14 12/14 12/14 12/14 12/14
12/9/38	BIO GRANDE ROUNDUP ROMANTIC SCHOOL I AM A CRIMINAL HIDE A CROOKED MILE NEXT TIME I MARRY UP THE RIVER SECURITY OF THE HOUSE HEART OF THE NORTH	Irving Briskin Mervyn Lellay E. B. Derr Jeff Lazarus Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	Col WB Mona Com-Dr 24th WB WB	Comedy Western Mona Rom-Dr Comedy Meller Meller	C. Sarrett-A. Doran H. Adams-D. Warner J. Carroll-M. Korman A. Tamboff-F. Farmer L. M. Bickel-S. Davis T. Martin-F. Brooks L. Deane-M. Lubin D. Forna-G. Peery	Sam Nelson Wm. Sinclair J. Carroll-M. Korman Alfred E. Green Wm. C. Sullivan Alfred Warner Arthur Lubin Lewis Seiler	68 72 73 70 73 73 74	1/11 12/7 12/7 12/7 12/7 11/9 12/14
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA PIONEER A CHRISTMAS CAROL THE FRONTIERS DOWN ON THE FARM PIRATES OF THE SKY SWING, SUSTERS, SWING GHOST TOWN RIDERS COMET OVER ARIZONA	Monroe Shafr Joy Mantelwick Harry Sherman Sol Wurtzel B. Sarecky Bert Kelly Trem Carr Bryan Foy	Col WB M-G Com-Dr Com-Dr U U U WB	Drama Western M-G Com-Dr Com-Dr Action Musical U Western WB	J. Holt-B. Roberts-N. Barry E. Brown-L. Carrillo K. Owen-T. Ribben W. Boyd-G. Ely-S. Venable J. Frank-S. Davis K. Taylor-R. Hudson L. M. Bickel-S. Davis B. Baker E. Francis-J. Jenks	Lewis D. Collins Wm. C. Sullivan E. L. Martin L. Seiler H. Hill Joe McDonough Joe Kane G. Wagner Busby Berkeley	65 68 88 74 74 63 63 65	2/1 1/25 12/14 12/14 10/12 12/14 12/21 12/21
12/23/38	THERE'S THAT WAGON AGAIN THE GIBL DOWNSTAIRS WILD ABOUT CANTON TOM SAWYER, DETROIT FIGHTING THOROUGHBREDS SHINE ON, HARVEY HART RED RIVER RANGE THANKS FOR EVERYTHING TRADE WINDS NEWSBOYS' HOME THE DAWN PATROL	B. K. Kahane Harry Rapp Robt. Sisk E. F. Lowe Armand Schaefer C. S. Ford Wm. Berke J. L. Brown Walter Wanger Ken Goldsmith Robert Lord	M-G M-G WB WB Rep Rep Rep Rep U U U WB	Com-Dr M-G Western Rom-Dr Rom-Dr Rom-Dr Western Musical Rom-Dr U Drama Drama	R. K. Kahane G. Frank-G. Bruce F. Gail-Towne-W. Connolly R. Adams-S. Davis D. O'Connor-C. Cook B. Boyd-M. Carlisle B. Roberts-M. Hart J. Wayne-R. Corrigan-S. Terhune E. Flynn-S. Kaufman F. March-J. Bennett J. Cooper-W. Barrie E. Brown-S. Kaufman	Norman Taurog Wm. C. Sullivan Louis King Sidney Salkow Joe Kane G. Sherman Wm. C. Sullivan Ray Garnett Harold Young J. Edgar Christy Cabanne W. Carol Reed W. R. Neale H. Bretherton Nick Grinde David Butler Al Green Ray Knight W. R. Neale Robert Florey Alf Lunden Alfred Hitchcock Alfred Hitchcock	70 68 64 64 64 64 55 55 53 73 62	1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11
12/30/38	SMASHING THE SPY RING CLIMBING HIGH SWEETHEARTS TOUGH KID ARTISTS AND MODELS ABOARD FEDERAL MAN-PUF KENTUCKY DUKE OF WEST POINT GOING PLACES	Irving Briskin Cliff Reid Hunt Stromberg Lindsay Parsons A. Hornblum Armand Schaefer Gene Mackay Edw. Small Barney Glazer	Col WB WB Mona Mona Mona U U U WB	Comedy Comedy Comedy Meller Meller Meller Rom-Dr Rom-Dr Musical	F. Wray-B. Bellamy J. Matheson-M. Bedgrave J. Matheson-M. Bedgrave F. Darro-J. Allen A. Hornblum-J. Aronson R. Livingston-J. Travis E. Taylor-H. Green L. Hayward-J. Fontaine D. Powell-A. Louise	Christy Cabanne W. Carol Reed W. R. Neale H. Bretherton Nick Grinde David Butler Al Green Ray Knight W. R. Neale Robert Florey Alf Lunden Alfred Hitchcock Alfred Hitchcock	62 70 70 70 70 70 70 70 70	1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11
1/6/39	STAND UP AND FIGHT DISARMED PACIFIC LINE WHILE NEW YORK SLEEPS LADY VANISHES LAST WARNING DEVILS ISLAND	Irving Briskin Mervyn Lellay Sam Walker Robt. Sisk Sol Wurtzel Cliff Reid Irving Starr Bryan Foy	Col WB WB WB WB WB WB WB	Comedy Comedy Drama Drama Mystery Mystery WB WB	W. R. Neale G. Frank-G. Kruger F. McGladin-G. Morris-W. Barrie L. M. Bickel-S. Davis M. Lockwood-M. Bedgrave F. Meyer B. Karloff-N. Harrigan C. Sarrett-L. Meredith	W. R. Neale Robert Florey Alf Lunden Alfred Hitchcock Alfred Hitchcock Alfred Hitchcock Alfred Hitchcock Alfred Hitchcock	68 68 68 68 68 68 68 68	1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11
1/13/39	THE THUNDERING WEST BURN THE OT CONCOON ZAZA MYSTERIOUS MISS X THE GREAT MAN VOICES CHARLIE CHAN IN HONOLULU TOPPER TALK SON OF FRANKENSTEIN THEY MADE ME A CRIMINAL	Irving Briskin Harry Rapp Albert Lewin Herman Schlem Cliff Reid John Stone Hal Roach Rowland V. Lee Ben Glazer	Col Col Col Col Col Col Col Col Col	Western Com-Dr Rom-Com Com-Dr Com-Dr Mystery WB WB WB	C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith C. Sarrett-L. Meredith	Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson	67 67 67 67 67 67 67 67 67	1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11
1/20/39	FRONTIERS CONVICTS' CODE AMBUISH ARIZONA LEGION SMILING ALONG MR. MOTTO'S LAST WARNING GAMBLING SIFT OFF THE RECORD	E. B. Derr Bert Kelly Bert Kelly Robert T. Kane Sol Wurtzel Irving Starr Ben Glazer	Col Mona Mona WB WB WB WB	Western WB WB WB WB WB	E. B. Derr Bert Kelly Bert Kelly Robert T. Kane Sol Wurtzel Irving Starr Ben Glazer	Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson	67 67 67 67 67 67 67	1/11 1/11 1/11 1/11 1/11 1/11 1/11
1/27/39	LONG WOLFS DAUGHTER FOUR GIRLS IN WHITE IDOL'S DELICIOUS DRIPPING WITH DEATH PARIS MOONLIGHT FRIENDS OF THE NAVY JESSE JAMES KING OF THE UNDISCOVERED THEY MADE ME A CRIMINAL	Irving Briskin Ben Glazer Jeff Cummings E. B. Derr Jeff Lazarus John Stone John Stone Barney Sarecky Bryan Foy	Col Col M-G M-G M-G M-G M-G M-G M-G	Com-Dr Com-Dr Com-Dr Com-Dr Com-Dr Com-Dr Com-Dr Com-Dr Com-Dr	E. B. Derr Bert Kelly Bert Kelly Robert T. Kane Sol Wurtzel Irving Starr Ben Glazer	Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson Sam Nelson	67 67 67 67 67 67 67 67 67	1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11 1/11
1/24/39	THEY MADE ME A CRIMINAL FRONTIERS CONVICTS' CODE AMBUISH ARIZONA LEGION SMILING ALONG MR. MOTTO'S LAST WARNING GAMBLING SIFT OFF THE RECORD	E. B. Derr Bert Kelly Bert Kelly Robert T. Kane Sol Wurtzel Irving Starr Ben Glazer	Col Mona Mona WB WB WB WB	Western WB WB WB WB WB				

WARMER RECEIVES STATE LASS WRONG TAKES ATTACK SCAP; FAVORS REPEAL

Declares Compliance of ASCAP with Radio-Sponsored Law Would Embarrass Broadcasters—Concentrate on Federal Copyright, His Advice

Seattle, Feb. 14. Louis Warner, operator of KRO and KGA, Spokane, and head of Washington State's association of broadcasters, declared himself at a week's end as favoring the repeal of the state's statute against the operation of such combines as the American Society of Composers, Authors and Publishers. It is generally conceded that the right-about-face declared by Warner and other Washington station men will be followed by repeal of the measure during the current session of the legislature.

In a letter to members of the state association Warner stated that he came to the conclusion that it was to the broadcaster's best interests to have this law wiped off the books. He pointed out that the statute was an exceedingly dangerous one should ASCAP conduct one of the kind of the state that the law be exercised. Warner said that he felt far more could be accomplished if the broadcasters dropped their local sniping at the Society and concentrated their efforts in bringing about changes in the federal copyright law.

"There are many reasons," wrote Warner, "why I have come to this conclusion. So many in fact that our present law become as obsolete as the dinosaurs. It costs more to enforce the law than the expense than we were under the old method of obtaining copyright privileges. The copyright laws have been given certain privileges by law and I do not withdraw from the position that the conditions surrounding the use of music have been greatly changed since these laws were enacted, and that we need a basis of equity, both for the music user and the copyright owner, a new condition in which a right setup is needed in the nation."

"Under the penalty of being accused of having 'sold out' to the music user," Warner wrote, "it is my conclusion that I have reached and that I personally am going to have reached this session of the legislature that our present ASCAP law be repealed."

Nothing having been submitted in my mind or having had submitted to me by others any adequate formula for a substitute, Warner means that each music user has his own ideas of what the formula should be. I know that the formula at this time that should be offered to the legislature for consideration. In fact I feel that any action to be taken by the legislature should be directed toward a change in the national laws rather than the laws of this state.

Harry R. Spence, head of KCRG, Aberdeen, has already gone on record as being in accord with Warner's plan. Spence wrote Warner: "In my mind you are correct in your opinion that if any action is to be taken to be complied with our state law it would result in great expense to the broadcaster, music users and protection from the monopolistic practices of copyright owners."

Mills on Coast

E. C. Mills, of ASCAP, has for the past month been working in Washington State on the repeal, proposed by the legislature, of the state's law against the operation of such combines as the American Society of Composers, Authors and Publishers. It is generally conceded that the right-about-face declared by Warner and other Washington station men will be followed by repeal of the measure during the current session of the legislature.

There is currently pending before the U. S. supreme court an appeal by ASCAP from the decision of the U. S. circuit court of appeals out of the Society's fight to have the Washington State law declared unconstitutional.

LIPSCOTT MENDEED

Alan Lipscomb, gagster on the Ben Bernie and other shows, is about to leave Mt. Sinai hospital, Philadelphia, after having been in the hospital for a month, following a gall bladder operation. He was originally believed to be suffering with a bad cold, but subsequent examination disclosed.

Will be back in N. Y. next week.

Press Agent Dream

Lincoln, Neb., Feb. 14. Angus "Scottie" Nicol, newly assigned press agent for KFAB-KPBR, Omaha, should have no trouble grabbing space. His brother is Bruce Nicol, radio editor of the Sunday Journal and Star.

BIG YEAR FOR SNIFFILES URES

Among the few nibbles that grazed last week's spot market was that of Vick Chemical, Agency on the account, Morse International, inquired about the availability of good spot announcements in several markets. The winter has been unusually rough. Heavy snows, frequent rainstorms and frequent changes in weather have pushed up the influenza, gripe and ordinary cold rate to an abnormal degree and Vick is considering putting on a special campaign for a week or two. The manufacturer of remedies for colds as a rule doesn't place business after the first of the year.

Marketing of new spot business otherwise slipped into the doldrums last week. Station reports reported that it was a great relief to have had since the turn of the new year. The interim had given them the best business figures for a like period since 1938. Indications are that spot booking will remain under wraps for another two weeks after which time the agencies will start lining up their warm spell schedules.

V. E. Carmichael Upped

St. Louis, Feb. 14. V. E. Carmichael has been appointed by Robert T. Conner, president of KWIK, to succeed Clarence G. Cobby as sales manager of the station. Mr. Carmichael was also general manager of the entire station Carmichael will devote his entire time to sales. He has been connected in the station's sales dept. for the past seven years.

Frank Stanton and Bill Lodge vacated to recuperate from FCC hearings, since they were, Vice Ratner, readying for recess.

Writers, Encouraged by AFRA Victory, Talk Up Doing Something About Rights

Success of AFRA in obtaining contracts for performers in both commercial and sustainer network broadcasting has stirred renewed interest among radio writers for correction of grievances in their field. Radio Writers Guild is proceeding slowly in the matter, as it feels a slowdown at this time would be undesirable. But there are signs of impatience among the scribes.

RWG has for some time been studying the field with the idea of drawing up a program of objectives and a loose program of objectives existing inequalities. Some progress has been made toward modifying the terms of individual contracts, but in general no attempt has been made to bring about wholesale reform. The radio writers' union has been divided by RWG into two classifications—free lance and staff writers—and a loose program of objectives has been formulated. In the free lance field the aims will be under the basic heading of obtaining ma-

Biffs from Buff

By ROY REED

Buffalo, Feb. 14. Stanley Gibe sent the government department more and more into control. Give 'em a McIninch and they'll take a mile.

AFRA strike has been averted and daytime serial heroines are again safe from everything but authors.

Armstrong invented a statistics radio; Zantuck, a Powerless one.

Film stars on the air may hurt the R. O. as their increased fan mail helps the P. O.

Test of a great agent: One who could sell Al Jolson singing "There's a Small Hotel" to NBC.

Information Please won the Quiz section of World-Telegram poll, proving AFRA likes nothing better than to disagree with an expert.

Television has been suggested as an election aid—it would permit voters to view candidates with alarm.

Brother of Bob Burns is named Farrah Burn. How singular.

Souvaive Gets Until

Feb. 28 to Prepare Defense vs. Spitalny

On the plea of Henry Souvaive, treachery program producer, that he would like more time in which to gather corroborative evidence, the trial board of the New York Municipal Court in New York City has granted the hearing of charges brought against him by Phil Spitalny, master of the General Electric show (NBC) until Feb. 28. Spitalny accuses Souvaive of unfair dealings, claiming that the latter had collected \$7,000 from him on the promise that he would get him a General Motors program. This, says Spitalny, did not materialize.

After Spitalny had made his statement to the union board, Spitalny stated that he had served as advisor to Spitalny on getting the General Electric show and that he would require more time to dig up data and persons to prove this relationship.

Morton's NBC Tour

Alfred H. Morton, NBC v.p. of the chain's owned and managed stations, is on a one-month swing-around, Left yesterday (Tuesday), with Cleveland and a speech his first chance.

Will hit Pacific Coast and visit stations on the way and coming. He's due back in mid-March.

WINSTEN OUT OF LENNEN & MITCHELL

specific limitations on the rights included in sales of radio material.

In other words, the Guild seeks to define more clearly what rights an author includes in the sale of a radio script and ultimately to have disposal of all rights for the price of a standard broadcast. It has been in the struggle for the past year to obtain the right, all television, book and magazine rights in buying single broadcast rights.

WINSTEN OUT OF LENNEN & MITCHELL

Harry J. Winsten, formerly of Kelly, Mason & Winsten, had been in Lennen & Mitchell. Winsten had brought the Rupert bear account to the agency. The agency's Rupert returns with LAT, while Winsten is taking a vacation in Florida.

San Francisco Convention Off for '39

N. A. B. has about decided to drop its San Francisco convention this summer due to the unsatisfactory hotel situation in the Expo bureau. May go there in 1940 instead.

Meanwhile Washington or Atlantic City will probably serve for this year. The move would be June or July. In the meantime Washington summer may push the choice to the seaside resort. Congestion in Frisco because of the Golden Gate Exposition was only the minor reason for the move. The National Association of Broadcasters the sudden movement for new regulatory laws and overhauling of the FCC and Communications Act. Leaders felt it would be bad strategy to get 3,000 miles away from the battle lines. The National Association of Broadcasters might swallow anything to hasten adjournment. Holding the session in California would require shifting most of the headquarters, taking care of the hotel and coming. An empty observation post might be a grave mistake.

The trade group reopened talks with Long-Worth about possibility of peddling the transaction during the new Brinkman deal is cold. To facilitate solution of the problem, the three trustees—John Elmer, John Gillin and E. V. Hough—assemble here Friday (17) to huddle with Neville Miller, NAB proxy, and the wax-naker.

Goodman Show in Hartford Called First Time Audience Felt Cheated by Camel Cast

HORSE RACE DEBATE RATES AS POLITICS

Debate currently going on in New Jersey over the proposed legislation part-mutual betting on horseracing has been put on a pay-as-you-broadcast basis by WFLA, New York City, last week decided that the issue comes within the classification of political and legislative and there will be the usual political charges for those who want to use its facilities for or against the measure.

Several sites have already been mentioned for race tracks in the event that legislation goes through.

FREE MUSIC FOR CBC PLANT

Montreal, Feb. 14

After being refused permission to build studio in Outremont, local town, the Canadian Broadcasting Corp. has been urged to accept a free gift of land in Montreal proper for construction of a new \$400,000 CBC station. It is understood that proposed studio buildings will be completed in 1940.

City Council is shortly to vote officially, ceding the land to the CBC gratuitously and out of that portion of the ground not used for the studio buildings the city will make a park.

City council is anxious to retain the CBC offices here, figuring the CBC would net about \$500,000 in Montreal. The municipality will also provide parking grounds to accommodate the cars new to the city and provide adequate police services.

CBS' 1938 PROFITS

Declined \$766,000 From 1937—Netted \$2,541,760

Net profit of Columbia Broadcasting System, Inc., declined more than \$700,000 during 1938 as compared with the year before. The report to a preliminary consolidated income statement issued last week. This showed net profit of \$2,541,760 for the 12 months ending Dec. 31 last as compared with \$4,287,000 net profit in 1937.

Directors of CBS declared 25c dividend on both Class A and B shares on or about March 10, to close on record Feb. 24.

Lytle Barnhart Of NBC

Chicago, Feb. 14. Lytle Barnhart out of NBC production, had been with NBC about 18 months.

NBC's Milton Berle is handling the Walter Winchell broadcasts from Miami, while the columnist vacates.

Hartford, Feb. 14

Broadcast of the Camel program with Benny Goodman orchestra from the State theatre here last Wednesday (8) was a bustero as an entertainment for the State theatre. The State theatre management, Goodman's CBS announced last week, up the next day, his gross might have been affected by the adverse word-

When stripped of all explanations, the fact remained that, for all that, of the State theatre, it swindled. There were in the theatre at paid admissions to see a complete performance of the broadcast under prevailing conditions prevented them getting their money's worth.

Box office closed an hour before the broadcast, 4,200 persons were jammed inside, a majority of whom could not satisfactorily hear the Goodman singers, who performed facing away from the audience to avoid the wings of the radio mikes. The house p.a. system meanwhile was turned off to prevent the radio picking up an echo, and the downfront rows, the payees could get little.

Great part of the period ahead of the broadcast was consumed with setting up stage equipment. This was more boring than fascinating, although audience was good-natured as CBS announced last week, instructed 'em on proper behavior. When airing started at 9:30 the music was heard, but not the vocals and announcements, which remained sequestered.

When curtains closed at the end of the half hour, the stub holders refused to leave for several minutes, remaining in their seats or milling about in the foyer and lobby, expecting to see more. House management, denying the feeling of audience, many of whom had come early to see the show.

Following day Goodman said that it was the best show he had ever had. He was wanted he would gladly have obliged. His manager, Leonard Vancura, said that Goodman carried out the same type of program he has done in the last two years of theatre touring, during which broadcasts had been made for the stage. Said it was the first kick that the band had ever received on broadcasts and that he couldn't understand the local reaction.

Vanerson said that the contract with the State allowed the band to tour the State, but that the band could have gone elsewhere to give its network show. "Want" to give a show that night.

Entire affair is the result of a misunderstanding between management and the unit. This house is of such tremendous size, broadcast of 4,200 seats, that the main floor, that an amplifying system is absolutely necessary.

'WE, THE WIVES' SOLD

Cleveland, Feb. 14. "We, the Wives," handled by Peguilly and Chuckie Acres, has been sold by WKYC to Quaker Oaks for Farina. Half hour Sunday afternoon for 13 weeks.

Reber Exercises Tongue and Temper; Now Kellogg's 'Circle' Has No Prez

Hollywood, Feb. 14. If it weren't for Noel Howard the goose would still be hanging high in Kellogg's 'Circle.' Things haven't been the same since the English pop-magazine-editor-tumbler died a guest turn on the cornflake airpops and parried plaudits with his brother Briton, Ronald Colman, yep Circle's prez. The persiflage over, Noel and Ronnie really knuckled down to some serious palaver and the upshot, first last week, was that Presxy Colman checked off the Kellogg show forevermore.

But thereby hangs the following tale: Walter Thompson attaches couldn't for a time understand the change that had come over Ronnie. He'd cooperated and cordial even went out of his way to help the show along. That was B. C. (before Howard). He was such a charming and willing worker that it was becoming a legend around the Kellogg show: why can't they all be like Colman?

It wasn't long after that the milk and kindness came to a halt. The English gentleman was actually being treated with the whole business and grew gruff and implacable. He found fault with the scripts and didn't like the choice of guest stars assigned to work with him. He even went to so far as suggest that he be permitted to select his own guests.

See Here, Old Fellow! It developed that Noel took Ronnie back for a little while. It was to be showed around, that he was the big name on the show and not to be out of the show were done out of the show. Assert yourself, of fellow, Noel is said to have admonished Ronnie and let them know that you're top hole on this program. Ronnie took it all to heart and decided to head the column of his good and dear friend.

That brought him in contact with the Englishman, John U. Reber, major domo of the JWT radio forces. He let Reber have it hard and fast. Harsh words followed and in a fit of anger the silent Reber told Colman off, threatening to tear up Colman's contract. Ronnie dared him to and Reber, still burning, did. Later Reber is said to have conceded to friends that he wished he had stuck to his customary, sage alliance. However, the deed was done, Colman had no misgivings and Kellogg's Circle is without a prezxy.

Last Friday night (10) while the Kellogg show was in a state of confusion, Danny Danker in New York, and Paul Rickenbacher, his first lieutenant at home, were sent to New York on an unexplained mission. Back in form, he dodged all questions, even denying with straight face there was any trouble with Colman.

Not a Happy Lot. Meanwhile reports were making the rounds that general dissatisfaction gripped the show. The word was that things were popping. Main grip, with Colman and others, was that the material was being written for them ain't what it should be. Despite agency efforts to oil the troubled waters it is so recent in the trade that all's not well in the Circle. Carole Lombard is said to have too happy to get out of her contract calls for eight appearances on the first 26 weeks. Colman was to have done 12 shots.

RIPLEY BACK FOR ROYAL CROWN COLA

Royal Crown Cola will return to the air with Bobcats L. Ripley heading the show in the middle of March. Account has placed an order for a half hour of evening time with Columbia, B.B.D. & O. is the agency. Ripley last connection was Huskies (General Foods) last season. Royal Crown was with a musical program early last week with a musical program.

Circle Deflating

Hollywood, Feb. 14. J. Walter Thompson is up to its DePina neckties in trouble with the Kellogg Circle. Added to the Colman walkout (see ad. joining column), Cary Grant has stated it's better material or good-bye when he finishes his four remaining stanzas of a total of eight originally contracted. Carole Lombard is also taking a like attitude.

Thing that is getting the sarcasm here is the lack of showmanship of expecting a \$350 writer to provide material for \$30,000 worth of talent. Croucho and Chico Marx, who have own writers independently, are the usual members of the Circle not squawking.

Agency personnel decline to comment on the matter, but just a report that Basil Rathbone may succeed Grant.

SET N. Y. GAMES THIS FRIDAY

General Mills will decide Friday (17) what New York station is to handle the Brooklyn Dodgers' games. Brad Brown, of the Knox-Reeves agency, has been in town the past week discussing terms. It's not but final word won't be forthcoming until he gets back to Minneapolis and let them know that.

WJZ, local key for the NBC blue, considers itself out of the bidding. It is understood U. S. Co. Inc. wants a 1:15 to 6:15 p.m. commitment from the station carrying the broadcasts. That's too late night games, with the out-of-town events in all cases being the recent structure type based on Western Union play-by-play reports. Schedule involved is 194 games.

Procter & Gamble and General Mills will alternate with Socony Vacuum on the plug tieup.

Co-Sponsors Get Plugs Alone on Alternate Days

Cincinnati, Feb. 14. Airings of the Red Cross War Reliance games this season will be the same as for the past two years outlined separately by WSAI and WCPO and co-sponsored by General Mills, to blurb Wheaties, and the Socony Vacuum Oil Co. Inc. Each bankroller is plugged alone on both stations on alternate days.

Harry Hartman, WCPO's chief mucker for the 12th straight year, with Red Thornburgh assistant, is changing Christ to Lincoln, as successor to Red Barber, and Dick Bray will be on the job for WSAI.

Meat Packers Want Air

San Francisco, Feb. 14. Institute of Meat Packers will try to decide on a radio program at this week's convention. Half hour program may be built around Edward Everett Horton.

Meat packers best available time (around the dinner hour) lands the account.

ROS METZGER TO I. A.

Chicago, Feb. 14. Ros Metzger, chief of the Rubenstein agency here, will be on the coast this week for tonight's sojourn. Metzger went in connection with the switch of the Tommy Riggs show to the sunshine show.

PACIFIC MARKET 5% OF U. S.

Fear'd Unfavorable Effect on Far Western Network Affiliates Materializes Within Week of AFRA Contract

B-S-H SHOWS

AFRA scale affecting rebroadcasts of network commercials has already begun to show serious repercussions for stations in the mountain and westcoast regions. NBC is under no price from American Home Products Corp. that two of its daytime series, 'John's Other Wife' and 'Just Plain Bill,' will on Monday close rebroadcasting to these western areas. Reason advanced by Blackett-Sample-Hummert, Inc., agency on the account, is that the AFRA coverage involved (15% of the country's population, retail market) does not warrant paying the rebroadcast station rate, which is 62-3% of the original sale.

If the action of AFRA develops into a trend it will mean that the mountain and Coast areas will be deprived of some of the same shows which emanate from the same point after 5 p. m. This situation would require far western station with network affiliations to depend wholly on local sales and subscription business as filler-in during these two hours.

Don Shaw V.P. of WMCA, With Stark Sales Mgr., Lebar Moves to WHN

Donald F. Shaw, last with McCann-Erickson agency, N.Y., and one-time sales exec of NBC, goes to WMCA, N.Y., as vice president and general manager of the station. At the same time Charles Stark, from WHN, New York, becomes sales manager. Don Shaw to replace Bert Lebar, who goes to WHN as sales manager on Feb. 15.

Lebar's entrance does not disturb Herb Petter, who has been handling sales supervision along with general managerial duties at WHN. Petter will continue to host station in the continued absence of managing director Louis K. Sidney, who has been in Hollywood running the Maxwell-Mutual program.

Radio Buying Is Safe

Arch Oboler's Much-Remembered Sketch an Example of What Happens

Self-censorship, which has been keeping an increasing amount of material off the air, hit radio again last week. As in the case of the Lincoln play script, the taboo hit the Yale show for Standard Brands, in the last case, it mixed Arch Oboler's drama, 'The Signal,' forcing the substitution of the same author's 'Home Town' play.

As originally written, the play contained an imaginary conversation between Christ and Jesus, with the dictator finally being persuaded not to carry out an airplane bombing attack on a defenseless enemy town. Nearly all of Christ's lines in that version were taken directly from the Bible.

As a result of the broadcaster's jitters, Oboler altered the characters of Christ and Jesus, and substituted a different dialogue. It was still not acceptable, so he next

Leading Agencies Sign with AFRA; Transcription, Mutual Deals Next; Small Town Locals Improbable

Hollywood News

Part of the news arising from the new-Goldwyn-Mayer action in cancelling its deal with Maxwell House Cafes (Boston & New York) will be found on pages 1 and 2, this issue.

Broadcasters should recall that the film attitude is determined by growing pressure from the wire men who feel that costly radio programs using film personalities are straining the box-office.

It is also significant that the new selling season for motion picture product is coming up, and elements fear the post-up and slump of film renters.

MAX GORDON TO NCC ON VISIO

Max Gordon, legit producer, whose 'American Way' is currently at the Centre theatre, N.Y., has joined NBC as general production director of the new radio series, 'The Signal,' Royal, v.p. in charge of programs. He will also officiate in the planning and supervising of sustaining shows, which have been advocated by Royal, becomes effective March 1.

Although it will be a full-time job for him with the network, Gordon will retain his legit and Hollywood connections. He will work with contract. Lenox R. Lohr, NBC pres., in commenting on the move yesterday (Tuesday), regarded it as a forward step in meeting the coming requirements of both sound and vision broadcasts, saying he knows Max Gordon the best man available for the assignment that the network had in mind.

Strotz Goes West On Willis Cooper Action

Chicago, Feb. 14. Sidney Strotz, NBC midwest chieftain, just returned from confabs in the eastern headquarters, leaves for the West later this week. Going west to sit in on coming commission alt NBC has on against Willis Cooper, scribbler.

Radio Buying Is Safe

changed the other character from Mussolini to an unidentified dictator. Walter Huston, who was to have played the Lincoln part, subsequently portrayed the lead in the substitute 'Home Town' playlet, put up a script in behalf of 'The Signal,' but was unsuccessful in pushing it. Understood the objection to the script was that it might offend minority groups.

Last week's turn-down of 'The Signal' was the fifth time the script had drawn a nix after being set for network airing. Drama was originally scheduled three times as a Christmas play over NBC. Next, it was set for Lucky Strike sponsorship, but was yanked at the direct orders of George Washington Hill. It was pencilled for airing by Kate Smith last year and subsequently set by Mutual, but for each case it was deemed 'too hot' for radio.

With 65 leading agencies having signed AFRA code of 'fair practice' (or the alternative code), the union is now trying to untangle the maze of problems resulting from the sudden application of such a complex realignment of the commercial broadcasting system. There are a few minor agencies which haven't signed the code, but simply because they haven't gotten around to it. AFRA is in no hurry about them, but intends to require signaturing as and when it comes across such each agency.

Union is likewise not trying to force compliance adherence to the code all at once. It is realized that there will be countless complications as the agencies strive to meet the new conditions and AFRA execs are anxious to allow every fair opportunity for the agencies to adapt their production setups to the new conditions. Full-time checkers will be employed for the agencies to adapt their production setups to the new conditions. Full-time checkers will be employed for the agencies to adapt their production setups to the new conditions.

Deputies will be required to make reports and are subject to penalty for suppressing data but will not have arbitrary power. AFRA wants to avoid any drastic disciplinary application based on one individual's reaction to any sets of circumstances. How far AFRA will proceed in unionizing small cities is unknown. Union leadership is not clear in the agencies. They recognize that the 100-watters are probably outside the sensible boundaries of reform. The unionism largely because they don't have any performers and the announcer is also the janitor. Transcription seals will be worked out in the near future, ditto the Mutual network setting-up.

Some Gapping on Coast

Hollywood, Feb. 14. AFRA spotted a capitalist at a commercial broadcast Sunday and signed those not already in the fold to membership applied up and paid membership fee amid much raillery from sidelines.

AFRA execs said contact with agencies put into effect without hitch and stated they have yet to encounter a dissenter.

CLAIRE TREVOR BUYS RELEASE FROM AGENT

Claire Trevor has settled the full commission with her agent, bought back by Rockwell-O'Keefe. The film-radio player receives a release from the agent for a lump sum payment.

Differences grew, out of her new contract commission with the agent, Miss Trevor contended that since she had negotiated this new deal direct the B-O-K office was entitled to any further commission.

Irving Caesar to WMCA

Irving Caesar will inaugurate a radio program on Station WMCA, New York, by house orchestra. Caesar will feature: composer-in-residence his own tunes exclusively, accompanied by house orchestra with Lee Grant conducting. Will embrace his safety songs, also previously heard on Rudy Vallee program.

John Carlie Back

John S. Carlie, CBS production chief, back on the job after a sabbatical leave by house orchestra. Had his tonsils and a couple of bothersome throat glands destroyed.

UNITED ARTISTS IS FRONT PAGE

Front Page

MOTION PICTURE DAILY

"Made for Each Other"

HOLLYWOOD, Feb. 6.—"Made for Each Other" is a story of a man and his family. It is as appealing a domestic comedy-drama as anyone could desire. Never during the running time does it give audiences occasion to erupt into excited applause. Audiences will not be in a mood to tear up the seats upon its conclusion. But, teeming with down-to-earth human interest, blending natural honey humor with bits of seriousness that are part of the real or imagined lives of almost every average American family and reaching a note of near tragedy, the show has power to provoke laughter and tears.

"Made for Each Other" comes close to being the American family entertainment ideal. A parallel for everything that happens possibly could be found in every household. Jo Swerling's screen play is an understanding digest of those events and incidents. John Cromwell's direction made everything seem real. In the way the picture is acted, Carole Lombard and James Stewart are simply the prototypes of the average American husband and wife. The supporting cast, in which Charles Coburn and Lucille Watson are outstanding, are simply their employers, relatives, neighbors and associates. All seem to be living their roles.

Stewart's sudden marriage to Miss Lombard is a shock to his mother, Miss Watson. The couple experience all the joys and sorrows of married life. Miss Lombard has mother-in-law trouble; Stewart has office difficulties. The advent of the baby, of course, is a time for happy celebration. But as things go wrong for Stewart, when his fortunes at home and in the office are at lowest ebb, he does what lots of other men have done or would like to do—get drunk. Then the baby falls ill. Hard-shelled boss Coburn proves himself a real friend; Miss Watson becomes the real kind of mother and mother-in-law; aviator Eddie Quillan makes a spectacular cross country dash with life saving serum. Gripping suspense governs the sequences that lead to the baby's recovery. High humor is the quality ruling those in which Stewart establishes himself as master of his own household; those in which he metamorphoses from a mouse to a man in the office.

"MADE FOR EACH OTHER"

"Something which languishing box-offices have been crying for."
—Motion Picture Herald

"Perfect entertainment for the masses."
—Showmen's Trade Review

"Can't miss as a money picture."
—Daily Variety

"David O. Selznick can take a bow for another fine picture."
—Jay Emanuel Publications

"Can not miss a top spot in the season's smash hits."
—Box-Office

"The best picture I have seen in years. Sure-fire box-office."
—Sheilah Graham, N. A. N. A.

"Carole Lombard's fine dramatic performance finds me without enough superlatives."
—Howard Sharp, Photoplay

"I heartily recommend that every man, woman and child see it for its human qualities."
—Louella Parsons, International News Service

ALDINE, PHILADELPHIA, hits 180% of average. Held over for indefinite run. Critics and crowds acclaim it at smash openings in ATLANTA, DAYTON, MIAMI BEACH and NEW ORLEANS. Sets new season's record in biggest opening in months at VARSITY THEATRE, LINCOLN, NEBRASKA.

OPENS TOMORROW AT RADIO CITY MUSIC HALL

James
Carole
LOMBARD · STEWART
Made for
Each Other

Produced by DAVID O. SELZNICK
Directed by JOHN CROMWELL
Screenplay by JOE SWERLING
Story by DAVID O. SELZNICK INTERNATIONAL

INDUSTRY NEWS!

"STAGECOACH"

"A perfect picture. The Picture of the Month."

—Associated Press

"Sweeping and powerful drama that can easily drive through as one of the surprise big grossers of the year."—Variety

"A picture showmen can advertise as 'The Covered Wagon' of today's screen. John Ford at his best."

—Motion Picture Herald

"A show piece of screen craftsmanship, a tense, exciting drama and a money maker of top ranking."—Daily Variety

"A hit... a glorious, stirring, action packer. The cast is one of the best in many months."

—Independent Exhibitors' Film Bulletin

Flash! Ed Sullivan tells the millions who read his column: "Within a comparatively short time major studios have previewed eight pictures that must have cost about \$8,000,000. 'Stagecoach' was the most intriguing of them all!"

LINCOLN THEATRE, MIAMI BEACH... Greatest opening in history of the house. Thousands turned away at \$2. premiere. Saturday and Sunday popular-price gross sets season's high mark, untouched by any picture in recent years.

Walter Wanger Presents

STAGECOACH

Directed by **JOHN FORD** (Director of "Submarine Patrol", "The Informer", "The Hurricane")

with
CLAIRE TREVOR • JOHN WAYNE
Andy Devine • John Carradine
Thomas Mitchell • Louise Platt
George Bancroft • Donald Meek
Berton Churchill • Tim Holt

MOTION PICTURE DAILY

Insiders' Outlook

— By SAM SHAIN —

"**D**ID your man get a good interview today?" asked a producer. "The other interview we can give you is a review of your picture." In today's issue of this paper, on page one, therefore, are two reviews; each on an important picture.

A short time ago a representative of the publicity department of a major company approached us with the remark: "How can we get a review on the front page?"

We answered: "By making pictures worthy of outstanding notice."

There is no better news, in our opinion, which a trade paper can publish, than good reviews of good pictures.

Front Page

MOTION PICTURE DAILY

"Stagecoach"

HOLLYWOOD, Feb. 6. — This, *Ladies and Gentlemen* of the box office, is a western after your own hearts, the kind with which Tom Mix, Bill Hart and Bronco Billy Anderson used to please all the people all the time, but beneficiary of all the improvements the art-industry has accumulated since those pioneer delineators of the American pioneer rode the screen. This is, without question, the biggest and best such western Hollywood has turned out since the screen became self-conscious.

All the things that used to happen in the old fashioned westerns happen again in this one, but they happen here as if for the first time. As vigorous and fresh as John Ford's swashbuckling direction, Dudley Nichols' unabashed screenplay and Walter Wanger's budgetary liberality, The Apache pursues the stagecoach and the cavalry comes to the rescue, the wrongfully incarcerated young hero shoots it out with three bad men in the village street at dusk while the population makes itself scarce, the hero big heartedly forgives the girl her shady past, the absconding banker is caught, the sick gambler turns out to have a heart of gold and the sheriff sends the young man who has suffered too much on his way to Mexico instead of to jail. Yes, it's all there, and a good deal more besides, but it's never been done this way, nor this well, before.

The players engaged in all this do a handsome job. Grant Mitchell as a drunken doctor, John Carradine as a professional gambler, George Bancroft as a sheriff with a code of his own and John Wayne as a noble, straight-shooting young outlaw etch out memorable characterizations. So do Berton Churchill and Donald Meek. On the disaffection side, Claire Trevor portrays a girl of the town effectively and Louise Platt has some high moments as the woman the stork overtakes en route.

The picture is at its very good best while the stagecoach of the title is rolling across such a stretch of western plain as the camera hasn't focused upon in easy memory, containing within its jouncing interior six people embodying as many vital and only coincidentally related stories. The attack by Apaches is climactic, the fight and its thrilling, and the rescue by cavalry is satisfyingly exciting. John Ford is entitled to a vote of thanks from the world of plain entertainment seekers he must have had in mind when he made the picture.

EAM LEVENE

Royal Canadian
 Tuesday, 8 p. m.
WEAF-NBC, New York

Stage and screen actor of some note, Sam Levene headed last week's 60 minutes of the *Vallee* show as the introductory *Vallee* show as the introductory... According to the radio... another of the discoveries that have been found to prominence and... *Harmonet* career from the *Vallee*... *gringboard*. But in this case... the *Vallee* seem dubious... at least as judged on the one session. If the effort... to be a... some intensive writing is needed.

Of course, the test could hardly have been a fair one, since Levene had been ranked from the previous week's show because of radical script censoring. That probably explained the lack of vitality in the script and may also have had lots to do with the actor's obvious nervousness because the mikes. Even so, there was a glimmer of the whole thing... *Vallee* was labored and dull. Not only was the material corny and... but Levene, who on the stage has an exceptional talent for timing and hitting... the whole thing... *Vallee* was labored and dull. Not only was the material corny and... but Levene, who on the stage has an exceptional talent for timing and hitting... the whole thing... *Vallee* was labored and dull. Not only was the material corny and... but Levene, who on the stage has an exceptional talent for timing and hitting... the whole thing...

There may be a question, in that if Levene is cut out for the role of radio funnyman. Although he has had leading parts in such smart stage comedies as *Three Men on a Horse* and *Room Service*, he was not a comedian in those shows. On the contrary, much of the humor arose from the fact that he was playing a straight character who reacted with intense seriousness to a ludicrous situation. Given a straight part, Levene's sincerity and his knack of giving impetus to a whole cast, can turn a good comedy script into a riot of merriment. But he is hardly the miracle man to extract laughter from such a situation as the Gregory Ratoffish mischievous of words, mangled pronunciation and phony ego he was given last week.

Even a pushover studio audience didn't react with a half-dozen laughs for the entire stanza. Hobe.

TOWN TOPICS

Forum
 39 Min.—Local
 Friday, 9 p. m.
CFBC, Montreal

This is one of the most impressive of the type of programs which station CFCB has been developing for the past several years for the purpose of broadening the station's service to the community. Show was devised by Vic Nielsen, station manager, program technical direction under supervision of Ernest E. Smith, also of CFBC.

Under the auspices of the Montreal Junior Board of Trade, Town Topics is a kind of open forum for the discussion of vital community and national problems. Idea is to bring together prominent Canadians for a free exchange of ideas and opinions. If other speakers prove to be as entertaining as Mme. Pierre Cagnin, local socialite caught the third of this series, chances are that program will click solidly. Mme. Cagnin is a light-hearted Canadian suffragette with a gift for funny and humorous version which offsets the handicap of slightly hesitant English. When Mrs. Cagnin referred to the famous Civil Code of Quebec, wherein women are classed with minors, the insane and the feeble-minded, she had her audience doubling up in the aisles.

Next production of Town Topics promises to be slightly vitriolic since Armand Feathers of the *Feathers* of Canada is scheduled to get a hearing. A McGill University professor is slated to kick holes in Armand's political ideology. Mori.

'WAY BACK WHEN'

Musical, Drama, Comedy
 Sustaining
 15 Min.—Local
 Mondays, 8 p. m.
KDKA, Pittsburgh

Charlie Urquhart has an entertaining idea in this quarter-hour. Employs organ music, mixed quartet and dramatic cast and goes in for old-time ballads, many of them a century old, with a miniature playlet preceding the vocal session. Mixes authentic episodes with burlesque in the *Drunkard* style and farce comedy in the spoken passages. On program caught songs were *The Froren Girl*, *The Ship That Never Returned* and *Abdul, the Bul Bul Amoor*. Top of the lot was *Return* named since it was written and played with broad comedy strokes. Burlesque portions are the least successful since casual tuner-inner might mistake the whole thing for out-and-out ham. *Way Back When's* best chance is to stick exclusively to straight drama of the tear-jerking variety for that type of tune or out-and-out comedy for ballads that lend themselves to that. The accented burlesque too hazardous. Bill Sutherland handles the announcing and show rates high in production and execution. KDKA gives it a commercial build-up, spotting show right ahead of one of twice-weekly *La Marche* disc shows. Cohen.

'CONSIDER THE VERDICT'

Dramatic
 Sustaining
 39 Min.—Regional
 Thurs., 9 p. m.
CBE-Vancouver, B. C.

BBC producer Lance Sieveking, here from England on exchange to Canada, directing four plays on dramatic series from CBE. *Talent* local, script from England. Sieveking must feel quite at home in CBC studios here with prevalent... of London... authenticity of many might be questioned.

First radio drama produced was *'Consider the Verdict'*, Engli's murder trial play by Laurence Housman, relocated in Vancouver. Character parts still London types. Scene is jury chamber during murder trial. Some parts were overacted, perhaps to hypo half our of all talk, no action, no change of scene. Performance differed in using pause bridges throughout whole half hour, and practically no sound effects. As a rcu tempo was slow.

Sieveking both acted and handled controls following BBC custom.

Script showed literary style of author. Not noticeable to dial twirler, but close listener, Lines all lingo of literati. Dikler.

'HISTORY IN THE MAKING'

With Jack McCormick, orchestra
 Dramatized News
 39 Min.—Local
 SUNDAY, 12:30 p. m.
WBBM, Chicago

(Federal)

Here is a weekly news broadcast that compares favorably with network production and is far ahead of the ordinary news spiel. While the comparison here will be made with *'March of Time'*, the current show is different in that it also dramatizes the background of a new story instead of concentrating on the immediate incident. Thus, in dramatizing the capture of Barcelona, the program goes back through the past three years to inception of the Spanish civil war. In its clip on Tom Mooney's release, the program goes back to the Preparedness Day parade and takes us many through the years.

Show is well written and produced, and does a tight job of the two or three news incidents that it covers instead of trying to give a rapid-fire version of a dozen or more news events. Suggests careful research.

Commercials are handled well with gasoline dealers brought into the studies for over-the-air interviews, most of which insist on the courtesy and cooperation of their helpers. Gold.

JOHN CHAPMAN, IRENE KUHN

Chatter, Comment
 15 Min.—Local
 LOFT
 Tues., 7:15 p. m. (Chapman), Fri., 11 a. m. (Miss Kuhn)
WOL, New York

Loft candy firm, after junking a couple of previous shows, has separately allotted 15 minute sessions to John Chapman (New York Daily News' Mainly About Manhattan columnist) and Irene Kuhn, freelance correspondent and scribbler. First string of the stanzas (Feb. 7 and 10) sounded fair, potentialities being greater than what actually transpired. Both commentators are unfamiliar with either work—also with the other audience and apparently with the market of the sponsor's product—and thus will need a little time to hit a formula. Chapman session used atmosphere gossip about New York, rang in some nostalgic tales about the doomed 6th Ave. El. This kind of thing is okay for a column or a mag, but for Loft patrons more chatter about personalities could set a steady pace. Miss Kuhn's end on Friday was too tedious through-out, needed lighter stuff to break up the proceedings. Chapman has an oke radio voice while Miss Kuhn's needs more training to round off the edges. Chapman and Mary Martin— (Continued on page 41)

Not Back Magic...

...but the kind of magic that moves merchandise off back shelves and from preferred display space into market baskets... that excites dealers and inspires salesmen... That's the kind of magic in the words... "produced in the studios of the Nation's Station." And to create this magic no strange alacabala is used... no witches' potions are concocted by the light of the moon... but into the WLW cauldron is carefully stirred and skillfully blended one part imagination, one part showmanship, one part facilities and three parts conscientious and sincere effort. The resulting elixir will bring results whether you're planning a test campaign or a full net work presentation. In either case, consider the value of those magic words... "produced in the studios of the Nation's Station"... the hallmark of premium radio production at lower costs.

During the first week of February, 1939, WLW originated 157% more commercial network quarter hour units than it did during the first week of September, 1938... proof that more and more national advertisers are realizing the magic of WLW production.

ONLY WINNER OF
TWO
VARIETY
 SHOWMANSHIP AWARDS
 FOR PROGRAM ORIGINATIONS
 1936 1938

Get Your Share
 Of
SALT LAKE CITY BUSINESS
 By Telling Your
 Advertising Story
 Over
 The
POPULAR STATION
 5000
KUTV
 SALT LAKE CITY
 Representative
 John Blair & Co.

Agencies—Sponsors

IOWA BROADCASTING SYSTEM
Sargent, Fred Co., Des Moines, five five-minute trans. per week, KRNT-WMT-WIAB.
A. A. Schneiderhahn Co., Des Moines (distributors, Leonard refrigerators), through the W. H. Miller agency, Des Moines, three quarter hours per week, KSO.
Ex-Cele-Cla Corp., Des Moines, five-minute announcements through Gilman agency, KSO.

Schulte Baking Co., Des Moines, renewal of Lone Ranger three half hours per week, 55 weeks, through R. J. Fottis agency, KSO.
Feltman-Carmie Shoe Stores, renewal three quarter hours per week, direct, KRNT.
F. Earlhart (Sensation cigarettes), three quarter hours per week through Lennen & Mitchell agency, KSO-WMT.

Royal Lace Paper Works, 28 five-minute programs through Lawrence C. Gumbler agency, KRNT.

Consolidated Clear Corp. (Harvester cigars), six 15-minute announcements per week, KRNT, and three quarter hour news broadcasts on WMT. Through Irwin-Wassy agency, KRNT.

Phillips Petroleum Corp., six 10-minute news broadcasts per week, through Lambert & Feasly, KRNT.
Joe Lowe Corp. (Popicles), three quarter hours per week (Buck Rogers), through Biow agency, KRNT.

R. & H. Clesner Co., Des Moines, 16 one-minute announcements through John H. Dunham Co., KRNT.
Chappel Bros., 26 15-minute trans. through C. Wendell Muench, KRNT.

Nevegar Agency of Albany has spotted on WSYR, Syracuse, for 13 weeks, with an option for 52, a half-hour quiz with teams of five persons competing for a cash prize offered by Upstate Personal Loan Corporation. Bill Rothrum conducts program.

Standard Beverages, Inc. (Par-T-Pak), through Emil Reinhardt, Oakland, has renewed for one year its weekly spot announcements on KPO, San Francisco.

RCA Manufacturing Co. (records, radios, photographs), has renewed, through May 5 its 45-minute 'Music You Want' programs of recorded music six nights weekly over KGO, San Francisco.

Holmug Bakery (bread), through Leon Livingston agency, signed year's contract with KPO, San Francisco, for its live talent 'Sidekick Reporter' programs conducted by Dean Maddox two half-hours weekly.

Rough Rider Mfg. Co. (slacks and cords), through Emil Brischner & Bluff, is airing a weekly quiz show, 'Oh, Teacher', over KPO, San Francisco, using Gene Clark, and group of teachers and pupils. Contract through April 21.

Maying Co. (washing machines), through McCann Erickson, Inc., Chicago, spotting six announcements weekly for 13 weeks on KSFQ, San Francisco.

California Frame & Appliance Grow-

ers Asm., through Long agency, San Jose, Cal., plugging Sunwest prunes on Elma Latta Hackett's 'Friendly Homeowner' program over KSFQ, San Francisco, and in Gladys Cronin's 'International Kitchen' on KFO, using two five-minute participation weekly for two weeks. Greco Canning Company of San Jose (string beans) also participating in both programs over four-week period.

Star Outfitting Co. (men's and women's clothing), which recently concluded a lengthy morning series on KPRC, San Francisco, has signed on KPRC, Berkeley, for two-hour nightly broadcasts of the KPRC 'Clam-bake', with Hal Yokels and Jim Moore conducting the 11 p.m. to 1 a.m. sessions of recorded swing music. Agency is Allied Advertising San Francisco.

Oakland Zone Postcard Dealers sponsoring Bob Garret's 'Streamlined Headlines' newscast six mornings weekly on KSFQ, San Francisco. Contract signed through McCann, John & Adams, Detroit.

KOKO, FT. WORTH, SETS REP

Fort Worth, Feb. 14.
KOKO has named Free & Peters its national sales rep.
Station was moved from Wichita Falls to Fort Worth last May.

Answering Coughlin

American League for Peace and Democracy is sponsoring a new series of talk programs on station WHBI, Newark, N. J., designed to answer Father Coughlin's addresses on same station. Started Monday night (13) and airs regularly from 9:00 to 9:30 p.m.

Rev. Harry F. Ward, professor of Christian ethics at the Union Theological Seminary, is handling the assignment.

WHBI is same station that accepted the Coughlin talks after WMLA, New York, refused to carry the priest without scanning the talks ahead of delivery. Coughlin's air talks meanwhile got additional metropolitan air time through station WFRD, Woodside, N. Y., foreign language outlet, starting Sunday (15) at 7 p.m.

Program is being sponsored by the Holy Name Society of the Joan of Arc Catholic church in same locale. Transcribed versions of the cleric's broadcast are used.

WNLC, New London, Cuts Staff

New London, Conn., Feb. 14.
Economy personnel overhauling at WNLC, daytime indie, graduated Paul R. Swinburn director since station started in 1935, to announce job at WTRI, Hartford.

Len Stevens replaces at WNLC. Neil Sencer, chief engineer, out and succeeded by Fran Garuly of editorial staff. Lathe's upping made room for Edwin C. Hill of Fitchburg, Mass. Another WNLC addition: Dan Ford, midget, alumnus of WAST, Waterbury.

Ed Wynn, Emotionally Upset, Keeping Off U. S. Soil After Tax Penalty

After returning from a trip to the West Indies Ed Wynn suddenly sailed for Bermuda Saturday (11) and it is doubtful whether he will appear on the stage, or in radio, this season. It's indicated that he has been too emotionally upset by marital troubles and income tax difficulties.

Prior to leaving, the comedian signed a certified check for \$29,120 payable to the Internal Revenue Department. Coin was in settlement of the government's claim against him for the years of 1932, '33, '34 and '35. Whether his returns for subsequent years will result in further tax claims is not yet certain.

Wynn divorced Hilda Keenan to wed Frieda Mierze, former show girl. They separated after several months and she is receiving an allowance, as is the first Mrs. Wynn. Miss Mierze was offered the use of a house he owns in Flushing and among the points of dispute between them is her refusal to reside there.

Wynn's tax troubles began when he formed personal corporations, at the alleged advice of an attorney. Such business set-ups have been declared illegal by tax authorities. Comic's principal corporation was called Wynn Commercial, Inc., to which was paid his salary of \$7,500 from 'Hokey for What,' he being re-

paid a portion of that money from the corporation. As there were no directors, the government ruled out Wynn Commercial and it was dissolved.

Understood, however, that the corporation showed a red balance of \$58,000, which would have been deductible had he chosen to appear. Reported that he turned down a radio offer of \$7,000 weekly and has refused to tour in 'Hokey,' figured a natural on the road because of the death of musicals outside New York. He also rejected any number of personal appearance offers at big money. Tax claims against him originally approximated \$400,000.

A 'n' A's N. Y. Fair 'Casts

Amos 'n' Andy program will be the initial commercial radio program to broadcast from the New York World's Fair. Fair will do program Feb. 27 from an exposition studio, probably the NBC plant in the RCA Bldg.

Freeman F. Gosden and Charles J. Correll will appear before a studio audience, the usual 15-minute broadcast being extended to a 30-minute program with Edwin C. Hill relinquishing his customary 7:15 p.m. spot.



LIKE FATHER
LIKE SON

ABOVE: Beautifully landscaped summit site of WKY in Oklahoma City. RIGHT: Wind Pike Peak and the Rampart Range of the Rockies as a backdrop, the transmitter site of KFOR, Colorado Springs, is one of the most beautiful in America.

WKY'S 19 YEARS' EXPERIENCE GUIDES KFOR

• The experience of the most thrilling years in radio . . . years that have seen WKY grow from a scientific curiosity to one of the greatest voices of the nation . . . has been lavished on Colorado's KFOR since its association with The Oklahoma Publishing Company a little more than two years ago.

KFOR's strides during these two years have been spectacular. Its studios rebuilt, its old transmitter replaced with Western Electric equipment, its personnel more than tripled . . . KFOR today occupies a higher place in the hearts and homes of Southern Colorado than ever before in its history.

Like father, like son! The showmanship and technical knowledge and aggressive selling that have made WKY a standard station from coast to coast, are working merchandising miracles still through the agency of its lusty offspring.

No other station located in a dry state of Colorado Springs can compare with KFOR in equipment, experience or professional standards . . . no other station has the heritage which The Oklahoma Publishing Company has brought to KFOR.

KFOR Colorado Springs

CBS AFFILIATE • 1000 WATTS • FULL TIME

THE OKLAHOMA PUBLISHING CO. • THE DAILY OKLAHOMAN • OKLAHOMA CITY TIMES • THE FARMER-STOCKMAN
WKY, OKLAHOMA CITY • KEE, DENVER (AFFILIATED MANAGEMENT) • REPRESENTED BY THE KATZ AGENCY, INC.

FIRST
IN DETROIT

Every audience survey ever made in the Detroit Market shows that WKY is first in listener interest.

WKY

Owned and Operated by
The Detroit News

"Variety" Showmanship Award, 1938
Basic Red Network Station

Represented Nationally by

Geo. F. Hollingsbury Co.

New York Chicago Detroit
Kansas City San Francisco Atlanta

WEBER COMPLETES FCC, CBS REORGANIZATION MBS' GROWTH; FCC HEARINGS COME

Breakdowns Given Commish on Line Charges, Cost of Mutual Service—Regional Views Will Be Heard Starting Next Tuesday (21)

Washington, Feb. 14. Fred Weber, general manager of the Mutual network, last week brought up the question of monopoly at the three-months old FCC monopoly hearings. This was rather a novelty. Some wits wondered if Weber's action was in good taste.

Varying terms in the arrangements between Mutual and its "participating members" along with suggestions that the newest national law is primarily a business-getter for its founders and complaints about inability to break into various markets, were brought to light. (Examination of MBS' witnesses due to begin the middle of the week, with Commish recessing until Tuesday (21) when regional views go under the scalpel.)

Bulk of testimony about the relationship between MBS and the original and participating members came from Elbert M. Antin, whom we received an intensive quizing from Commish legal staff about the contracts with Don Lee, Colonial, United Broadcasting Co. and CKLW, Windsor.

Denying any officers or directors are interested in outside activities in a way to influence MBS policies or control, Antin promised no agency, user, or station rep. own any stock. Control is equally divided between WOR, New York, and WGN, Chicago. The net itself!

no stock in any other broadcasting enterprise.

Maintaining the line from New York to Chicago, the network imposes station charges on advertisers whose programs go over WGN or WOR, according to Antin. The cost of the New England-New York line is borne entirely by Colonial; Don Lee pays the bulk of the cost of the leg from Chicago to the Pacific Coast; the other stations in the family pay the cost of their connections to the basic hook-ups. Specific provisions for CKLW and the United Group (WCLB, WHK, and WHKC) in Chicago.

The web takes 3 1/2% of the net revenue for time sales with the exception of station charges and participating members—except Colonial—get back 2% for business they receive. Different arrangement with NBC is due to fact that Colonial never brought in any accounts.

Monthly Tax for Don Lee, Colonial, WOR and WGN

On the cost side, the participating members—so designated because they are not independent—pay an operating cost—pay a fixed proportion, in theory. In case of any deficiency in meeting the cost to contribute equally to wiping them out. This year WGN, WOR, Don Lee, Colonial, and WGN pay monthly; United's share is only 2 1/2%, because the return doesn't justify more. Special deal with CKLW provides for Mutual to take 3 1/2% of all revenue from sale of the Canadian outlet, plus, then 100% of the first \$25,000 of net. 80% of the next \$25,000 and \$50,000 of the rest. The \$30,000 is what CKLW would have had if MBS did not have the Pacific Coast line, Antin explained. Obligation less because smaller demand for the outlet and the limitations imposed by Canadian Broadcasting Commission.

Concerning the wire outlet: Don Lee pays five-eighths of the cost of the L. A.-Chi loop after payments toward other stations on that segment of the transcontinental tie-up are deducted. This rises until three-quarters of the cost of Mutual programs to all California subscribers hits \$257,000 a year. Total is cut to less than \$22,900 if the gross sales fall under \$139,902. United pays \$334 monthly and WOR and WGN pay the balance, after deducting amounts paid by the affiliates. Don Lee pays for lines looking stations in the California regional web.

While Fred Weber, general manager, later complained about the ex-sharper contracts which NBC and CBS have with their affiliates, commish learned Mutual has some relations this basis. Don Lee, in fact, cannot join any other web with outlets east of the Rockies and MBS will not use any other Pacific Coast outlets. This because of the high line cost. Another feature of the deal—Don Lee does not agree to sell KJW, KFRC, KJZZ, and KDB, the latter's own station, in a unit. No clause barring either WGN or WOR from joining

other webs or requiring Mutual to keep out of either's territory. As a matter of practice, Antin confessed, Mutual protects its present affiliates. But stations can on occasion have many Mutual programs or programs from other sources, including rival ones they wish to air.

Operating difficulties arise from the cooperative arrangement, Antin confessed. Since any station has complete freedom to turn down any MBS program, it is necessary to sound out each transmitter to find if time is available whenever a prospective account comes into view. Facts of affiliation with other webs often block sale of MBS programs. Mutual is more liberal than CBS or NBC in that affiliates are to hand network offers and sell their own time whenever they please.

Credit Risks on Dubious Accounts Can Be Ducked

No standard contract with the affiliates, though all follow a similar pattern. Some stations are forbidden to sell locally the web sustainer, brought in by affiliates to pay for, however. Either WGN or WOR may reject an account in the event they have a better offer. The use of the agency or advertiser, although other members do not enjoy such privilege.

Don Lee, E. L. Lamphier, the auditor, commish discovered MBS last week in \$21,500 in the cost of lines which could have been divided by WGN and WOR if they desired. One billing in week of 14,000. Mutual income amounted to \$76,741 of which \$21,500 was share of time sales. Commish produced \$100,488; line assessments brought \$40,258; contributions toward operating costs yielded \$200,863. In addition, the web's own commish station billings for week of \$25,325. The total expense was \$770,981. Last year WOR got \$288,751, a 40% share of own time sales. MBS: WGN got \$121,000; WLV got \$218,000, and Colonial got \$141,000. Commish out \$277. Commish: Sykes and Thad H. Brown were puzzled by some of Lamphier's testimony about the cash transactions and (Continued on page 40)

FARNSWORTH OGLES CAPEHART FACTORY

Sacramento, Feb. 14. Farnsworth Television & Radio Corp. will file application with the Federal Reserve Bank for registration of 600,000 shares of \$1 par common stock. Heading the underwriting group will be E. H. Rollins & Sons, Inc.

With net proceeds from the financing, the company plans, it is said, to acquire the business and assets of Capehart, Inc., at Fort Wayne, Ind., which has been sold to Household & Utilities Corp. of Marion, Ind.

This indicates that headquarters of Farnsworth will be transferred from San Francisco to the Middle West. Negotiations have been going on for several months, it was stated.

Venuta On at Night

But Venuta's full hour, Sunday afternoon sustainer on WOR, has gone a slice in time and a shift from 4-5 p. m. to 9-10 p. m. effective this Sunday (15). Afternoon spot was a net show, but until time is cleared the new half-hour setup will be strictly local, emanating from WOR's studios rather than from Newark, as the hour show did. Guest-star policy will continue, with hand M. Joe Venuti set for the 19th.

Spot is an effort by the station to gather a sponsor for the program.

Form Waldron Ad Agency

Francisco, Feb. 14. L. H. Waldron Advertising Agency is the new name of San Francisco organization previously known as Waldron & Urban. Lewis H. Waldron heads firm following resignation of Arthur J. Urban, Jr., printing concern. Urban was once publisher of now defunct fan mag, "Broadcast Weekly."

Anderson, F. Hewitt, former accountant in the New York office of J. Walter Thompson Co., now on the firm's San Francisco staff.

Washington Lobby

Washington, Feb. 14. Suspicious Congressmen are checking the printed record of Appropriations Subcommittee hearings on the FCC budget request against the original unrevised transcript. Some subcommittee members, like some Communist members, couldn't recall what was said. One of the statements found in the official summary.

Fear that the broadcasting industry will fail to back up Congressional action against the Wheeler-Nicholson bill expressed in political and radio quarters. Although the measure is generally regarded as serious threat—much room is seen for unprecedented government dictation over broadcasters—to private enterprise, industry leaders seem terrified of the New Deal. Networks do not want to stick their heads up for fear of being conked when policy legislation is written; lawmakers are not sure they will not expect backing from the NAB in view of fact that Administration approval will be obtained before Committee vote-swing became final.

Voter-selection reported in progress already to minimize opposition to the Commish reorganization measure. Industry employees with political friendships at the Capitol are being assured privately they will not lose. Lawmakers' own sentiments are uncertain; are receiving hints they will be able to guard against the proposed new agency gets going.

5TH BIRTHDAY OF WNEW CHEERED BY BOOST

Federal Communications Commission last week greeted WNEW, N.Y., a power boost to 5,000 watts operation from its former 2,500-watt operation. Station remains on 1000 watts at night. Increase was effective Monday (13).

Boost was coincidental with the station's fifth anniversary of existence.

Prof Quiz in Cincy

Cincinnati, Feb. 14. Dr. Craig Earl, originated his "Professor" program for a radio hour Saturday. Show, with midnight West Coast repeat, was staged in the Emory auditorium before two thousand House. House seats 2,500. Did a week of club and social dates before broadcast.

WFIL BULK SALE

Feigenbaum Agency Purchases Open Spaces for Various Clients

Philadelphia, Feb. 14. Feigenbaum Advertising Agency has contracted for practically all the available evening time on WFIL, in behalf of five of its clients. Deal embraces five 15-minute spots six days a week, with retention of the station to 24-hour notice.

Financial requirement by NBC and Mutual.

Five accounts are Hardwick & Mapee Rug Co., P. B. White Clothes, and Herman Clothing Co., Sun Rug and Dr. Mallory.

Four More Lawyers

Washington, Feb. 14. Four new barristers admitted to practice before the Federal Communications Commission last week by the FCC Bar Committee. They are as follows:

Florian G. Miller, Erie, Pa.; Andrew W. Ryan, Philadelphia; W. Robert N. Simms, Jr., and his son, Robert N. Simms, Jr., both of Raleigh, N.C.

Paris, Texas, Feb. 14. Beginning this week KPLX is feeding the 22 stations of Texas State Association, show consisting of Mrs. Jim Anderson, her daughter, Ellen, and Wendell Newell, all of Paris. They were winners of regional web's Search for Talent contest.

CBS BRINGS OUT RURAL STUDY

Columbia has made an independent analysis of rural listener habits and will distribute an illustrated brochure based on these findings to the trade this week. The technique used is the same involved in the rural survey which NBC and CBS financed and the Joint Committee Radio Research supervised. Hooper-Holmes, which did the original job, was retained by Columbia to make a check and find out what were the station preferences of these same farm families. In accuracy and in partiality the CBS report, says the network, checks with that of the Joint Committee.

The CBS study, tagged Columbia's RFD Audience, is predicated on 10,273 personal interviews. It states that 87% of those questioned listed regularly in CBS stations in the evening and 72% in the daytime. Also that the average farm family listens four to six hours 32 minutes per day and that the program they go biggest with city audience find similar favor in small communities. Likewise that the more highly advertised city brands of packaged goods are favored in farm households, with the number of such articles rising in proportion to the number of listings. Up to 95% of all homes interviewed reported regular use of 2 product classifications: soaps, foods and cosmetics.

Larry Roper, educational director of WNCN-WCLB, Cleveland, in Florida for two months' term. In June will be in charge of CBS radio education at University of Texas.

LOUIS ARMSTRONG

and his
ORCHESTRA
PARAMOUNT
NEWARK
THIS WEEK

Management
JOE GLASER, Inc.
REO Bldg., Radio City, New York

NBC

Tues.
Thurs.
Sat.

JOSEPH RINES
and His Orchestra
HARRY RAMON'S
ROAD TO MANDALAY
WILLIAM MORRIS AGENCY

Attention,
Agency and
Radio Men
Executives!
Tune In
Every Mon.
Tues., Wed.
7 P.M.
WHEN

AL SHAYNE

Radio's Ambassador of Song
"Al Shayne is the newest voice of the air"
Mgt. WGN ARTIST BUREAU

WBAL means business in Baltimore

PAUL WHITEMAN

and His
All-American Band

TUNE IN—PAUL WHITEMAN'S
CHESTERFIELD PROGRAM, CBS
Coast-to-Coast, Wed., 8:30 P.M.
Broadcasting This Week from the
MADRID GRAS BALL
Tune "O"—New Orleans

A Peak at "P. W." Mail
"Thanks go to my subscribers for making the facilities of the Chesterfield program a success. In this country, the Chesterfield program is the most successful of its kind, with over 10,000,000 listeners."

Booked Exclusively by
Artists Management, Inc.
17 East 46th Street
NEW YORK 17, N.Y.
Telephone ME 6700 or BU 2-1888

THE ONE LAST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

LISTEN TUESDAILY
NBC Red Network, 12:15 to 12:30 P.M. EST
CBS WA 2-18 to 2:30 P.M. EST

COAST TO COAST
DET. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Inside Stuff—Radio

A network press agent in New York who prevailed upon newspaper acquaintances to accept a story that turned out to be a phony has, since last week, been the unhappy explainer to various other equally unhappy persons of how it all happened. Part of the inevitable embarrassment has been the effort to keep out of print second stories dealing with and throwing light upon the first story.

Primarily a tempest in a teacup, although upsetting a name comedian and a prominent maestro, the incident serves best to illustrate that press agents are dangerous to themselves and to others when they go beyond factual information and deal in the manufacture of occasions and reasons for the newspaper mention of clients.

Before the fumes cleared away the invented story had caused a national chairman of a charity drive to sizzle at the local chairman, had jeopardized business connections and jobs, had angered the imposed upon publications, and made quite a few persons feel silly.

Most stations, following announcement of the Pope's death last Thursday (9) night, discontinued scheduled remote band airings for the rest of the evening. Programs were cut into for the news flash at about 11:30 and sacred organ music followed until midnight on all but the CBS western circuit, which continued the Kate Smith rebroadcast.

Mutual at 12 midnight and 1 a.m. shut down for five minutes of silence. With more facts and canned oaths on hand by that time, CBS and both NBC went on at midnight with 15 minutes of bulletins and reading of lengthy biographies of the Pontiff. That was followed by more organ music and occasional bulletins, with NBC at 12:30 a.m. picking up a special 15-minute broadcast from Rome.

NBC got the jump on the news of the Pope's death, airing a flash 15 minutes after the event and eight minutes before the other nets got it on the air. NBC had a special events man, Philip McKenney, in Rome for the past 18 months, even since it was apparent the Pontiff's health was failing, to handle just such an emergency. It was he who arranged the 15 min. DX relay from the Italian capital.

Benny Goodman-Camel show (CBS) ran into an embarrassing moment last Tuesday (7) during an audience quiz which was framed to lead up to a plug. After the audience had been asked to identify certain musical phrases, the announcer wanted to know what it was that when your nerves are jangled, etc., gave you a lift. The expected answer was "a Camel," but some wisecracker in the studio theatre got in before the others with a loud "Walter Raleigh."

Johann Mercer, who had the next line in the plug, rushed into the mike as quickly as he could and by the straggler muffled the possibility of a guffaw from the audience.

Lanny Ross is hosting about 20 vet radio stars and four newspapermen—although the latter quota may be enlarged—at a luncheon Friday (17) in N. Y. with a view to possibly organizing what might be called a Microphone Club, a radio counterpart of the Players or Lambs. The invites have been identified with reply for 10 years or more, hence the limitation to the newspaper bunch.

Purpose of the new organization would be strictly social.

Robert Sherwood, whose "The Lincoln in Illinois" is currently on Broadway, flatly turned down a bid to do a script on a similar theme for Dupont's "Cavalade of America" program on CBS Sunday nights. Approach was made by the agency on the account, says Sherwood, that he wasn't interested in undertaking any such assignment and wouldn't even quote a price.

WILDER AND SMITH CONTINUE FEUDING

Tro., N. Y., Feb. 14.—Official construction permit from FCC for WTRY, Tro's first commercial station, has been received by Edward S. Robinson, local representative of Harry C. Wilder. Start of work awaits only decision of U. S. Court of Appeals for District of Columbia on application of Harold E. Smith, WOKO-WABY, Albany, owner, for review of FCC's proceedings in original grant of license and two subsequent hearings.

Wilder will fight Smith's new arrangement with WHAZ, college station here, on ground it permits him to achieve by induction the goal closed when FCC denied his application for a turnaround of license to WTRY.

WSPA, WWNC Move In.—Spartanburg, S. C., Feb. 14.—WSPA here has completed new transmitter in Evanston Heights, named for Virgil V. Evans, owner-manager and a member of the S. C. legislature.

WWNC, Asheville, N. C., owned by Asheville Citizen-Times, has meanwhile occupied its new \$275,000 home on Bethesda Park Hill.

W. V. Kallebhora due in Los Angeles March 2 on his lecture tour.

Curtain Due for Quick Drop On Petty Chisel Stuff in Montreal

Montreal, Feb. 14.

Last week's victory in New York of the American Federation of Radio Artists looked like an omen to keen observers here. On a small scale, Montreal has been notable for graft and kickbacks in talent purchases and deals. Persons familiar with American radio history state the typical slipping and divvying locally is a miniature survival of conditions in New York five or six years ago before various factors, including the Vanzetti stories on the subject, scared the chic lads into artificial honesty.

Musicians Federation of Montreal (AFM, 406) is known to have made efforts to trap some of the more flagrant gypsters. If they ever caught anybody in an awkward posture it's not known.

Perm payments for talent have lumped the intermediary to "or else" the actors' according to the latter. A suspicious number of cancellations following performer status, however, convinces many that

Montreal radio talent conditions have been pretty maldorous.

Tales will not down that American sponsors paying \$15 per actor per broadcast would find the talent getting only about 20% of the allotted salary.

Indiana Humor

Fl. Wayne, Feb. 14.

Bob Wilson, WOWO newscaster, was sitting in a local cafe having his dinner the other night when suddenly he walked an alligator. Not a musical one, but a real, in-the-flesh man-eater. Patrons of the cafe panicked, and their screams attracted a police officer who happened to be passing by.

When excitement was over it developed the alligator was planted by a next-door business associate for a joke.

Al Pearce has added a 22-acre orange and olive ranch to his property holdings at Oroville, Cal. Involves \$12,000.

New Local Shows for Nat'l Buyers

Local programs with a clear-cut case for national attention are not particularly numerous. This is borne out by two factors:

(1) Advertising agencies that have recently sent men out to look for such programs have been discouraged by the paucity of choice. Mostly confined to sportscares and such, they report.

(2) Vauxner's free program registry, which was established in Au-

gust, 1938, reveals the same thing. No catch-can interest by broad-

casters in selling their own works. However, in fairness to the stations, it is necessary to emphasize that they have received little encouragement. There is no systematic or organized interest by agencies. Intermitently, and rather erratically, certain accounts get the yen and a man may then go on the road, flashing in and out of town. Most patient and perhaps most understanding of the program scouts was Hubbell Robinson, Jr., of Young & Rubicam,

who is now a home office exec and

never goes a-hunting.

But Vauxner elsewhere reports a growing lightness of time, with more and more sponsors to find a niche in the radio. This, presumably, is a good thing and becomes an advantage for live programs. Certainly the bulk of the program-minded. And they will not see the light unless it becomes a steady fixed lantern throwing a spot beam. Live spot programs rank as a poor third after network and transcription production.

MY GRATITUDE TO THE RADIO EDITORS
OF THE UNITED STATES AND CANADA
FOR THEIR GRAND TRIBUTE TO THE JELLO
PROGRAM IN THE RECENT POLLS, AND TO
MY CAST.

MARY LIVINGSTONE
DON WILSON
KENNY BAKER
PHIL HARRIS
ANDY DEVINE
ROCHESTER

AND MY AUTHORS:
BILL MORROW
ED BELOIN

Sincerely,

Jack Benny

15 Best Sheet Music Sellers

(Week ending Feb. 11, 1939)

Umbrella Man	Harms
Deep in a Dream	Harms
I Have Eyes	Paramount
My Sweet Little Headache	Paramount
Humpty Dumpty	Spler
They Say	Chappell
Deep Purple	Robbins
Jeepers Creepers	Witmark
Dr. R. Jones	Chappell
You Must Have Been a Beautiful Baby	Remick
I Cried for You	Miller
This Can't Be Love	Chappell
God Bless America	Berlin
They're the Only Star	Shapiro
Get Out of Town	Chappell

* Indicates financial song. † Indicates stage production song. The others are pops.

Decca Distrib Plant Set in Charlotte

Charlotte, N. C., Feb. 14.

A local branch of Decca records opened here on Feb. 11 will service the territory of North Carolina, South Carolina, and Southern Virginia. Van H. Sills is manager, and Carl B. Francis assistant. Lionel Michael is field rep.

N. Y. PLUGGERS WELCOME CHI REVIVAL

Publishers' contact men in New York have already begun to feel the switch in policy on the part of Chicago hotels. As more of the latter yield to the Chicago network rule about receiving \$100 a week, the number of plug placements available to publishers on this end diminish. For the past week band pluggers in New York have been cancelled in whole or in part so that the Chicago rule could be accomplished. Scores of plugs that had been sent in New York proved so much wasted effort.

The publishers themselves aren't grieving over the situation. They prefer the restriction in the points of pressure. With Chicago again open there's a chance of getting their new releases heard earlier in the evening and of netting bigger sustaining bookups. The Chicago divisions of the network carry the major load of feeding those supplementaries that are not part of commercial links in the evening.

Olsen, Shaw to L. A.

George Olsen and his band are to the Palomar March 8. On deck is Arlie Shaw for an April starting.

Magnum, Inc., Feb. 14. Albany, N. Y., Feb. 14. Magnum, Inc. was not revealed by government operatives. They revealed, however, that the orchestra leader's parents, Mr. and Mrs. J. R. Schellang, received several phone calls warning that their son would be arrested and locked in court.

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 (Feb. 6-12). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. in 'Source' column, † denotes film song, † 1/2 indicates, and pop speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Annabelle	Feist	Pop	56
Could Be	Sanly	Pop	52
My Sweet Little Headache	Paramount	Pop	52
Jeepers Creepers	Witmark	Pop	52
I Have Eyes	Paramount	Pop	52
Dr. R. Jones	Chappell	Pop	52
Deep Purple	Robbins	Pop	52
Let's Stop the Clock	Robbins	Pop	52
Thanks for Everything	Robbins	Pop	52
Humpty Dumpty	Harms	Pop	52
Get Out of Town	Famous	Pop	52
You Must Have Been a Beautiful Baby	Remick	Pop	52
I Promise You	Bregman	Pop	52
Room with a View	ABC	Pop	52
My Sweet Little Headache	Paramount	Pop	52
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I Promise You	Bregman	Pop	52
Room with a View	ABC	Pop	52
My Sweet Little Headache	Paramount	Pop	52
Jeepers Creepers	Witmark	Pop	52
Dr. R. Jones	Chappell	Pop	52
Deep Purple	Robbins	Pop	52
Let's Stop the Clock	Robbins	Pop	52
Thanks for Everything	Robbins	Pop	52
Humpty Dumpty	Harms	Pop	52
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Band Reviews

CHARLES BARNET ORCHE. (16)
With Joey Ellington
Famous actor, N. Y.
Barnet's crew should make current maestro near the top keep a wary eye on it during the next six months. It's in here for 10 weeks with four new songs, and after which it will probably follow Jan Savitt into the Lincoln Hotel, N. Y. Savitt disbanded Feb. 6.

Current outfit is not Barnet's original. It's been together about a year and is a powerful, hard-riding outfit of 14 pieces, fronted by the reasonable Barnet. Leader lips plenty of reed when he gets off on either alto or tenor sax, or clarinet, and the crew behind him is sock whether riding clear or on the mutter. Rhythm section seldom stands out, except that it occasionally brings the piano to the fore, drums, etc., being subordinate to the sexes and brass. Fact that it's there, though, is attested to by the unusually enlivening boogie rhythm. In this bandbox-sized spot

it starts out on a bounce and winds up bounding the customers. Outfit's arrangements are handled by Barnet, couple of men from the crew, Duke Ellington (few) and Benny Carter. There are several Andy Gordon writings also to make the conglomeration complete, but the crew is gradually working out its own style, based for the most part on Carter's output. Barring things unforeseen it's a crew that should go places.

Judy Ellington handles the vocals in either ballad or swing style and helps toward creating a good impression for the crew. She's a blonde solo.

RAMON CORTES AND ORCHE. (9)
La Belle Marquise, Cairo, Egypt
La Belle Marquise, latest Cairo nery and the first establishment of its kind to be all-conditioned in Egypt, has opened with Ramon Cortes and his band. It's a swing combo, alternating with tango and tumba music. Cortes comes from the Bagatelle, Paris, and the Casino at La Baule, France.

Band comprises four saxes, two trumpets and three rhythm sections. Musicians are Ramon Cortes (Chilean, tenor saxophone and English vocalist), Carlos Cortes (Chilean, string bass), Louis Vitte and Harry Heintzel (French, trumpet), Paul Herrer, Alime Georges, Marcel Varet (French, saxophones), Amalia Juan (Spanish, piano), and Jean Janinovich (Yugoslav, drums).

At Kavalier's option at Nixot Cafe, Pittsburgh, has been picked up for an additional four weeks, extending his stay there until March 25 at least.

Definition

An elevator operator in the Morris High School, N. Y. C., has been suspended by the Board of Education for unseemly behavior in forcibly taking a harmonica away from a pupil who was riding in the elevator.

Filing a brief in his defense, he stated: "This pupil has a harmonica which he cannot play but which he blows on in rhythmic beat and induces other students to accompany the syncopation of the harmonica with syncopation of the feet, with arms and jumping." This unusual activity affects the motion of the elevator so that it would not be brought to a level stop.

Band Bookings

Ernie Holst replaces Joe Venuti at Belmont-Plaza hotel, N. Y., March 7 for eight weeks.

Joe Manzanas held over for four more weeks at Colony Club, Chicago. Ditto Peter Kent, Book Cadillac hotel, Detroit.

Larry Clinton, Will Osborne, Claude Hopkins one-tinging for ROK. Gerard Marshall signed to ROK.

Mike Riley got indef repeat order for New Penn, Pittsburgh. Ditto King's Jesters at Claridge hotel, Memphis.

Lee Shelley to Gibson hotel, Cincinnati, Feb. 26, indef for CRA.

Emerald King renewed at the Van Cleve hotel, Dayton.

Earl Hines and Jerry Gerard one-tinging for CRA, through west and south, respectively.

Carl Moore to Olimos Club, San Antonio, Tex., for month of April. King's Jesters replace in May.

Mutual on Stand

(Continued from page 36)

confessed they could not comprehend the bookkeeping scheme.

The MBS station got 50.87% of the average local advertisers spent with the web last year, studies revealed, but there was a big variation in the case of individuals.

Trend toward bigger networks among the advertisers and agencies was cited by Weber. While currently there are fewer sponsors, the average advertiser as a rule takes more stations than formerly, cutting the unit cost. He revealed \$3,407.65 of sponsors spend under \$50,000 each on MBS, which started with only four accounts in 1934 but had 54 last year.

Complaining about the obstacles and slow progress, Weber pointed out Mutual has only seven stations with 1 kw at night which are not connected with one of the other national webs. A total of 70 MBS outlets of all sizes have no other ties. Of these 17 are 100-watters, 10 use 100-250 watts, and only two have 50 kw. Mutual is shut out of many territories by NBC and CBS exclusive pacts, which deprive many areas of additional service.

Mutual Growth Cramped By Rival Networks

The potential field is limited as long as CBS and NBC sign up affiliates so they cannot join Mutual. Only 42 cities have three or more fulltime plants and only 31 have four, even including the locals.

The advantages to stations offered by MBS, Weber told the commission are (1) compensation, (2) freedom in choosing programs, (3) wide regional selection of programs; (4) better program—because it is necessary for Mutual to present good news in order to draw trade in competition with the other webs; and (5) they are their own bosses. McNamara, chief distributor, says necessity of checking to see what time is open and inability to get into various key markets.

Atlanta Hopes For Met Opera Blasted

Atlanta, Feb. 14.

Atlanta's hopes of getting a short season of Metropolitan Opera were blasted here Saturday (13) when it was learned that the April 10-12 dates sought by the city had been booked for a circus.

Local opera enthusiasts had not raised the \$52,000 guarantee required to finance the date, while mechanical and acoustical defects in the city's white elephant, \$1,000,000 auditorium also militated against the movement.

4 Unknown St. Louisans Pay \$6,000 Opera Deficit

St. Louis, Feb. 14.

Four natives, whose identities have not been disclosed, have liquidated the \$6,000 deficit acquired by the St. Louis Grand Opera Co., lately succeeded by the recently organized St. Louis Metropolitan Grand Opera Association, a non-profit organization. Guy Goltzman, head of the St. Louis Opera Co., said those who wiped the slate clean were officers of the latter, but were not legally obligated to assume the debt.

Goltzman said he had agreed with the backers of the new grand opera group to remain out of this field for the next two years. For this, and the use of the name "grand opera" he has received approximately \$150 and other compensation, which he declined to reveal.

Mpls.: 250 B. R.

Minneapolis, Feb. 14.

Minneapolis Symphony is assured of at least two more years of existence as result of successful campaign to raise \$25,000 deficit. Taxpayers went over top with margin.

If money wasn't forthcoming from public orchestra would have disbanded at end of current season.

Herschel Evans Dies

Herschel Evans, 30, tenor sax man with the Count Basie orchestra, died of a heart and kidney ailment in Medical Center, N. Y., Feb. 13. Besides standing out as a sax lover, he had several hit tunes to his credit as a songwriter.

On the Upbeat

Bob Creaby heard Dorothy Claire singing with Joquin Gill at Bill Green's, Pittsburgh, and signed her pronto. Gai, half of sister team of Dorothy and Deborah Claire, had been with Gai a year.

Billy Sherman band, with Lynn Chalmers as featured vocalist, into Bill Green's Casino, Pittsburgh, Friday 10 for fortnight.

Freddy Castle into Club Pettie, Pittsburgh, for a run, replacing Four Comrades, who are slated to open new Manhattan spot called O'Leary's Barn March 1.

Versailles, stroller quartet, open at Continental Bar, William Penn hotel, Pittsburgh, March 6, succeeding Larry Murphy 4, now winding up five-month stay. Placed by Joe Tittel for CRA.

Beal Fomene, Hotel St. Moritz (N. Y.) maestro-coordinated, studying serious music and working on an original symphony.

Kirst Leaves Becevelt

New Orleans, Feb. 14.
Albert Kirst, who has conducted the orchestra at the Fountain of Youth at the Roosevelt Hotel here for the past five years, has been replaced by Ray McNamara, staff pianist, organist on WWL, for the past two years. McNamara keeps his chore at WWL.

MET 'CONDUCTOR' HELD ON CHARGE OF FRAUD

St. Louis, Feb. 14.

Leo Silveira, 44 who said he was a member of the New York Metropolitan Opera Co. and \$250,000 conductor, was charged with obtaining money by false pretenses following his arrest here last week. Mrs. Ellen Hancock, of Crystal Lake, Park St., Louis county, said Silveira promised a place in the St. Louis Metropolitan Grand Opera Co.'s chorus if the "look eight lessons a month from the lim at the opera."

Mrs. Hancock said Silveira gave her such a swell build-up about himself following his arrest here last week, she consulted James Z. Darst, manager of the Municipal Auditorium and Secretary of the local opera outfit. At Darst's suggestion, after he had declared Silveira had no pull with the local organization, Mrs. Hancock gave Silveira \$5. He was then nailed by cops. Later Silveira furnished a \$200 bond.

Membership in the New York Metropolitan Opera Co. of Leo Silveira, held in St. Louis on a charge of obtaining money under false pretenses, has been denied by the Met.

JIMMY TOPPE'S DANCE SPOT

Philadelphia, Feb. 14.
Jimmy Toppe, local prizefight promoter, last week leased a floor in night club sector for a dance hall and skating rink.
Will use local bands.

Dick Arnold with Felix Formerly held of Robbins Music in Los Angeles, Dick Arnold has taken over as local professional manager of Felix L. A. office. Picked up duties last week.

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Our New No. 1 Ballad AMONG THOSE SAILING Watch out for YOU ASKED FOR IT—YOU GOT IT

By Charlie Tobias and Abel Barr
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Featured in the M-G-M Picture "Idiot's Delight"
HOW STRANGE
By Gus Kahn, Herbert Stothert and Earl Brent
Based on "KAK STRANNO" by B. A. Prozorovsky
A Distinctive Novelty—Bigger Than "Josephine"
ANNABELLE
By Wayne King, Burke Blaine and Mitchell Parish
Sung by Nelson Eddy
In the M-G-M Picture "Let Freedom Ring"
WHERE ELSE BUT HERE
By Edward Heyman and Sigmund Romberg
Hanolin's No. 1 Song Hit
A SONG OF OLD HAWAII
By Gordon Beecher and Johnny Noble
Let's Just Sing
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YOUR NEXT NO. 1 SONG HIT
LET IT BE
Words by MITCHELL PARISH Music by PETER DE ROSE
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N. Y. License Dep't Seeks Agent Rep Listing to Keep Tabs on Violations

The New York license department will soon issue an order demanding that all representatives working out of agents' offices must be listed with the bureau. Number of recent subterfuges, where performers ducked behind the salesman status when caused by inspectors, has motivated the action.

Order will be that all those associated in the peddling of acts must be kept on record along with the licensed agents for whom they work. Same will also be kept on file with the bureau. Agents already in compliance for such listing. It is expected that Paul Moss' means of keeping tabs on all in the event of licensing law violations.

It is also likely that in the future all applicants for licenses will be scrutinized carefully by both department and agents already in compliance. The Associated Entertainment Directors, club-date booker group, has insisted that department has been too lax with recalcitrant agents who only apply after being caught red-handed. Idea is to post applicants in the department's offices for all to see and pass upon. AED will appoint a committee to advise Moss of former default violators, bookers of stag, etc., who want to go legit. Department has agreed the idea means it is stated that in the future those caught will likely be refused licenses.

MET OP HOUSE, PHILLY, OPENS AS COMBO

Philadelphia, Feb. 14.

The Metropolitan Opera House here, built in 1908 by Oscar Hammerstein, opened last night (Monday), as a combination sports arena, dancehall and night club.

For the past 15 years the white elephant has been the headache of bondholders and mortgagors, who have \$1,000,000 tied up in the place. As a last resort a syndicate representing all interests has invested \$100,000 in starting the new policy.

The \$100,000 has gone toward basketball court and dance hall on the main floor and a bar and cocktail lounge downstairs. Virtually all orchestra seats have been torn out and the old "Diamond Horseshoe" will be used as bleachers for the basketball games, which will be held the first three nights each week, with dancing to a local orchestra.

Big name bands will be used on three nights of each week—Thursday, Friday and Saturday—a 75¢ admission. Booked so far are Richard Himber, Thursday (16); Mitchell

Ayres, Friday (17), and Ozlie Nelson, Saturday (18).

Tentatively booked for the following week is Red Nichols' orchestra, with Tommy Dorsey's crew likely for St. Patrick's Day.

Spot, known as the Metropolitan A.M. Center, is operated by B. J. Meahan, Gotham showman.

Spot is built on the site of the old Darrah mansion by Hammerstein, who was a bitter rival of the entrepreneur, Sopranos Opera House, playing at the Academy of Music. For a year he bucked the downtown house, but in 1909 was forced to sell to E. T. Stotsbury, partner in the House of Morgan, for a loan. The following year he was forced to sell out to the Met, which changed the name from Philadelphia Opera House to the Metropolitan Opera House. Met, too, flopped.

Crisis came early in 1920 when Giuseppe Invernizzi, who was at the time, stopped the performance and walked to the footlights. He stared at the packed house for a moment and said:

"The management told us there isn't any money for our pay. If that's true there must be a hell of a lot of headbushes in this town. With that he walked off the stage."

It has since been used interchangeably for a good deal of time musical comedy, and dual films but none lasted long.

Omaha's OE-It-On

Omaha, Feb. 14.

Jan Garber will headline Orpheum's inaugural show, Feb. 17, for March 3. It will be the first show here since the holidays brought a "Bliss Dumbler" to the same house. Tri-State Theatre Corp. heads would use more stage shows if available.

Thorgersen Booked For Roxy, N.Y.; 1st P.A. Date

Ed Thorgersen, sports commentator for the Movietone newsreel, makes his first stage appearance, at the Roxy, New York, starting Feb. 24. Booking is for two weeks.

Thorgersen will do a sports commentary on famous sports events of past history, using old newsreel film.

Grace and Charles Merber, song-writer, moved into Cafe Society, Greenwich Village, N. Y., Friday (10).

Decision Vs. Cafe Op in Test Case

Seattle Judge Rules Him Liable on State Taxes as
Musician Employer

Seattle, Feb. 14.
Calvin S. Hall, Superior court judge, held that musicians are employed by operators of the places where they work rather than by their band leader when he ruled that operators must pay state unemployment compensation tax on every musician hired.

Ruling was made in a test case in which E. Russell Smith, operator of Seattle establishments employing musicians, was ordered to pay State taxes of \$462.78 for 1937 and 1938. Decision covers all entertainers.

Whether the case will be carried to the State Supreme court for final decision has not as yet been decided.

Saranac Lake

By Happy Benway

Agnes Orr, formerly in pictures, and from Far Rockaway, N. Y., is a new arrival at the Will Rogers.

Arline Vitstone, Lillian Kohler and Kenneth Lindstedt are out of the sanatorium with okay. All back to work.

Myra Fox, laboratory technician, has left the Rogers for her home in Washington, D. C.

Carlson, who took that 'rib' on three times, is up and around.

Daniel Putnam, writer, who is at the Rogers, is taking some exercise.

Arthur Kern, New Yorker, ogling the actors' colony and miffing his brother, Karl, who's miffing.

Tom Brown, Jean Wolf, Patricia Minter and Tom Butler all left the infirmary at the Rogers and are now allowed to walk around.

Kids, Teddy Stewart readying to do an "O-T-to-Buffalo" after his second stage of the rib op.

Jimmy Meahan, general greeter at the Rogers, is one year older.

(Write to those who are ill.)

LEGALIENNE GOING INTO FAY'S STR. VAUDE

Eva LeGallienne will make her vaude debut in N. Y. at Frank Fay's 44th St. theatre, opening Feb. 27 with a one-show-a-day policy. Fay has also taken the Little Club under the theatre and will operate it as a cafe.

His claims have already posted his bond with American Federation of Actors and has also signed George Brich's in a ballet, Hansford Troupe, Glen Pope, Avia Andrews, Sia Abdullahi, Charlie Kemper and George Hagerly.

Miss LeGallienne will do a 12-minute balcony scene from "Romeo and Juliet" with George Blackwood. Robert Milton is directing their bit.

Nitery Notes

Elsie Houston, Le Ruben Blev's (N. Y.) discuss, sailed on the New Amsterdam Saturday (11) on a 26-day South American cruise. Nina Tarasova replaces during her vacation.

Manya and Zanette, terp team, move into the Restaurant de la Paix of the Hotel St. Moritz, N. Y., tonight (Wednesday) when Pierce and Roland depart.

Cornelia Ship, Milwaukee, celebrated its 55th anniversary (11).

Frisco Night Clubs Look to Expo Optimistically; Heavy Band Bookings

15 YEARS AGO

(From VARIETY)

Investigation started into ticket speculation for Broadway shows. William A. Brady volunteered to aid after testimony revealed exorbitant fees had been charged by a broker for Brady's show, "The Show-off."

Picture names available for vaudeville were on the decline.

Legit was doing so badly in London that on one night alone nine plays were taken off. That made 18 in two weeks.

Approximately 250 theatres in the New York City vicinity playing "amateur" or "opportunist" nights. Though houses were getting big, the pros were hurt badly by theft of their material by the amateurs.

Paul Whiteman's jazz concert at Aeolian Hall, N. Y., indicated that jazz would never die.

Agents having monopoly on niteries were holding up acts for kickbacks, it was charged.

Ben Bard and Jack Pearl were preparing to operate a Columbia wheel show.

Green and Jones held the Shuberts \$20,000 for the release of Gallagher and Shean for the "Greenwich Village Follies."

Julia Sanderson, who up to the current season, had been strictly a musical comedy player, was headlining at the Palace, N. Y., with Frank Crumit.

Rio Company Builds

Hotel-Casino in Brazil

Rio de Janeiro, Feb. 8.
Joquin Rolia, president of the Casino Balneario da Urca Corp., Rio de Janeiro, is building a combo hotel and casino in Niteroi, directly across from Rio, on Niteroi Bay. New casino, the Niteroi, will alternate shows with the Casino da Urca, Rio, and the Petropolis Casino, Petropolis, Brazil, a fashionable summer resort. All are operated by same outfit. Will be ready around June.

Niteroi will replace an old casino. Town is building as a resort and operators see big returns for new investment, which includes eight-story hotel and casino.

San Francisco, Feb. 14.

Nitery operators are extremely optimistic about biz prospects here during the 1939 Golden Gate International Exposition, which opens Saturday (18), although proposal to extend from 2 until 4 a.m. the sale of liquor in one of the bars and cafes during the expo has been nipped.

The hotels have booked well in advance. Some who will appear at hotel spots during the 288-day run of the Fair are Carlos Molina, Joe Reichman, Harry Owens, Freda Erdin, Russ Morgan, Paul Martin, Matt Rogers, Joseph Study, Orrin Tucker, Henry King, Henry Busse and Carl Ravazza.

Tom Gerun, part owner of the Bal Tabarin, one of the swankier niteries, served to New York to secure the services of Kay Kyser's orchestra, but was unsuccessful. The Music Box will continue with Sally Rand during the opening of the Fair, and will follow her with other names.

No name bands are as yet set for the Fair. The Fair opening will have three crews of stars in line. They are John Scott Trotter, of the Blug Crosby-Kraft Music Hall; Ray Noble, of the Burns and Allen show, and Gus Arnheim. Fair execs originally wanted Rudy Vallee, and also sought

Walt Roemer, who has been absent from the local scene since the stimulation of orchestras in the picture theatres, will head the Expo's 30-piece utility orchestra. Ralph Murray will direct a 60-piece band at the Fair.

Edwin Goldmann's band of 60 pieces comes in March 15. Thaview opens in September, following Stokowski. The San Francisco Symphony is set for five or six weeks the summer.

Concerts by Fair's own musical units will be free. A slight admission will be charged for concerts by outside groups.

New Yorker Hotel, N. Y., Returns to Ice Shows

New Yorker hotel, New York, will return to ice shows for the summer, starting April 28. May Julets, Bobbie Doris, Du Reine Farley, Clara Wilkins, Jean and Marie Sherwood are set.

Rockwell O'Keefe is booking show, which will have a guarantee of 20 weeks with options.

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Friday Evening, February 17th

4A's Will Probe One-Man AFA Rule Charged to Whitehead, Aftermath of Calkins' Allegations to Gillmore

Following an international board meeting Monday (9th), in New York, the Associated Actors and Artists of America is expected to launch an investigation into reports that the American Federation of Actors is conducting a one-man rule, that of Executive Secretary Ralph Whitehead. Resolution to investigate drawn up by Kenneth Thomson, of the Screen Actors Guild; Paul Dulleit, Actors Equity; Emily Holt, American Federation of Radio Artists, and Leo Fisher, of the American Guild of Musical Artists, and reportedly at the instance of Whitehead, will be presented and a special sleuthing committee formed, to meet tomorrow (Tuesday) by the Four A's.

Four named took such action, it's said to disclaim any responsibility for persistent reports that made it appear the Four A's was complacent. In a note directed to Whitehead, the quartet disclaimed responsibility for circulating the reports.

Whitehead, it was said, asked that an investigation be made into allegations made in a letter sent by Harry Calkins, discharged chief organizer for AFA, to Paul Cullen, executive director of Four A's, two weeks ago. Two weeks earlier Whitehead had said he was not going for a vote of confidence when more talk had preceded the letter. It was not said at that time.

At last week's meeting of the Four A's it was recommended that the per capita fee be levied on various theatrical unions by the Four A's be fixed at 7% of all dues collected by each union going to the parent organization. This, of course, would replace present support per head and the planned increase to \$1.50.

Question will again be discussed when the union where dues are to be taken.

Robitschek Plans 2-day Vaude In Baltimore; Bond Asked

Baltimore, Feb. 14. Two-day vaude is planned here by Leonard McLaughlin and Kurt Robitschek at the Maryland. Titled "Laughter Over Broadway," it will start at 8 p. m. top.

No big names are planned, stress being laid on talent in revue form, with first line backing. There will be no films for former Keith houses.

Whitehead Asks Bond
Ralph Whitehead, executive secretary of the American Federation of Actors, has instructed Kurt Robitschek to post a bond for latter's new vaudeville venture in Baltimore at the Maryland. Union officials to permit a cooperative show, which producer stated it would be, demanding bond to cover one week's gross salaries for acts before show could open Feb. 25.

Robitschek has stated he's only the director for the show, but otherwise has no interest. He was called by Leonard McLaughlin and Kurt Robitschek, now a legit stand, and some of the acts who were seeking direction for a co-op show. Reason for union's stand is because of recent fold of the Majestic, New York, where Robitschek was associated in producing three-day vaude. All acts had been stranded for majority of their salaries.

Mills Bros., Wini Shaw Go Over in London P. A's
London, Feb. 14. The Mills Bros. went over big last night (Monday) in opening at the Gaiety, Holloway. Wini Shaw also got over despite nervousness.

AL FOX SUFFERS STROKE
Al Fox, former vaude partner of Doc Rockwell, and movie screen writer, suffered stroke at his home in Brooklyn Monday (13).

He was slightly recovered yesterday (Tuesday).

NVA to Drop AFA Suit

National Variety Artists decided at a meeting Sunday night (12) to abandon its \$250,000 libel suit against the American Federation of Actors. N. Y. Supreme Court last week dismissed a motion in the form presented, but left room for a new motion to be prepared.

Decision was regarded as a personal feud between late Henry Chesterfield of NVA and Ralph Whitehead, executive secretary of the AFA. Former died last month.

ROSE SETS LAST VAUDE FOR N. Y. CASA

Monday night (20), the last vaudeville show open at the Casa Manana, New York, following which Billy Rose re-introduces girl revues into his cabaret-dinner on the new story of the Waldorf. Fair tourists will have a little s. a. between the industrial exhibits they might glom at the Fairgrounds. Per usual, John Murray Anderson will stage the event, as he does in helping refurbish the Casa's vaudeville.

New lineup will comprise Wilma and Eugene Howard, Ozzie Nelson band and Harriet Hilliard, Andrews Sisters, Gene Austin, with Chuck, Gloria, Gloria Gilbert, Mario and Florida, Gil Lamb, the Jewells and The Debonaires. Jay's new band will play the show. After this show's four week, the Casa will close down a week or so prior to the sixty policy.

About a year ago Rose took over the French Casino and transformed it into the Casa, continuing the girl show idea until summer when, with straight vaudeville, he found he paid better dividends at curtailed costs.

RKO PALACE, CHICAGO, CALLS OFF VAUDE FOLD

Chicago, Feb. 14. Decision to pull vaude out of the RKO Palace has been tabled temporarily. However, stagehands and musicians will continue on a week-to-week basis. Budget will be clipped somewhat.

Cavallero, Ferry Team

Gene (Cavallero), of the Colony restaurant, New York, and Felix (Ferry) of the Embassy Theatre, New York, are partners in Felix's Monte Carlo, which premeys Friday (17) on the site of the old Palace of Morgan, N. Y.

Dr. Strasser's band, Dick Smart, socialize waiter: (Miss) Lee Wiley and Bob Knight's relief dance combo comprise the talent.

Duchin Follows Tucker

Chicago, Feb. 14. Orrin Tucker, currently in the Empire Room of the Palmer House, will continue in that spot until Eddy Duchin can come in for the spring season, starting April 12.

NVA Benefit on Sunday
Under co-sponsorship of George M. Cohan and Jimmy Walker, National Variety Artists holds its annual benefit at the Alvin theatre, New York, Sunday night (18). Jack Dempsey, Gomez and Wiltona, Victor Moore, Billy Gaxton, Tucker, Everett Marshall and others will appear.

Hurt in Fatal Crash

Lawton, Okla., Feb. 14. Art Sleeper, 40, manager of Frank Tracy, Inc., Oklahoma City booking agency, was seriously injured in an automobile accident near here in which four others were killed and one other seriously injured.

Sleeper was exposed for five hours in sub-freezing weather before the accident was discovered by passers-by.

AFL NIPS CIO IN PITTSBURGH

Pittsburgh, Feb. 14. First major triumph of the AFL American Federation of Actors in its fight here against the newly organized CIO United Federation of Entertainers was registered last week when George LaRay, international representative of the former, signed a closed-shop contract with the Nixon cafe, one of the top spots in town. It was the first nifty to fall into line and, according to La Ray, will mean others, since managers have been holding out awaiting action first by Tony Conforti, who operates the Nixon.

Agreement provides \$30 week minimum for chorus girls and \$40 for principals over a six-day work week.

B-K'S CHI NAME POLICY; GREEN, PERKINS, ELLIS

Chicago, Feb. 14. Balaban & Katz has decided on a headline policy for the State-Lake. Starts with Mitzai Green on March 3, followed by Johnny Perkin, who will play for two weeks, starting March 10.

Negotiations are on for either Jackie Coogan or Stepin Fetchak, March 17. Set for April 24 is Patricia Ellis.

Berle Replaces Jessel At Walton Roof, Philly

Philadelphia, Feb. 14. Milton Berle is headlining show at Jack Lynne's, which opened Thursday (9) for a two-week stay, as last-minute replacement following cancellation of George Jessel due to illness.

Harry Richman skedded to open March 23 for show marking first anniversary of Lynne's Walton Roof in the Walton hotel.

Montreal Cafe Settles Musician Union Row

Montreal, Feb. 14. Chez Maurice, nifty, which has been on the blacklist of the musicians Federation of Montreal (local 468 of the American Federation of Musicians) since Dec. 30, 1937, was reinstated by the union last week.

First union band to go into Chez Maurice in over two years is Jack Bain's 10-piece orch, which opened last week.

Adagio Dancer Does Hero Act And Lands in Jail; Pitt Masher Blamed

Pittsburgh, Feb. 14. Blaine Edelson, adagio dancer with the Peggy Taylor trio at the Sunland, was arrested last night on an assault and battery charge when he sent Edward Maguire, a local boy, to the hospital with a badly battered skull. According to the police docket, Edelson said it was all in defense of a lady fair, said lady being Patsy Parker, singer with Ted Weems band on the same Stanley club.

According to Edelson, Miss Parker

Club-Date Booker Factions in N. Y. Take to Tipping Off Authorities On Each Other's Alleged Infractions

Lamaze Hobbled

Los Angeles, Feb. 14. Donna Grace Gordon, operator of Cafe Lamaze, won a temporary injunction restraining Marcel Lamaze from using the name Lamaze to advertise a nifty in the same neighborhood.

Injunction remains in force until the case is tried.

CLUB BOOKERS, PERFORMERS HIT AFA

New York club-date acts and bookers are complaining over American Federation of Actors' alleged failure to cooperate in eradicating abuse against them. Performers claim that minimum ratified by the union last week is not being applied.

Some agents complain that the union is still booking acts in unfair competition with established bookers. Acts state nothing has been done to police field that was to guarantee \$1 minimum, with graduating scale, depending on mileage from N. Y. Bookers, for most part, still adhere to old system of 'anything from \$8 up,' it's claimed, while AFA has also done nothing about franchising club-date bookers.

SPOT VAUDE HYPOS VANCOUVER, B. C., B. O.

Vancouver, B. C., Feb. 14. Nabe six houses are hyping b.o. take by single vaude acts. Hyping novelty stage shows sandwiched between lectures. Acts vary from one a night to two shows, and run from one night to a week.

Ovette, magician, debuted on Pacific Coast at Dunbar Theatre, indie nabe.

Hollywood Marionette Theatre has been making the rounds on five-week circuit of naves.

Radio City CJOH wires Quiz program to stage down from different stage every week.

DEBBIE HOOFER

Philly Socialite Taking Nifty Gay at 75 Weekly

Philadelphia, Feb. 14. Another Philly debbie has been bitten by the night club bug. This time it's Cynthia Hare, 21-year-old blonde daughter of the ultra Main Line Hare family.

Cynthia, who's been the star hooter in smart set's charity show, will do her debut at the Embassy Club, novelty next week, at \$75 per. A friend of Anne Francine, who won debutante contest at New York's Coq Rouge, recently, Miss Hare has been teaching tap-dancing to women inmates of the New Jersey Prison Farm.

He called him and asked for his help in keeping away a local 'stage-door johnny' who kept pestering her with telephone calls. To her relief, Miss Edelson said he found Maguire trying to force his way in. When Maguire persisted, the dancer charged, she started to fly.

Edelson was held by police pending the outcome of Maguire's injuries. The latter, who was given emergency hospital treatment immediately, was booked on a disorderly conduct charge.

With club-date booker feud in New York getting hotter each week, bookers have taken to tipping off license and police departments on each other's alleged law violations. Many summonses issued to date by the Entertainment Managers Association and the Associated Entertainment Directors a couple of months ago.

License department reports as many as 10 calls in one day sent a show booked by someone suspected of not having a license. Summoned books of stage have also been reported similarly.

Many summonses issued to date by the license department have been instigated by bookers, Commissioner Paul J. Connelley has said.

While it's partly their means of helping to police the New York agent and cleaner scene, the reports by agents and chasers, it has also whetted the vendetta between the club-date booker groups.

The commission thinks some of the 'singling' is without foundation, but it's a downward slide in respect and shyness by the more unscrupulous.

Pinch of Tom Torrey in Brooklyn last week for a nude show was an agent's tip, it's stated. Fred Watson, a Brooklyn agent, has been in the department last week, ostensibly on the complaint of another booker. He promptly issued a license to Torrey, and was freed. Eddie Newman, also held to department last week, was a tipoff was likewise okayed.

Miss states he has a list of over 700 names and is working through New York State. It's the same list being worked on by the Social Security and Unemployment Insurance Boards to differentiate between employers and employees. With in his possession, it's expected that Moss will now have an easier job of locating all performers for purposes of a tipoff was checked up more easily on agent complaints.

Pryor-Sothern Set For Chicago March 3; Waring, Kyser Too High

Chicago, Feb. 14. Roger Pryor orchestra and Ann Sothern come into the Balaban & Katz Chicago week of March 3.

Pennell in for other dates are Harriet Hocter and Paul Haakon; negotiations on for Dorothy Lamour. B. & K. has nixed Fred Waring at \$100,000 net and also turned down deal for Kay Kyser's orchestra, for which Lamour Corp. of America is asking \$12,000, plus right to name the picture.

The H'wood's Creditors, Books to Meet Monday

Scheduled private confab of creditors and officials of the recently folded Hollywood Bankruptcy, New York, in Federal Bankruptcy Court, has been scheduled for Monday (20).

Pearley was originally down for Feb. 6.

Vaude Again for Circle, Indpls.; Names Booked

Indianapolis, Feb. 14. Circle theatre, playing straight allis since last spring, is flirting with stage shows again.

Manager Art Baker announces the booking of Russ Morgan's orchestra and Lew Lewis for latter part of this month.

Akron Comeback
Akron, Feb. 14. Loew's Theatre will light its stage for the first time in the recently folded Hollywood Bankruptcy, New York, in Federal Bankruptcy Court, has been scheduled for Monday (20).

Night Club Reviews

CHEZ PAREE

(CHICAGO)

Chicago, Feb. 11.
Benny Fields, Helen Morgan, Paul Hanson, Gloria Davis, Harris & Shere, Everett West, Bob Hannon, Lou Breeze's orch.

It's old-home-week with Fields and Helen Morgan at the helm at Chez Paree. Both are known and obviously liked by the club's customers. Miss Morgan, for one, doesn't have to remember the lyrics of the new songs so long as "My Bill," "Can't Help Loving That Man" and "I'm a Little Bit of a Show Girl." She has acquired the mantle of tradition in show business, it is a guarantee of a welcome wherever she goes.

Benny Fields has no "Show Boy" but his background in the entertainment world has given him the ability to put his cards well on the table; to know what to sing and how to put it over. Fields has a more modern style that are professional and finished. Remarkable at the show caught was Fields' ability to sell a strictly patriotic number to a cafe audience and, in a flash, to change and style that are professional and finished. Remarkable at the show caught was Fields' ability to sell a strictly patriotic number to a cafe audience and, in a flash, to change and style that are professional and finished.

Third headliner is Paul Haakon, a newcomer to the Club. He has a quick and short act, composed of two whirling numbers, Portuguese and Russian dances. Both are executed with a balletic grace which indicates plenty of hard work as a foundation for these numbers. While the routines take place out of him, Haakon must get up two or three times to take the show to the rest of the audience. He had to beg off after the two numbers on opening night when he should have been able to hold on at least one other routine in an encore.

Harris and Shere score with their burlesque ballrooming. In contrast with Haakon, they are loaded with a raft of routines and apparently on consistent. Get a good ringer for Beatrice Lillie and gets plenty laughs with her smart mugging.

Gloria Davis opens the parade of talent with her excellent solo dancing. She is a looker in the first place, but tops that fast getaway with bang-up hooding. Miss Day is especially wise in having selected musical accompaniment that is different and yet plenty melodious.

Agnis Ford Evans gives the bell with his excellent production numbers, backed by great costuming on the part of Francis Pallister. Evans scores a brilliant hit with his handling of a flag-waving finale. Clarks also has a big production based on some Priml times and a rousing Scottish number that has the girls in kilt and whanging the drums.

Lou Breeze is near the end of the run here with his orchestra. He will be missed, for he has turned in some excellent work for this club both in playing the show and for despatching. Bob Hannon works through

this show as a casual m.c. and comes through in good fashion on the introductory duties, as well as getting things off with an opening. Over from the last show is Everett West, a baritone with plenty of power in his voice. It is a bit timid in his spry voice to an audience, but when he acquiesces to go places. Gold.

HOTEL LINCOLN, N. Y.

(BLUE ROOM)

Jan Savitt's Orch. (14), Hoppa Lewis Sisters (3), Jitterbug (3), Bon Bon, Carlotta Dale.

Aiming to represent the almost phenomenal success he has experienced in building up acts in both the Blue Room, Lincoln and Edison, Mr. Maria Kramer has imported Jan Savitt's Blue Room. Spot was most remarkable in the Lincoln. It was here that he shot from practically a nonentity to a top contender and Savitt's and Shaw's outfits have much in common with the Blue Room. Spot was most remarkable in the Lincoln. It was here that he shot from practically a nonentity to a top contender and Savitt's and Shaw's outfits have much in common with the Blue Room.

There are a couple principal respects, however, in which Savitt will no doubt suffer in his buildup at the Lincoln as against Shaw. One is the inevitable comparisons that will be made between him and the up-and-coming Hotchkiss-licker, while the second is the fact that Savitt plays no music out of his own band. The latter is the outfit is near or up to Shaw's in every department.

For a solo instrument act, it seems unfortunate that Savitt's forte should be the fiddle, which is a pity. He is a good musician, but it is a pity that Savitt's forte should be the fiddle, which is a pity. He is a good musician, but it is a pity that Savitt's forte should be the fiddle, which is a pity.

Aggregators, consists of three trombones, three trumpets, four saxes and three rhythm. Strong point is the arrangement, concocted by Johnny Watson, presently touring the show. Specialty is "shuffie music," which is the Henry Buscetta manner. Watson has been arranging for the band since its inception as house outfit at K.W. Fully, and is largely responsible for the rise that lifted it out of the station house here from Bon and Carlotta Dale. Former's a double-bassist, the latter is a first-rate baritone type, which he turns either to pop or scat numbers. His double-bass, on the latter is miffy. Miss Dale, a fairish looker, and a vet warrior, slides to her early radio

training and fails to sell strongly to the visual aid. Noteworthy, her swell phrasing. Brought in for a temporary stay during the band's opening week of two are the Hilton Sisters (3) and Nancy Lewis (1). The latter is a double bass m.c. Hoffman suffer in the Lincoln. It was here that he shot from practically a nonentity to a top contender and Savitt's and Shaw's outfits have much in common with the Blue Room.

EL CHICO, N. Y.

Elisio Greent orchestra, Ramiro Gomez and his orchestra, Maravilla, Paquita Dominguez, Doris & Valero.

Elisio Greent, w.k. Cuban composer-musician who "Conga" "Mama Lusa," and other works are now famous. It is the new center of this Greenwich Village night. Otherwise the floor trimmings are standard, commensurate with the venue.

Paquita Dominguez is a cute song-dance specialist, just over from southern Spain, and marking her first American engagement. Ramiro Gomez, tenor Cuban tempo. El Chico has a 50¢ and it covers, frankly stating this surcharge because of the talent roster. It's worth it.

TULANE ROOM

(NEW ORLEANS)

New Orleans, Feb. 10.
Carl Moore's orch., Anthony and Hodge, Marie Hudson, Virginia Duff, Wilfred Dubois.

The Tulane Room made a comeback in the nitty field after being dark for some time. Reopened as a C.R. season gains momentum and while tourists and visitors pour in for Carnival festivities.

Carl Moore's orch tops show. Band plays good mixture of sweet and swing in style appealing to local patrons, but bears down too heavily on the Arkansas drawl between dances. With a number of individual specialties, musicians border the floor show. Moore's interpretation of his own "Ding Dong Daddy" goes well, but the impression can't help but remain that his music is better than his act.

Only four acts comprise the show. Terping is provided by Anthony, Alim and Hodge, playing a return engagement. They're only a sop to triple tang with spins and lifts, but come back strong at end with solo routine, in which the girl is tossed about by her two partners.

Vocals are handled by Marie Hudson, with the usual. She's nice looker with fairish plian but not so good as Virginia Duff does a syncopated version of the lulu. Just fair.

Wilfred Dubois' juggling clicked strongly opening night. He's capable and had 'em asking for more. Luiza.

FREDDIE'S CAFE

(CLEVELAND)

Cleveland, Feb. 10.
Tony Emma's orch, Steve Murray, Billy Hilton, Yoo Rogers, Tryon Sisters, Elena Bergero, Edna Barnum.

Being in the middle of the hotel belt and known as downtown's chief hot-spot, Freddie Meyer's basement playhouse usually gets a goodly beelie visiting acremen than any of

NEW ACTS

CARLO BUTI

10 mins.

Clae Roma, New York.
Buti is the second U. S. appearance for the internationally repeated Italian singing artist who has thus far confined himself to native audiences. Good - looking, well-dressed, showmanly and the cream of Continental personality. But could, however, develop a little more on this side. He's the Vallee-Crosby type of Italy.

Buti is a singer of the type to be duplicated here, but fully understandable in his own backyard. Not of the operatic school, though possessing a strong baritone, he adroitly blends singing with the comic, heroic, but equally pleasant trend type of singing familiar to Italian song, music treatment. Excellent control enables some whispered croonings to reach all ears in this large house.

Like many European singers, Buti mugging goes into the walling. He makes several partial dress changes, switching from tait to dinner jacket, to night suit. Gets off about 10 Italian songs in all, last one an improvised comic song with a monotonous beat, but seemingly pleasing to Italian auditors. "T-T-T" is sole familiar entry in repertoire.

Buti exits after each song, reappears and simply announces his next number. Very consistent. Hurl.

JUNE FORREST

8 mins.

Hotel Morrie, N. Y.
June Forrest is a comedy soprano of excellent vocal range and a musical comedy singer. She does 10 familiar ballads like "Donkey Serenade," "Zing Zang and Subways" working with mike and selling her self hard.

Conquests has been in stage musicals, but chiefly histories, last in Montreaux's Hotel M. Royal. This is her first New York booking, and she holds down her spot at the Hotel M. Royal in the Palace of the Hotel St. Morris in nice style. Abel.

JOHN RUSSELL

8 mins.

Hotel Morrie, N. Y.
Lad is a newcomer assigned to handle the male chirp department with Don Bestor's aggregation. He's an asset with the new crowd. Carries. Has a nice baritone that tends to be croony and he'll get by on looks.

Opens with "Unbrella Man" and then does "Lady Be Good." Held down to two numbers, which is satisfactory for one shot, but might be given more opportunity to work with the band on a couple choruses of other songs.

Other hysteros. Its atmosphere leans toward the Leon & Eddie side. Real draw of the girl is the amount of the time they're slizzing in nudity and heeling humor, but current edition is like an under-act. Rather raw in the middle and too tough around the edges.

Where it misses her most is in Steve Murray's so-called wit. M.C., formerly of the Three Racketeers, is breaking in a new solo act, but (Continued on page 55)

FINCHES AND ROLAND

6 mins.

Hotel St. Morris, N. Y.
Finch and Roland are a youthful and with a smart sense of floor values and a sense of timing. Their banter and bawling are not sufficient to equalize or sock to impress in more than casual manner. She's a bit of a showman and he's a personable via-vis, in his own right. In fact, in going for that Valer (and Yolande) touch of white kid gloves throughout the show.

Their potentialities are more than obvious. They're a good two-dance routine, per se. Right now they impress as a pair of nice kids with a casual manner, but routine, which, however, is lacking in adequacy, either as to length or distinction. Abel.

RAYMOND WINFIELD

5 mins.

Raymond Winfield, tall, rangy colored lad, was formerly the manager of the Tip, Tap and Toe trio. This is his first time out solo, but he fact that his partners are missing from the act is a real disappointment. That he's a top-flight dancer.

Winfield is a top-flight dancer. This show, in front of Vincent Lopez' band, Winfield opens the layout for the rest of the show. He's limited to strictly specialty work in front of bands and in floorshows, but his easy tapping rhythm and gracefulness are not missed anywhere. It's not on display here, but he's equally adept at the more furious type of floorshow, but he's in the type he displays in the Fallé Salsmick get-up with the trio. Sch.

PHYLIS COLT

5 mins.

Hotel Morrie, N. Y.
Femme chirp, recently added to the Don Bestor troupe, is a standout in the current lineup at the State. She's noteworthy from several angles. One of which is the showmanly costume of sweater, skirt and socks, and full advantage of her youth and freshness.

Young, she's quite a looker. She has a good deal of a large amount of ability in handling the showmanly costume. She's a looker. She has a good deal of a large amount of ability in handling the showmanly costume. She's a looker. She has a good deal of a large amount of ability in handling the showmanly costume.

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SIDNEY H. PIERMONT

BOOKING MANAGER

ROXY, N. Y.

Paul Ash house orch, Gae Foster Girls, The Chocolateers (3), Four Dudley Bros., Peg-Leg Bates, Johnny Woods, 12 Aristocrats; 'Tail Spin' (20th), reviewed in VARIETY Feb. 1.

The Roxy is feeling the weight of stage show competition this week and it was reflected at the box-office opening night (Friday). With the Strand, Paramount and State,

...in the immediate Broadway vicinity, carrying names, the Roxy hasn't got one real draw, and it isn't aided any by the feature.

There's a little that can be said for this Fanchon & Marco show. It has an attractive, simple opening 'Showboat' set and excellent costuming

for the Gae Foster Girls. But spotting is way off; the first three acts are colored.

Outstanding are Johnny Woods.

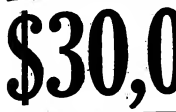
week the zaney Kay Kyser
- clicking both with the cus-

This week the zaney Kay Kyser crew is clicking both with the customers and at the box, bringing in

the gold dust. Show, packed into a solid 65-minute divertissement, is the same which the bespectacled

maestro puts on the air. As usual, Kyser is more showman than baton-waver.

Eck.



Chi's 'Mikado' Moving to N. Y.; The 'Hot' Version Being Mulled

Chicago, Feb. 14.
Federal Theatre will transport its local swing version of 'The Mikado' to New York to open there within two weeks. This was decided early last week, and local chieftain Harry Mintram entrained immediately for Broadway to aid in setting up for the transfer.

Show has been a smash at the Great Northern here for the past 21 weeks.

Michael Todd, who claims to have started rehearsals for the 'Hot Mikado' version last week in N. Y., withdrew a salary bond at Equity and mentioned putting it in presentation houses. WPA also is reported to have offered the rights for commercial usage, then qualified that plan by explaining that the settings and costumes could not be sold outright, being government property and therefore subject to litigation. Such information is said to have been sent to several persons including Eric Chappel, who acted for an unnamed N. Y. manager, and one B. Ulrich, Chicago. Meanwhile the original 'Hot Mikado' is reported drawing heavily at the Great Northern in that city.

'Supper,' Maybe
A run-through of 'Sing for Your Supper,' mixed-cast WPA revue that has been in preparation for more than 18 months, was recently held. Halie Flanagan was present and several were asked to attend to give opinions on the material. 'Supper,' which was variously dated to open in November, December or January, is now mentioned to light up in April.

The WPA theatre project in N. Y. has a runner-up to 'Supper' in the matter of abnormal rehearsal time. 'The Life and Death of an American,' reported to have started last July. This is countered by the claim that 'official' rehearsing did not begin until December.

'TMAT' mixed it up with Labor Stage, where 'Tine and Needle' is playing, over the weekend. A benefit under auspices of the American Labor Party was scheduled Sunday, but was cancelled by Louis Schaff.

(Continued on page 50)

Int'l Casino on 'B'way Offered Lew Brown For His Own Musical

International Casino, N. Y., which has been reported readying to house several varied entertainers, has ventures since folding as a nifty, has been offered to Lew Brown, legit Broadway star for a musical. Brown has written and who he puts into rehearsal in about three weeks. If the project is accepted, which seems unlikely according to Brown, it would be on a straight rental.

United Musical, which Brown's first since his 'Calling All Stars' opened and closed within a month in New York, 1934, was currently at Walter Kent and Al Sherman. It will take to the road before coming to Broadway. 'Shubert' have a piece of the try.

Brown has Jim Barton and Hal LeRoy set to take lead spots, although neither have been signed to contract. Reported also dickering for several film players.

Attach 'Our Town'

Chicago, Feb. 14.
Law firm of Bernstein, Zella & Bernstein last week slapped an attachment on some of the receipts of 'Our Town' at the Selwyn to satisfy the lawyers' demand for fees claimed by the firm. The firm, which was run by producer Jed Harris, claimed due for work the law firm did for Harris last year.

Elsa Ersi Pinch-Hits

For Flo Eldridge in 'Way'
Florence Eldridge is out of the femme lead of 'The American Way' at the Center, N. Y., due to a cold. She played the special Monday (13) matinee, but withdrew from the evening performance and is not expected to return before tomorrow night (Thursday).
Part was taken over by the understudy, Elsa Ersi, former musical comedy player. Replacement was given a reception by the audience at the Monday night performance and drew a backstage ovation from the cast after the show.

TMAT AND ROAD GROUP REACH AGREEMENT

The Legitimate Theatre Group, which will tour four states this next season, has come to an agreement with the Theatrical Managers, Agents & Treasurers union. Latter protested the use of representatives who are on the road 'legging' artists, and the TMAA members. Artists are contracted for. TMAT contended that such people are agents and that the work is different, a compromise was made.

Claimed that TMAT agents will be used, but the regular salary scale for road shows will not apply. They are to receive a drawing account of \$75 weekly, as against 5% of the subscription dates they contract. That is the same pay arrangement which applies to those who are visiting college and auditorium stands for the new legit group, headed by Arthur M. Oberfelder, of Denver. Basic agreement with Broadway managers has been reached and TMAT members. There are 12 representatives of the union on the road who will be replaced by TMAT agents.

Stated that while the scale is under that established, it provides that more jobs. Also considered is the fact that the work is not regular advance publicity assignments, but more in the line of indie bookings. Oberfelder is on the Coast directing the new venture. Horace Kiser, who with Ralph Chastillon are the backers, made the deal with the union. They were connected with the Chicago office of J. J. Walker in connection with advertising agency and backed Oberfelder in a rotary stock venture several seasons ago.

SHEREK TO STAGE 'ROCKET' IN LONDON

'Rocket to the Moon,' at the Windsor, N. Y., will be produced in London early this year. The play, which is being produced by Henry Wood, is a comedy showman arrived in New York last Thursday (9) and immediately set a deal for the London rights to the Clifford Odell play, but which is probably will not be signed for several days. Sherek will put the show into rehearsal while he turns to London, under English cast. He is due to sail Feb. 23.

Besides looking for players, Sherek is in U. S. to set for the Dorchester House show, opening April 17, last Sunday (12) at the 'Hot Town' at the Selwyn to satisfy the lawyers' demand for fees claimed by the firm. The firm, which was run by producer Jed Harris, claimed due for work the law firm did for Harris last year.

APPRAISAL BASED ON THEATRES

Legit Houses in 'B'way Zone Valuated for Tax Purposes—Full Worth Now Set Forth, Instead of Previous Two-Thirds

CENTER, \$4,500,000

New York's legit theatres within the Times Square zone are valued at more than \$30,000,000, but it is doubtful if that much money could be obtained were the properties sold. The figures are based on valuations placed on the theatres by city tax authorities, assessed as shown below. Whereas formerly properties were assessed at two-thirds their valuation, the law now requires the full worth be set forth for tax purposes.

Data was compiled by the League of New York Theatres as the result of legislation introduced at Albany which may impose new levies on theatrics. Only one of three new bills specifically mentions theatrics, but the nature of the other measures will include theatrics. One bill proposes placing a 5% tax on admissions; another, a 10% tax on gross receipts, while the third would constitute a realty tax.

League's table of valuations is termed 'tentative,' some estimates being considerably under the figure credited to those properties. The Center, Radio City currently housing 'The Sign of the Cross' is the most costly, being rated at \$4,500,000. House was not originally intended for legit, although the stage is completely equipped for stage presentations.

Imperial Garden is the next most valuable spot, being down for \$2,400,000. A surprising assessment is that for Jolson's, now the Yiddish Art theatre, valued at \$1,350,000. House has not had legit for some years and is really outside the theatre district, but its proximity to Central Park probably upheld the valuation. The Regency, which is technically outside the zone, is not listed because it has been in grind pictures for some time under 'Lew's' lease.

Such former legit theatres as the Globe, Gaiety, Central and the 42nd street group, all now used for grind films or stock burlesque, are similarly omitted. With such theatres included, the total valuation would exceed \$40,000,000, but few are regarded as likely to ever house legit again.

List Radio, WPA Spots
List includes seven houses which are being offered for legit use, or WPA relief theatre attractions. While some of these spots are possible for practical purposes, the total number of theatres more or less available for shows is placed at 46, for practical purposes. The number is less, with 32 attractions on the boards currently. Broadway is probably at the peak of occupancy for the season.

Another theatre not listed is the 51st Street (Warners' Hollywood), which is due to relight this spring. The theatre, which is owned by (originally Erlanger's) is comparable to the others.

(Continued on page 55)

Paralysis Benefits Off

Proposal that all legit shows on Broadway give a Sunday night performance for the benefit of the Springs Infirmary Paralysis Fund appears to have been shelved. No further action was received from the New York committee by either the League of New York Theatres or the Broadway League.
Latter was asked to consider this, but decided it would okay the idea, leaving the other cast unions agreed to work the benefits gratis.

'One Big Union' Looks Unlikely; Idea Has Little Support from 4A's

Some Class

Jimmy Schnoelze, Durante may yet achieve his ambition to be 'the best dressed man,' appearing in 'Stars in Your Eyes,' which opened at the Majestic, N. Y., last week, his sartorial outfit surprised the first-throwers.
Schnoz has four changes, three in the Hollywood manner and the other a silent Russian outfit.

EQUITY TO HEAR CHARGES VS. BARTON

James Barton has been ordered to appear Feb. 24 before Equity's court, to answer charges filed by Cynthia Arden in the case of 'Tobacco Road,' Forrest, N. Y., Barton, who was starred in the long-running drama, led the show after being given notice of removal on Monday (13) Eddie Garré replaced him.

Arden alleges that Barton used violent language to her in front of others in the show, saying she will reveal what was said, but that it is unprintable. She asks Equity what her rights are in such a situation and whether the actor is not subject to discipline by the association. Stated that if the charges are sustained he would be subject to fine, or suspension, or both, but may possibly get off with a reprimand.

Reported that Barton has indulged in irregularities backstage for some time during his stay in 'Road.' One practice which annoyed the manager was in delaying the opening curtain. Show would be ready to ring at 8:45, but claimed that Barton would not be ready until 9:15. Complaint of Harry Orloff, who is operating 'Road,' does not include monetary charges, though he pointed out it cost several hundred dollars to replace Anne Dore at Barton's insistence, but when she threatened suit against the actor, she rejoined that she would sue.

Barton plans making personal appearances in vaudeville houses.

'OCTOPUS' KEEPS GOING ON CUT-SALARY BASIS

'Dear Octopus,' which was advertised to close last week, moved Monday (14) to the Broadway Theatre, N. Y., to the Morocco, latter house becoming available when 'What Every Woman Wants' which is not so good at the tryout, cancelled the booking. English comedy perked up somewhat, but the arrangement for cut salaries has been extended. Under the deal, show management agreed to cut two weeks in the new house.

Jack Hawkins, of the 'Octopus' House, is sought for 'Wuthering Heights,' but when an exception to the rule was sought, he was said no. Rock Galvin, on behalf of the 'Heights' outfit, re-applied to the board, but last week, he stated that the matter would not be considered until 'Octopus' closed, if it closed.

Other attractions which switched theatres over the weekend were 'Knickerbocker Holiday,' which moved to the 46th Street from the Barrymore, which is to get the postponed 'Off to Buffalo' this week, and 'The White Steed,' which moved to the Broadway from the Cort. Latter will star Miss Swan Expected next week.

Around Equity and the Associated Actors and Artists of America quarrels, it is stated that the idea of 'one big union,' which would combine all actor-artists, has never been given consideration. Some credits to the Screen Actors Guild, which is now readying a new organization set-up, which will condense the membership and make that organization more effective. The one big union idea report has cropped periodically, but appears to have little support among Four A's affiliates.

Leaders of the various stage unions are convinced that a combination of all would not be desirable. Stated that the various groups in the Four A's are expected to formulate new regulations, whereby there will be an easier interchangeability when making the jurisdiction of the other affiliated unions. Complaints have been given that the unions are too much of a drain, but apparently many members, in not knowing their parent organizations, are unaware of the present flexibility of the interchanging.

Equity, in foregoing further participation in dues paid by its members, is expected to be conservative, and will not agree to terminate the four-year agreement upon learning that it is not in the best interests of the union to reduce its operating expense. Dropping the claims against SAG would mean that Equity would receive annually to Equity, which received around \$40,000 from SAG during the year.

Explained that Equity did not participate in the dues paid by all its people in the structure only those in the higher 'bracketed salary range' of which there was a top number of around 1,500. The balance of SAG's membership has been paying 10¢ yearly, with no payments in the structure only those in the higher 'bracketed salary range' of which there was a top number of around 1,500. The balance of SAG's membership has been paying 10¢ yearly, with no payments in the structure only those in the higher 'bracketed salary range' of which there was a top number of around 1,500.

SAG in Red
When SAG presented its figures to Equity, latter had no alternative but to agree to cancel the working arrangement, screen and figures showing it to be operating in the red. Pointed out that either side would have given notice of cancellation. Deal was made after Equity conceded that it had been unsuccessful in organizing Hollywood picture strike having been abortive, but Equity held a string on SAG, in case that the organization would not achieve its objective. With SAG's position on the Coast established, Equity was expected to be in the situation has steadily evaporated.

The re-wamping of SAG's business plan in organization Hollywood and other Four A's affiliates, it is quite possible that Equity, SAG, American Actors and Artists of America and possibly other stage unions will combine their offices on both coasts and that they will intend to preserve their separate entities, a saving in office expense is expected to result. The plan also contemplates reduced and the others facing considerable administration costs, reduction is figured to be in line all around.

Barnyard Frolics Begin

As the season's first ice-breaker for the new season, contingent, the Green Kaaterskill Club, which they intend to extend their regular summer stock schedule through the winter.

Leonard Atobell, recently with the Broadway League, is expected to be the director of the group, which will have the Mayfair, Williamsburg, N. Y. (Just closed) and the revenue. Plans seen performances a week, on a co-op basis.

Coffin—\$55 Publisher
 At dream of most newspapermen, at odd moments, at least, is the desire to be free and violently independent journalist. So says Bernard Coffin, anyway, and to demonstrate, he has written a book, *"The Coffin,"* still possible to start a paper and make it pay with an idea and a name. Coffin, after years of newspaper work in various cities, has become a publisher.

"The Coffin," which has brought out first issue of a monthly, *Reveries of Letters*, which he describes as a literary newspaper.

Publication has no editorial policy, says its sponsor, except a saving of the letter to the editor, editorial policy, a simple map of ideas, and is accepting articles by any matter providing he sits with passion and conviction. Will be vulgar, brown, obscene and pious, as necessary, but not for anything or against anything.

Also, says Coffin, "it seems desirable to try and kidnap poor literary criticism from the hands of the harem where it is, to a great extent, being killed by kindness and the efforts by the ladies and mental exercises, give it some red blood transfusions, all its belly with the heart of the world, and then to romp in the world of men upon its own power."

Profilence, Inc.

Association of Whitman Publishing Co., Racine, Wis., said to turn out the pulp readers of the world, and Fred MacLacoe, one of most prolific scribblers in America, is contributing in new series of pulp-bound pulp novels to be sold in the Woolworth stores at record low

Whitman publishing eight novels by MacLacoe under general label of the Century Trust. The author using six sign names on the lot. Some of the names employed, in his own, are Donald Ross and Kasper Kane.

First print order, said to be in the nature of a test, is 250,000 copies, at all 50,000. If registering, there will be 250,000 copies of each title thereafter, with MacLacoe to deliver eight more books for publication in three months. Although characterized as new stories, novels are said to be continuing on the same line by MacLacoe in various mag.

Coughlin Pub. Losses Sult

Two \$200,000 suits, filed by Father Coughlin's Social Justice magazine, the Morris Press, against each other, and both alleging breach of contract, were settled out of court last week. The settlement, radio, press's publication shelling out \$12,500 to the printing firm, and gone to the publisher's since filed its suit, which charged mag was behind in its paper bill, had given notice of cancelling contract and had taken over a Chicago printing firm.

Publication charged in its suit that press breached contract by failing to publish the May 2, 1938, issue of Social Justice.

Menke's Sports Tama

Frank G. Menke, sports expert, has issued *"The Encyclopedia of Sports,"* comprising 320 pages and covering 11 subjects. For the press, Menke is ignoring his sports record book.

New publication stresses the history of each sport and represents three years of research.

Menke's work is not for general sale, 1,000 copies being printed. Of that number, 4,000 have been given to sports editors and others who supply information. Remaining 1,000 will be offered for sale.

Psychology's Takeover

Psychology may have brought Practical Psychology and Modern Psychology, union to be under the title of *"The Encyclopedia of Psychology"* outside of the center.

Takeover does not include editorial staffs. Eldorado Field, femme, is Psychology's editor.

Covell-Friddle Staff Functions

Despite occasional loss of an author to other editorial offices, Covell, Friddle, which went into bankruptcy some months ago, continues to function as the direction of Richard R. Smith, who had been called in as consultant.

Friddle, Friddle, which has been conducted from quarters of principal editor, Little & Evans, book manufacturer, Smith is running his own publishing business.

Not likely that Covell, Friddle, will continue indefinitely, however. Little

& Evs has no desire to publish and quite likely it will unwind Covell, Friddle as soon as a good deal can be made of it.

Gale's Cookery Book

As Crosby Gale becomes less active as a play producer, his rep as a gourmet gourmet. Now moves into the world of the kitchen. His new adaptation for American publication of *"Madame Prunier's Fish Cookery"* is a volume of 300 recipes. Gale's publisher's publishing rights, and will bring out the volume in the spring. The book, which is now being named, Gale's work on the book makes it available to American readers. It is a volume of 300 recipes, 1,000 fish recipes.

Gale possesses a hand press at his home, and is planning to turn out limited editions on various subjects. Fish thing too big a publishing project for him, however, and hence it gets regular publication.

Funk Branches Out

Since the demise of *The Literary Digest*, which he headed, besides the Funk & Wagnall book publishing enterprises, Wilfred J. Funk has rapidly been extending his mag activities.

Becomes active head of Kingsway Press, which publishes *Your Life* and *The Heart of the Matter*, as prez. Has also formed the Yourself Publishing Co. as the parent for the recently issued *Your Personality* magazine. Additionally reading still another mag, to press next year.

Associated with Funk in his latter days is Douglas L. Lorton. Lorton, editor-in-chief of the periodicals.

Boyle Gets Pub. Post

Havey Boyle, sports editor of Pittsburgh Post-Gazette, has been named as the new editor of *The Boxing*, boxing commissioner by newly-elected Governor James. It will be the third time Boyle has been in charge of the magazine. He formerly served nine years under Governors Pinchot and Fisher, losing the job in 1924. Boyle's appointment is for duration of governor's term. Boyle will continue his work as sports editor of the Post-Gazette during previous terms on commission.

Fiction Lines the Bargain

Bargain in book reprint is being offered by Fiction House. Throwing two complete novels between mag covers under the general label of *Complete Detective Books*, to sell for 25c.

It is that of T. C. Scott, with Margaret Hamilton as the author. Fiction House, picking the books for reprints. Reprint rights to publication of the books, outright for the purpose.

Stern Refuses Offer for Daily

J. David Stern, publisher of the New York Post, refused an offer for his paper to be published last week. He was approached by two New Yorkers following his statement to the Newspaper Guild that he would be forced to fold the sheet unless two weeks' grace was granted.

Modern Girl and Camera Camera are the two titles of the chain. Former aimed at the gay, young set and later a wholly pictorial affair.

William Bell Ramsey, 49, managing editor to the *Star* in Philadelphia, died Feb. 10 of heart disease.

Was unmarried.

LITERATI GROWS THIS WEEK

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Wholesale Writing

The distasteful side of the scribbling profession has a notable example in the case of Mrs. Greig, who pounced out fiction at a profit rate.

Frankie Moran, book authors consider a volume a year good work, the Misses Ayres and Greig do at least six.

Morning Journal for two years, then joined the old Morning Press, then drama critic of the *World* in 1910, and in 1919 joined the American. Survived by widow and a daughter.

George W. Holmes, 44, manager of the Washington, D. C. bureau of International News Service, died Feb. 12 of a heart attack in the Capital. A brother-in-law of Stephen T. Early, secretary to President Roosevelt.

Early began his newspaper career in 1914 on the Indianapolis Sun. Later went to the N. Y. office of A.P. and subsequently to the N. Y. Mail, joined Washington staff of INS in 1916, becoming chief of the bureau in 1920. He was a former editor of the *Washington Post*.

William A. Dill, 57, formerly night manager of the AP Chicago office, and formerly an associate publisher of journalism at University of Kansas, died Feb. 8 of a heart attack in the home of his wife, three sons, daughter and three sisters survive.

George H. Hippard, 70, veteran Atlantic newspaperman, died Feb. 8 of a heart attack at his home there. He had been m.e. of the *Chicago Dispatch* and *Chicago Herald* in 1929, and was with paper's successor, *Evening Herald-Examiner* at time of his death.

CHATTER

George Ade 73.

Wilfred Funk on a cruise to Rio, V. Campen, Indiana, died Feb. 10.

Vicki Baum still does her writing in Germany.

Liberty bought Steve Fisher's first novel, *"The Mystery of the White Castle"*, to Chicago, and will finish a new book there.

Joe Bloom, the new editor of *Life* magazine, is expected to resign.

D-D issuing Margaret Lane's film of Edgar Wallace on March 10.

Daphne du Maurier's sister, Angela, has written her first novel.

Rubín R. Dobin has gotten his Pan-American Book project under way.

Barrows, author of the old *Whodunnit*, has a whodunnit for the first time.

Grosset & Dunlap in a new location in New York City.

Frank Adams sold his novel, *"The Fathers of Madison"*, to Red Book.

Frances Loomis, the National Publications editor, a Camp Fire Girls leader.

The Roy W. Howards and Robert Scraps off for the Mediterranean.

Barrows will bring out book of poems by Gladys Shelley, the actress.

Barrows, of A.P. cable desk, leaves end of his month for London A.P. bureau.

Arnold D. Blythe, hurt in a fall, recuperating at his home in Pebble Beach, Cal.

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designers of the 50 Books of the Year.

Ralph Taylor, found a blog of the late Charles Chaplin, famed one-time city ed of the N. Y. Evening

Hugo Garber, identified number of publishing enterprises, is entering the book-publishing field on his own.

Elizabeth Stockton Woodward, associate ed of the *Ladies' Home Journal*, is the bridge of Philadel.

Saturday Night Magazine, published by the Angels of Philadel, has quit.

Will be bringing all those tales about aviators and aviation, Rodney Deers has finally decided to get a plane himself.

Mickey MacDougall's card trick book his stands Feb. 23 from Graystone Press. Calling it "Gamblers Don't Gamble."

Gilbert Grosvenor, editor of the National Geographic Magazine, back at work after a Florida reprieve with Mrs. Grosvenor.

George Soule has quit the Fawcett masthead of MacFadden as associate ed of True Detective and Mystery Detective Magazine.

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London Gross

(Continued from page S1)

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IT IS NOW, LOPEZ SPEAKING . . . AND SWINGING!

Vincent Lopez

AND HIS ORCHESTRA

"Suave Swing"
That's The Thing

that is packing the customers in at the
PARAMOUNT THEATRE, NEW YORK, NOW!
Lopez not only is "sending" the jitter-
bugs—his new music means thrilling
entertainment for the more conserva-
tive patrons, too!

Feb. 24 Stanley Theatre
Mar. 3 Hippodrome Theatre
Mar. 10 Earle Theatre
Mar. 17 Palace Theatre
Apr. 8 State Theatre
Apr. 14 Earle Theatre

PITTSBURGH
BALTIMORE
PHILADELPHIA
CLEVELAND
HARTFORD
WASHINGTON

Featuring
BETTY HUTTON
"America's No. 1 Jitterbug!"
JOHNNY MORRIS
Singing, Swinging Drummer Man
NICK PISANI
and his romantic violin
DICK WHARTON
Singing Guitarist

IN PERSON
VINCENT LOPEZ & BAND
JOHN BOLES
BETTY HUTTON



EXCLUSIVE MANAGEMENT

WILLIAM BRADSHAW, JR.
Circle 7-1114

ESTABLISHED 1924



COLUMBIA THEATRE, N. Y.
12th Avenue

SEVENTH AVENUE AT 50th STREET



NEW YORK
January 20, 1939

TELEPHONE COLUMBUS 5-1870

Mr. Vincent Lopez,
c/o William Morris
1270 Sixth Avenue,
New York, N. Y.

Dear Vincent:

This is one of the few fan letters I have ever written.

The Case Minerva has been open one year. During that year, Broadway has seen over a million dollars lost in the night club business. The Case remains a big, healthy, completely solvent operation. May I sincerely tell you that no one has made a greater individual contribution during this year to the success of this theatre-restaurant than you have. Both John Warner Anderson and I have never failed to be impressed by the quiet efficiency with which you have handled the complicated show schedule. We have presented over a hundred of America's outstanding variety artists—surreous, temperamental, talented—in the entire year and they have sung a countless song of praise about you and your orchestra. A couple of weeks after you came into the Case Minerva, you ceased to be just another orchestra leader—just another employee. I realized that in you I had a true friend—a very competent producing assistance. There have been very few such during a hectic producing career.

May I also salute the individual members of your ensemble. Their cooperation and enthusiastically behavior will always make them a great standout in my memory. The little vocalist with your orchestra—Betty Hutton—is not a little vocalist. If using is to be remembered, they will have to remember Betty.

Your consistently fine performances over the Columbia Network have made me conscious of the value of radio in exploiting an establishment such as the Case Minerva. I hate to see you go. On the other hand, I realize it wouldn't be fair to ask you to pass up the highly tempting offers that you have been receiving from other parts of the country that want to see you again. Anytime you care to reassociate yourself with the Case Minerva or any other enterprises bearing my name—merely pick up the telephone and tell me so.

Affectionately
Bing Rose
Bing Rose

THE WORLD'S MOST BEAUTIFUL THEATRE-RESTAURANT

RADIO

SCREEN

STAGE

PRICE

25¢

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NEW YORK, WEDNESDAY, FEBRUARY 22, 1939

56 PAGES

WESTWALL EXPOS

Battle of the Killer-Dillers in New York All This Week; Goodman Vs. Shaw

By BERNIE WOODS

The eyes of the band and music worlds are centered this week on the Paramount and Shubert theatres, Newark, where, scarcely a clarinet whine from one another, the Benny Goodman and Artie Shaw orchestras are fighting it out for the favor, and admissions, of Jersey jitterbugs. Shaw is at the Paramount; Goodman is at the Shubert. Rivalry between these two crews is made keener by the closeness of the style of each. Both are jocular-virtuosos.

Opening night (Friday), Shaw, when caught (7:45 p.m.), had almost 100% attendance, which rapidly grew until there were several hundred standees upstairs and down. This was evidently held for his number. Newark papers carried stories of a minor riot at the Par at the first show when some 75 kids swarmed onto the stage and went into a jitterbug routine. Police censor had to be in a call for reserves. Shaw's so dense onstage that vocalist Tony Pastor couldn't battle his way from the stand to the mike for his number. One kid was injured when he leaped from a balcony box to the stage. Shaw was BKO before he opened.

Goodman was also greeted by a waiting line of kids who had cut their classes. At show caught (9:30 p.m.) the house was about 85% full upstairs and down. Good week for the Shubert is said to be between \$15,000 and \$20,000. Manager Arnold expects to do about \$25,000 this week, including Goodman's broadcast last yesterday (Tuesday) and the holiday today (Wednesday). Operated by A. A. Adams, the Par, offhandedly says he'll do \$20,000 with Shaw but refuses to answer other than (Continued on page 54)

Kid Spitalny, 14, Goes To Sea as Conductor Of Own Name' Band

Pittsburgh, Feb. 21. Jimmy, 14-year-old son of Maurice Spitalny, director of staff, band at KDKA, and nephew of Phil Spitalny, who has an eight-piece outfit among his buddies at Taylor Alderidge High School here. They sail April 9 on the S.S. Paris to supply the music on board's conning 21-day cruise. Jimmy, a drummer and made his debut with his own band on KDKA last December at a Milk 'n' Biscuits. He's also a pretty shrewd business man. When they tell about him is that Jimmy Spitalny was approached by a school committee for a dance price. He quoted, Committee chairman told him he could get another outfit for five bucks.

"Sure you can," countered Spitalny, "but I'm giving you a name band."

Slight Switch

A sociable picture man asked to bring exhibs if he rode to the house. "No, I'm going to the dogs," replied the exhib.

NEWS FLASHES TO EASE N. Y. CAFÉ BORE

The Newscasting Corp. begins servicing some 20 installations in New York around April 1 with its news-ribbon bulletins. Installations are in the principal restaurants, cocktail lounges and the like around town.

Company's service provides projection of news bulletins on panels six to ten feet in length. Unlike the New York Times building news ribbon, with which its comparable in miniature, the Newscasting will be interspersed with ads. Twelve-hour service will be provided, with news to be furnished by one or more press services.

Setup whereby exhibitors would be able to flash news on the screen as quickly as received from press wire services was reported this week, following consummation. Exhibs would be sold on theory it would combat radio news broadcasting competition.

McCormick's Breakthrough, Montreal, Feb. 21. Col. R. R. McCormick, Chicago, Trip publisher, here to address a meeting of the Canadian Forestry Association, belittled value of radio news broadcasting as compared with newspapers. Local dailies played up fact that McCormick owns station WGN, Chicago, and featured expressed opinion of the publisher that radio news is no longer a competitive factor in publishing. McCormick charged that news broadcasters and commentators were obliged to exaggerate, just as the early newspapers.

N.Y. Dept. Stores, as With Show Biz, Vamp 'Til Fair

The New York dailies report a drop up in prices for the scheduled season. The desire by the stores to conserve ad budgets until World's Fair is the accredited reason. Newspapers meanwhile are trying to make up the deficiency by putting pressure on restaurants and theatres. But, with meetings with the same resistance and reasons as given by the stores.

CHIN MIDDLE: BETWEEN FAIRS

Resorting to Showmanship for National Attention This Summer - Doesn't Want to Be Left Out Altogether on Tourist Gray

RADIO, STUNTS, ETC.

Chicago, Feb. 21. Chicago showmen and merchants are trying to figure ways and means of engaging a portion of the Fair coin that will be distributed between New York and San Francisco this summer. This city keynotes the general midwestern metropolis attitude to the feeling both Coasts will make all of the 1939-40 tourist gray. They insist that the municipal fathers do something about the coming situation.

Result is that the Chicago Greater Century Committee, which has been in the works for some time, is coming up with a flock of ideas, wild-eyed and otherwise, but all calculated to attract the vacationist. Chicago will be plastered from coast to coast this summer as the World's Finest Summer Resort.

Competition from the Frisco and N. Y. shindigs was one of the most vital factors in the decision of the hotels to return to the airlines rather than continue their holdouts against the \$100 weekly service fee that the radio outlets had demanded.

Hotels, feeling that they would be affected more than any other single business in Chicago by the fairs, decided to return to the air waves at a partial means of boosting Chicago as a big-time gathering place.

Chicago Committee, meanwhile, is thinking up plans and gags. Madeleine Woods, ex-show press agent, has been asked to handle press exploitation.

Town will run yacht races, boat races, fashion shows, swimming meets, harvest festivals, photograph and motion picture contests throughout the summer. While they do not hope to draw from the east and west, their one hope is to keep the midwesterners close to home.

Details of the N. Y. Fair and review of Frisco Expo on page 54-55.

Folsom Pen's Penmen

Sacramento, Feb. 21. Folsom Prison's literary output has reached such proportions since the manuscript ban was lifted by Warden Clyde Plummer, the prison paper, the Reapers Telegram announces that writers will form a co-operative scribers' guild, which will attempt to crack the literary market on a wholesale scale. It is estimated there are 200 men interested in writing in the pen. That 20 male manuscripts sales last month for which they received amounts varying from \$1 to \$60.

For \$6,500 Coward Was Willing To Forget That He Doesn't Like Radio

Free Tax Service

The U. S. Internal Revenue Dept. again has stationed two deputy officials in VARIETY'S New York office, 154 West 46th street, for assistance in preparing and filing tax reports of professional people. The service is gratis. Wayne Pierson and Eddie Rigney are the U. S. tax agents assigned.

Government officials' hours are from 9 a.m. until 4:30 p.m. every day but Saturday, when they leave at 3 p.m.

COHAN'S AFRA BALK ECHOES '19 STAND

George M. Cohan won out on in his refusal to join the American Federation of Radio Actors when he was asked last week to do so, preliminary to his appearance on the Ethyl show (CBS) tomorrow night (Thursday). AFRA stated yesterday (Tuesday) that it had waived this special case because it didn't want to put the advertising agency on the account. B. B. D. & O., in a spot. Also that the contract with Cohan had been made prior to the date, Feb. 19, that the AFRA-networks contract went into effect.

Cohan, who fought the Actors Equity Association at its inception and has always held out against becoming an Equity member, was prepared to give up tomorrow night's guest appearance if AFRA declined to grant the agency a waiver in his case. Both A's are tied in through the 4 A's. AFRA made it known that the waiver would only apply to this particular instance, and any further commercial appearance by Cohan would have to be covered by a membership card.

Cohan's is the first successful resistance against AFRA membership that the organization has met since the agreement with the network became effective. Cohan's attitude dates back to the time of the Equity strike in 1919 when Cohan became head of the rival Actors Fidelity League. Equity ultimately won out.

KFEL News Editor

For Mayor of Denver

Denver, Feb. 21. Wallis M. Reef, news editor of KFEL, has resigned to run for mayor. He is 44.

He has been news editor of KFEL since 1938, and previously was a reporter on the Denver News.

Hollywood, Feb. 21.

Noel Coward doesn't like radio. But the coin that sprouts from the kilocycles has a peculiar fascination for him. Recently, the English actor-playwright went for a helping and before he got through with wringing what he could out of it, J. Walter Thompson had charged exactly \$6,500 against the Kellogg 'Circle'.

Signed in the east for one of the \$5,000 shots on the super-colossal air ops, Coward ran into difficulties on his first brush with the condense production crew. The broad A's began flying thick and fast when producer Tony Stankard of eye Circle tossed him the script.

"I say, what's this, my name over a lot of dialogue," Coward wanted to know.

"Those are your lines," Stankard replied.

"But my contract calls for me to sing three songs on the show," Mr. C. shot back. "Anyway, I don't like the way this is done."

"Care to fix it up yourself?" Stankard prodded.

"Now, old fellow, you're getting into script writing," Coward interjected. "That would be better."

It was getting into the late hours when Cohan tried to do so, preliminary to his appearance on the Ethyl show (CBS) tomorrow night (Thursday). AFRA stated yesterday (Tuesday) that it had waived this special case because it didn't want to put the advertising agency on the account. B. B. D. & O., in a spot. Also that the contract with Cohan had been made prior to the date, Feb. 19, that the AFRA-networks contract went into effect.

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Contract Scribes'

Roster at Lowest Ebb; Few Terms

Hollywood, Feb. 21.

Contract writers on a screenplay and then dropped until called for another picture. Hereafter screenwriters were hired on piece jobs, not carrying them on term deals. Savings are said to run into important coils and the old standards now hold contracts.

Writers are given five to eight weeks' work on a screenplay and then dropped until called for another picture. Hereafter screenwriters were hired on piece jobs, not carrying them on term deals. Savings are said to run into important coils and the old standards now hold contracts.

It's purely an economic move and while just as many writers are working as at any time, the contract lists have been pruned to the bone.

RKO Looks to Linger in Federal Courts for Still Some Time

There is no immediate prospect of RKO emerging from jurisdiction of the Federal courts even with the expected confirmation of the reorganization plan on Feb. 27. Three appeals are pending, including one by Judge William Bondy's orders of approval and confirmation.

Within the past 10 days, Cassell & Co., brokerage house acting for bondholders; Fabian Operating Corp. for contingent claimants; and John S. Stover, for Ernest W. Stirm, holder of Class 'A' stock, filed petitions requesting the Circuit Court of Appeals to consider the plan. Some, if not all, of these appeals will most likely not be heard before the October term of the Circuit Court.

Even overruled here, Stover, for one, plans to carry his case to the U. S. Supreme Court. Stover is setting to be a hard nut to crack because of his familiarity with bankruptcy law provisions. His latest move was a petition filed with Judge Bondy on Monday (20) demanding that the court authorize notification to all RKO stockholders of his objections to their being allowed to participate in the reorganization. He bases his contention on rule X-19 of the 77B amendments to the bankruptcy law.

Counsel for the trustees are opposing this move of Stover's, claiming they would be forced to print and mail copies of his objections to some 20,000 stockholders. Matter will be decided on Feb. 27, the day previously set by Judge Bondy for final consideration of the plan. Stover's appeal filed in the district court last Saturday (18) embraces a variety of objections, but the latest one is a time in the court hearings on the plan. He contends that Judge Bondy's order of Feb. 18, 1938, nullified court order of June 28, 1934, requiring all claims against the estate to be filed by Sept. 28, 1934, and that Judge Bondy had no right now to permit trustees of the bonds and indentures to file claims for holders of the public issues; contends his client, Stirm, was the only stockholder to have filed within the three months' period specified in 1934; claims Stirm called attention of RKO and Allied and other proponents of the plan to this fact and to fact that

Par's Very Good Final Quarter Augurs a More Than \$4,000,000 Profit

Paramount net for 1938, which is reported will run substantially over \$4,000,000, will not be announced for a while, for unexplained reasons. Press indications are that the company will not officially release the figures until at the end of April, probably doing so at a board of directors meeting in May.

The fourth quarter of '38 is said to have surpassed the total for the first three months of the year, reflecting a tremendous upturn in grosses for the company and a substantial increase in rental returns from exhibitors. This is the fourth quarter's earnings in the theatres, with a net profit of over \$1,000,000 having been shown—also—figure importantly in holding the figures.

Par has a board session scheduled for tomorrow (23), but it's doubted that a quorum will be obtainable.

Raft as Dillinger?

Hollywood, Feb. 21. George Ratt, who once swore of gangster roles, is considered by Warners for the title role in the Charles Fox film Dillinger.

Ratt is being written by Charlie Blake, Chicago reporter, who covered outlaw's escapades.

Rodgers West on '39-40 Pix, Then Will Set Conv.

William F. Rodgers, general sales manager for Metro, leaves for the Coast—the end of this week to set last-minute details of the company's product lineup for next season.

On his return, Rodgers will announce convention date and number of pictures to be released. Metro will not hold a series of regional meetings of the sales forces as heretofore. One convention will probably be held in the midwest in March.

FILMS' GOLDEN JUBILEE EXPO IDEA NIXED

Tentative plan of Publishers Service Co., Inc. Motion Picture Producers & Distributors of America (MPPDA) to hold a Golden Jubilee motion picture exposition in the Grand Central Palace, N. Y., has been voted down by heads of advertisement agencies. The majority of picture companies, Allied States, which has been in industry to put on the "Joint Enterprises" for the World's Fair, with cost of about \$50,000 per picture company. Elaborate exhibits were sent to heads of film companies outlining whole project. This described proposed plan for the "Joint Enterprises" of the Publishers Service and the MPPDA.

ZUKOR'S P. 1 NEWS IN HIS BRITISH TRAVELS

London, Feb. 21. Adolph Zukor, recently assigned a post in Great Britain by Paramount, still is viewed as the No. 1 picture man from U. S. by the prominence given his visits to the sunny British cities by the English press.

Many English dailies make him front page news and some in the film trade here describe his visits about the country as the greatest reception ever accorded a picture executive in England.

Completion of a second draft of trade practices embodying changes on which tentative agreement had been previously reached by the United States Assn. industry's most demanding group, is expected tomorrow. Wisconsin P. Rodgers, spokesman for the distributor group, is waiting for the final form from the attorneys, so that he can forward it to interested parties for consideration.

Allied has prepared a draft of its own, which distributors view as similar to its own, although Allied details proposals for a system of arbitration which the distribut had not put on paper even in a tentative form. According to distributors, the attorneys are studying the Allied proposals with a view to blending the suggestions of this national exhibitor organization with the points and wording as worked out by the distributors. It is expected to be submitted for signature to 10 leading exhib bodies, is not expected to vary

DISTRIBUTORS' MEETING '39-40 HEADLINE

Stepup of Cancellations from 10 to 20%; Can Represent a Large Loss in Distribution Income

SALES LANS

As the dates approach for the annual sales conventions of major distributors, practical questions of policy in the handling of exhibitor accounts during the coming year are being discussed in every home office. First on the list is the lack of assurance that the long pending trade practice conference will have been concluded by the time the selling season starts. Equally disturbing to distributors, practical questions of policy with respect to cancellations which are sure to arise if an agreement is not reached through.

Distributor representatives at the trade practice conferences have asserted exhibitor demands to step up cancellation privileges from the current 10% to 20% for features commencing with 50% for features up to \$100 rental; 15% for features up to \$100 rental; 10% for features up to \$100 rental.

The fact was accepted generally by distributors at the outset of the meetings that the increased percentages might not prove too costly against the year's gross contract with an individual rental, based upon experience of the operation of the current 10% clause. Further analysis, however, has shown that some cancellations are coupled with the tentative plan to step up the clause might not shift films from lower to higher rental groups under the new proposed form of license agreement. As the current cancellation clause operates, it was pointed out, 10% of the number of pictures under a given contract may be eliminated without showing an actual 10% reduction of film rental. Under the newly proposed clauses which have been discussed in the trade practice conference, both films and cash totals are rigidly subjected to the cancellation percentages, ranging from 10% to 20%.

Can It Be Absorbed?

There are cancellation executives who regard these changes as far more drastic and disturbing than the appointed conference. Question arises in many minds whether some or all of the distributors can absorb so great a money loss, assuming that

Continue on page 20

1939-40 Film Peddlers Plan Not To Rush New Season Selling at All This Year; Recall Last Yr.'s Stall

Balaban Due Back From Fla., Thence to the Coast

In Florida for a month with his family, Barney Balaban is expected back within a week.

Undertood that Balaban may make an early visit to the studio to discuss further plans for the 1939-40 season. Neil F. Agnew may accompany him on that trip.

REPORT CAPRA TO GOLDVYN AS A PROD.

Hollywood, Feb. 21. Frank Capra is reported joining Sam Goldwyn as a producer-director after completing "Mr. Smith Goes to Washington" at Columbia. Lending credence to the report is the recent signing by Columbia of producer-director Wesley Ruggles and Frank Lloyd. "Smith" concludes Capra's deal with Columbia.

Col. Frances '39-40 Jack Chan and Joe McConville returned from the Coast Monday (20) intimating Columbia might announce a deal with outstanding talent deals. Wesley Ruggles, Mitchell Leisen and Frank Lloyd, producer-directors, are set on deal. Capra Capra is re-signed also, Col. exes

Cohn indicated the '39-40 lineup will be the same as last year, with 40 features, 18 westerns and 126 shorts. It is expected from four to six foreign features will be included in the 40 to be released throughout the world, three of these to be English productions, three French. Plans were being worked out in Vienna, in collaboration with native producers.

ENGEL WILL PRODUCE THREE FOR SELZNICK

Hollywood, Feb. 21. Sam Engel checked into Selznick International studio yesterday as an associate producer, with three pictures to make during the coming year.

Recently Engel resigned as producer at Paramount.

Irving Trust, Donovan Want More Legal Fees

A hearing on the applications for ad-interim allowances by Irving Trust Co. as trustees of RKO, and William Donovan, as attorney for Irving Trust, has been bound over to March by Federal Judge William Bondy. Irving Trust is asking \$85,000 for services for the period of Oct. 1, 1937-Sept. 30, 1938. From July 1, 1934, Irving Trust has received \$125,000 in allowances.

Col. Donovan's firm is asking \$85,000 plus disbursements of \$388 for services for the same period. Hereafter they have received \$245,000 in allowances.

Sherman's Buffalo Bill

Hollywood, Feb. 21. Harry Sherman is reading a high-budget picture on the life of Buffalo Bill for Paramount. Shooting starts in the Big Horn district of Wyoming as soon as the snow melt.

The film salesmen are going to start burning up the roads and gas lines this year than they did last, saving their mileage as well as their enthusiasm in selling the coming season's (1939-40) product until it may mean something, according to all indications. Many still remember the bruises from the stone wall distributors whom they ran up against in '38, when first trying to sell exhibitors to contracts as early as April. Many didn't cinch contracts until the fall, hence the tendency to back water. Along with this tendency there is a predilection for waiting a little later to set up the '39-40 program.

Only one company has actually set anything on a sales convention. This is RKO, which has scheduled a meeting for Chicago, April 1, but understood that this session, while national in sales scope, is of rather preliminary nature and may not mean the firing of the shot which sends all 20th salesmen into action. S. R. Kent and Henman Wabber will head the delegation. Warner means to hold yesterday (Tuesday) for a 10-day rest in Florida going to Coast from there. Last season, 20th made better headway than others in contract taking during the late spring and summer, but whether the pace will be so fast for the '39-40 product, that more can be delivered this year as against '37-38, is another question.

Regional or National?

No one has yet been determined whether they will have national or regional sales conventions. This has been a subject of heated meet 20th is having in Chicago, but believed in distribution circles that more can be more than in New York this year to coincide with the World's Fair. If hotel accommodations had it, the right price, several of the major distributors may decide on New York in order to give their sales crews a chance to knock off the Fair at the same time. Last year Metro led off with a sales meet in April. It won't be that early this year with this company. (Continued on page 63)



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the drop in the deficit figure on production side was a further proof of the operation, although the sharp jump in the deficit figure in the theatre was nullified this gain. But since the money-laws represented such a conflicting trend did not nullify the evidence, the somewhat unexpected proof of revitalization was the report on surtax and the levy on the undistributed profits in 1936 an undisclosed number of producers paid \$59,000,000 in undistributed profits and \$7,000 in excess-profits taxes for the thirteen. In comparison, on 1935 operations the Treasury exacted \$13,000,000 in excess profits levy, \$46,000 from producers and \$37,000 from exhibitors. (The surtax levy, which has been a political fire-cracker, was not

COMING IN

Capra, Cagney, Shearer, Zanuck, Take It Touted as Acad Winners

Hollywood, Feb. 21. With the Academy Awards being just only two days away, Frank Capra is reported to be crowding Metro and Warners for the most outstanding picture award, although the two studios nominated seven of the 30 entries. Voting closed at midnight yesterday (Monday), but auditors will not finish tallying the votes until a few hours before the banquet at 8 p.m. Thursday (23).

Columbia qualified when Capra's 'You Can't Take It With You' was nominated as one of the most outstanding films produced in 1938. Academy prize also was nominated for best directorial honors for his work on the same production. Capra is popular with actors, writers and directors and is certain to finish among the leaders. Because of the entry of three foreign pictures this year, it is difficult to predict how the extras will vote. They carry the balance of power.

Metro nominated 'Boys Town,' 'Test Pilot,' 'Citadel' and 'Pygmalion.' Warners got under the wire with 'The Sign of the Cross,' 'The Sign of the Cross,' 'The Sign of the Cross,' and 'The Sign of the Cross.' 'Alexander's Ragtime Band' (20th-Fox) received thousands of votes because of the popularity of its song numbers. World Pictures qualified with 'Grand Illusion.' Race was expected to have a big lead. F. Zanuck being touted to repeat this year. Hal B. Wallis, Hunt Stromberg, David O. Selznick and Walter Wanger are other nominees.

Cagney Far in Lead
James Cagney, who climbed back into popular favor through his performance in 'Angels with Dirty Faces' is reported to have had a big lead in early voting for the best performance by an actor. General belief is that the winner lies between Cagney and Spencer Tracy for his part in 'Boys Town.' Leslie Howard also nominated for best actor in 'Pygmalion,' Robert Donat in 'Citadel,' and Charles Boyer in 'Alibi.'

Big campaign was waged by friends to give Norma Shearer the award for best performance by an actress for her performance in 'Marie Antoinette.' Believed race is between the Metro star, Belle Llewellyn, 'Jezebel,' and Fay B. Rosemount, 'The Sign of the Cross.' 'The Sign of the Cross' is believed to have the best performance by a supporting actress for her acting in 'Jezebel.'

If Capra fails to take directorial honors, it is believed award will go to Michael Curtiz, who drew nominations for 'Angels with Dirty Faces,' 'The Sign of the Cross,' and 'The Sign of the Cross.' Warner was nominated for 'Boys Town' and King Vidor for 'Citadel.'

All Metro and Disney
Walt Disney and Metro are expected to run away with honors in the shorts subject field.
Vote this year is heaviest in history of Academy, since over 1,000 fewer extras were qualified to ballot. Thousands of ballots were returned within a few hours after they had been mailed out by the Academy, with friends and studios waging campaigns to put over their favorites.

Bette's Future Triumphant
Keeping Bette Davis busy, Warner Bros. has set three pictures for her as starturns following completion shooting of 'Jezebel.' Her picture successes are now being made.
She next goes to 'The Old Maid,' picture to be played in the next three years back. Following that Davis does 'Knight and the Lady' and 'The Sign of the Cross.' The third ahead of her is 'All This Heaven, Too,' best seller.

One Down, Three Moves

Hollywood, Feb. 21. Walter Lang's illness caused a three-day shift of directors on the 20th-Fox lot.
William Seiter took over 'Susannah of the Mounties,' on which Lang had been working; Sidney Lanfield replaced Seiter. 'When Wicked Comes,' slated to roll next month, and Seiter in turn replaces Lanfield on 'He Married His Wife.'

Hopkins to Tee Off Costlier WB Pix Made in Eng.

Jerome Jackson came in from the Warner Teddington studios yesterday (Tuesday) to go over studio problems with Sam E. Moris, who is in charge of foreign distribution.
His trip to America is made necessary by WB's decision to complete with other American majors, such as Metro and 20th-Fox, in the production of costlier English pictures for the international market.
One of the 12 pictures lined up on the Teddington schedule is 'We Are Not Alone,' by James Hilton. Plans call for an American director and cast leads. Married Hill, who is adapting for the feminine lead. Hilton is adapting.

HERSHOLT'S RKO FILM OF RADIO 'CHRISTIAN'

Series of three pictures based on Jean Hersholt's radio drama, 'Dr. Christian,' will be made by RKO with Hersholt in the lead role. Marks first screen work by Hersholt since he left 20th-Fox after a disagreement over his radio contract.

Several other radio scripts are under scrutiny by story departments as possible film material.

Legalists Checkers In Biumenthal-Par Suit

Due to delay by N. Y. Supreme Court Justice Samuel J. Rosenman in handing down decision on application of Paramount Pictures Corp. for an injunction to restrain Ben Biumenthal from pressing his legal action against Par in England, the Feb. 20 deadline, set by 20th-Fox after a hearing, has been postponed again to March 10.

Louis Phillips, of the Paramount legal forces, argued the matter before Justice Rosenman. He wants to have the Biumenthal suit transferred to America on grounds that transactions complained of did not happen in England.

Pat O'Brien as Rockne

Hollywood, Feb. 21. Warners has started production on 'The Life of Knute Rockne' for the 1939-40 program, with Robert Rockwell producing the screen play. Pat O'Brien is slated for the name role.
HAYS MEETING MARCH 27
Annual meeting of the Motion Picture Distributors and Exchanges of America has been officially set for March 27. Directors' quarterly session probably will be held the next day.
Will Hays will remain in New York until the annual session.

THREE OF SIX OFFERS SHOWN DOWN

Only Two Points of Directors' Proposals Balked in Producer Acceptance—Ask Three Weeks to Work Out Details of Contract—Demand New Setup for Aides, Unit Managers

SOCIAL SNUB

Hollywood, Feb. 21. The producers' executive committee met for five hours yesterday (Monday) night until early this morning to discuss several items raised by the proposed directors' contract.
They were unable to iron out a number of points which had been raised and had turned them over to Edwin Leeb, their counsel. Indications are that a pact may be made by the end of the week.

Implied threat of a directors' strike brought quick recognition by the producers over the weekend. Major film companies agreed to accept the Screen Directors Guild as collective bargaining representative, and requested three weeks' additional time to work out details of contract. This was granted by the SDG board of directors.

The producers agreed to accept the Guild's original program with the exception of two points. Assurance was given the SDG that an agreement could be reached on any of the directors would extend their deadline for completion of negotiations for three weeks. Points at issue relate to demand for more time for directors to edit pictures, and wages and working conditions for assistant directors and unit managers.

Situation reached a climax when Frank Capra, president of the SDG, summoned members to a mass meeting by telegram. After being told that the time had arrived for action, members voted confidence in its negotiating committee, and gave the committee authority to bring any action it deemed necessary if the producers continued to withhold recognition.

Ultimatum was dispatched to the producers giving them until 5 p.m. the next day to complete negotiations with the directors. Executive committee of the Producers Association, headed by Joseph M. Schenck, called a hurried conference with film attorneys and later invited Capra to sit in. Position of the SDG had also been strengthened by the hint that the American Guild of Motion Picture Artists & Sciences and that directors would refuse to work with the producers (Continued on page 22)

\$29,400,000 6% WB Bond Conversion All Set; Needed \$2,790,000 Assured

With \$10,340,000 worth of 6% bonds due next Sept. 1 yet to be converted into certificates of deposit for the new bonds, the conversion of the old bond issue this week seemed an assured fact. Total of \$29,400,000 worth of bonds in September, have been deposited for certificates of the new bonds, leaving only \$2,790,000 in bonds to be converted in order to measure up to the 75% requirement which may be set by the Federal Reserve Bank in its bond plan operative. Understood in Wall Street that the company had already arranged to have the new bonds, either by purchases in the open market or through bank loan.
Should the remaining \$2,790,000 worth of old bonds not be trans-

All New York Theatre Owners Affected by Appellate Division Decision Anent Public Liability

'Daylight' Burns Again

Hollywood, Feb. 21. Remake of 'Burning Daylight,' a Jack London yarn originally made as a silent, is slated for Warners' 1939-40 program with Errol Flynn in the lead.
Michael Fessier is doing the screen play.

A recent N. Y. Supreme Court Appellate Division decision vitally affects all theatre owners. Hereafter, insurance companies in N. Y. State refused to defend claims to recover damages for injuries resulting from assault, under standard public liability policies. Decision establishes that, under such policies, the companies are required to defend such suits for injuries suffered by any person from an unprovoked assault by an employee, without the authority and consent or participation of the assured.

Appeal to the Appellate Division arose from a controversy between the Floribel Amus. Corp., operating theatre in Floral Park, L. I. N. Y., and the Standard Surety & Casualty Co., N. Y., over refusal by latter to defend a damage suit against the theatre.

Cause of action came about through injuries suffered by a minor at the hands of the theatre manager, in or at the theatre in 1931. After refusing to defend resulting damage suit against the theatre on theory the policy did not cover assault committed in assault, the theatre was forced to defend the suit itself and incurred expenses in connection therewith of \$17,500.

Theatre then entered counter-suit against the insurance company in 1937, which has now been decided in its favor and judgment awarded in the sum of \$17,500. The staff of the theatre represented the theatre and J. Gardella and Alfred T. Tompkins the defendants.

M-G's U. S.-CANADIAN MILITARY ACAD FILM

Toronto, Feb. 21. Hamilton office of CBC's Toronto, Ontario (Pte) Palmer left for Hollywood Friday (17) to act as technical adviser on 'Band of Brothers' Border for Metro. Film deals with life at the U. S. Military Academy, West Point, and the Royal Military College at Kingston, Ont.

Palmer will advise on all matters pertaining to life at the Canadian academy. Graduate of the H. M. C. class of '38, he was captain of the team which won the West Point last season for the annual hockey tilt between the two military schools.

Plenty of 'Peppers,' 9 For Col, 1 for Warners

Hollywood, Feb. 21. Margaret Lockery's 'Peppermint' series has been bought by Columbia for Edith Fellows. Nine new series are being produced. Warners recently acquired her 'Five Little Peppers,' midway for Bonita Granville.

Mintz's Wrong 'Streets'

Hollywood, Feb. 21. Jack Mintz's debut as a director at Monogram lasted one week. He is now opening production on 'Streets of New York' by William Hays, who starts from scratch.

Bren's MG Tee-Off

Hollywood, Feb. 21. Milton Bren, who has been working under his new deal with Metro in 'Five Days,' slated to roll late in March.
Bren, who recently resigned as assistant to Hal Roach, is working on the script with Corey Ford.

Shaw Smash \$20,000, in Philly, But Duchin-Votes' Below Par \$19,500

Philadelphia, Feb. 21. Last week of the price policy in a decidedly healthy town here. House and street ball players, the public would stay away in droves this week pending the arrival of such that week ending Friday (Feb. 24).

However, the combo of strong comedy and nice variety is bringing them through the turnstiles. Chief attraction is "Pygmalion," which looks good for \$20,000. "Idiot's Delight" and "Gunga Din" are still keeping up their good work bringing a nice \$4,500 and \$4,000, respectively, at their second-run showings down town.

Estimates for This Week
Almas (WB) (1,305; 45-57-65-75) "Gunga Din" (UA) (34 run). Begging down to play \$8,000, after building up to \$15,000 on opening round.
Navy (WB) (2,350; 37-47-66-75) "Pygmalion" (M-G) (34 run). Killer-delir; leading the pack with an estimated \$20,000 and looks like to go. Last week \$10,000 (34 run).

Barle (WB) (2,350; 37-47-66-75) "Man Vets" (RKO) with Eddie Duchin's Orch. Combo of music and dancing crew earning \$15,000, and so on here. Last week \$10,000 (34 run).
Mr. Moto (2,350; 37-47-66-75) "Pygmalion" (M-G) (34 run). Treated kindly by critics. Snagging good \$14,000 in Philly. Last week \$10,000 (34 run).

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Honolulu \$11,500, Lombard-Stewart, 9G, Pace Omaha

Omaha, Feb. 21. Film row is being pushed by smash hits this week and all three big first-run houses are getting big figures. "Honolulu," at Orpheum is getting smash \$11,500, including a preview showing.

"Man Vets" at Brandeis is ringing up \$7,500 and will hit \$10,000. "Made for Each Other," dualing with "Honolulu" is also doing at \$7,000 in Omaha.

Estimates for This Week
Avalon-Dames-Huntley (Goldberg) (950-810-60; 10-25) "Almas" (UA) and "Hard Guts" (FPI), dual. "Man Vets" (RKO) and "Pygmalion" (M-G). Good, \$2,300. Last week, \$1,500 (34 run).

Raiders (M-G), dual, split with "Drums" (UA), Young Fling (U) and "Honolulu" (M-G). Good, \$2,200. Last week, \$1,500 (34 run).

Omaha (Blanc) (2,200; 10-25-40) "Each Other" (UA) and "Submarine Patrol" (20th). Superb \$9,000. Last week, \$7,000 (34 run). "Pygmalion" (M-G) and "Disbarred" (M-G). Fair \$11,500. Last week, \$7,000 (34 run).

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LEWIS ORCH-TORCHY GOOD \$14,000, B'KLYN

Brooklyn, Feb. 21. Strand is playing vaude acts this week, with Ted Lewis and orch on "The Torch." The show is a pre-Christmas on screen, to good results. RKO Almas is somewhat down on the week, but "Man Vets" and "Pygmalion" are still strong.

Estimates for This Week
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Navy (WB) (2,350; 37-47-66-75) "Pygmalion" (M-G) (34 run). Killer-delir; leading the pack with an estimated \$20,000 and looks like to go. Last week \$10,000 (34 run).

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Mr. Moto (2,350; 37-47-66-75) "Pygmalion" (M-G) (34 run). Treated kindly by critics. Snagging good \$14,000 in Philly. Last week \$10,000 (34 run).

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"Man Vets" (RKO) and "Marry RKO". Pacing for good \$5,000. Last week "Lady Vanishes" (Brit) and "Each Other" (UA) (34 run). "Orpheum" (Ind) (1,100; 25-40-50) "Each Other" (UA) (34 run). "Orpheum" (Ind) (1,100; 25-40-50) "Each Other" (UA) (34 run). "Orpheum" (Ind) (1,100; 25-40-50) "Each Other" (UA) (34 run).

H.O.s Nick Det; Gunga-Vandes 2d Good \$18,000

Detroit, Feb. 21. Flock of holdovers at the most-productive place elsewhere is splitting mediocres here, despite a long-term drop in the week in the "Gunga Din" (UA) (34 run). "Gunga Din" (UA) (34 run). "Gunga Din" (UA) (34 run). "Gunga Din" (UA) (34 run).

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Fair Murdering Frisco Biz; Mobs Choke Sts. but Theatres Empty, Rooney N.G. 4G, Pyg' OK 9G

San Francisco, Feb. 21. Local theatre public is a shelling-out this week as result of the carnival spirit that spread over the town, there being more actors paid, the block parties, kangaroo courts, and the festive spirit that place an entire week before opening of the fair, than for other entertainments.

Result was that from Thursday to Sunday traffic in picture houses was 50-75% off, despite the fact that biz was heralded as being 25% better than the corresponding period last year.

The first-run houses on Market street just could not get a break. Crowds were milling about in the main thoroughfares, but the theatres in the night area are making money. Many of them were virtually deserted, while others took in as much at night as they usually do on a weekday matinee.

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K. C. HAS B.O. PIX; IDIOT \$12,500

Kansas City, Feb. 21. Town is heavy with magnetic films and bit is on the bright side but is being held from higher spots by "Idiot's Delight" at Midtown, which is showing others, with "Topsy" a close second.

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LOMBARD-STEWART TEPID 10G IN PROV.

Providence, Feb. 21. Holdover of second week, and switch of Jesse James (WB) (2,350; 37-47-66-75) "Gunga Din" (UA) (34 run). "Gunga Din" (UA) (34 run). "Gunga Din" (UA) (34 run).

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Buff. Blue, But Each Other Forte \$13,000

Buffalo, Feb. 21. Buffalo boxoffice figures are dropping in the current period, although "Each Other" (UA) at Buffalo, is showing about \$12,000 in 10 days. Last week "Arizona Wildcat" (20th) and vaude, also \$6,000.

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Ritzes Disappoint In Milwaukee, \$6,200

Milwaukee, Feb. 21. B. o. rise this week, "Idiot's Delight" at the Wisconsin single bit. This is third off of "Idiot's Delight" at the Wisconsin single bit. This is third off of "Idiot's Delight" at the Wisconsin single bit.

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WARNER BROS. GROWS GREATER



Photo, Ewing Galloway



..And Industry

OS' SUCCESS ATER!



Profits Pile Higher!

LITTLE PRINCESS

(With Song)
(In Color)

Hollywood, Feb. 15. 20th-Fox release. Shirley Temple, Harry Allen, Frances Hodson Burnett, Susan Walker, and others. Technicolor photographs. Written by Frances Hodson Burnett. Directed by Clarence Brown. Running time 100 minutes.

Shirley Temple appears in Technicolor for the first time but, more important, it's her best picture in a long while. Currying favor with the little girl, along the line, picture is headed toward top grosses and frequent holdovers.

Transposition of the Frances Hodgson Burnett several-generation favorite, "Sara Crewe," is accomplished most successfully. Kids will surely go for it big, and the grownups will be at all accounts. The exploitation standpoint, attention should be called to the fact that this is the first of a year with the picture a couple of million copies which the new title does not indicate.

Directed by Clarence Brown, the picture is excellently acted and directed, it is a general production, showing a picture that exceeds most. In addition to the Technicolor draw, the story's natural beauty and the color are the 20th-Fox made certain that all factors of production were given top attention. There are a number of big production scenes and casting throughout is excellent.

The fair-lyle story, of course, is a good one. The picture is excellently acted and directed, it is a general production, showing a picture that exceeds most. In addition to the Technicolor draw, the story's natural beauty and the color are the 20th-Fox made certain that all factors of production were given top attention. There are a number of big production scenes and casting throughout is excellent.

Shirley Temple is cast as Sara Crewe. Her father, Ian Hunter, goes to the war with the Borgs, and leaves the youngster in Mary Nash's hands. Shirley Temple's mother dubbed "The Little Princess" because of her regal bearing and attitude. Her mother, Mrs. Burnett, died in a fire. Shirley refuses to be a beggar. Mary Nash is made a galley slave by Miss Harker, who mistreats her in every way possible. Shirley takes a picture of the girl, and the picture is examined by the invalids. Shirley is a girl of great memory, her recognition snaps him to his health.

Happy ending has been won for all. In the picture, the little girl is killed in battle, and a kindly couple takes her to the orphanage. Shirley is a girl of great memory, her recognition snaps him to his health.

wicked woman should have been punished in some manner, and the romance between Anita Louise and Richard Greene should culminate in a happy ending.

Picture will make boxoffice hay on the ground. For the British market it's certain to hit in a big way.

You Can't Cheat an Honest Man

Hollywood, Feb. 15. Universal release. Harry Allen, Shirley Temple, Frances Hodson Burnett, Susan Walker, and others. Technicolor photographs. Written by Frances Hodson Burnett. Directed by Clarence Brown. Running time 100 minutes.

Universal release. Harry Allen, Shirley Temple, Frances Hodson Burnett, Susan Walker, and others. Technicolor photographs. Written by Frances Hodson Burnett. Directed by Clarence Brown. Running time 100 minutes.

You Can't Cheat an Honest Man is a show-down for individual people. It's a picture that is a show-down for individual people. It's a picture that is a show-down for individual people.

Fields' drawback is lack of sustained continuity and punch in the story line. Fields' gaps are of the hit-and-run type. The picture is a show-down for individual people.

Fields, harassed circus operator, is a picture that is a show-down for individual people. It's a picture that is a show-down for individual people.

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Miniature Reviews

"Little Princess" (20th). Shirley Temple elicits big in Technicolor production. The picture is a show-down for individual people.

You Can't Cheat an Honest Man is a show-down for individual people. It's a picture that is a show-down for individual people.

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slot into the duals, teamed with top-notch comedy carries comedy factors. Strictly for adults, and not payable for the children.

Story gives moderate twists to a familiar yarn. Henry Fonda is a picture that is a show-down for individual people.

Picture consumes much footage to present case against convicted hold-up man and murderer, although in some cases the picture is a show-down for individual people.

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FORGED PASSPORT

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COLUMBIA GO

HERE'S TODAY'S NEWS!

FRANK LLOYD SMITH WESLEY RUGGLE MITCHELL LEISE LORETTA YOUNG

*In Work
Now!*HOWARD HAWKS
PRODUCTION starring

CARY GRANT ★ JEAN ARTHUR

Tentative Title—"Plane No. 4"

Romance . . . great adventure . . . thrills . . . amid the
fog-bound heights and lush tropical beauty of South
America! A sure-fire hit!*Ready
Now!*LET US
LIVEDirected by
JOHN BRAHM

MAUREN O'SULLIVAN ★ HENRY FONDA ★ RALPH BELLAMY

Alan Baxter, Stanley Ridges, Henry Kolker. Screen
play by Anthony Veiller, Allen Rivkin. Based upon
a story by JOSEPH F. DINNEEN.*In
Preparation*

FRANK CAPRA'S

MR. SMITH GOES TO WASHINGTON

Sold Exclusive From Any Columbia Group

ES TO TOWN !

WATCH FOR TOMORROW'S NEWS!

IGNED!

He will produce and direct "THE TREE OF LIBERTY", patriotic novel by Elizabeth Pagel Literary Guild selection! As mighty as America!

S SIGNED!

To produce two each year... beginning with "ARIZONA", Clarence Budington Kelland novel now in Saturday Eve. Post—soon in book form!

N SIGNED!

Director of "Hands Across The Table"... "Big Broadcasts of 1937 and 1938" will make "OUR WIFE", B'way success by Lyon Mearson & Lillian Day!

SIGNED!

Loveliest of box-office stars to appear with CARY GRANT in "OUR WIFE", screen play by S. K. Lauren and Sidney "Theodora" Buchman!

Ready Soon! **BLONDIE MEETS the BOSS**

Based Upon The Comic Strip Created By **CHIC YOUNG** with **PENNY SINGLETON** as Blondie, **ARTHUR LAKE** as Dagwood, **LARRY SIMMS** as Baby Dangling... and **SKINNAY ENNIS AND HIS BAND**. Screen play by Richard Flournoy. Directed by Frank R. Strayer.

Ready Soon! **The LADY And The MOB**

with **FAY Bainter * IDA LUPINO**

Lee Bowman, Henry Armetta, Warren Hymer. Screen play by Richard Maibum and Gertrude Purcell. Directed by Ben Stoll.

One of the truly
great stage successes
of recent years!

GOLDEN BOY

A ROUBEN MAMOULIAN PRODUCTION

BASED ON THE GROUP THEATRE
PLAY BY CLIFFORD ODETS



THIS IS MY FIRST SIGNED ADVERTISEMENT

In a very short time the motion picture audiences of the world will have an opportunity to view Miss Shirley Temple in her first Technicolor production, "THE LITTLE PRINCESS." I believe that it is the finest motion picture with which I have ever been associated. For four consecutive years, picture audiences have voted Shirley Temple the most popular star. Frequently I have been asked the reason for this popularity which is so amazingly uniform in every country where motion pictures are shown. Now you have seen "THE LITTLE PRINCESS" I am confident you not only will agree with me that the reason lies in the truly great artistry of its star, but that in this picture—little Miss Temple's finest by far—you will have seen one of the most important films turned out by the motion picture industry.

Sincerely,

DARRYL F. ZANUCK
Vice-President in Charge of Production
Twentieth Century-Fox Film Corporation

This statement will appear as an advertisement in the leading newspapers of America.

Divorcement Repeal Signed Despite \$25,000 Payoff Charge And Alleged Pressure from Gov't

Minneapolis, Feb. 21.—In the face of an investigation said to have been launched by the Federal Bureau of Investigation, at the state legislature of a "payoff" and "bribe" charge received from U. S. Attorney General Frank Murphy, asking him to be serious consideration to the effect of the repeal bill on pending Federal litigation, Governor John Miles of North Dakota (D) signed the theatre divorcement repeal bill. As a result, theatre divorcement is out in North Dakota, the only state to pass legislation prohibiting producer ownership or operation of theatres.

The law passed in 1937, enforcement of which has been held up pending termination of a suit attacking its validity now before the U. S. Supreme Court, becomes inoperative, and the Paramount Northwest Circuit is permitted to continue to own and operate its 15 showhouses in the state. At the same time, the bill is permitted to continue to own and operate its 15 showhouses in the state. At the same time, the bill is permitted to continue to own and operate its 15 showhouses in the state.

It is probably the first time before the court.

Non-partisan floor leader R. R. Scholl has announced he'll introduce another theatre divorcement bill during the present legislative session. The measure was delayed several days in reaching the Governor because Speaker Oscar Haggen ordered his signature temporarily, for the reason that he "understood" the Government was conducting an investigation. As soon as he signed it, Senate President Jack Patterson lost the bill to official machinery, putting the bill out of the legislature's hands.

Before the bill went to the governor there were plenty of fireworks in the house, much bitterness directed and bribery charges were hurled. During the cat and dog fight which was being waged, the house passed a new resolution, by which a new representative Scholl asking Gov. Miles to return the repeal bill unsigned to the house for further consideration in its part. A two-thirds majority was required to pass the resolution, but there were only 52 votes for adoption while 51 were cast against.

Bribery charges concerning the debate on Scholl's resolution. J. L. Twichell, minority leader, who favors repeal, claimed the wires were centered around the fact that a certain attorney would lose \$40,000 because of the repeal. Twichell is pending case in the U. S. Supreme Court, Scholl, who insists the house know what it is doing, said that when it passed the repeal measure, identified the "certain attorney" as former business manager, who was then the state's chief executive in 1935, urged passage of divorcement. It also was charged that Twichell had been \$25,000 payoff—money said to have been paid to Twichell in exchange for his support in passing the repeal bill into law. Twichell replied there was nothing in it, and that the repeal bill was passed and pointed by the non-Partisan League caucus, the non-partisans being in control of the house. "I object to insinuations that money has been paid in passing the repeal," said Twichell. "I want to know that I am the only man in the North Dakota legislature who helped put a man in jail for bribery in the house."

Speaker Haggen, abandoning the repeal and taking the side of the bill that he had heard a couple of guys in the talk of a Bismarck hotel the night before repeal was passed, said "branches talk about a \$10,000 payoff" there was nothing in it. Twichell replied there was nothing in it, and that the repeal bill was passed and pointed by the non-Partisan League caucus, the non-partisans being in control of the house. "I object to insinuations that money has been paid in passing the repeal," said Twichell. "I want to know that I am the only man in the North Dakota legislature who helped put a man in jail for bribery in the house."

Add: N. D. Headaches

Bismarck, N. D., Feb. 21.—As the repeal of the theatre divorcement repeal bill was filed in North Dakota senate providing for licensing of theatres.

Bill would prevent opening of new theatres unless okayed by the licensing authority.

and said "we should be allowed to try to rectify what might have been a mistake."

F. W. Lanier, U. S. district attorney for North Dakota, who came to Bismarck after the repeal bill passed, admits he is "investigating" passage of the measure, but says he has been unable so far to put his finger on anything. At the same time, he says he has not "everything was on the up-and-up."

Minneapolis Divorcement Bill. St. Louis, Feb. 21.—A bill that prohibits motion picture producers or distributors from owning or operating theatres in Missouri was introduced in the state legislature last week by Representative Turner and Smart and is the second measure, directed at the industry, to be dropped into the legislative hopper. The bill fostered by Smart and Turner was introduced in the Missouri legislature last week by the Secretary of State setting up a committee to be connected with any producing or distributing company. No license would be issued without such a sworn statement.

The Judiciary Committee of the Missouri legislature last week took on a bill that prohibits the sale of standing room in motion picture theatres. The bill, which was introduced by Representative Turner and Smart, contains a joker, Fred Wehrenberg, rep. of MPTOA of Eastern Missouri, who is in charge of the investigation of St. Louis theatre owners to the hearing at Jefferson City.

J. P. Nick Custer Sui Adjoined to Thurs. (23)

St. Louis, Feb. 21.—Hearing of evidence of 16 members of MPTOA of Eastern Missouri, who are in charge of the investigation of St. Louis theatre owners to the hearing at Jefferson City.

The hearing of evidence of 16 members of MPTOA of Eastern Missouri, who are in charge of the investigation of St. Louis theatre owners to the hearing at Jefferson City.

A previous Grand Jury indicted Nick Custer, MPTOA, a state representative from St. Louis, on an extortion charge in connection with a wage negotiation deal between the theatre owners and MPTOA in 1936.

Backer Joins Law Firm; Loew Exe's Son Ditto

Frederick Becker, attorney, who is marrying Eleanor Whitney tomorrow (Thurs.), a month ahead of original plans, is joining House Grossman, Vorhaus & Hemley, the theatrical law firm. He has resigned as an assistant U. S. district attorney.

Arnold Bernstein, lawyer-on-Danforth, the Loew's theatre treasurer and v. p., has been given a junior partnership in Julian T. Thompson agency, Inc., and is copyright counsel for Metro and 20th-Fox.

FU FEAR ADDS TO MIDWEST'S B.O. DROP

Chicago, Feb. 21.—Influenza epidemic, widespread though mild, is beginning to interfere with theatre operations throughout the Midwest. Several shows are being cancelled in many spots, particularly through the RKO circuit. Great State time in Illinois and Iowa.

There is a possibility that some of the Midwest theatres will close down for a few weeks until the flu germ passes. Theaters in Chicago, however, have already shut down their schools. Business has been affected noticeably in Chicago, where several reports are coming in that patrons are staying away because of the flu fear.

Rogers Memorial Drive Set for April 20 Start

Major L. E. Thompson, chairman of the Will Rogers National Theatre week drive, which gets under way this morning in Chicago, has announced that the drive will be continued to enroll more than the 6,019 theatres which contributed to the drive last year. Of the total, 2,471 were circuit houses and 3,548 were independent.

The short for the drive this year was to have been done in the March firm in the United States. The drive was abandoned. It will be made in the east at Fox-Morletone News studio with possibly Fred March, now, to me, for the film, Paul Muni who did the honors last year may repeat from the Coast and General scheme for raising funds will be the same, one group of theatres making advance contributions, pledges of specified sums and another group using the short as a device to collect donations. The only commitments so far have come from major circuits.

Country has been divided into 32 zones, each to be headed by the exchange managers of major distributors.

New Rogers Commission

Chicago, Feb. 21.—A new seven-member Will Rogers Memorial Commission has been appointed by Gov. Leonard Thompson with the announcement of a plan to raise funds during his administration to maintain the monument at Claremore without expense to the state.

Will Rogers, Jr. of Beverly Hills; N. G. Henthorne, editor of the Tulsa World; Walter M. Harrison, managing editor of the Daily Oklahoman; Lew Dent, capitalist, Ponca City; Dr. J. C. Bushnell and W. E. Haisell, of Vinita, named to the committee.

School Fraud Charged

Los Angeles, Feb. 21.—Suit for \$112,500 against Phillip McGlay, head of a children's film firm in the midwest, was filed here by mother of Jesual Harach, 10.

Plaintiff charges McGlay with fraud in feeding her daughter a screen career.

Reach's Adt Ad Agency

Hal Roach is turning over his advertising account to the J. Walter Thompson agency, Inc. The account has not been named.

Same agency also handles the Universal Pictures account.

An Exhibit at 17; Philly Shifts Mgrs.; Other Theatre-Exchange News

Omaha, Feb. 21.—Robert E. Lee, 17, is now operator of the Leaky theatre at Wallingford, N.Y.

He's one of the youngest exhibitors in the world, says business manager, having taken over the house from Harry Schroeder.

Quakerstown Moves
Maurice Gable, present manager of Earle, returns to his old stand, Boyd, with Stanley Benford and replacing Gable. Bill Israel leaves Stanton to inaugurate the first run policy at the Palace, Elmer Hollander swapping jobs with him. Harold Seidenberg remains at the Boyd under the new validum policy.

It is the fact that the Earle will play second run pix, the present house band, Lou Schrader, remains at the Boyd, and Schrader to the Fox for Adolph Kornspies' crew was scolded by the musicians' union. Schrader's contract runs to next December, while Kornspies is free for renewal next October.

Film Row is watching the implicit feud brewing between the only two indie downtown houses—The Saboteur, now at the Fox, and Bill Goldberg's Studio. Goldberg is reported to have been involved in a foreign film field that has proved so costly to the Studio. The Saboteur has added Rogers recently, bolstering up his second run policy.

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Joe Shagrin on His Own
Youngstown, O., Feb. 21.—Joseph M. Shagrin, theatrical manager here for 25 years, has resigned as manager of the Park and Paramount to devote all his time to the new film, neighborhood, which he recently built.

Granger's Exchange Spring
James R. Granger, sales head of Republic, is moving to the new company's exchanges, in addition to his duties as hitting camera man, he covers other points on the way west, coming down to Rep plant in Los Angeles.

Par's Voluntary Divorcement Plan Tabbed, Pending D.C. Opinion on N.D.

Two for Jacobs at WB

Hollywood, Feb. 21.—William Jacobs, who has made producer jobs at Warner on "Two Weeks Off" and "Five Little Peppers" is going to hit the cameras in the next two months.

"Two Weeks" is an auto camp yarn. Jacobs is being built around a novel by Margaret Sidney.

Two-Way Teasers

Hollywood, Feb. 21.—Shorter but more expressive trailers are the object of a new deal arranged between Hollywood producers and exhibitors. The deal, though Par could be ready with its figures and a plan under which the two separate entities, the distributors' own theatres will seek at least an unofficial ruling as to how the Dept. of Justice regarding the North Dakota repeal in the light of its own anti-trust suit and the relation in the industry to demand for separate divorcement may be expected. Meantime, Par is expected to make a substantial, revolutionary move as the division of its interests into two companies.

'CASTLES' RETAKES

Hollywood, Feb. 21.—"The Castles" has gone back into work at RKO for added scenes.

The film is being substituted by director for H. C. Potter, who is busy on another picture.

Col's Magt Chiller

St. Mary College, Feb. 21.—New 12-chapter cliffhanger, "Man dies at Magtiller," based on a newspaper story, went into production yesterday (Mon.) at Columbia. Warren Hull has the title role.

from upper Pacific coast and on way back east stopping off at Dallas, Texas, for seven years.

On his swing he will set opening dates for "Man of Conquest," which world premiere at the Manhattan, Pa., on April 6. Will be gone about a month.

Lands Acquire Two

Pittsburgh, Feb. 21.—Sale of two suburban houses, Family in Mather, Pa., and John Land and his son, John Land, who had just named "Theatres were acquired from J. B. South. Lands also operate film spots in Marlboro, Bolton and Danbury, Pa.

Land is a veteran indie operator here and for several years president of the MPTO of W. Pa. just named vice-president of the A.I. association with Col. H. A. Cole, head of the film exchange.

Al Plonies Vice Menches

Akron, O., Feb. 21.—Akron Independent Theatre Owners' Association elected Al Plonies as president to succeed Robert C. Menches, who had held the post for seven years. Plonies was elected v. p. and R. C. Wahl named secretary-treasurer.

Schine Reassignment

New York, N. Y., Feb. 21.—Switch of Al Schine to the Schine setup follows taking over of Pennsylvania. Schine is being sent from Jamaica to take charge of the New York market. Schine offers from Riviera to Monroe, and Les Sletta from Lake to West End. Wallace Folsom came from Elмира to manage the Lake, which is open to the public. Schine is being sent from Louisiana to take charge of Riviera.

Seattle's Face-Lift

Seattle, Feb. 21.—Music Box theatre, which has been 850-seater, located across from its twin for seven years, has been completely refitted. About \$30,000 has been spent on new seats, new music, building, new stage and marquee. Nor Kelley is house manager.

Standard's Changes

City of Oklahoma City, Feb. 21.—Changes in Standard Theatres personnel include Pat Patchen as new ad manager, replacing Douglas George, resigned. Spencer Pierce made manager of Midwest theatre to replace Patchen; Bob Bush named as new general manager, replacing Pierce's direction. Ben Langdon, assistant of the Liberty, resigned.

Conversion of Paramount into two separate and distinct corporations, one to control production-distribution, the other all theatre activities, was announced by the company, following the repeal of the North Dakota divorcement statute. This action was taken in order to bring the U. S. anti-trust suit appear less menacing, though it is any body's guess whether the suit of the Department of Justice will be any less severe as result of it.

Presently, in this event, there is no immediate hurry for a split of Par such as reported under consideration by the company, might just as well prevail until a clearer picture of the future may be had, though Par could be ready with its figures and a plan under which the two separate entities, the distributors' own theatres will seek at least an unofficial ruling as to how the Dept. of Justice regarding the North Dakota repeal in the light of its own anti-trust suit and the relation in the industry to demand for separate divorcement may be expected. Meantime, Par is expected to make a substantial, revolutionary move as the division of its interests into two companies.

Sherran Adds Pair

Hollywood, Feb. 21.—Sherman has added two outdoor pictures to his 1939-40 scheduled Par Paramount releases.

New ones are "Double Dyed Deceiver," an O. Henry tale, and "The Never Do Well," by Rex Beach.



The man with the whiskers wrote it. Leslie Howard is the star. The cast includes Wendy Hiller, Wilfrid Lawson, Marie Lehr, Scott Sunderland. Directed by Anthony Asquith and Leslie Howard. Produced by Gabriel Pascal.



Astor, N.Y., 12th Big Week and still S.R.O. Los Angeles, 8th Big Week and no let-up! Two Big Juicy Weeks in Dayton, Cleveland, Pittsburgh. And in Miami, Miami Beach, Chicago, Kansas City, Houston, Dallas, San Diego ...all terrific! Watch fireworks in next 27 big openings!



PYGMALION

RELEASE DATE MARCH 3rd!

Here's the most interesting situation within recent film history!

It started when M-G-M acquired this celebrated English production, the first of Bernard Shaw's works to be personally supervised by him.

M-G-M exhibitors did not contemplate this when they signed their current year's contracts.

Any M-G-M customer was privileged to say "I did not buy 'Pygmalion'."

And then things happened!

We decided to back up our own faith in the great value of this entertainment by the judgment of the public.

We set out to establish "Pygmalion" at the box-office to let it speak for itself in the language exhibitors understand best, dollars and cents, mass audience reaction.

The rest is history. From the very first day when police handled the crowds at the Astor on Broadway, there was never any question but that here was an unusual attraction. Now in its 12th packed week in New York; and 8th record week in Los Angeles! The first "typical American city" test at Dayton, Ohio was sensational and had to be held a second big week. From city to city it swept like wildfire.

It's the masses who are enthusiastic for Bernard Shaw's shabby flower girl who becomes a society glamor girl in an exciting experiment. And the critics fan the blaze with plaudits everywhere. And showmanship does the rest.

And here's the amazing thing:

Not one exhibitor is obligated to book "Pygmalion" as part of his M-G-M service and yet from every section of America they're asking: "When do we get it?"

The answer is "RIGHT NOW WHILE IT'S HOT!"

"YOU CAN'T CHEAT AN HONEST MAN..."

in its First Six Openings!



RIVOLI, NEW YORK . . . Opened at Rivoli Theatre Saturday . . . By Sunday Night on way to house record for season. Will hold over for three weeks.

KEITH'S BALTIMORE . . . Manager Schanberger of Keith's reported: "After vain efforts for two months to awaken business, this does it. More laughs than I have heard in ages!"



CIRCLE, INDIANAPOLIS . . . "Continuous laughter of audience drowned out many of the gags. Business almost tops anything in theatre's history despite continuous rain all afternoon and evening. Picture definitely box office."

UNITED ARTISTS, PORTLAND, OREGON . . . "Honest Man actually out-grossed any Durbin picture. Can truthfully say 30% of Fields or Bergen gags lost by continuous laughter."



LOEW'S HARTFORD . . . At Loew's, "You Can't Cheat An Honest Man" beats both "100 Men and a Girl" and "That Certain Age."

MOHAWK, NORTH ADAMS, MASS. . . . "HONEST MAN opened very big. Beating any previous gross on record. Manager reports picture had audience actually rolling in aisles



—at the box-office...where it counts...
and where the public decides!—UNIVERSAL

VARIETY

CAFE SOCIETY

Wednesday, February 22, 1939

CAFE SOCIETY



GLAMOUR GAL No. 1—Queen of the Debs Chris West (Madeleine Carroll) explains her kissless marriage to the press. Says Miss West, "I married him on a bet. How big will the headlines be?"



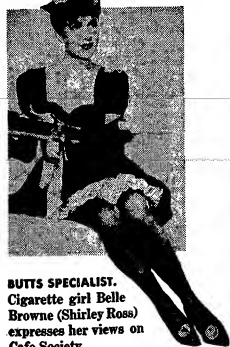
TOUGH SPOT IN HOT SPOT—Madeleine burns, Shirley yearns, and it looks like trouble ahead for Fred!



TWO SQUIRTS of a seltzer-bottle and the battle's on. Glamour gal versus torch singer in a fight to the finish.



DUNKED—Cafe Queen gets cooled off by Mr. Mugg, to you (Fred MacMurray).



BUTTS SPECIALIST.
Cigarette girl Belle Browne (Shirley Ross) expresses her views on Cafe Society.



by Chick O'Bannon
(FRED MacMURRAY)

Cafe Society? PHOOEY!

A gang of giddy glitterbugs... fops and phonyes... gigolos and gentry—every one a headline-hunter.

And I ought to know.

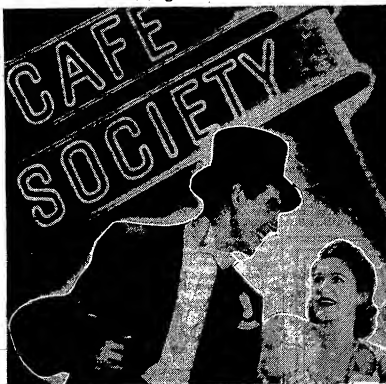
Because I'm married to Glamour Gal No. 1. Or rather, she married me on a bet. Maybe it was the moon... or the third glass of champagne... or maybe I thought I loved her. Anyway, after a long, drawn-out courtship of thirty minutes, I get a wild look in my eye, and I start looking for a preacher.

The honeymoon was even shorter than the courtship.

Three minutes after the ceremony, she dashes out to read the headlines about her escapade... leaving me, hard-boiled O'Bannon, a kissless groom.

And not until Belle Browne, ciggie gal par excellence, shows that she still appreciates me, does Chris let her hair down and want to be my wife again.

But I'm a plain guy... and glamour's my poison. I don't believe in spoiling my women. Starve 'em for kisses sock 'em in the kisser... dunk 'em in the river. That'll take any queen off her high perch... and make a woman out of any lady. And that's just what I'm doin' brother, just what I'm doin'!



All America has heard about it... read about it... talked about it. Now Paramount delivers the first screen story of the gay goings-on inside the most glamorous social circle in the world!

"CAFE SOCIETY"

starring
MADELEINE CARROLL · FRED MacMURRAY · SHIRLEY ROSS

with CLAUDE GILLINGWATER A Paramount Picture Directed by Edward H. Gribble Musical Score by Vincent Youmans Lyrics by Vincent Youmans

CBS UNPREPARED TO DISCUSS 'DEUTSCH DEAL'; 'BIGNESS' ISSUE PERSISTS

Network, Thinking of Getting Good Sound Studios for Its Phonograph Subsidiary the Easy Way, Encounters Adverse Comment

Pending purchase of the transcription business of World Broadcasting Corp. by the Columbia network, a CBS executive has been described by a CBS executive as a "logical way to provide our American Recording Co. with the best available sound studios." CBS executive further pointed out that the previous lack of transmitting facilities had often put CBS in the position of introducing outsiders to CBS customers when off-the-line recordings were needed, either for re-broadcasts, auditioning, or for file purposes. Columbia does not like transmitting its programs to other people's studios; or not having the auxiliary service, such as NBC does have.

World will continue as a competitor in the open market against NBC. Theatrical and any or all transcription companies. CBS does not regard the acquisition of World as introducing any new balance of power in the radio industry, and expressed surprise that it should be criticized for seeking to equalize the competitive factors on NBC's side.

D. C. Stant on CBS-World

Washington, Feb. 21. Purchase of World Broadcasting System by CBS threatened this week to intensify the drive for stringent regulation of chain operations and to cause new moves to prevent "monopolistic" trends in the broadcasting business.

Airing of the transaction by the commission was promised by General Counsel William J. Dempsey. Since the CBS presentation is over the chain-monopoly investigators will dig into the merger of the only big independent program source with one of the national webs when the war manufacturers take the stand next month.

Little comment forthcoming for question, but the move was regarded with disfavor in commission quarters. Members were reluctant to render an opinion at this stage, yet off-the-record conversations indicated they question whether such a tie-up will promote the public interest. The commission admittedly has no legal authority to rule on the blending, but it was hinted this development at the height of an inquiry to determine whether the law should be amended to counteract possible monopoly may backfire. When the future committee starts crystallizing its views, observers believe dissatisfaction will be made apparent.

Congressman Lawrence Connelly of Massachusetts, one of the chief critics of the industry, raised the question whether the anti-trust laws have been flouted.

"With a monopoly of concert stars who virtually make the money performing artists and musicians, and now with the monopoly of electrical transcriptions and phonograph re-

ords controlled by NBC and Columbia, this radio monopoly will be able to furnish the smaller radio stations services which such stations require at such a price as the traffic will bear.

As industry observers see it the two parties to the transaction have played into the hands of groups clamoring for much tighter Federal control over all phases of broadcasting. Coinciding of the two important suppliers of microphone fodder takes the edge off declarations that it is a free competition in the industry and provides ammunition for critics who protest that the webs dominate the nation's radio outlets.

Tut-tutting was heightened by realization that many NBC affiliates are subscribers to the World service and apprehension over the effect of the blending on such independently owned stations of the NBC web. While CBS was credited with a business coup, preponderant sentiment was that the price may turn out to be high, not only for Columbia but for the entire industry.

With owner of Broadcast Administration rapping bigly in virtually every field, and radio particularly menaced, the CBS-World merger is liable to cause that element of Congress which has scoffed at complaints in the past to take a new attitude. Participants since the New Dealers are laying plans to seek legislation giving the government far-reaching powers over the radio industry.

Wiglesworth Speaks

Further remarks were voiced by Congressman Richard B. Wiglesworth, who has thrown rocks at the FCC and the industry for better than two years. He said:

"Without knowing the details of the proposal, it would appear to furnish further evidence of the virtual monopoly in the broadcasting field by the three big national chains created during the life of the Federal Communications Commission."

Takes Over April 15

Columbia will become the controlling owner of World and its subsides April 15, unless some complications arise from the contract to purchase which was signed last week. Network has the interim to check on the matters of World's debts, contracts and stock recovery as stipulated in this purchase contract.

Even though Percy L. Deutsch is slated to remain as head of World's operations, the impression in the trade is the shift in control will eventually lead to the exit of World program and production executives. CBS denies this probability. Another subject of speculation is the future of World's Gold Network whose policy of station representation is predicated on a free transcription service for advertisers that

C&S FOLLOWS BERGEN EAST FOR TWO SHOWS

Hollywood, Feb. 21.

As Edgar Bergen, who goes to the Chase & Sanborn luncheon, applies not only to the C.A.B. ratings but to the perignations of Charlie McCarthy's stage.

After Bergen served notice on J. Warner Thompson that he wanted a couple of weeks off to smooch around Broadway, the travel bug hit some of the others and the thought came of a change of scenery and a look at the new shows would give him a hint to move that whole crew East. Everyone goes except the band, which Robert Armstrong recruits in Gotham.

Programs of March 12 and 19 will come from New York, First change of locale for the javane since launching in May of 1937.

Krautert Leaves WLW; Whatmore Joins WSAI

Cincinnati, Feb. 21.

Emerson C. (Jim) Krautert, who resigned Saturday (18) as assistant sales manager of WLW, is expected to affiliate with a Chicago agency, and W. W. Whatmore, former advertising manager for the International Silver Co., came on from New York to join the WSAI staff.

Whatmore, former advertising manager for the International Silver Co., came on from New York to join the WSAI staff. Sales staff of which Bob Dunville is director.

use a certain amount of Gold Network outlets in their spot campaign.

Entry of Columbia into the World market was expected to result in the establishment of a strict policy for CBS network accounts that do not include the Gold Network. These, particularly Procter & Gamble, have been in the habit of having all work done by NBC's transcription division. "With its own setup available, it is figured that Columbia will find it difficult to handle the stenciling of CBS shows be done at home."

Following the signing of the contract to purchase, several World employees started looking around for new jobs. It was learned that they have been informed that their jobs might not be secure after March 1.

Cats Get Noisy

Kello's 'Circle,' which is having plenty of trouble right now, is drawing audible off-stage. The radio from the organizations and persons whose noses were put out of joint. Some of the staffers of N. Y. Ayrer are too, too human to refrain from unsympathetic upstroke chide.

Walter Thompson, who grabbed Kello from the Ayrer office and reversed the previous cheap radio sponsorship policy of the cereal.

In Hollywood, where John H. Ayrer is no favorite with the talent merchandisers, the move toward the radio is not as much about Reber going east in the midst of the whole mess in order to receive the annual award of the mostest of the bestest.

LOMBARD VOIDS KELLOGG DEAL

Hollywood, Feb. 21.

Kellogg 'Circle' lost another of its stars last week when Carole Lombard, who had been given a release from her contract, Ronald Colman was the first partner on a picture.

Miss Lombard has entered into an oral arrangement whereby she puts her appearance on the program at her pleasure and providing the script meets her approval.

J. Warner Thompson agency is also having its difficulties with Cary Grant, who has threatened to pull out of the picture unless the script is better. Only ones not squawking are Marx brothers, who hire their own writers, and Lawrence Tibbett, who has no worries on that score.

MENSER QUILTS NBC

Program Manager Goes to Gardner Agency March 1

Chicago, Feb. 21.

C. L. Menser, recently appointed program manager of the National Christian Division, has handed in his resignation to the effective March 1. He will join the Gardner agency and will head Chicago offices which the agency has been asked to handle with Menser's departure from NBC.

Not only will Menser handle the "Lucky Story" program, which will originate here for Ralston's cereal, but will also work on new billing and accounts for the agency.

Ray Kerrins was unilaterally ousted from the credit of the recent review of the Lucky Story program.

MUCH HAZINESS ON RADIO AND N. Y. EXPO

With only two and a half months before opening day, New York World's Fair officials and radio stations haven't yet gotten together on the needs of radio at the grounds. The radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require. The radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require. The radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require.

Idea of the verbal space survey is to determine if space tentatively set aside for radio is adequate. If it's not an entirely new building will have to be built. The radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require.

Coleman's Frisco Ride

San Francisco, Feb. 21.

New radio stars, headed for the Golden Gate International Exposition is Bob Coleman. Functions of the radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require.

Series of auditions for announcers was held last week by Coleman. Personalities of the staff number more than 30 and will be completely organized by the time the fair's radio building is ready about March 15. Delay in construction of the studio has made it impossible to set dates for appearances of any national radio stars, although among the radio men are in a state of started telephone inquiry among various broadcasters about the amount of office space each would require.

Exclusive broadcasting rights for all arrivals and departures of Pan American Airways' Clipper planes take-off of the flying boat on Golden Gate International Exposition, have been given to NBC. Weekly take-off of the flying boat on Wednesdays are aired on KGO, with other broadcasts being scheduled on KGO. The Sun and Moon on KGO-KGO special events chit.

Miller Tape Recording Gets Mechanical Music Okay for Ironized Yeast

Music Publishers Protective Association last week issued its first mechanical license for sound-on-disc exclusively devoted to broadcast programs. It was for the thematic tune of the Ironized Yeast, which is being transcribed from the Mutual list on the grounds of the 48 stations. These spot bookings include 14 Canadian outlets.

The Mutual Music Company on account, figures that the tape method makes it easier to edit this type of program. The Sun and Moon on KGO-KGO special events chit. The Sun and Moon on KGO-KGO special events chit. The Sun and Moon on KGO-KGO special events chit.

RICH WITH RIGGS ON COAST, BAITING FOR PIX

Hollywood, Feb. 21.

Fredrick Rich draws the bait-on-tongue Riggs for the show he is over for six weeks starting March 4. If he lands a picture job Riggs will be in the picture.

Rich already has his film spot in the next Leo McCarty picture at RKO.

Kidnollers Beverage Series

Kidnollers, novelty instrument quartet, signed last week for 26 weeks of the program. The program is a series of short sketches by Dr. Pepper's soft drink. Platters will be made for the quartet for same sponsor. Cutting begins this week. Tracy, Locke and Dawson is the agency.

1939-40

VARIETY

WORLD HISTORY

NOW IN EDITORIAL AND ADVERTISING PREPARATION

WIREWASTE

Hear Writers Included in AFRA Pact Due for Signaturing at KNX, L. A.

Hollywood, Feb. 21. Contract covering announcers, sound effects men, writers and producers at KNX, local CBS outlet, is about to be signed by the American Federation of Radio Artists. Deal was negotiated some time ago, but actual signaturing was held up because of the jurisdictional angle involving the scripters. Contract for actors and singers is already in effect.

Deep mystery surrounds the matter, with AFRA and Authors League of America rep holding a series of hush-hush conferences, but not a syllable has been forthcoming about whether or not a settlement has been reached. Understood the League is protesting that it holds jurisdiction over writers in radio. Rumored that AFRA and the League have reached an undercovered cooperative agreement, but that has not been confirmed. Failure to effect such an agreement might precipitate an open jurisdictional battle between the Radio Writers Guild (League affiliate), representing all authors, and AFRA, representing performers.

Mrs. Emily Holt, AFRA national executive secretary, who arrived here last week with Kenneth Thompson and Laurence Bellison, Screen Actors Guild officials, is due to return east the middle of this week. Irving Reis has been representing RWG in the huddles.

Not Irreconcilable

According to Radio Writers Guild officials in New York, conferences with AFRA are going on in Hollywood and the east. Guild spokesmen express confidence that the difficulties can be adjusted without too terribly both groups. George Heller, in charge of the AFRA office during the absence of Mrs. Holt, declared he knows nothing of the progress of conferences with the Guild, but said the issues involved are not irreconcilable.

Old Gold To NBC If CBS Can't Fix Spot

Lennen & Mitchell has advised CBS in behalf of Old Gold (Lorillard) that the latter's program will air at 10:45 p.m. on Wed-Fri, beginning Feb. 27, over Mutual for Richman Bros. (McConn-Erikson, Cleveland). Show will also be heard on NBC Sunday nights, however.

nBC meanwhile has offered the Bob Bencher Art Shaw program at 10:45 p.m. on Wed-Fri, a link that strikes the agency as okay.

PETER GRANT SHOW ON 7 MBS LINKS

"Front Page Parade" dramatized news series with Peter Grant will air at 10:45 p.m. on Wed-Fri, beginning Feb. 27, over Mutual for Richman Bros. (McConn-Erikson, Cleveland). Show will also be heard on WLW, WGN, KSAT, KXOK, WKW, WSPD and WCPE.

Grant is chief announcer at WLW, where the stanza will originate.

Cartwright to Detroit
William H. Cartwright has been named manager of Detroit office of Edward Petry & Co. It's a transfer from the firm's Chicago sales staff.

Cartwright replaces Joe Spadua who quit last week.

WELCOMED BY RIVAL

John Sullivan Heads KWVC in Vernon, Texas

Vernon, Texas, Feb. 21. When new 100 watt KWVC hit its dedicatory program here last week manager John Sullivan was greatly surprised when a special recording of a salute by KFYO, local rival, arrived as a tribute to the newcomer. KWVC used the war as the closer on the dedicatory program.

Herman Cecil is program director of KWVC, and H. C. Sife, chief engineer.

New personnel also includes Dave Biggers and Jimmie Sullivan, announcers, and Herman Ridgway, Julian Fowler, J. D. McMahon, J.R. as operators.

CHOIR OF 16 DROPPED BY KRAFT

Hollywood, Feb. 21. First local reverse effect of American Federation of Radio Artists contract enforcement was dropping of Paul Taylor chorus of 16 from Kraft's "Red Hot Chili Buds" but wouldn't allow for increased cost stipulated in AFRA contract, according to the microphones.

Drys Won't Drop Their Demand for Formal Air Ban on Alcohol

Washington, Feb. 21. Drive to dry up the air waves gained speed last week after Federal Alcohol Control Administration brought Congress again to prohibit radio advertising of all kinds of alcohol. Although the bulk of the industry has promised to blotter its programs, W. S. Alexander, government bluntness, renewed his appeal for a law that would keep makers of all types of intoxicating drinks away from the microphones.

His idea—already embodied in a bill fathered by Senator Arthur Capper, Republican, of Kansas—would put beer and wine makers and purveyors in the same doghouse with the hard liquor people.

WOR Gets Dodgers

Larry McPhail, general manager of the Brooklyn Dodgers, will make the official announcement this week that WOR, Newark, has been contracted to air the team's games during the forthcoming season.

McPhail will include several pre-season airings on WOR, and WABC, which will handle the New York Yankees and Giants games. The broadcast will be financed jointly by General Mills, Procter & Gamble and Socomey Vacuum.

Earl Glade a V. P.

Salt Lake City, Feb. 21. A. E. Bowen, local attorney, was elected a new director of radio station KSL, local CBS unit, and Earl J. Glade, Sr., station managing director, was named second vice-president, at stockholders meeting Tuesday (21).

Ivor Sharp was named assistant to the president, J. Reuben Clark, Jr.

LEGISLATION AFFECTS BROADCASTERS

Growing Business Restrictions Benefit Barriers—Radio Particularly Involved—AFRA Matter an Illustration—Cautious Attitude Typical

ATTORNEYS STALL

Advertising as an industry is now thinking, acting and speaking by advice of counsel. The influence of the lawyer, as such, upon the everyday affairs of advertising, including radio, has grown notably during 1938 and the recent AFRA negotiations found the barriers doing both the pitching and the catching.

It has long been clear as regards the networks that anything of the well-ruled lanes detoured automatically into the legal department. Under the prevailing sensitivity on international political questions, minority pressures and such, this has recently become even more pronounced.

Business men and the trade in general need not too hasty about lawyers. For one thing, they are expensive luxuries. For another the networks as the advertiser from the business viewpoint, an unwholesome state of affairs and a narrowing margin of free action. A third annoyance is that many of the lawyers are terrible procrastinators, making delaying decisions, complicating what previously were simple, straightforward deals and relationships.

Business men know that there also have some common sense on trade problems, are reported as rare as testifiers in Tennessee.

Nevertheless, the lawyer is in everything, including advertiser's hair. Advertising, for one, otherwise consults him for interpretation on, among innumerable other matters:

- (1) New products—and whether the Agricultural Adjustment Administration, the Food and Drug Act, or other legal dangers, including patents, trademarks, etc., are involved.
- (2) Copy slangs—whether they are counter to Federal Trade Commission or other legal limiting provisions.
- (3) Editorial content—as in the recent A. & P. announcements; the advertisement sporting a Bookie Carter, Dorothy Thompson, Hugh Johnson or an equivalent thereof often needs legal guidance.
- (4) Jokes—if the advertiser may be hurt by a record from a sponsor's comedy (see recent issues of VARIETY).
- (5) Financial advertising—this type of advertising must tread cautiously along the SEC chalk-line.
- (6) Copyright—infringement liability—this is a minefield of the advertiser's legal minefield.
- (7) Copyright—infringement liability—this is a minefield of the advertiser's legal minefield.

The role of the radio attorney is too well known in Washington politics to need re-emphasizing here. Suffice that the FCC, by its continuous and tortuous windings and snarls, contradictions and general evasions, makes even a lawyer need advice of counsel.

16 More FCC Lawyers

Washington, Feb. 21. Increasing attraction of the FCC as a field for attorneys, seen in 16 applications received in the past 10 days from barristers who practice before the Federal Communications Commission.

List of applicants includes Charles J. Kelly and George Link of New York; Albert Francis Ondeka, James W. Baldwin, Hugh D. Driscoll, and J. Edgar Kelly of New York; Stephens, Washington, D. C.; William A. C. Rothe, Los Angeles; Everett M. Ross, Phoenix, Ariz.; George Semel, Newark; George A. Vaughan, Fayetteville, Ark.; Norman F. Wyckoff, Jerome, Ariz.; James Burney

Making Profits from Other People's Wees Called Bad Taste; Webs Practically Ban 'Refugee' Songs

DEATH SENTENCE

FCC Snuffs Out KUMA on Ownership Falsification Charge

Washington, Feb. 21. Death sentence, effective April 1, was served Monday (20) on KUMA, Yuma, Ariz. False statements as to ownership and control were the reason. The FCC found that one E. B. Surdiant has boasted the outlet "at all times since February 1, 1934" not the official licensee, Albert H. Schermann.

UP SELLS CBS PAIR COMPLETE SERVICE

United Press has broadened its sales policy toward radio to the point where stations able to bear the heavy added cost can use the same service which goes to UP's newspaper subscribers. The opening of this newspaper service for radio, so only intensifies the spot news competition between the two media but encourages the development of specialized news features programs.

Columbia has bought this newspaper, radio service for KMOX, St. Louis, and WBBM, Chicago. In the case of KMOX it's a supplementary service to Transamerica and UP radio wire. Through this addition the two stations will be able to get their news as fast as it is available to outlets owned or operated by newspapers.

Resale Value Bruised By Guild Opposition; Lord's Unique Stunt

Even though his contract with Victor Chemical hasn't much longer to go, Phillips H. Lord has launched a self-financed spot campaign to protect the rating of his Sunday night show, "Phil's Parker," by entering further cut into by the opposition program on CBS. Later is the Screen Actors Guild stanza which carries the Gulf Refining tag.

Lord, who is figuring on selling the "Phil's Parker" character next season, is underwriting the advertisement without any participation by the agency or the account.

Marion International, Ltd., using his personal station, wrote each of the stations on his NBC hookup that the "Phil's Parker" character would be available for use, providing they were booked at Sunday matinee. These 15-minute clips contain bits from "Phil's Parker" rehearsal and call attention to the sponsored broadcast.

Of the station group contracted, 22 agree to use the wax trailers. Cost of making and shipping the discs plus royalties for music will amount to between \$80 and \$100.

WOW to Get Blue Shows

Omaha, Feb. 21. Switch of KOIT, here from NBC Blue network to CBS will probably push several Blue network programs to WOW, Red Network member.

Change will leave only WOW on NBC in this market.

NBC and Columbia have put tentative ban on the airing of the song, "Refugees," which was acquired the week before by Mills Music, Inc. CBS thinks the number is too good and plans to exercise extreme caution in seeing that it isn't performed by any but the 'right' kind of singer while NBC is squishish about the word "refugees" and believes that listeners won't listen hearing about the woes of the victims of war and hate. Both webs raise the controversial angle.

Another objection interposed CBS is that those concerned with the song seek to make capital of other people's sorrows, although the publisher, who has received a substantial portion of the profits from the songs will be contributed to refugees, relief. NBC's program department stated that even before Mills took over the number it had advised the writers that there was no chance of the song getting on the network and also urged that they refrain from having it published.

Dick Powell On Lifebuoy, Jolson Goes Off Mar. 14

Hollywood, Feb. 21. Lifebuoy of the Air after March 14 will be Dick Powell. Deal was signed last Friday (17) by Lewiston Campbell, of Rutherford R. Ryan, two days after it was confirmed that Al Jolson's contract had been dissolved under amicable circumstances. Jolson will concentrate on the 20:00 P.M. show on Washington Square, and may lay out radio until fall. R&B statement said "agreement has been reached in order that Jolson may fulfill a long-felt desire on his part to appear in a new type of radio program which he has had under consideration for some time."

Powell has been off the air, except for an occasional guest spot, since "Ladies' Hollywood Parade" from Warners studio folded last season. He has been offered \$25,000 for the Lifebuoy stint. With the saving, Jolson reportedly pulling "agreement has been reached in order that Jolson may fulfill a long-felt desire on his part to appear in a new type of radio program which he has had under consideration for some time."

KATE SMITH TOPS VALLEE

Kate Smith's variety hour on CBS has finally ended its long-time rival, the Rudy Vallee program, which was scheduled to start in the tough Thursday 9-9 p.m. time slot. The long-established Vallee show ended last week.

Latest C.B.A. rating gives Kate Smith 22.7, Vallee 21.2, a result forced by a steady climb (from 12 to 13) of the Swandown-Columet stanza but also owed to the hoodoo aspect of WAFB on 4 Thursdays.

SPOT CAMPAIGNS

(New, Renewed or Considered)

I. Sable Shoe Co. has taken 'Foot Notes of Famous People' on KDKA, Pittsburgh, for 13-week stretch starting March 5 through W. S. Ith agency. It's a quarter-hour script show penned by Bill Beal, head of station's continuity department, and will employ dramatic cast.

KDKA, Pittsburgh, got renewal of Kroger 'Linda's First Love' five times weekly and 'Editor's Daughters' Transcriptions played by Ralph Jones.

Yankee Network's New B. Watt & Bond, Inc. (Blackstone Cigars') two series of sports programs, thrice weekly, beginning March 26. First series of 31 fifteen-minute programs will feature baseball scores and chatter; second series of 31 fifteen-minute programs, starting Oct. 3, will feature football. Through R. B. D. & O. Includes WYAC, WYTC, WYAN, WYAG, WYCC, WYSH, WYLB, WYFA, WYLC, WYLL, WYNH, WYLL, WYLN, WYDO, WYCO, and WYLI.

Atlanta Refining Co. series of eight, play-by-play broadcasts of Yale football games, beginning Oct. 7. Through N. W. Ayer, goes to WYAC, WYTC, WYAN, WYAG, WYCC, WYSH, WYLB, WYFA, WYLC, WYLL, WYNH, WYLL, WYLN, WYDO, WYCO, and WYLI.

WTMJ, Milwaukee, New Bis Maylar Co., Newton, Iowa (washing machines), 48 spots through McCann-Erickson.

Roundy, Peckham & Dexter, Milwaukee (food products) 300 spots through Neisser-Meyerhoff.

Sasud, Burgwer, Moore, Chicago (fruit juices), spots through George Hartman Co.

Edwards Motor Co., Milwaukee (service), 48 spots through Neisser-Meyerhoff.

Allen Riesbach Agency, Ellsworth Pipe & Supply Co., Milwaukee, 'News Headlines' daily for 15 weeks.

John Hoffmann & Sons, Milwaukee (food products), 39 spots.

Paint's Spring Campaign

Badger Paint Stores, independent chain of more than 100 Wisconsin outlets, to sponsor Heinie & His Grenadiers on WTMJ, Milwaukee, series of half-hour programs.

Commercials will be mainly institutional in character to sell the Badger line of paint products and to promote spring painting, with one highlight 'radio special' value on each broadcast. Store managers will be invited to the WTMJ broadcasts and introduced over the air.

Neale Bakke, WTMJ salesman, set the deal with Milton Faber, Badger Paint Stores' sales manager.

Manhattan Soap of New York (Sweetheart Soap), through Franklin Bruck agency, set with KPO, San Francisco, for 7:45 a.m. Saturday newscasts handled alternately by Bob Anderson and Robert Ackley. Bathasweet Corporation sponsors three, and North American Accident Insurance bankrolls two weekly newscasts by Anderson at this period on other week-days.

Lyns Van & Storage has renewed its transcribed drama, 'Moving Stories of Life,' weekly for one year over KPO, San Francisco. Agency, Charles H. Mayer Company, Los Angeles.

Gleason Milling Co., bankrolling 'Mrs. Lee's Kitchen Klatches' program over WEW, St. Louis. The program is strictly extemporaneous as any femme is invited by Mrs. Lee to visit the WEW studios and tell in her own way her favorite recipes for things made with one of the sponsor's three flours. Sponsor personally directs the program.

Universal Utilities Engineering Institute has taken 12 quarter-hour 'Opportunities' on KOMA, Oklahoma City. Others include Batten Floral Co., spots; Martha Washington Candy Co., spots; Equity Casualty Co., 52 spots; Frederickson Tire Co., spots.

Stan Altschuler joins WJBE

Detroit, Feb. 21. Stanley Altschuler joined WJBE here this week to handle racial programs.

Altschuler, formerly connected with WJAY, WHK, and WCLE

in Cleveland, where he developed many nationality and patriotic programs, notably 'We American' series.

DePont (Cello-Glass) through Batten, Barton, Durstine & Osborn, NYC, two announcements weekly for 13 weeks, starting Feb. 22.

Manhattan Soap Co. (Sweetheart soap), through Franklin Bruck Advertising Corp., placed with WKBC, CinCY, 150 announcements over 28 weeks.

Household Finance Co., sponsors of the News Flashes with Alan Hale

over WISN, Milwaukee, has renewed. Mrs. Sylvia Shiras will also continue to conduct weekly dramas each Thursday immediately following news.

Leighton & Nelson agency has taken time on WGX for 156 one-minute evening dramatic announcements to advertise Benrus Wrist Watches. Year-long series starts March 1. Sponsor heretofore has used only time signals.

Blackhawks Join WOWO

Pt. Wayne, Feb. 21. Four Blackhawks, quartet, has joined WOWO 'Morning Roundup,' aired six mornings weekly for Household magazine.

Quartet comprises Red Bicknell, Pete Fall, Don Lake and Sleepy Schultz.

Spot Biz Off on Chi End

Medicals Hold Up, but Hemmed In by Copy Restrictions—Many Stations Refuse 'Em

Chicago, Feb. 21.

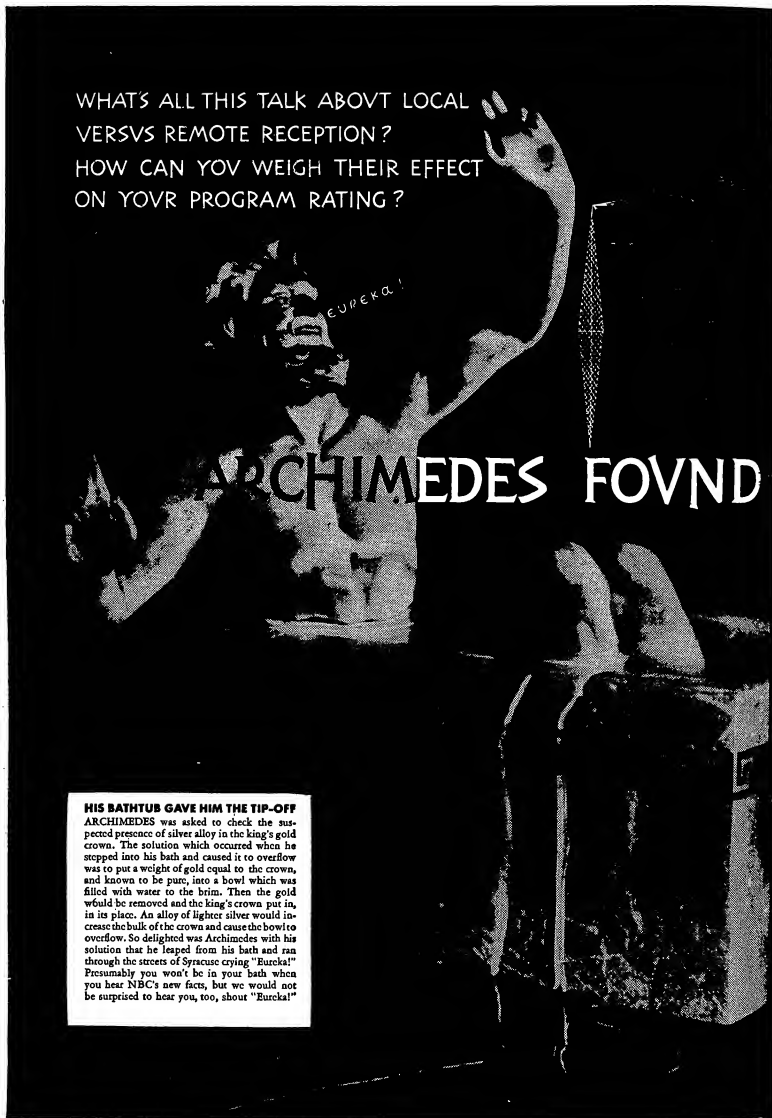
Station reps are upset over slump in national spot business during the past six months, and they see no upturn in the near future. Station reps estimate that spot business is off more than 35% from the same date last year.

Biggest lull is the absence of automotive accounts, while household and kitchen manufacturers that used

spot radio are concentrating entirely on network set-up or are off the air entirely.

Only spot items which are holding up are the medical accounts, and these are loaded with such potential dynamite that the stations trust 'em up with so many restrictions that they are a plentiful headache for the reps in trying to straighten all parties concerned. Besides, many stations refuse medical accounts, so that the reps are barred from even offering 'em to their outlets.

WHAT'S ALL THIS TALK ABOUT LOCAL
VERSUS REMOTE RECEPTION?
HOW CAN YOU WEIGH THEIR EFFECT
ON YOUR PROGRAM RATING?



HIS BATHTUB GAVE HIM THE TIP-OFF

ARCHIMEDES was asked to check the suspected presence of silver alloy in the king's gold crown. The solution which occurred when he stepped into his bath and caused it to overflow was to put a weight of gold equal to the crown, and known to be pure, into a bowl which was filled with water to the brim. Then the gold would be removed and the king's crown put in, in its place. An alloy of lighter silver would increase the bulk of the crown and cause the bowl to overflow. So delighted was Archimedes with his solution that he leaped from his bath and ran through the streets of Syracuse crying "Eureka!" Presumably you won't be in your bath when you hear NBC's new fact, but we would not be surprised to hear you, too, shout "Eureka!"

Broadcasts from Theatres Sponsored by Packing Co.

WSAI has revived the weekly "Talk of the Town" variety program for the Ideal Packing Co., local, with originations in neighborhood theatres instead of in fraternal halls as last year, when the series was started. Airings on Mondays from 9 to 9:30 p.m.

Talent includes Ray Shannon, comic; Charlie Dameron, vocalist; Little Miss Katinka, midgets; Jane Trester, warbler, and the Drifting Pioneers with Judy Bell, musical combe.

Jack Henderson has joined KSTP, St. Paul, as an account executive. He comes from the sales staff of WKW, St. Louis.

Breathe Deeply

Washington, Feb. 21. Radio monotony hearings, which droned into their fourth month on Feb. 1, have only 16 more network organizations to hear from before they conclude. Coming up are:

Don Lee, Yankee (Colonial) Network, King-Trendle, Virginia Broadcasting System, California Radio System, Wisconsin Radio Network, Pacific Broadcasting Co., Texas State Network, North Central Broadcasting System, Arrowhead Network, Empire State Network, Inter-City Broadcasting System, Oklahoma Network, Pennsylvania Network, Quaker Network, Texas Quality Network.

STATIONS FAVOR FREQUENT TRIPS OF OWN EXECS TO SCOUT N. Y. AGENCIES

Station Ideas

Patriotic Angle Cincinnati.

WKRC's series of 13 weekly broadcasts to expound the principles of American democracy starts Wednesday (22) with a dramatization of the life of George Washington. Pupils of grammar and high schools will take part in the broadcasts. Station offers an American flag to the school giving the best dramatization. Others will receive reproductions of Gil-

Stringency Stimulates New Points of View—Chicago Losing Spot Edge—Stations Dislike Belonging to a 'Mob Scene'

bert Stuart's portrait of Washington. Another new program on WKRC is "Keys to Cincinnati," which welcomes newcomers to the city. It is presented twice weekly from the office of Mayor James G. Stewart while he is officially welcoming new residents, asking them about their positions and families, and blurring Cincy.

Station business-commercial managers have recently expressed themselves vociferously as regarding a revised philosophy as regards sale of national spot time. Trend has been a long time coming, but the bad session during 1938 has hastened things along.

New outlook briefly sums up thus:

(1) The center of importance as regards sale of spot time is shifting to New York from Chicago. Because of the bad spell last year, agencies have tightened their radio departments up to maximum efficiency, with the New York (head office) man now running or supervising the entire works.

(2) The only way to insure steady spot business is for the station business-commercial manager to see the agencies and sponsors personally. The reps aren't completely trusted in this respect any more, because a long-list peddler gets kicked around by agency flunkies and dare not squawk. A station man, conducting a personal visit, gets better treatment in view of his greater stature over the peddler. Furthermore, a rep is too apt to talk lists, while the station man talks personal management and markets.

(3) Personal visits to New York must be made about twice a year, and cost money in hotel bills and railway fare. Therefore a number of stations are of the mind that these expenses should be deducted from the reps' commissions. Some are again bringing up the old song—advance about the reps not being worth 15% anyhow, and want to cut commissions down in percentage.

Checkup of station managers' visits to New York and the purpose of such visits, broadly underscores the growth of this new sentiment. Current year looks set for plenty of traveling by sales-hypos direct from stations, and may play havoc after a time with rep prestige—or what's left of it.

1939 SUMMER OUTLOOK IS PROMISING

Agency execs and station reps forecast radio's greatest summer ahead. Indications are that large number of accounts than ever before will stick through the hot spell and the regular summer seasonal advertisers will be at least as strong as ever before.

There has been a pick-up in summer biz during each of the past few years, with some accounts sticking through with little or no change to hold their preferred air times. Upturn will go beyond that, however, during the coming heat wave, it is felt, for with car and portable radios so popular now the summer audience drop-off is being made to be much less marked than in the past.

Present biz conditions in the primary markets are holding up okay, but stations in the secondary market areas are experiencing a let-down in February. Usual causes, the unsettled Washington and European situations, are held responsible. January saw a fair amount of new biz added, partially because of unused early fall plans being dented off following the November elections.

Pilot's Newscasts

Pilot Radio, of Long Island City, takes the Tuesday-Thursday-Saturday units of WOR, N. Y.'s, 11 p. m. news broadcasts, which have long been identified with Hoffman beverages. Latter retains the alternate nights.

Arthur Hale presides at the mike in both cases.

A WAY...AND SO HAS NBC

Equally direct is NBC's new and simple plan for weighing the worth of radio circulation

NBC has uncovered new facts about radio circulation that go straight to the point of how the transmission of your program affects its total audience. They distinguish between local (groundwave) reception and remote (partly skywave) reception, and measure the difference in terms of regular listening. Here is a new way to weigh network values that is as simple and direct as Archimedes' famous weight test for the purity of gold in the king's crown.

You have seen many figures based on listening habits in those cities where listener surveys are regularly made. Such information, however, tells the story of only half the circulation. Now we have surveyed the other half of the radio audience. For the first time you may weigh your total network circulation, because—in addition to what you already know about big cities—this new NBC survey shows you comparative network circulations in small towns, villages and rural areas.

These new figures also show just why the NBC Red Network gives you more intensive nation-wide circulation than any other network. Any NBC representative will be glad to tell you the full story. It is not available in any standardized, published form.

DO YOU KNOW—

That 50% of all U. S. radio homes—urban and rural—rely on "remote service" from major network stations?

That there are 10,000,000 radio families in the "rural areas of remote reception"?

That the habits and preferences of these 10,000,000 families are not reflected in any studies of city listeners?

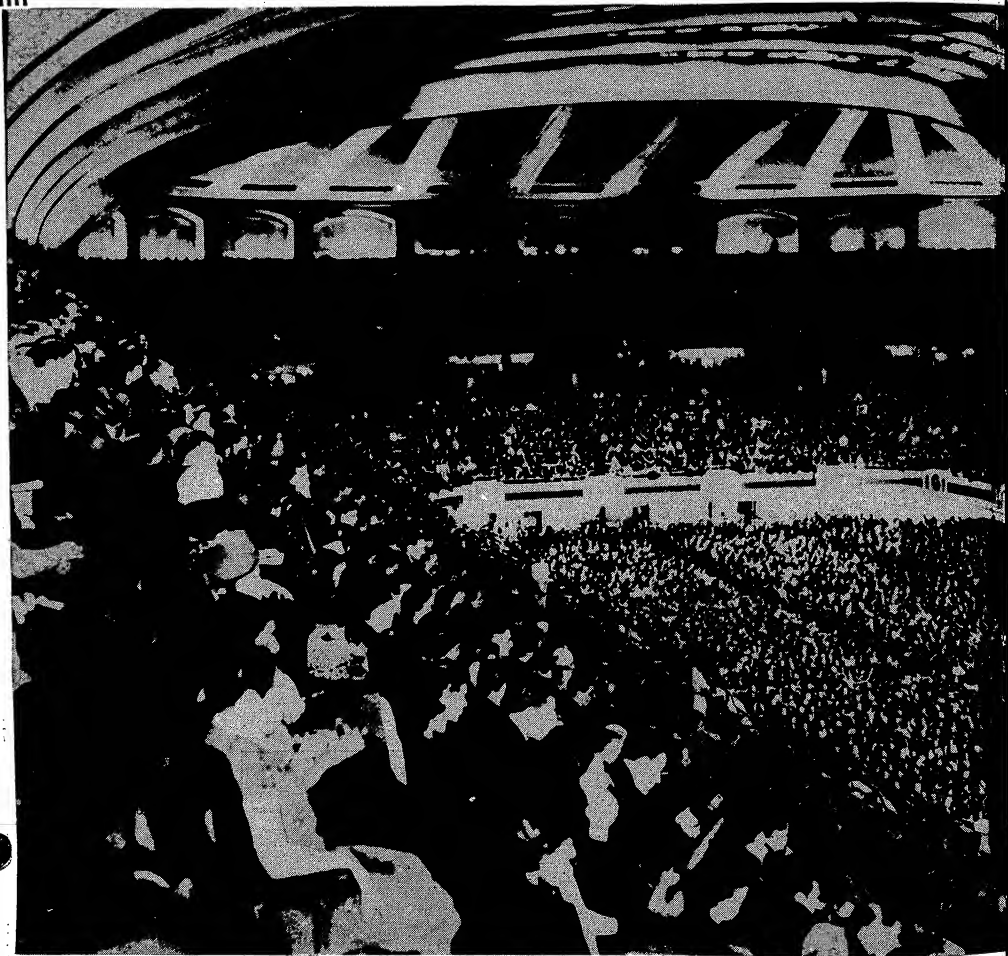
That these listeners add a great plus value to Red Network circulation?

That NBC's new survey tells the why and how of all these facts, and what they mean to you? Ask for a personal presentation!

NBC RED NETWORK

NATIONAL BROADCASTING COMPANY • A Radio Corporation of America Service

"SETS U. S. REC

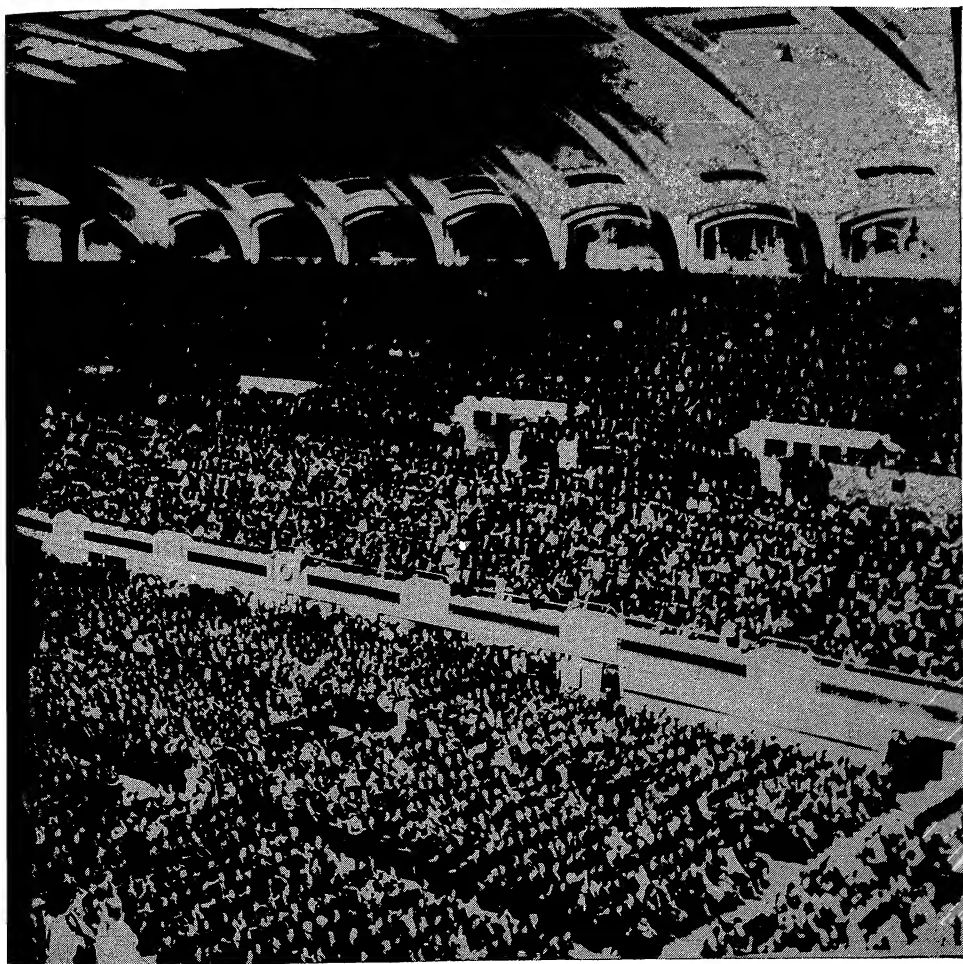


PHIL SPITALNY AND H

ORD

**G-E 'HOUR OF CHARM' BROADCAST IN
PUBLIC HALL, CLEVELAND, CHARMS
14,000 . . . BREAKS AUDIENCE
RECORD FOR VISUAL BROADCAST."**

Says NATIONAL BROADCASTING COMPANY



'HOUR OF CHARM'

NEW YORK

NBC BLUE PLATE SPECIALS

NET PRODUCING PRESTIGE SHOWS

NBC Network Follows Comeback Campaign with Program-Building Drive Based on Principle of Freezing Time for 13 Weeks Minimum

ROCKWELL STARTER

Coming to grips with the NBC blue network's present need for more and better programs, a series of pretentious network-produced entertainments is projected under the propulsion of A. E. Nelson, the blue cheer leader. Campaign started last night (Tuesday) with the first of the programs, Doc Rockwell's Brain Trust, hitting 51 stations at 8:30 p.m. EST.

Other programs will get underway in the immediate future. One under consideration includes Pat Barnes. Afternoon shows are in prospect, but dramatic serials will be avoided. NBC opinion being that the listener is over-loaded in that regard already.

Important difference from ordinary sustainer stuff marks this blue program campaign. Stations are asked to freeze the time for at least 13 weeks, with NBC in turn giving the time a clear track. Only a presidential talk or a national emergency could sidetrack the programs, this being the identical status of a commercial.

Nelson has also gotten the right reserved recently for Toscanini alone, of using spot announcements scattered through the NBC schedules to call attention to the Rockwell program. Later is reported budgeted around \$5,000, of a 30-piece orchestra under Allen Roth, a 14-voice choir under Joseph J. Lilley and various stooges. Lester O'Keefe will produce for NBC. Edmund Byrne is assigned to write with Rockwell. (Columbia's Sunday 8-9 p.m. "This Is New York" sustainer is budgeted around \$2,500 currently).

Sales Angle

Stressed in the present tactics is the fact that the network will build programs primarily for sales possibilities, that the programs will not be filler-runners, that there will be consistent follow-through exploitation and that the programs will be supported by publicity and not forgotten after the preliminary splash. NBC is attempting this series of showmanship ventures to strengthen the so-called blue-plates (basic and supplementaries wholly exclusive of those stations that divide blue-red service).

NBC's return to creative programming (apart from the puppets, prestige and current event stuff) represents an appreciation of the "package show," which has been much in the trade spotlight in recent years. NBC would fancy copying some of the profits, but the main motive is to "fatten up the blue."

F. C. C.'s WASHINGTON DOCKET

MINOR DECISIONS

Idaho: KTFI, Twin Falls, granted permission to transfer control of Radio Broadcasting Corp. licensee, from present stockholders to C. F. Bove.

New York: General Electric Co., Schenectady, granted construction permit for new high-frequency outlet using 41,800 kc experimentally with 80 kw.

Oklahoma: KOHA, Oklahoma City, granted permission to design license from Howard Radio, Inc., to KOOMA, Inc. Chairman McNichols voted against its shift, with Commissioner T. A. M. Graves not participating.

Virginia: WTAR, Norfolk, granted temporary authority to use 5 kw nights to overcome interference from CHQ, Cuba, with understanding added power will be reduced when CHQ changes frequency or cuts wattage.

SET FOR HEARING

Georgia: Application of John P. Arrington, Jr., Valdosta, for new station on 1230 kc with 160 watts.

Ohio: Application of WICA, Ashland, for daytime power increase from 160 watts to 1 kw.

Tennessee: Application of M. L. Meadler, Cookeville, for

new station on 1170 kc with 160 watts day, 160 watts night.

Virginia: Application of Patrick Henry Broadcasting Co., Martinsville, for new station on 1420 kc with 250 watts day, 160 watts night.

NEW APPLICATIONS

Colorado: Owen Franklin Neal, Eaton, permit for new television station using 50 watts on 4200, 4100, and 4180 kc.

Mississippi: WFOF, Hattiesburg, permit to increase power from 160 watts day and night to 160 watts night, 160 watts day.

Montana: KQTH, Butte, permit to increase power from 1 kw night and 5 kw day to 5 kw night and day.

New York: Columbia Broadcasting System, permit to transmit programs to CHQC, Havana, from WABC, New York, and other points for period of 1 year beginning Feb. 15.

Ohio: Crosley Corporation, Cincinnati, permit for new television station using 1 kw on 6000-6400 kc.

Pennsylvania: WDRB, Wilkes-Barre, modification of license to increase power from 250 watts day, 160 watts night to 160 watts day and night.

Wyoming: Western Broadcasting Co., Cheyenne, permit for new station on 1210 kc using 100 watts night and 250 watts day.

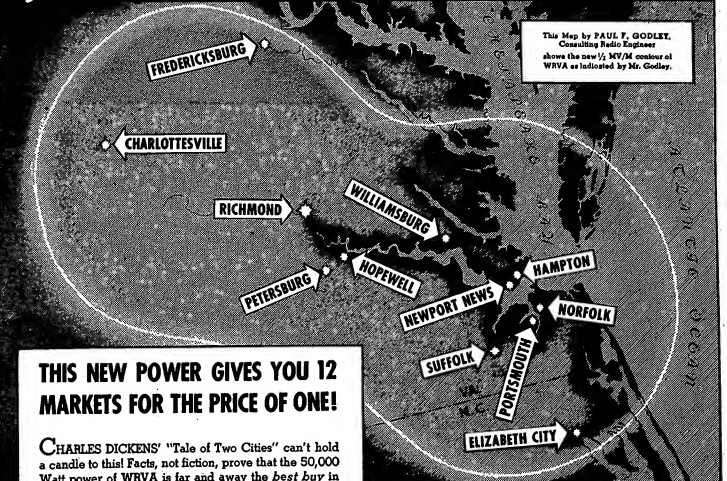
RADIO METERS' DATA SIFTED

Arch Crossley has withdrawn some 180 program preference meters which were used experimentally in Louisville homes during the past several months. Record-keeping devices underwent their first practical field tests in the Kentucky city, and the Radio Graph Corp., which is the controlling company, is now digesting the data and the results.

Crossley tends to favor a combination technique for radio research of the future, which would combine some variation of the present fact-finding system with the machinery which shows the tuning path.

WRVA 50,000 WATTS

gives you MORE THAN RICHMOND! MORE THAN NORFOLK!



THIS NEW POWER GIVES YOU 12 MARKETS FOR THE PRICE OF ONE!

CHARLES DICKENS' "Tale of Two Cities" can't hold a candle to this! Facts, not fiction, prove that the 50,000 Watt power of WRVA is far and away the *best buy* in this rich section.

Virginia's *only* 50,000 Watt station will give you complete coverage in Richmond and Norfolk and Portsmouth and Newport News and Petersburg and Suffolk and Fredericksburg and 13 other worthwhile cities and 50 counties in Virginia and North Carolina.

The naked truth about WRVA's new 50,000 Watt coverage is shown on Engineer Godley's map above. The bare facts about the market itself are shown in the chart at the right: Let us give you *all* of the story in person.

WRVA • RICHMOND, VA.

PAUL H. RAYMER CO., National Representative
NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

MARKET FACTS AT A GLANCE:

WRVA MARKET:		NORFOLK METROPOLITAN MARKET:	
Circulate within the circular line on above map, within 50 miles from U. S. Dept. of Commerce 1935 Census of Business.		Market figures as quoted by a Norfolk radio station.	
POPULATION	151,141	POPULATION	127,000
FOOD SALES	\$6,141,225	FOOD SALES	\$1,118,000
APPAREL SALES	\$7,773,000	APPAREL SALES	\$1,390,000
AUTOMOTIVE SALES	\$2,744,000	AUTOMOTIVE SALES	\$1,112,000
BUILDING MATERIALS SALES	\$1,112,000	BUILDING MATERIALS SALES	\$1,112,000
			\$1,112,000

WRVA 50,000 WATTS

Columbia Broadcasting

its new

WRVA RICHMOND 50,000 WATTS

The *only* 50,000 watt station in its territory, giving the advertiser *many* Southern markets at the cost of only *one*!

REPRESENTED BY PAUL H. RAYMER CO.

On the air with 50,000 watts about March 15th.

WWL NEWORLEANS 50,000 WATTS

The most powerful station from Houston to Atlanta dominates a rich territory where 10,000,000 people live.

REPRESENTED BY THE KATZ AGENCY

Now on the air with 50,000 watts.

CBS

System salutes

50,000 watt Southern Stations

KRLD

DALLAS

50,000 WATTS

The oldest and largest
CBS outlet in Texas,
offering first-place cover-
age of one of the nation's
most prosperous markets.

REPRESENTED BY THE BRANHAM CO.

On the air with 50,000 watts, early this summer.

WJSV

WASHINGTON

50,000 WATTS

Washington is the wealth-
iest per capita market in
the country. And WJSV
is its favorite radio outlet.

OWNED AND OPERATED BY CBS
REPRESENTED BY RADIO SALES

On the air with 50,000 watts, this summer



McNinch Termed an Acrobat; Senator White Blasts Three-Man Proposal as Back-Flip from 1937

Washington, Feb. 21. Administrative reform proposed for the FCC by Senator Burton K. Wheeler and Chairman Frank R. McNinch drew fire last week which will be the keynote of attacks on the idea of streamlining the seven-man regulatory unit ostensibly to insure more efficient supervision over broadcasting. Outspoken criticism came from Senator Wallace E. White, Jr., the Maine Republican who is co-author of the original (1937) radio statute.

Declaring the measure will receive 'general condemnation' when understood, White questioned the motives behind the suggestion for a three-man body and warned that the only objective is to give a single government officer 'life and death power over broadcasting.' No statutory changes are required to improve the functioning of the FCC, he asserted, and the result will be merely greater 'political efficiency.'

Partly in answer to the argument McNinch advanced a few weeks ago over a Mutual hook-up, the Maine senator, who is top Republican on the Interstate Commerce Committee which handles such legislation, accused the author of the reform scheme of a remarkable back-flip in an 18-month period and complained that the New Dealers in the past prevented Congress from making an inquiry to see whether the law did need modernizing.

'It should be noted, first, that the present legal framework and administrative machinery of the Commission with which the President expresses dissatisfaction is in no small part the handiwork of Chairman McNinch, and next, that in the 20 months or thereabouts since Mr. McNinch was confirmed as Chairman

there have come from the Commission no recommendations as to policies or substantial changes,' White remarked. 'On the contrary, efforts to undertake a Congressional study of principles of policies have been blocked by Commission and Executive hostility.'

In urging a three-man Commission, the present chairman is glaringly inconsistent, White said, besides flouting the expressed opinion of Congress. He recalled previous declarations by McNinch, winding up with the comment 'I appeal from Mr. McNinch of 1937 to Mr. McNinch of 1937.'

When the three-man divisions were abolished at McNinch's instigation in October, 1937, the Maine Republican reminded, the excuses were (1) the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven and (2) the impracticability of the Chairman keeping himself currently informed and attending the meetings has resulted in two members of the Commission carrying an unnecessary load of responsibility and exercising an undesirably large portion of the powers and functions of the Commission.

Congress fought the question off before, White pointed out. In 1934 when the present law was being framed, the Senate felt that two members were required, but the House, under the prodding of Representative Sam Rayburn, now the Democratic chieftain, held out for seven. Lawmakers showed clearly he interpreted, they did not believe a smaller group could carry the load.

WHN, N. Y., reading a 'True Star Final' program to be called 'Last Edition.' Bert Lebar now at WHN from WMCA.

Packaged Personalities

NBC artists service is also pegged up at the moment (see 'NBC Blue Plate Special') with a new romance. It is going in for package shows under a separate sales unit, of which Billy Hillpot is the master orator.

The service is building a list of personalities to be sold in packages. Now available are Hedda Hopp, Edward Evers Horton, Nancy Carroll, George Kaufman-Moss Hart, Victor Moore-Hill Burton, Oscar Brown, Joe Johnson and Lenore Ulric.

WLW APPEALS TO COURT ON 500-KW. ISSUE

Washington, Feb. 21. WLW, Cincinnati, today (Tuesday) moved legally to protect its right to continue to operate on a basis of 500,000 watts. It filed with the local U. S. circuit court of appeal a notice of appeal from the decision and order of the Federal Communications Commission that the station reduce its power to 50,000 watts as of March 1.

History of WLW's operations since 1922 and its operations as a 500,000-watt station since April, 1934, is reviewed in the court petition. Also the station's research, programming and listener servicing background and various FCC steps that led up to the FCC order. WLW wants the commission's decision reviewed, holding that the FCC should have made findings of fact and conclusions of law on points which the latter itself had suggested as the issues which WLW would be required to meet to justify a continuance of the 500,000-watt license.

BURNS AND ALLEN REPORTED GOING OFF

It is reported that Burns and Allen are slated to go off to the Chesterfield show (CBS) in the near future and that the team's spot will be taken over by Paul Whiteman. This would give the bandman two half hours a week under the cig's banner.

Donald Langran, radio director for the Newell-Kennett agency, is in charge of discussing the matter with George Burns. New York office of agency denies any wash-up with team.

For Engineers Only

Washington, Feb. 21. Regular government reports on 'radio weather'-enabling engineers to pick carefully the frequency best suited for any communication chore—have been instituted by the National Bureau of Standards as a branch of research into the factors which control behavior of electrical waves in the atmosphere.

Expected to be more reliable than observations of meteorological conditions, the service includes weekly and monthly data on conditions existing in the 'ionosphere,' the huge 'electrical ocean' which surrounds the earth, according to Dr. J. H. Delinger, chief of the Bureau's radio section. Result of prolonged studies of ultra-violet rays and the layers of positive and negative electricity.

A. L. Alexander on WHN

A. L. Alexander, originator of old Good Will hour, returns to the air Friday (24). He'll direct a full hour program built somewhat along the same lines tagged 'Arbitration Board.' Show will air weekly 9 to 10 p.m.

George Fodeyn, former with World Broadcasting System, has joined the Empire Broadcasting Corp. as v.p. in charge of sales and promotion.

Fodeyn, who has also been with NBC and B. B. D. & O., will concentrate on the development of Montreal, a new method for transcribing programs.

'Dictatorship' Rallying Cry Vs. McNinch Reorg; Broadcasters' Committee Calls on Wheeler

Lively battle over new Federal regulatory machinery is shaping up. Alternative plan with 12 members Congress as opposition to the McNinch 'dictatorship' bill spreads throughout the industry and in political circles.

For the first time in history the broadcasters have their backs up and seem disposed to come out into the open in an endeavor to thwart stiffer government regulation. While the NAB continues to dance on a hot griddle, movement has started within the ranks to try and head off legislation through which a single individual would be able to crack the whip over station and network managements and broadcasting might be subjected to unprecedented degree of political regimentation by whoever sits in the White House.

Wheeler Sympathetic
The drive to dissuade Congress from following the lead of Chairman Frank R. McNinch speeded up last week when a delegation of NAB leaders—despite the disposition of Neville Miller, trade body president, to 'take it easy, boys'—laid more quavering, some of the most detailed ever voiced, before Senator Burton

Wheeler, who sponsored the McNinch bill and is chairman of the committee which will handle any legislation on the subject. Not necessarily committed to having them men, though still of the opinion a small body is best.

Members of the contingent reported Wheeler as quite sympathetic and glad to hear the other side of the argument. Although the Montana solon has a confirmed dislike for bigness and eyes networks with undisguised suspicion, he was sufficiently impressed with the objections to the streamlining to ask for written memos giving the industry's theory about the past troubles and possible cures.

Another scheme, providing for badly-needed separation between the regulation of broadcasting and other forms of communications, is being

readied for presentation, although Wheeler may make such a move himself. Senator Wallace E. White, Jr., of Maine, who damned the McNinch formula last week, has framed what he believes a more workable method of protecting the public interest without endangering private enterprise and leaving loopholes for political dictatorship. His bill is said to be lengthy and very definite, embodying an entirely novel system.

Ironized Yeast Continues ON CKAK Alone; CBC Refused Use of Lines

Montreal, Feb. 21. Radio Marathon, French-language quiz for Ironized Yeast, going over station CKAK but plans for airing over a network of private stations have been dropped due to refusal of the CBC to furnish lines.

Platters are being made for the CKAK live show for use on station CHAC, Quebec, and possibly other selected stations.

3 GENTLEMEN FROM INDIANA

WGBF WBOV WEOA
EVANSVILLE TRENTON EVANSVILLE

Reverts This Court

Radio Station Representative

But what NBC station in Des Moines will do the best merchandising job? "KSO of course!"



That's the logical wind-up of many a conversation on the Des Moines situation.

KSO is the NBC station in Des Moines that does the best merchandising job.

Your program on KSO is given the full force of the backing of Iowa's greatest newspapers—The Des Moines Register and Tribune, with which the station is associated. And a trade recognition based on consistent and effective dealer contact.

Billboards and outside car cards publicize your program.

Combine this soundly-executed merchandising plan with the new KSO 5000-1000 watts power and your result is most economical sales to over 1,000,000 people in Iowa's largest single marketing area.

When you're planning on Iowa—it's KSO, of course.

DES MOINES - NBC Blue - MRS - 1400 K.C.
1000 WATTS L.S. • 1000 WATTS NIGHT
Represented by THE KATZ AGENCY

KSO

PROGRAMMED for maximum AUDIENCE in a single MARKET of maximum RATE

WJR THE DETROIT STATION
WGAR THE GREAT LAKES STATION
THE GREAT STATIONS OF THE GREAT LAKES
Blue Station and B. B. D. & O. Broadcasting System

NEW UNITED STATES RUBBER COMPANY RADIO PROGRAM
STARTS WEDNESDAY, FEBRUARY 22nd

RAYMOND PAIGE

PRESENTS

"99 MEN AND A GIRL"

C.B.S.—COAST-TO-COAST
EVERY WEDNESDAY NIGHT—10 O'CLOCK E.S.T.



STARRING

HILDEGARDE

Hildegard opens March 3rd for a two months' engagement at the SAVOY PLAZA, New York. Re-engaged starting July 27th for an indefinite stay



RAYMOND PAIGE

Management C.B.S. Artists Bureau



HILDEGARDE

*Personal Manager, Anna Sosenko
Exclusive Representative, Jack Bertell*

SUBURBAN RATHER THAN TRULY RURAL COUNTIES SURVEYED, NBC NOW CONVINCED

Joint CBS-NBC Effort on Farm Audience Post-Mortem to Disclose 59 Counties of 96 Within 50-Mile Radius of Columbia Transmitters

NBC has no intention for the present of publishing an analysis of its own based on the rural survey which it co-financed with Columbia. NBC prefers to stand pat with the story that it has been telling advertisers and agencies for the past two years on how data collected by the Federal Communications Commission showed that ruralites listen dominantly to clear channel stations, of

which NBC has the greater number. CBS has followed up the jointly financed probe with a study of its own showing that 87% of its listeners' farm families are regular tuner-inners to CBS evening programs. NBC claims 99.8% of its WJW, Cincinnati, included as part of the red link.

Now that the joint survey, which was supervised by the Joint Committee on Radio Research, is out of the way NBC realizes that it has helped CBS strengthen its rural case by not being more discriminate in the choice of counties selected for the inquiry on listener habits and purchase tendencies. NBC now feels that it should have insisted that the counties picked be all, or nearly all, located in remote areas, or spots considerably removed from cities where the three major networks are represented. Of the 96 counties involved in the joint survey, NBC now argues, 59 happen to be within the 50-mile radius of a CBS station and not dependent on 50,000-watt transmitters for good local reception, with the result that Columbia's side of the rural picture has been decidedly favored.

NBC's sales phalanx has been making it a habit to stress this rural dependence on the big waters, contending that over a third of the rural sets are in rural areas and that about half of these sets are not getting service from the three major networks. NBC is still of the opinion that the most effective way that this story can be told is the person to person method, lecturing by chart to advertisers and agencies, and that it would be too complicated to put in a book.

The aforesaid 96 counties were the subject of a summary report by the Technical Committee of the Joint Committee on Radio Research, consisting of George Gallup, D. H. Weld, Paul Peter, Al Lehmann, Paul Smelser, H. M. Beville and John Karst. Data was collected in November, 1937, via 14,000 calls on rural homes. CBS used the same counties, the same homes and the same Cooper-Holmes field investigators to re-survey on its own behalf and ask supplemental questions. CBS queried 11,000 homes in all. NBC, however, did not know about this separate CBS activity.

Long delay in okaying the joint report, which came out only a fortnight ago, enabled CBS to fire away within a couple of days of the Joint Committee. CBS had been holding

its own data since May, 1938, waiting for the joint committee to stop wandering.

Five research factors were considered in picking the original 96 counties, and the suggestion that they favored CBS is only now heard.

Mormons Ask Okay to Buy WCFL's DXer

Washington, Feb. 21.

Though turned down last fall, the Mormon Church still hopes to get a short-wave outlet, to shoot 'American culture' into Latin American ears. Latter Day Saints want to buy WXXA, the echo for WCFL, Chicago, and to equip the plant with directional antennas which would beam programs to specific nations. Also desire to boost power from 500 watts to 10 kw.

Last September the commission noted that the Mormons already air Columbia programs and saw no reason for duplicating the service in the short-wave band.

St. Louis Merchants Sponsor Gala Program Originating in N. Y. C.

St. Louis, Feb. 21. Associated Retailers of St. Louis, an organization that ordinarily stays away from the use of radio as an advertising medium, is blowing \$50,000 on an air program, originating in CBS studios in New York, as ballyhoo for Downtown Day, the biggest department store sales day of the year. Downtown Day falls on Saturday (25) and the 30-min. program will feature natives who have made good in various lines. New York, will be heard Friday (24). In former years the department stores used whole sections of ads in the local rag and supplemented these with tabloid papers distributed to the home.

Joseph S. Batt, pres. of the Joseph S. Batt Co., advertising counsel for the retailers, worked out the radio program and has grabbed for spots on it such famed home-lowners as Fannie Hurst, novelist; Ruby Mercer, many opera songbird; Vincent Price of stage and screen; Ted Strasser of Kate Smith's program; Kay Thompson of the Ethel program; Harry Babitt of Kay Kyser's Lucky Strike program; Gus Harnschoen, Woody Klose, former ast. gen. mgr. at WTMJ, East St. Louis, will be the show which also will include short addresses by Mayor LaGuardia of New York and Mayor LaGuardia of St. Louis.

Program will be sent direct to KMOX and then piped to KSD, KGOX and WTMJ. Attention seekers ads will appear in local rags the morning of the broadcast. Batt believes the idea will be grabbed by other metropolitan cities a big builder for retail stores.

Discontinue Duat Invites

Cincinnati, Feb. 21. Spot announcements inviting the public to attend WLW's 'Avalon Time' and 'Big Ben's Dog House' programs have been discontinued, with turnaways now the rule. Shows originate in the station's largest studio, seating 400.

Programs are sponsored by the Brown & Williamson Tobacco Co. which also sponsors the 'Plantation Party' series over WLW and 65 NBC stations on Fridays.

GILVEY COMING OVER

R. S. Gilvey, audience research man from the British Broadcasting Co., arrives in New York next week for his first trip. He'll study up on American radio research.

Don't Call It Showmanship

(After years of embellishing showmanship, publishing a department regularly and making showmanship surveys annually, it is the considered opinion of Variety that there is need at the present time to sift the screwball, the potshots and the doctored stuff from the activities which have logical claim to the word showmanship, a word which ought to have a complimentary connotation and one that should not be used to alibi absurdities or worse. Variety will from time to time throw the spotlight of criticism upon this dubious brand of enterpriser.)

London Calling

London, Feb. 12.

J. Walter Thompson has convinced Billy Bisset for Rinsu Radio revue, Radio Luxembourg, for 12 weeks, with option of 26 more, replacing Jack Hylton. Starts March 12.

Spiller's, Ltd., is a new client for Radio Normandy, advertising 'The Long Range Weather Forecasts', has been taken over by Curious Contraries, placed with IBC by Dorland Advertising Agency.

Elise Carlisle just back in circulation after collapsing at the mile before Christmas.

Radio Normandy's sustainer, 'Long Range Weather Forecasts', has been taken over by Curious Contraries, placed with IBC by Dorland Advertising Agency.

William N. Robson, of Columbia Workshop, called off his visit as guest of BBC, but a trip later in the year is planned.

Van den Berghs & Jorgens, Ltd., are now broadcasting another of their products on Radio Normandy—'Cooking Cooking'.

Coleman & Co., Ltd., Vitacup manufacturers, who have been using Radio Normandy since 1933, have added this product to the others previously offered. Booking placed by Erwoods, Ltd.

Radio Normandy's astrologer, Murray List, sustaining since last July, bankrolled by Anne French Cleaning Cream through C. Mitchell & Co., Ltd.

By means of listener research and other quick methods BBC now sets its maximum audience at 23,000,000 persons. House-to-house probes among a typical section of the population, postal inquiries and other checks have given the clue, and by same means corp. has calculated an average cross-section of listener habits.

Number of new acts scheduled for presentation on John Sharmar's 'Music Hall' bills by BBC during first quarter of the year include Ted Ray, Len Young, Hal Jones and Jock McKay, Lilian Burgess; Terence de Marney and Big Bill Campbell make debut in variety.

C. Mitchell & Co. have renewed the 'Inspector Brooks' script show with Radio Normandy on behalf of Milk of Magnesia.

Adolph Zuker broadcast from BBC radio transmitter his first quarter-century in pictures, and next day did a turn from Radio Athlone in Ireland, in a cross-talk act with Reg Reddin, Paris U. K. publicity head.

J. Walter Thompson booked Billy Bisset and orchestra for new edition of the Rinsu Radio Revue. Bebe Daniels, Ben Lyon, Tommy Handley.

The Delicate Touch

Spokane.

KFPY was the target of considerable unfavorable word-of-mouth comment locally when it dispatched its mobile unit along with sheriff's deputies who went out to pull the body of a wife of a prominent citizen from the river.

Announcer not only described the corpse but interviewed the 12-year-old lad who first located it. Child was asked how he felt, what his emotional reactions were and so on.

and Sam Brown have been retained and Alice Mann and Eve Becke added. The first broadcast of the new series begins March 12 from Luxembourg and Normandy.

THE DARK ANGEL OF THE VIOLIN

EDDIE SOUTH

AND HIS ORCHESTRA

PAIM GARDEN MILWAUKEE HELD OVER UNTIL APR. 1

Management

JOE GLASER, Inc.

880 Bldg., Radio City, New York

To Cover Great Britain You MUST Use

RADIO NORMANDY

Full Particulars of Air Time and Talent from

International Broadcasting Company, London, W.1

Exclusive European Agents:

CANADIAN BROADCASTING CORP.

NBC

Tues.

Thurs.

Sat.

JOSEPH RINES

and His Orchestra

HARRY RICHMAN'S

WILLIAM MORRIS AGENCY

Everything New

BUT THE RHAPSODY IN BLUE

Chicago Favorites

PAUL WHITEMAN

and his ALL-AMERICAN BAND

Played MAYOR KELLY'S CIVIC BALL, CHICAGO

TUESDAY, FEB. 21st

TONIGHT Broadcasting for CHESTERFIELD

from Auditorium Theatre, Chicago 7:30 to 9:30 P.M. E.S.T.

Booked Exclusively by:

Artists Management, Inc. 17 East 68th Street NEW YORK, N. Y. Telephone MUrray 9-2-1888

WBAL

means business in Baltimore

It's a Circle But Not So Vicious!

It's a circle all right! We sell Cincinnati WSAI—so we can sell you WSAI—so you can sell Cincinnati. And it works out very nicely for all three concerned.

This year we're really going into this local promotion business. We're telling 400,000 people through double size car-cards every day, 50,000 people through movie trailers, and 42,000 people through posters. That's a total of almost 500,000 Cincinnatians told daily about commercial and sustaining programs on WSAI!

So why not find out how easy it is to get into this happy circle?

Reach all who buy

WITH **WSAI**

Cincinnati's Own Station

Spot announcements inviting the public to attend WLW's 'Avalon Time' and 'Big Ben's Dog House' programs have been discontinued, with turnaways now the rule. Shows originate in the station's largest studio, seating 400.

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HEAR YE! HEAR YE!

COURT ORDER

Her Honor, Nancy James

By HERBERT LITTLE, Jr. and DAVID VICTOR

WABC-CBS

12:15-12:30 P.M. E.S.T. Monday Through Friday

HEAR YE! HEAR YE!

COURT ORDER

Her Honor, Nancy James

By HERBERT LITTLE, Jr. and DAVID VICTOR

WABC-CBS

12:15-12:30 P.M. E.S.T. Monday Through Friday

McCOCKER ANSWERS ABC, CBS

'PARASITE' BARB STUNG MUTUAL

Big Networks Hamper Mutual Growth—Says 30 Markets Are Unfairly Closed—Affiliates Also Fear Reprisals

RAPS SET UP

Washington, Feb. 21.

Strict federal control over station web links was proposed last week at the FCC chain-monopoly hearings as Mutual finished presenting testimony. Conventions were flouted anew when Alfred J. McCosker, MBS board chairman, echoed complaints about the "exclusivity" feature in contracts between rival webs and their affiliated stations. The Mutual head man got back at exact of the other chains—who either intimidated or directly charged that Mutual is parasitic—by telling the Commish, with obvious reluctance, that he believes the federal government ought to take steps. Time limit on web-affiliate pacts might do the trick, in McCosker's estimation.

FCC probes heard that Mutual has gone about as far as it can in providing competition for NBC and CBS unless the government lifts the newcomer over the barrier. Listing many handicaps, McCosker testified that the exclusive agreements are an "insuperable obstacle" that keeps the neophyte out of many important markets. Mutual is "stymied," as things stand, unless the Commish takes steps.

Can't Break In

Either a new affiliation arrangement or a different method of leasing is the only way by which Mutual or another web can reach the public and offer competition, McCosker intimated. No matter how high grade the MBS programs may be, the infant web cannot break in while outlets are tied up by the elder chains. Program content doesn't matter in this situation.

In wailing about the difficulties, McCosker pointed out that the rival webs don't always use the time they can command on affiliated stations. Often outlets are tied up, but the time is not consumed by the webs. It still cannot be opened up to Mutual. If it were not for the exclusive feature, these stations would be able to take MBS numbers during hours when they weren't carrying commercial programs from the rival

nets—if Mutual had a good enough thing to offer.

"It is perfectly obvious, if competition in radio is desired, very serious consideration should be given to the prohibitive (exclusive) contracts," the Mutual steerer said.

Reluctant to suggest a cure for the ailment he mentioned, McCosker noted that there is an "unfair" situation in some 30 major cities. Even if they are not hogged by exclusive provisions, the affiliates of other webs hesitate to take MB programs for fear they will become outcasts.

When sponsors are shopping around, they want assurance the program will not be interrupted in the middle. Clients cannot be roped in unless the webs are able to promise the desired outlets. Web stations require more freedom, nevertheless, according to McCosker. They must be able to turn down web features—either commercial or sustaining—in order to put on local programs that will build good-will among dialers. That's one of Mutual's strong points. McCosker iterated that his chain allows members to break in with

home-town entertainment. Such a policy lures listeners.

While McCosker was expounding theories, S. King Funkhouser, the Commish attorney in charge of cross-questioning, wondered why webs cannot swap programs and was told such a move would be impracticable. It might be done on a limited basis—and in effect is done when any ultra-important event happens—but not until the exclusive pacts are outlawed, McCosker declaimed. Sometimes swapping would be "in the public interest."

Promulgation of program standards was brought up by Funkhouser for the first time during the proceeding. Commish legalite asked McCosker why yardstick cannot be set up and was told that every program is an experiment. The only workable standard, McCosker said, is "good taste." This cannot be put on paper.

Engineer on Stand

Service duplication—laughed at by experts summoned by the other webs—also drew a snort from George C. Davis, consulting engineer for M.B.S.

His charts showed there is little waste.

Prior testimony about business policies was corroborated by W. E. McFarlane, the chain prez, who also is boss of WGN. Mutual will always continue, he promised, to be a co-operative affair. Incorporated simply because of legal risks, not with any thought of spreading profits.

The Chicago Tribune, owner of WGN, poured out \$1,287,000 getting into the broadcasting business, including the outlay for WGN's new building, he disclosed. Last year the losses hit \$12,000. Advantages from belonging to Mutual, however, for the Trib loudspeaker as well as for others. While the cash receipts may vary, WGN's return is not proportionally faster than the income of other M.B.S. echoes, because the Trib plant charges higher rates. Reasons why any station should join Mutual are (1) revenue and (2) programs, he noted. Cash might be received faster in other ways, but not with such satisfactory working conditions.

NEW FORMS TO FILL OUT

Washington, Feb. 21.


Latest statistical headache requires all station owners to give complete reports on their 1938 financial operations to the FCC by March 15. Lengthy new forms replace the six-month statements formerly required with each license renewal application.

Considerable volume of new information is required, particularly relating to the valuation of the enterprise. Stations cannot kill two birds with one stone and combine their income tax calculations with the job of satisfying FCC curiosity, however, for different types of data are sought by the two government agencies.

**18,000,000 times
in Southern
newspapers—**

TONIGHT!

Hear the best shows
clearly over



NEW ORLEANS

now 50,000 watts

7:00 pm Gang Busters
7:30 pm Paul Whiteman
8:00 pm John Barrymore

tune **850**
the middle of your dial

CBS AFFILIATE

**we're telling people
to listen to your program!**

**Sales Grow
in
Salt Lake
City**

PARTICULARLY FOR
ADVERTISERS USING

**The
POPULAR
STATION**

KOYL

SALT LAKE CITY
the Radio News
Representative:
John Blair & Co.

In 37 newspapers — over 5 states — we are advertising every day — rapidly building ever-larger audiences for your WWL New Orleans programs. Now that WWL is on 50,000 watts, it is the dominant station in a most prosperous territory of over 10,000,000 people. And we're growing every day.

VINCENT F. CALLAHAN
General Manager

WWL New Orleans gives you 50,000 watts

- Plus** Established preference through leadership in covering local events.
- Plus** Dominance in the prospering Deep South.
- Plus** The economy of using one station with five times the power of any station within 400 miles.

**WWL
NEW ORLEANS**

Tell-Sell-over WWL New Orleans - CBS AFFILIATE - REPRESENTED NATIONALLY BY KATZ AGENCY, INC.

'Gone with Wind' Suit Will Test

MPPA Registration Bureau Pact

Conspiracy and breach of contract suit by Fred Rose, Edward G. Nelson and Hyman H. Zarek against Irving Berlin, Inc., Saul H. Bornstein, general manager, and Harry Link, former professional manager, now with Feist, is coming up for trial in N. Y. supreme court next month. Suit was filed in 1937 and asked for an accounting, damages and injunction to prevent the music publishers from marketing a song with the title 'Gone with the Wind,' entirely different from that submitted by plaintiffs.

Plaintiffs claim they wrote their song under that title and submitted it to Berlin on Aug. 21, 1936. Song was accepted by Link for the publishers, and contract signed on Aug. 25.

Complaint alleges the Berlin firm registered the title with the Music Publishers Protective Association before actually signing contract with plaintiffs; also registering a dummy lead sheet in Washington with copyright bureau on Aug. 21 and subsequently registered a number of other songs under the same title with the MPPA.

Thereafter, it is claimed, defendants failed to publish plaintiff's composition within the one-year period of the contract, and instead, on April 23, 1937, published a song with that title, written by Allee Wrubel and Herb Magidson.

Simon Goldman, counsel for plaintiffs, alleges intentions of Berlin, Inc., were to bad faith by tying plaintiff song writers to a contract merely for the purpose of preventing them from using the song or having it published elsewhere.

In examination before trial Bornstein stated the defendants had been approached by Dan O'Shea of Selznick-International Pictures, Inc., on Sept. 15, 1936, on the proposition that the Berlin firm publish a 'Gone with the Wind' song and were given exclusive rights by Selznick use of the title for song exploitation.

Anxious to intensify publicity submitted to O'Shea by counsel for Berlin, is a telegram (dated Sept. 15, 1936) to O'Shea to the publishers which stated:

Have just heard title 'Gone with the Wind' has been registered re-

cently without our consent with M.P.P.A. . . we will take all steps necessary to protect our rights against any publisher who publishes this title without our consent. I had intended to write to you offering to make an arrangement with you to register the title and dummy lead sheets for lyrics in return for your agreement that we should have approval of lyrics and melody as well as the date of release of a song so that there would be some connection between date of release of song and release of the picture. If you are agreeable arrangement, suggest you offer title for registration, the dummy lead sheet for lyrics to ascertain if the title is registered, then enter vigorous protest on the ground that you have arrangement with us using this telegram as evidence of our consent if necessary.

Defendants have entered a general denial of conspiracy charges; contend that plaintiffs had no right to the title in that it belonged to Margaret Mitchell; that an oral stipulation not in the contract provided that the plaintiffs' song was not to be published unless Selznick's consent could be obtained, and that they were unable to obtain such consent in connection with the plaintiff's song.

Counsel for plaintiffs asserts present litigation is a test of whether, under the standard uniform popular song writers' contract, a publisher can bury or postpone publishing a song for a term of one year; pay the composers nothing in the way of advance royalties on the assumption that the contract amounts to publishing more than an option to publish, and later put out other songs with the same or similar titles as that covered by the contract.

New Dawn Music Corp. has been chartered to conduct a business in musical scores, instrumental, etc., in Manhattan. Capital stock is \$30,000, \$10 par value. Directors: Frank Gray, Marian Olick, Sidney Kramer.

Fred Stryker sold his ditty, 'She's a Grand Old Grandmother,' to Jed Buell for his picture, 'Dancing Grandmothers.'

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 (WCBC) computed for the week from Monday through Sunday (Feb. 13-19). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, * left tunes, and * pop speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
1 I Promise You	ABC	Pop	42
2 Deep Purple	Walt Disney	Pop	40
3 Penny Serenade	Robbins	Pop	40
4 Let's Call It Love	Shapiro	Pop	37
5 Could Be	Chappell	Pop	37
6 Headin' for the West	Santley	Pop	32
7 Blame It On My Last Affair	Parsons	Pop	29
8 Get Along Without You Very Well	Mills	Pop	29
9 I Cried for You	Famous	Pop	23
10 I'm Glad	Robbins	Pop	23
11 I'll Be Home	Miller	Pop	23
12 I'll Be Home	Miller	Pop	23
13 I'll Be Home	Harms	Pop	25
14 We'll Never Grow Old	Witmark	Pop	25
15 I Long to Belong to You	Good	Pop	25
16 Macquarie Is Over	Red Star	Pop	24
17 This Night	Bregman	Pop	24
18 Annabelle	Feist	Pop	24
19 I'm Glad	Robbins	Pop	23
20 Hurry Home	Spier	Pop	21
21 Get Out of Town	Chappell	Pop	21
22 Gotta Get Some Shuteye	Berlin	Pop	21
23 Begin the Beguine	Harms	Pop	21
24 We've Come a Long Way Together	Santley	Pop	21
25 My Heart Belongs to Daddy	Chappell	Pop	21
26 I Go for That	Famous	Pop	21
27 Never Let It Be Said	Miller	Pop	21
28 We Speak of You Often	Olman	Pop	21
29 I'm Glad	Robbins	Pop	21
30 Rainbow Valley	Morris	Pop	21
31 Let's Stop the World Tonight	Berlin	Pop	21
32 Room with a View	Bregman	Pop	21
33 This Is It	Chappell	Pop	21
34 Let's Stop the World Tonight	Chappell	Pop	21
35 Chop Sticks	Shapiro	Pop	21
36 I'm Glad	Robbins	Pop	21
37 Hold Tight	Edwards	Pop	21
38 You Must Have Been a Beautiful Baby	Remick	Pop	21
39 I Cook a Million Years	Miller	Pop	21
40 They Say	Witmark	Pop	21
41 I'm Glad	Robbins	Pop	21
42 Honolulu	Chappell	Pop	21
43 Cuckoo in the Clock	Berlin	Pop	21
44 I Won't Believe It If I Hear from You, Ager	Pop	21	21

On the Upbeat

Chuck Fester's ork moved into Tony's in Southgate, Calif., replacing Jimmy Grier.

Larry Jason, saxer-clarinettist, rehearsing a new 10-piece band.

Blue Barron returned to the Hotel Edison, N. Y., delayed until April 5. Stretches theatre dates. Gray Gorman remains until Barron comes back.

Charles Barnard, now at Famous Door, N. Y., records for Victor Friday (24).

CRA inked contract with El Paso, Texas, Ry. Chamber of Commerce to bring top crews for hoots during 1939.

Jimmy Barney orchestra took on Helen O'Connor as femme vocalist Sunday (19) at Hotel New Yorker, N. Y.

Gray Gordon plugged his 'Tie-Tie Rhythm' last week by sending all buyers of band time a real cuckoo clock, with a card reading: 'I'm all set for Gray Gordon time. Just wind me up.'

Henry Busse back into the Hotel New Yorker, N. Y., March 8.

Chick Webb orchestra has had its original four-week date at the Park Central Hotel, N. Y. extended two weeks.

Leonard Campbell was elected president of Rochester Musicians Protective Association for 12th year. Other officers named at annual meeting are Norman J. Carey, vice; Harry Waterhouse, secretary; Harry Barsz, treasurer, and Fred J. Menzer delegate to national convention.

Bill Roberts moved from the Marcus Daly in Beverly Hills to the Francis Drake in Frisco. Joey Lee opened at Daly's.

Jackson Tagandren orchestra went through its newly learned pieces last week for Paramount at the latter's studios in Astoria, L. I. Crew

Louis Wasmer Gets No Support

In About-Face on State ASCAP Law

Seattle, Feb. 21. Louis Wasmer, station operator, has failed to carry along all the broadcasters of Washington State in his campaign to have the local statute against the American Society of Composers, Authors and Publishers repealed. At a special session of the state's association of broadcasters the delegates last week voted not only to reject Wasmer's plea but to seek reinforcing amendments to the present law. The count on the action was 19 to 2.

Meeting also voted in favor of bringing pressure to bear in Washington, D. C., toward changing the Federal copyright law. Collection of 1,000 was made to finance legal preparation of the proposed amendments to the state's anti-ASCAP as

well as amendments to the local libel laws. Harry Spence, of KIRO, Aberdeen, and Earl Raymond, KMO, KTV, Tacoma, were named as a committee for this assignment.

Wasmer had the week before circulating the association members with a letter setting forth his reasons for favoring the wiping out of the anti-ASCAP act from the state's law books. He wrote that enforcement of the law will lead to a huge increase in the cost of performing rights to broadcasters and that he had become convinced that the best solution of this problem was a change in the Federal copyright law.

A 'Natural' If There Ever Was One

'Heavy, Heavy Hangs Over My Heart'

AND

A Really 'Different' Novelty 'Bennie, the Bumblebee, Feels Dum'

On Victor Record 25915

VANGUARD SONGS

6411 Hollywood Blvd. HOLLYWOOD, CALIF.

1776 Broadway NEW YORK, N. Y.

OLD SONG SUGGESTIONS

JIMMY MCHUGH'S 'I CAN'T GIVE YOU ANYTHING BUT LOVE'

MILES MUSIC, INC.

BERLIN-BULLETIN

IRVING BERLIN'S NEW SONG WE'LL NEVER KNOW

ARRANGED FOR WALTZ-ALSO FOX-TROT

TWO SHARPS MEET BY WALTER DONALDSON AND JOHNNY MERCER (GOTTA GET SOME)

'SHUT-EYE'

'CUCKOO IN THE CLOCK'

THE NEXT NO. 1 SONG HIT IT'S NEVER TOO LATE

By CARMEN LOMBARDO AND JOHNNY LOEB

JOE SANTLY, Prof. Mgr.

IRVING BERLIN Inc. 799 SEVENTH AVE. N. Y.

A Tisket A Tasket—My Reverie—Deep Purple—And Now!

THE MOON IS A SILVER DOOR

Lyrics by M. C. HELL PAR 34

Music by SAMMY FAIN

ROBERTSON MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

THE MUSIC BUSINESS

15 Best Sheet Music Sellers

(Week ending Feb. 18, 1939)

Umbrella Man	Harms
Deep Purple	Robbins
Have Rye, Will Cry	Paramount
You're a Sweet Little Headache	Paramount
Deep Is a Dream	Harms
Peppers Creepers	Witmark
Penny Serenade	Shapiro
Could Be	Santley
The Star Line	Witmark
Funny Old Hills	Paramount
You're the Only Star	Shapiro
God Bless America	Belin
Dr. D. R. Jones	Chappell
Try a Kid Named Joe	Shapiro
* Cried for You	Miller

* Indicates musical song. † Indicates stage production song. The others are pops.

DECCA, VICTOR HARVED BY AFM

Violation on Negro Recordings, Notably in Chicago, Were Alleged—Union License Was Jeopardized by Race Record Practices

STRAIGHTENED OUT

Decca Record Co. and RCA Victor have straightened out their difficulties with the American Federation of Musicians over the use of non-union musicians in the making of race records by the payment of the required standby fees. Both companies were threatened with the loss of their AFM licenses.

The phonograph record companies had made a practice of bringing their colored combinations into Chicago and New York for recording without bothering if these groups held union cards and also ignoring the provisions with the local union. The original complaint on this violation came from the Chicago office of the AFM.

Indications are that, because of the AFM's action, the phonograph outfits will go back to recording the race element in their native habitats, which course, it is understood, exemplify them in the union membership of stand-by angles.

Chis Bix in Chi

Complaints against the phonograph companies in Chicago, particularly stemmed in part from petty chiseling by intermediaries who did the negotiating for race records. Dealing often with illiterate negroes from Dixie the payoff system was not only said to be on a scale of union standpoint but the count was double that arithmetic of the theatrical hole scene. Negro local in Chicago went to James C. Pettillo and the combined force thereby generated gave the home office of the phonograph companies a bad fortnight.

An ex-employee of one of the Chicago intermediaries is believed to have brought the whole question of talent on race records to the fore. Matter has been the subject of much inside talk within phonograph circles.

Annual benefit of the Professional Music Men goes on at the Alvin Theatre, N. Y., May 1.

Inside Stuff—Music

Other reveals that have moved in on the current best seller list are "Deep Purple" (Robbins), the Larry Clinton arrangement of Peter DeRose's work which was originally copyrighted in 1934, and "Little Sir Echo" (Bregman) which bowed in with new releases in 1937. "Encouraged by the sales of "Sir Echo" by Decca, Joe Morris Music Co. is putting out a new edition of the tune. It was made its third revival, the other two having died in 1919 and 1924. Song was originally published in 1914 but failed for five years to make much of a impression.

George Simon of Lincoln Music Co. is commuting between New York and Chicago in connection with the recent acquisition by him and his partners of the Melrose Music Co. and a batch of orchestral scores, is rated at 20 available points in the American Society of Composers, Authors and Publishers and was interested in acquiring the Melrose catalog the price asked was \$60,000.

Through arrangements made almost a year ago, Robbins Music started handling tunes in the Villa Moret, Inc., of San Francisco, catalog March 1. Pub has exclusive rights to Villa Moret's "Moonlight and Roses," "Chloe."

Robbins recently put Teddy Wilson, swing pianist, under a one-year contract to turn out original tunes and keywork transcriptions.

Ever since Nick Kenny has been plugging his songs through his radio column in the N. Y. Mirror, others in the Hearst organization are tinpan alley-minded. Jack Kerner, who is director of theatrical and café advertising on the N. Y. Journal-American, has a catchphrase, "Tell Me and I'll Tell a Million." This has become the title of a pop song he's co-authored for Joe Davis.

Listing of "Rainbow Valley" (Morris) among the most played was inadvertently omitted last week. The tune received 15 plugs.

Publishers Must Not Make Radio Arrangements at Less Than Scale, N. Y. Musicians Union Warns

'Jitterbug Jamboree' Book Published by E. B. Marks

Jean Herbert and Otis Spencer have authored and compiled a "Jitterbug Jamboree" song book for E. B. Marks publication. Includes several original tunes, plus Edgard Sampson's piano arrangements of some old Marks copyrights.

Folio also has a photographic album of the top five artists.

New York musicians union last week advised the publishing industry that it's violating the agreement on arrangers and copyists by making extractions and copies of commercial radio arrangements for band leaders and singers at prices which are not supposed to apply to that class of work. Letter asking that this practice be dropped was received by Walter G. Douglas, chairman of the Music Publishers Protective Association. It was signed by Arthur H. Gutman, head of the union's committee on arrangers, copyists and producers.

Gutman pointed out that the price list prevailing for the publishing business is less than the union's scale for commercial radio work. He said that during the discussions on the original agreement, the union's publishers promised that they would not do any arranging or copying for arrangers or singers on commercial programs.

"If such condition," stated the letter, "were to take hold, it would mean practically the entire breakdown of our radio arrangement and deprive the union of a large portion of its revenue so desired. This is a very serious matter to us, and we must insist that these practices be stopped immediately. We have no objection to any publisher doing what he can to get the plugs which are necessary to the upkeep of his catalog, but we cannot allow this to be done on the expense of our people. Contrary to the agreement which exists between us."

N. D. ASCAP Rap Toughest Yet; Privilege Tax

Bismarck, N. D., Feb. 21. Anti-ASCAP bill similar to the one now in force in Washington State has been introduced in the North Dakota house of representatives. The measure bars two or more copyright owners from joining to license performing rights, provides for the filing of a statement with the state a copy of all licenses be submitted to the secretary of state.

In addition to these provisions there's a section which gives the state treasurer authority to deduct a tax of 5% on all performing rights money collected in North Dakota. Bill rates as the most stringent anti-ASCAP law in the country. The law is not in effect until the state does business in the state) on a copyright owner's proceeds.

Martin Renewed in L. A. Spot for Orch Record

Los Angeles, Feb. 21. Freddy Martin's engagement at the Coconut Grove has been extended to May 17, setting a new record for the longest tenure at that spot, a total of 22 weeks.

Benny Goodman moves in May 18. Ray and Yolanda open Feb. 28.

Ray Henderson to Pub.

Ray Henderson, former member of DeSylva, Brown and Henderson, returns as music publisher, partnered with Philip Scherbar, publisher of Webster. Firm will headquarters in New York. Henry Liedman set for 6th. Joe Stool director of Chicago offices.

Waring Wins Test Case on B'cast Of His Records; Sued in No. Carolina

Important decision of a Federal court in recognizing the property of an artist in his own creation of a musical composition has been won by Fred Waring in North Carolina. Rulings may have influence on the RCA-Whitman case, now pending before Justice Vincent in the U. S. District Court in New York, in which a similar principle is involved.

Waring victory in North Carolina was in a plea for an injunction against Richard A. Dunlap, owner of WMFD, Wilmington, N. C. Band leader charged the outlet with airing the commercials out of transcription made by Waring for Ford and Chevrolet without his permit.

National Association of Performing Artists, of which Waring is president, and Maurice Spisler, counsel for the case as a test suit. It extends the victory the NAPA won in the fight against WDAS, Philly, which was brought in Waring's name to prevent playing of his records on the outlet without his permit. "WDAS battle was in a state court, and following it, all Philly stations were forced to obtain licenses from NAPA to air records. NAPA is seeking to gradually extend its victories by similar test suits that there will be plenty of precedent by the time the issue reaches the U. S. Supreme Court, which it will undoubtedly do.

New copyright bill is now being prepared by NAPA to further establish by statute a musician's right to his interpretation. Spisler said it overcomes previous objections by music publishers and authors. It will be introduced this session by Congressman J. Burwood Doyle of Philly, in the House, and by Senator Joseph P. Guffey, of Pennsylvania, in the upper chamber.

NAB. ENTERS PHONO TEST

National Association of Broadcasters, through its New York counsel, Stuart Sprague, on Monday (20) entered the suit brought by RCA Manufacturing Company against Paul Whiteman to restrain him from making broadcasting arrangements in his Victor discs aired on WNEW.

NAB, after receiving permission from Federal Judge Vincent, Baltimore, before the case is pending, filed a brief as amicus curiae—friend of the court. National organization entered to take up the fight. WNEW left off when it withdrew its defense at the trial some weeks ago. The other parties also filed briefs on Monday.

As the battle now stands, it is mainly one between the National Association of Performing Artists (using Whiteman's name, for a test

The American Way

Current resurgence in pride of country and institutions has already struck a response in Tin Pan Alley.

Mills Music is putting out a tune titled "I'm Livin' and Lovin' in the Good Old American Way."

ASCAP WON'T BE AFFECTED BY FILM CASE

Louis D. Frohlich, of Schwartz & Frohlich, general counsel for the American Society of Composers, Authors and Publishers, declared last week that there was possible that the decision handed down by the U. S. supreme court in the case of Texas exhibitors against the major film producers could apply to the operations of ASCAP. The American Society is not an owner but an agent of copyrights, he pointed out. Nor does it have anything to say about the resale prices of the rights it represents.

As for the question of monopoly, ASCAP has a case of its own involving such issue now pending before the Supreme Court. It's the appeal of Florida's attorney general from a local federal court order invalidating that state's anti-ASCAP statutes. The appellant contends that ASCAP has used its collective setup as a vehicle to conspire against and oppress the public. The court, he expected to hand down its decision in this case next Monday day. Also a ruling in ASCAP's appeal from a special statutory court's finding concerning the Washington law against anti-ASCAP. The special court refused to concede jurisdiction on ASCAP's plea that it was invalidly obtained because, as it claims, the amount involved was not \$3,000.

Sues for \$87.65 Cash

Omaha, Feb. 21. A suit against Bobby Bowman, orchestra leader here, has been filed in district court by King George, Omaha, because he claims Bowman owes him \$87.65 for booking engagements for Bowman's band.

Case came into district court on appeal from municipal court where Bowman won.

suit and RCA. NAPA is endeavoring to establish an artist's right to his interpretation (see story in adjoining column). Right that NAB has the sole privilege of licensing waxings made under its labels, while NAB naturally seeks to preserve the rights of radio stations to air what records they choose without payment of the license fee.

Pitt Precedent Set on Citing of Cafe Operator for Sunday Law Violation

Pittsburgh, Feb. 21. Not yet a month since the lap of the Pennsylvania State Liquor Control Board, which faces the prospect either of clamping down on niteries where there are illegal Sunday shows and dancing or simply looking the other way, as it has been reported they have in the past. Case here last week, in which role of the guinea pig fell to Lou Passarello, owner of New Penn roadhouse, marked first time any establishment in the State has been cited for violations of the booze decree no-Sunday entertainment provision.

Board told me, Passarello testified, that they weren't going to enforce the law. They told me to forget about it, that it was a small matter.

In Pennsylvania is emphasis on the point that there shall be no music or entertainment on Sunday in cases holding liquor licenses. Board agent offered testimony at hearing to corroborate Passarello's story, that breaking this law had become a common practice, stating that when the New Penn was investigated other places in the same neighborhood also ran Sunday shows and dancing. Laws law, to prohibit the sale of booze in niteries on Sunday.

It was indicated that the Board would have continued to overlook the "small matter" had not a few people living in the neighborhood filed a petition recently urging that the New Penn have its amusement license revoked on the grounds that shows and dancing were held Sundays; orchestras continued to play the week-end music until 2 a.m.; its advertisements were illegal and acts were visible to persons in the premises.

Passarello insisted that two of the complaints had personal grudges against him. Defendant said he had permitted orchestras to play after the legal deadline and that his managers were vulnerable to pressure, admitting, however, violating the Sunday regulations. He said "everybody in Allegheny county is dancing on Sunday and that's the way I danced. If you take it from me, I'm satisfied, but take it away from everybody else, too. Decision on the hearing was reversed."

Fall Operations Warned

Philadelphia, Feb. 21. Night club operators here were warned this week to stop floor shows and music on Sunday and face prosecution. Warning was delivered by J. Irving Brooks, a member of the State Liquor Control Board, following reports that the Board would be lenient and overlook infractions. Report came to the surface during a hearing of Louis Passarello, Pittsburgh cabaret owner, before an agent of the Board. Passarello testified that a Board member told him it wouldn't enforce the law.

ICE TROUPE PLANNED IN FRISCO; SUIT PLANNED

San Francisco, Feb. 21. More than half of the 47 performers in the "Ice Vanities" company were stranded here last week after a single performance at Sutro's. According to Dr. Arthur Brandt, of the show's heads, one of the promoters, left town with the profits of the show's Oakland run. With lack of reserve funds, it went on a week in Seattle and San Francisco. The show moved into Sutro's here last Wednesday (19), scheduled to play for 10 days. Lack of funds resulted for advertising and poor attendance caused the fold. Brandt says he plans to institute action against the promoters.

Puck Joins Bestry

Larry Puck has joined Harry Bestry's office in New York as an associate, giving him his first opportunity with a radio franchise. First deals he set in the new alliance entailed the signing of Al Bernie and Dudley Dickson, both with the Shuberts for forthcoming, but unspecified, shows.

Past and Present

Jan Savitt, vice batonier in the Hotel Lincoln's Blue Room, New York, is making a nightly concession to his past. During dinner each evening he does a fiddle solo on one of the classics with the band providing background.

Stick-wielding played violin in the Philadelphia Orchestra under Stokowski before going swing.

CLUB DATE UNIT MOVES TO EX BOOKING ETC.

Associated Entertainment Directors, group of 22 club-date bookers controlling about 70% of such work in New York, will set up its own system to check on acts under contract to its members who are working for other agencies minus authorization from the club-date unit. AED will employ a special rep to check all known club-date work. The unit will check with rep with members who have lost accounts to other bookers who have undercut him.

Some acts have signed contracts but have also continued work for others not approved by AED members. Latter figure to sign on 50 key acts, thus keeping hold on the business.

What action the AFA will take on the matter is not known. While the matter is not known, it did nothing about stopping their issuance. Acts were instructed that they could expect no aid if after signing up they later came to the union with complaints. That's as far as the union has gone.

MO. BILL AIMS TO BAR TAVERNS AS NITERIES

St. Louis, Feb. 21. Niteries features, corks, barmen, etc., in Missouri taverns, are being barred by a bill introduced in the State Legislature last week by Representative M. T. Devine, of Boonville. Measure would prohibit all music that is produced by mechanical coin machines, the employment of barmen and forbid the filling of bar stools.

A vigorous fight is expected to be made by American Entertainment Directors, Inc., in Kansas City and other cities, by many union voters are being, especially in the Midwest, where which locally also employ barmen and vaude talent. Devine's bill also estimates that 20,000 population for all types of liquor is included in the present law.

Chaz Chase to Head Clev. 'Crazy Show'

Cleveland, Feb. 21. Chaz Chase, who postponed his Palace date last month, is finally coming to the city. His new show (24) to top Nat Holt's second annual "Crazy Show." New unit will include a result of numerous shows. Chaz will also include Willie West and McGinley. Roll Holstein, Chaz Glenn and a line of 16 acts will be included in the show.

Because of a decided pickup in business, Holt is penciling six name changes for the next six weeks. Eddy Duchin is due March 3, followed by Kay Kiser, March 10, and then a result of numerous shows. Clinton is tagged for March 24, Tony Martin, March 31, and Artie Shaw, March 31. Holt's show has an attendance record last year, is committed for a return week April 14.

New Philly Cafe

Philadelphia, Feb. 21. Nat Segall, former owner of the Jam Session, has formed a partnership with Harry Roberts, of the KYY hotel band, and opened a new spot downtown tagged "The Downbeat." The spot will feature impromptu jamming of itinerant musicians.

Robitschek Posts Boos for Balto Straight Vaude

Kurt Robitschek, whose straight-vaude venture flopped out at the Adelphi, New York, few weeks ago, is opening a show under the same title, "Laughter Over Broadway," at the Maryland Hotel, Baltimore. He is slated at 25c-50c for matinee and 25c to 1.00 at night, will hold 10 acts and play six pictures. He will not be a co-op venture, as first reported. Robitschek and his co-producers, Alvin Kohn and Sid Leiser, are running straight vaude. They have posted a bond with the American Federation of Actors.

Robitschek-Fuchs plans are to play the show one week each in different spots, the nature four naturally depending on the b.o. results in Balto. Acts include Ruth Landi, Buck and Bessie, Henry Ross, and the Stone, Elaine Anderson, Royal Whitebirds, Ginger Dulo, Nat Nassaro, Dr. Maurice and Maria, Kathleen Harris, Gilbert Bros, and Nathane Bros. They will lead the band, a vaudeville quartet.

Robitschek claims he's still paying off the acts for that final week. He says he's not a vaude performer, he claims, have already been paid at least 45% of the contracted amount. The deal for the Maryland calls for a split with the theatre's owners on the gross take.

See Chains' Monopoly If Ostertag-Howard Bill On N. Y. Agents Passes

Spokesmen for the Theatrical Agents and Artists Representatives Association and the Entertainment Managers Association of New York predict passage of bills pending in Albany to regulate and centralize theatrical agents will create a monopoly particularly favorable to the major broadcasting companies' artists. The bills would regulate and centralize theatrical agents will create a monopoly particularly favorable to the major broadcasting companies' artists.

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NOT SO 'GAY BLADES' SKATER SUES BRECKER

Charging plagiarism of the title of her act, known as 'Gay Blades,' in the Ice Ring of the same name, a result of numerous shows. Chaz will also include Willie West and McGinley. Roll Holstein, Chaz Glenn and a line of 16 acts will be included in the show.

Colleano Fractures 2 Fingers, Quits M.H.

Colleano dropped out of the show at the Music Hall, New York, after the last show Saturday (18) night, a result of numerous shows. Chaz will also include Willie West and McGinley. Roll Holstein, Chaz Glenn and a line of 16 acts will be included in the show.

Billy Rose Just Won't Be Crowded, But You're a Fourth Estate OK: 4,000 Seek 500 Niter and Fair Jobs

BY JOE SCHROENFELD

'Always remember, girls, to come to calls with a big bag of gum in your mouth. It makes you look so silly.'

That was Billy Rose being very fatherly Friday (17) to around 1,000 girls of every size and dimension at the Hippodrome, New York. They were there in answer to his call for chorus and showgirls for his next revue at the Casa Manana on Broadway and the Aqueduct at the N. Y. World's.

They kept right on cheering, meaning, largely on "personally" flap to attract the girls who should attend.

"Hello, Nutsy! Step out and give your name and address."

That's Billy Rose impressing a lot of newspapermen and photographers with his "Nutsy" face and names. He had just gained the biggest publicity break ever since he became a manager; there was more cheese-cake present than Ziegfeld or the Shuberts ever had. The cameras were hanging from their toes and standing on their heads getting freak shots of the "Nutsy" face. The theatre was cold and the girls were shivering, but Rose was swaddled up to his ears in heavy red velvet, seriously puffing cigars and making conversation only with John Murray Anderson.

The chorus and showgirls were on the stage, stepping to the foots in groups of 30-odd for inspection by Rose. He was seated near 3,000 chorus boys, singers, male and female swimmers. Rose publicly broke even the law on the air that he had jobs for more than 4,000. He was busy with something of a "Nutsy" Hippodrome, though Eleanor Holmes came over to judge the "Nutsy" and kiss her. She's currently appearing, to Rose for a few pictures with Rose. Rose is judging the "Nutsy" and kiss her. She's currently appearing, to Rose for a few pictures with Rose. Rose is judging the "Nutsy" and kiss her. She's currently appearing, to Rose for a few pictures with Rose.

FEMME'S BURNS FORCE MACS FROM HOTEL P.A.

Scheduled to complete four weeks March at the Glass Hat Hotel Belmont-Plaza, N. Y., the Merry Macs, harmonizing quartet, were forced out of the date early last week female member of the quartet, Helen Carrole, was burned out of the quartet's hands when her negligee caught fire in her apartment.

A fire brigade eliminated the persons' quarters kept going, however, on its "For Men Only" and "Town Hall" radio commercials. They were replaced at the Hotel by Lucille Johnson.

The Smoothies (Babs, Charlie and Little) go into the Glass Hat March 7 with Ernie Holt's orchestra replacing Joe Venuti. Adriaan Little Trio also set.

Cleve. Cafes Cut Shows; Curfew Edict Feared

Cleveland, Feb. 21. Slashes in floor shows have been made by majority of worried niter owners since police announced a more strict observance of the 1 a.m. curfew. Teets were put into effect by warnings from state liquor inspectors that if there were any more liquor violations, there would be a sweeping clean-up. Six spots in the city in the last week were closed early closing was so tough on some used to a late trade that they closed their shows either partially or completely.

Mandalay Niter Takes Road to Shorter Budget

Road to Mandalay, expensive New York niter operation which opened eight days ago at the Hotel Mahanah, started and partnered, folded Friday (17), the show moving into the Belmont hotel's smaller Mahanah Room (adjointing bar).

Joe Rines' choir also figured in the shutoff and will continue at the Mahanah for another two weeks.

F&M Unit to 'Lulu'

Los Angeles, Feb. 21. Fanchon & Marco is sending a unit of six people to Honolulu, Hawaii, to play the Adolph Ramey club there under an eight-week minimum guarantee. Rube Wolfe heads a band and the unit comprises a line of girls, plus a pianist and a singer.

chorus and showgirls for his next revue at the Casa Manana on Broadway and the Aqueduct at the N. Y. World's. They kept right on cheering, meaning, largely on "personally" flap to attract the girls who should attend.

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Good Crowd Turns Out for NWA's Annual Benefit; \$3,200 Grossed

By ROY CHARTIER

Well attended, the NWA's annual benefit show grossed \$3,200, not including donations and program sales, at the Alvin Theatre, N. Y., Sunday night (19). Orchestra seats were \$5 a crack. Collections and program may increase the take to \$5,000.

Billy Glason, standard in vaude for years, put on the show and while disappointed by numerous important names who promised to attend and were billed, he managed to get enough talent of value onto the stage to provide an entertaining evening of nearly four hours. The time that Glason took in announcing the acts accounted for much of the slack, while other delays were caused by some of the guests going overboard. Among the latter, though he held 'em tonty all the way, was Everett Marshall, who did three songs. Most of the others held to two, while some did only one, notably Sophie Tucker.

The show started more than 30 minutes later than billed, running until 12:30, and resulted in inability to put some people on.

Those programmed who didn't show at all included James Barton, Jack Dempsey, Jimmy Durante, Senator Ford, Garner-Wolfe-Hakin, Goss and Winsor, Harry Howard, Himer, Aunt Jermina, Eddie Lambert, Olsen and Johnson, Molly Picon and Vivienne Segal.

Show didn't have enough comedy and had too much singing, while for the napping there were numerous acts topped by Mlle. Sonya Marillon.



Headlining
Rivera, Edlyn
This Week
Tune In
Every Mon.,
Tues., Wed.,
Fri. and Sat.
WEN

AL SHAYNE

Nat'l Ambassador of Song
Mgt. WEN Artist Bureau

neous' 10 ballet pupils, a poor exhibition.

Comedy portion embraced Henry Youngman, in rare form; Abbott and Costello, sock crosseater team; Lew Lehr, Dave Vine with his dialect stunts, and Bill Robinson with a few gas, while the singing division, in addition to Miss Tucker and Marshall, included Betty Hutton, Larry Burt, Bob Howard, Mary Small, Jack Durand, Rick Lucas, Barbara Kay, Dick Moore, Mann Sisters, Godfrey Hale and Rudy Vallee.

Only one band appeared, that of the N. Y. Fire Dept. Others playing the benefit included Betty Hutton, Don Alvin and Girls, Paul Sybil, Jack Lane's Birds, Theda Bara, Ben Gardner, Harold Stern, Ben Bernie, Al Bernie and the colored group from 'Sing Out the News', doing Franklin D. Roosevelt's 'Jazz' number from that show. Last-mentioned was one of the socks of the long program. Victor Moore and William Gaxton took bows.

LAKE, POOR BIZ EXIT TEN-FORTY, DETROIT

Detroit, Feb. 21.

Numerous brushes with the law caused the fold of the Club Ten-Forty last week. Ten-Forty, which has repeatedly tried to offset unfavorable publicity with topnotch shows, etc., is understood this time to have run into trouble on failure to report social security data. Poor bio is said to have been a factor in the closing.

Webster Hall's grill, one town's only hotel spot, expects to reopen next fall, if it but. Downtown Casino, located in RKO's erstwhile showplace, is also seeking buyers to replace Detroit's first theatre-casino, which quit Feb. 1.

Omaha Cafe Shows Back

Omaha, Feb. 21.

Floor shows were back at the Chez Paree, local cabaret, after several weeks absence following shutdown threats from officials.

15 YEARS AGO

(FROM VARIETY)

Ned - Wayburn's Revue, at the Palace, New York, ordered by the Keith office to cover up the legs of its girls. Order also issued for all Keith time.

Update New York exhibitors protested dead-show scales for pictures while exhibs in the larger cities were showing films at regular prices.

'Scaramouche' at the Capitol and 'The Hunchback of Notre Dame' with Lon Chaney, at the Strand, battling for Broadway's boxoffice film honors.

Slit Harry Lauder headlining at the Manhattan Opera House, N. Y., in his third annual 'farewell' performance. His 18th trip over.

Blanche King, Charlie Winninger and Alan Dinehart headed stage show at the Palace, N. Y. Lou Holst at the Hippodrome.

The home of Francine Larrimore in N. Y. was robbed of \$25,000 in jewels and cash while the actress slept.

A new world's drama record was claimed for 'The Miracle,' which was getting \$50,000 weekly at the Century for nine performances. The only comparable gross on Broadway was at the Hippodrome, vaude house, which got \$50,000 the week of Feb. 10.

Reform groups in Washington, D. C., attempted to close the Leonard, Jr., production of 'Simon Called Peter.' Also sought to have the cast arrested. Play described as 'salacious, obscene, libidinous and putrid.'

Club Daters Get Right to Appeal Employer Setup

Designation of the Apollo Entertainment Bureau of New York as an employer and therefore subject to taxes under State unemployment insurance laws does not necessarily establish all such club-daters as employers. It has been stated by the Department of Labor. Those club-daters objecting to being classified as employers may appeal the decision. It had previously been understood that such a ruling would permanently apply to all club-daters bookers.

On being named employers all bookers have recourse to four separate actions, which must be taken within 20 days of each other.

When notified by the department that they have been named employers, club-dater bookers may first appeal to the industrial commissioner for a hearing. If unsatisfied, matter may then be taken to the appeal board, then graduating to the Appellate Division of the Supreme Court and to the Court of Appeals as a last resort.

There are no expenses for the club-daters in these actions other than possible requests for printed records. Law calls for such matters to be adjudged without court fees.

Barr (and Estes) Taken Ill; Dates Abroad Out

Chicago, Feb. 21.

Leonard Barr, of the comedy dance team of Barr and Estes, was taken off the stage of the State-Lake last week and confined to his room here with flu and appendicitis. As soon when he recovers from flu, he'll have his appendix yanked.

Illness necessitates cancellation of dates in Europe, for which a contract was scheduled to sail March 3.

Tower, K. C., Quits Vaude for Films; Will Book Occasional Units, Bands

Dixie Dunbar Heads Harry Rogers Unit

Chicago, Feb. 21.

Dixie Dunbar has been set to head new Harry Rogers unit, 'Hollywood Californians.' Rogers has unit booked for Great State time and some four weeks through the south before routing it north and east. Also with the unit is Bill Hogan's orchestra.

Kansas City, Feb. 21.

Vaude is getting its wings clipped at the Fox Tower here. Closing notices were passed out Friday (19), effective March 3, house goes straight films though there'll be occasional stage units and name bands. Notice follows four years and 10 months of continuous vaude since house's opening April 13, 1934. But during past year has been inconsistent, customers apparently preferring only name bands. Straight vaude took it on the chin since the late was unable to get names because of their dearth.

No Canton Vaude

Canton, O., Feb. 21.

Despite persistent reports, Loew's and the Palace, two major theatres here, will not switch to vaudism. After almost three years, Loew's, Akron, opens a stage unit Feb. 24. Coming direct from the Palace, Cleveland, 'Tale Berger' is set to open four days, believed to be a feeler for stage attractions at this house. Palace, opposition house, has been doing turnaway business weekends with its vaudeband presentations, according to Manager Bud Sommers.

Philadelphia, Feb. 21.

Owners of 400 Philadelphia bars and niteries on Sunday (19) demanded that the Pennsylvania legislature abolish the retail bottle business of State liquor stores on the grounds that the stores were driving them out of business by 'cut-throat competition.'

The cafe men, members of the Philadelphia Retail Liquor Dealers, urged that the legislature limit the State stores to selling at wholesale. 'When we try to get a decent price for our liquor by the drink the customers feel we're trying to gouge them. So they go to a State store and buy it by the bottle,' Jack Crane, president of the association, declares.

Another grievance, Crane declared, was the practice of waitresses who favor the large spots by throwing in an extra case free when the operator buys six cases at once of a certain brand. 'This,' says Crane, is unfair to the small operator who can't buy in such large quantities.'

Joe Zell Bankrupt

Joe Zell, known as Salvatore Giuseppe Zell, restaurant manager, at present unemployed, filed a voluntary petition of bankruptcy in the N. Y. federal court yesterday (Tuesday) listing liabilities of \$17,574 and no assets.

Zell has been planning to open the old club Yumurt as the Arabian Nights.

Johnny Carter, new m.c., succeeding Johnny Robb at the Budapest, N. Y.

GEORGE ELRICK
Dressed by
SIDNEY FISHER
7577 Shaftesbury Avenue
PICCADILLY, LONDON, ENG.

Best Coffee in England
QUALITY INN
Leicester Square
LONDON, WEST-END

ANY PERSON knowing the whereabouts of a missing person, please write to: Mrs. J. H. Ellis, 338 Bay Street, Toronto, Canada.

OPPORTUNITY
Here's an IDEAL SET-UP for a NIGHT CLUB
Exclusive Building—7740 N. W. on DIRECT ROUTE TO N. Y. WORLD'S FAIR
Hill-top between New York City and Phila.
R. H. ELLIS
111-18 Queens Rd., Forest Hills, N. Y.

"A NEW DANCING STAR"

DICK BARSTOW

NOW AT RADIO CITY MUSIC HALL, NEW YORK
AND HELD OVER FOR SECOND WEEK
(FEB. 16TH TO MARCH 1ST)

Direction INGALLS & DAVIES, MILTON BERGER

"Thanks a Million" . . .

To Felix Ferry and Gene Cavallero and to my many friends.

TED STRAETER AND HIS ORCHESTRA

FEFE'S MONTE CARLO
54th Street and Madison Ave.
New York City

The DOLAN OFFERS and RAYA SISTERS

"DANCING MYSTERY"

OPENING LOEW'S STATE, NEW YORK, FEB. 23

American Representative: WILLIAM MORRIS (NAT. KALCHERIN)

English Representative: FORTNER'S AGENCY

Night Club Reviews

Grace Hayes Lodge

Dorothy Stone and Charles Collins, in their club debut here, offered one of the most diverting and clever dancing acts ever seen on a local nightery floor. Already established as topflight performers in their field, Stone and Collins have ideas, and they uncorked two of their new numbers in the show caught.

A timely one, inspired by the slush (Continued on page 47)

one, inspired by the al
 (continued on page 47)

Move for '32 Theatre' Gaining Impetus, Though Ticket Sales Show Upturn; Dip Laid to Fair

Re-establishment of the "two-dollar theatre" on Broadway, with \$3.20 for most musicals, caused general discussion in show circles last week. Possibility and feasibility of reducing ticket sales is gaining impetus because of the pronounced dip in attendance at a time when the season is in high gear. Whether the effect in theatre-going is a sort of cycle is speculated upon, though advance sales for the current week indicate an upturn despite the start of Lent.

There appears to be little doubt that the general public is seeking tickets priced under the \$3 level. That may be because of general conditions, but theatre-going has other factors. Advance sale for the hits extending into the spring period is mostly for the cheaper seats, and while such business is hardly abated, the sale for the first four locations sharply lagged.

One reason ascribed to the dip is the New York World's Fair, which opened April 30. Many theatregoers are planning trips to the metropolis to have set back arrival dates until the spring. That this factor alone is weight is indicated by the number of mail orders to box offices for tickets to performances after April 30. As for attendance expectancy concerning the fair itself, large bureaux are fairly optimistic. One has arranged into a deal for 8,000 hotel rooms, occupancy cost to the visitors to be included in combination tickets, taking in the fair and the other magnets of the greater city.

League to Moll Matinee
League of New York Theatres is slated soon to consider the problem of moderating leg admission sales. Contention between theatres since the idea was broached shows them in accord so far as the idea itself. It is believed that theatres that a concerted move be agreed on, not experimental reductions of certain attractions. When prices were lowered several years ago, it was an abortive attempt as the season closed, and the theatres were left a few productions, engagements of which were petering out. Following the \$3 plus tax scale was generally applied again to dramas.

Questions have already arisen over the timing of the move when lowered prices, such as whether to establish the reduced scale prior to or immediately after the season. Argued that the new price should be established before opening, because if reductions are introduced in the middle, figuring that reduced rates apply to less worthwhile attractions.

On the Economic Side
On the economic side the matter of lowered prices may largely depend on the changing of the scales. There is little chance that the actors' minimum will be considered, so much consideration is given to the factor in the issue. It may be by the other stage crafts. On how those unions will view the situation will depend managerial action, and it is declared that there are not enough theatre-going light long enough to see the season to provide a living wage.

(Continued on page 51)

St. L. Outdoor Operetta Sked Set; Preems June

St. Louis, Feb. 21. Victor Herbert's operetta, "Babette," and "Song of the Sirens" musical success, will be presented for the first time locally during the first season of the St. Louis Municipal Opera Assn., sponsor of the Alcazar theatre in Forest Park, which opens June 1.

Other pieces already booked for the 12-week season are—"The Bartered Bride," "Fairy," "Katinka," "Renaissance," "Song of the Sirens" and "Victoria and Her Hussar," the latter making its American premiere.

Dorothy Gish on Mend

Dorothy Gish is recovering at the Markens Pavilion, Medical Center, N. Y., from a streptococcal infection of the throat. Her condition late last week was reported serious.

Her sister, Lillian, remained at her bedside Friday (17) and did not appear in "Dear Octopus," Morocco. She rejoined the cast the next day.

'Shadow,' Town Actors Squawk About Closings

Recent closing out of town of two last season's Broadway plays, slated by managements to have been withdrawn because business had not warranted the respective casts of "Our Town," the Pulitzer prize-winner, and "Shadow," a play of the same name, has caused a squawk about closings.

"Town" was booked for four weeks in New York, but closed after the third week. Jed Harris denied that friction between him and Frank Craven, star, was a factor, but it was generally believed to be correct around the Loop. Where Craven's percentage deal was based on profits, or gross takings, was not clarified, but in indicating the net takings, it is reported the manager changed in royalties for operation as well as for direction and other items. It is insisted that when Craven demanded a showdown, notice of closing was ordered. Actor went to the Coast where the show stopped.

It is also claimed that picture bonuses may have been a factor in closing either, or both attractions, ahead of schedule. That might apply to "Shadow," star of which was Cedric Hardwicke, who was known to want to fill a coast contract. Attractions was reported getting picture bonuses, however, from the gross of the tour.

Eddie Dowling, who produced "Shadow," with Luis Shubert in a half-interest, is reluctant about the closing. It's understood that Hardwicke's contract stipulated that no player, except himself, was to depart a set, was not revealed. Stated, however, that Hardwicke intended to leave the coast for a tour in the spring and some of the American cast is expected to be engaged.

At the end of last season's intellectual hit last season, "On Borrowed Time," did not tour as big a success as "Shadow." It topped the other two in grosses during the early months of the season. Its takings were comparatively mild, the play is not reported having run into an estimated \$143,000. Town grossed a total of \$143,000 in 11 weeks on the road, according to Variety box office figures. "Shadow" grossed a total of \$221,500 during its 40 weeks on Broadway.

"Shadow" played up \$197,600 in 18 weeks on the road. It had grossed a total of \$33,300 in 34 weeks on Broadway. "O" was on a road trip in Washington with a total gross of \$170,200 in 17 weeks.

LITTLE THEATRES' SCOPE GROWING

Proving Important Hypo for Professional Theatre—Around 20% Pay Royalties—Can't Take It' Figures on \$200,000 Income from This Source

TALENT FOUNT

By HOBE MORRISON

Regarded in professional circles as the long-haired stepchildren of show biz, the army of amateur dramatic groups are a vital and growing factor in the American theatre. From either a commercial or artistic standpoint, as a training ground for talent and a source of theatre audiences, the little theatre groups are rapidly increasing in scope and importance. They already far surpass stock at its peak and they outstrip Broadway in virtually everything except artistic perfection and gross revenue.

Estimated that the total number of units offering at least one production a year comes to something like 100,000, including college and little theatre groups, high school outfits, clubs, church organizations and various amateur societies connected with industrial and commercial firms, as well as miscellaneous groups. The number of people directly involved in the productions is anybody's guess, but the total audience is an even less calculable matter.

In the matter of other royalties alone, it is evident that the far-fung amateur dramatic field is anything but a visionary's dream. Revenue from amateur productions provides a comfortable living for a large number of dramatists and in some instances amounts to a sizeable income. (Continued on page 52)

Barymores Switch Mgrs.; Aldrich Now Has 'Dear Children'

A star in search of a producer was successful last week when Richard Aldrich arranged to put on "My Dear Children," which will star John Barrymore, with his wife, Elaine Barrie, in support. Play was slated to be presented by Brock Pemberton, but, although the authors reviewed the script several times, it did not reach the form he desired and he declined to place the play in production unless there was further revision.

The Barrymores, who have been east for some weeks, sought action, however, whereupon Pemberton reluctantly agreed to produce "My Dear Children." Barrymore preferred Pemberton as producer, he having been on cordial terms with the theatre since the time the latter was general manager for Arthur Hopkins. When Pemberton first mentioned the Barrymores expected return to Broadway, there was some uncertainty because of possible Hollywood claims. "My Dear Children," because of that, Pemberton did not enter in an agreement with the Barrymores until the matter in the name of Miss Barrie. That enabled the Barrymores to turn the play over to the producers without further delay.

"Children" will probably not reach Broadway until May, since the show must be dated for next season. The Barrymores are expected to be booked for six weeks on the road. Possible that the New York debut may be dated for next season. Otto Preminger, who directed "Outward Bound," current leg, has been signed to stage "My Dear Children" show.

Equity Council Exec Committee In Deadlock on Experimental Theatre; Okay One New Group

Moore Wins Divorce

Boston, Feb. 21. Raymond Moore, director of the Cape Playhouse (strawhat) in Dennis, Mass., last week (15) was granted a divorce from Marianne Heath Schultz Moore, to whom he was married in California a year ago. Divorce decree was granted in Barnstable, Mass. Moore brought suit on grounds that his wife had mistreated him last summer.

J. J. SHUBERT RAPS PHILLY CRITIC

Charge that Edwin H. Schloss, leg and music critic of the Philadelphia Record, is "ruining the theatre in Philadelphia" was made last week by J. J. Shubert in a letter to the daily. Rumor that the Shuberts would bar Schloss from their theatre was not borne out. The letter was sent the usual night press courtesies for Monday nights (20) and the editors of the "Philadelphia Record" and the "Philadelphia Star" covered the show as scheduled. Shubert didn't specify his complaint against Schloss in the letter.

Editors of the paper at first stated that the Shubert letter was a "personal" one, but later denied receiving any such misdeed or knowing anything about it. They also said that they are satisfied with Schloss' reviewing and contemplate no change of policy.

The Shuberts have not barred a critic from their Philly theatres for several seasons. J. H. Keen, of the Daily News, was involved in the last such case, about four years ago, for an unfavorable review of "The Folies."

The Shuberts have had few of their own productions in Philly this season, but most touring shows play their theatres there. Besides the Chestnut, they contain the "Folies" and Locust. Only other house available is the theatre-booked "Edwards" (19) drama section of the Record devoted six full columns to the "Philadelphia" opening, including two feature stories and a four-column art spread.

T. A. Mauntz, FTP P. A. Out; 'Comm!' Angle

Theodore A. Mauntz, director of the WPA Federal Theatre Projects, publicity department in New York for three years, has been ousted. Mauntz claims the parting of the ways about when he opposed production plans which he believed to be in direct competition to Broadway commercial theatre.

Chief bone of contention is said to be the WPA's hot "Mikado," which is being staged in New York. Mauntz was charged with being "un-cooperative" in the matter of bringing this show to the stage. On Friday (17) he was summoned by George Kondolf, N. Y. director of the Project, and his resignation was requested. Mauntz was unsuccessful in attempts to talk the matter over with Paul Edwards, Federal Art Project administrator, and on Saturday (18), when he called for his personal effects at the Project's office, he claims he was barred from the building by a guard. Friends later recovered his belongings.

The most perplexing problem before Equity is the so-called experimental theatre, which has caused a distinct difference of opinion between members of the council and the association's officers. Most of the latter do not favor the various plans submitted to be workable. The issue crops up from time to time and was the subject of a special council session Friday (17). There was little progress reported, despite the fact that the situation was regarded as having reached a crisis.

Equity's executive committee also agreed with the experimental theatre without reaching an agreement. Because of conflicting opinions the issue is not being put to the governing body, which is the council. Latter's members have been mulling a plan for Equity shows and a special committee's report, said to be somewhat vague and rather mixed. Equity showed no sign of a report distributed to the council members, but without recommendation.

Proponents of the general proposal of cooperative ventures, which is the experimental idea, are motivated by the desire to have a more prominent in the legit field. They contend that such activities could open a way to the theatre, which is being seen by showmen and agents. Those opposed say that co-operative ventures would be a step toward the actor and, if the experimental theatre is decided on, it might mean the breaking of the New Haven built.

(Continued on page 50)

'Right' Tour Depends On B.O. Without Coban; Stopping Temporarily

"I'd Rather Be Right" will close, temporarily at least, on Saturday (25) and will provisionally resume touring in several weeks, according to plans. George M. Cohan with "Right" is scheduled to open Saturday (26). "Taylor Holmes switching into the leading part when "Right" opens. New Haven built. It will play Hershey, Pa., and conclude at Washington, D.C. Final week with Cohan's "Right" grossed over \$41,000.

Notice of closing was ordered Monday (21) at the behest of a protective measure by Sam H. Harris, producer. Chance of resuming the tour appears dependent on business drawn by "Right" without Coban. Further booking of the musical at this time, before a line on the show's draw under the changed status, was decided upon.

Since "Right" so to the road again plan is not to await the usual leg of eight weeks required under the rule. Harris played "Right" to be asked to make a concession on the time clause. Bookings on the road, that relinquishing of further engagements for more than 100 people.

Holmes Liked to N. H.

New Haven, Feb. 21. Taylor Holmes is expected to first stand in the lead of "I'd Rather Be Right" at Shubert here Monday (26). Holmes, who played "Right" in New York, is expected to mean and went over personally with an audience that was slow to warm to the show. The regular regulars were few and far between, audience being composed of new-breed theatregoers. Holmes said he was glad to see it show lived up to its rep.

Cohan's \$41,000 Finale

Providence, Feb. 21. "I'd Rather Be Right" grossed well in the evenings and a matinee performance last week. Marked George M. Cohan's final appearance in the show. The show did \$41,000 on the week, including two days each in Hartford and Rochester, N. Y.

Inside Stuff—Legit

George M. Cohan dropped in from Yonkstown with Sam Moran breathless inference. Frank Fay was there also and should have been so. The director of "Gunga Din," also occupied front stalls as did Bobby Clark and Strick Dan Finn. Dr. Douglas Frontke Jr. approached Mackay's step-aunt who elicited Clarence Norsey was guest in a musical comedy as he always is and Jimmy Raymond appeared in his new melodrama at the Paramount and laid them in the aisle. Bobby Clark, a sure-fire comic if three ever was one, lived up to his reputation, and R. H. Burns proved he hasn't lost his magic touch. Johnny O'Connor and Fred Wainwright played the two boys who were life and death enemies. The crowd was still playing well but the cows were all under the trees.

James W. Elliott, former high-pressure stock operator, who first came to attention by the collapse of 'Piggly Wiggly' shares prior to the depression and who for a time promised to recoup his fortune on Broadway, was restrained permanently from dealing in securities in the state of New York last week. Evidence was that his latest idea was 'a visionary scheme' to

form a chain of tourist camps throughout the country, also a dirigible passenger line to Europe. Stock for the projects was being sold, but only relatively small amount was disposed of when he was enjoined.

Elliott headed a group which struck a success with 'The Gorilla,' comedy melodrama which ran at the Selwyn, N. Y. He was riding high with a musical called 'Castles In The Air,' which turned in a fine run in Chicago, only to have it flop on Broadway. After that Elliott's theatrical ventures proved failures and he quit show business. Among other activi-

Press department of George Abbott, headed by Ben Washer, invite hordes of people named O'Brien to see "Mrs. O'Brien Entertains," Lyceum N.Y. After the performance they were invited backstage to chat with the players, who naturally autograph the guests' programs. Any number of the surnames have the name of Mary O'Brien, the play's central female character, played by Margaret Mullen, who is hostess.

The number of O'Briens invited nightly averaged around 30. They were selected from neighborhood and suburban localities, such as Far Rockaway and Bronxville.

Charlie Washburn, in advance of the Lunts, tells of curious ticket prices as the result of added admission taxes of two to 10% in central and southern states; also the assortment of tokens in general use. An example of changed scales was at Jackson, Miss., where a \$3 ticket was priced at \$3.68. In one Texas stand the manager was asked to take the state tax from the actors' salaries.

I wouldn't mind the tokens so much, Washburn squawks, if it weren't for the wear and tear. The tailors down there are getting rich putting olecloth pockets in trousers.

Leon Liebowitz, connected with Phil Fursts 43rd Street ticket agency, N. Y., was found dead in a one-room, gas-filled apartment on Riverside Drive Monday (20) morning. An unidentified woman was also a victim. Indications were that he attempted to reach a window in the bathroom but gas jets in the kitchenette were turned on full blast.

Ticket man, about 35, was estranged from his wife. Sunday evening he was in good spirits and attended the hockey game at Madison Square

James Barton did not receive notice from the management of 'Tobacco Road,' Forrest, N. Y., in which he was succeeded by Eddie Gar last week. Actor handed in the notice of withdrawal after tiffs with the management. Barton is mentioned for the cast of 'Streets of Paris,' a musical planned for the spring by the Shuberts. He is slated to answer charges of using

Equity Council

Equity Council

(Continued from page 49)

—

up during the past 30 years to pro-

The plan currently under consideration calls for a limit of three performances 'experimentally,' unless by special permission from the council. Nobody connected with the venture shall receive salary, all to share in

the proceeds. Should the play be taken over commercially, the players shall retain at least a 25% interest. Any actor could leave the cast and would not be required to continue therein if the play was secured by a manager.

What appears to be the issue which the committee was forced to side-step, involved the other stage unions. Stagehands group, for one, has resolutely refused to consider cooperative shows and Equityites doubt a change of attitude, despite the presence of the new group.

Under the concessions permitted by the Guild, the Freeman outfit may produce Richard Rohman's play, "The Story," without payment of a advance royalty. Rohman, who was

certain moves with proved detrimental to the actor, he has demanded to know why he was allowed to accept the questioned proposition. It is felt that the same type of complaints will attend the okay for co-operatives.

Equity has permitted some excep-

Broadway

Morris Green injured knee in fall. H. O. Lott now with National Cine labs.

(Mrs. Paul) Muni in town on a visit.

Cynthia White recuperating from flu in Florida.

Joey Deutch, ticket-broker, better after lung illness.

Joe E. Hebel back with 'Miss Swan Expects,' at the Cort.

Ernest Macduffy again manager of the Street Theatre.

Margaret Chute, fan mag writer, back in Europe.

Warren O'Hara to be company manager of 'I Married An Angel' tour.

W. G. Van Schuren pulling out partly on another Hollywood look.

Garrett Cupp, former legit ad agency exec, has opened a publicity bureau.

Walter's wife—he's with her—recuperating after serious operation.

W. J. Hutchinson, head of 20th-Fox foreign department, returned from Florida.

Mary Jane Walsh winner of Palm Springs, back to Hollywood.

Walter Warner returns to the Coast tomorrow.

Formerly with NBC press department, has joined the publicity staff of N. Y. World's.

Ray Haines is polishing up the book already in the hands of doing an 18 or 20 in South Carolina next month.

Joshua Logan, recovered from illness, sails Friday (24) with John Barrymore for three-month South American trip.

Fifth annual convention of the Film Clubs of America will be held at the Brook-Cadillac hotel, Denver, from April 28.

Margie Ann Kaufman (Mrs. Eddie) will, legit, start in New York about a week to spend two months at her home in Sydney.

Robert Osterman, yester's musical comedy investor, has returned to New York where the m.c. now holds forth.

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eral manager here, passed away last week.

Sun-Tel press writer Tom Birks leaves next month to visit his folks in England.

Mrs. Paul Miller, wife of Bernie Miller, has come on to join her husband.

Walter Dorothy, a travel agent, has been named to the position of general manager of the Southside exhibitor, has just been named to Carnegie Tech's athletic council.

Tom Babel back disbanded his strollers' tour after a year for personal reasons.

Former Pitt tackle George Delach back in the game.

West Va. exhibit, to wed shortly.

It'll be a late spring wedding for John and Patricia.

Warren O'Hara, son of the theatre Guild's big manager, J. son of Theatre Guild's big manager, J.

Paris

Reine Paulot on tour.

René Clair in and back to London.

Three Waltzes' gala Opera opening.

Helene and Serge Reen in from provincial tour.

Robert L. Bahrerbury over for a look and back to London.

Gaby Marces to top Henri Varna's new production.

Spadolini setting dates for Valentin's new production.

Mary Glory conversing after operation for appendicitis.

Robert L. Bahrerbury over for a look and back to London.

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London

Basel Dean a 'Wu' victim.

Beverly Nichols to New York and back.

Bert Montague operated on for appendicitis.

Running Riot' goes on a provincial tour for 11 weeks.

Victor Borge, Joseph H. Brunel, to New York next month.

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Hollywood

Phillip Terry bedded by flu.

Lya Lys hurt by falling tree.

Patricia Morrison hit by truck.

John Brown to hospital with sciatica.

Don Ryan to hospital with sciatica.

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Frisco Expo's Gen'l Mgr. Connick Expos on Fair's Showmanship

San Francisco, Feb. 21.

Harris D. H. Connick, general manager of Golden Gate exposition, told his half dozen associates tonight in talking to broadcasters at a dinner and gave them a general picture of his showmanship in the fair, as well as the headaches he encountered.

He stated that biggest problem was to get people out on the grounds, and on there entertain them so they would come back. He stated that most of the attendance would come from those living within a day's distance of Treasure Island. It is especially true in communities where there are a lot of farmers. He said that for the first four operations he did not think people were any longer interested in static exhibits.

Connick said films and radio have brought about different tastes; that the desire to promenade the old midway and the Trolley, the old one and the shooting gallery on the other, is a thing of the past.

He said he believed the expo had the problem solved. The new Gaiety, which is largely an overnight carnival, would be the trick. For the other entertainment features, the public would have to get in auditoriums and halls, Connick asserted.

One of the features was an ice rink with 5,000 seats and, after the public have had their fill, the public will have the opportunity to skate. Which is new for fair, and the ice skating rink, the novelty of the rink has worn off it will be turned into a dance hall with 5,000 seats. He will pay up to \$13,000, which will be the expense incurred for bringing Benny Goodman and his orchestra for one week.

Laber, Man Telen, Etc. Connick told of labor troubles and expense incurred as a result. He should count on the fact he runs the 3,500-seat auditorium, without an orchestra. That with double the cost he could have a 12-hour day and overtime, as well, operations cost will hit a top level. He said he would have enough coin to operate these auditoriums on their own so that profits would be substantial.

He said the expo had the advantage over New York on Hollywood names and that plenty have been booked to do 30 minutes of a 12-hour day and overtime, as well, operations cost will hit a top level. He said he would have enough coin to operate these auditoriums on their own so that profits would be substantial.

Connick said the broadcast theatre, which would seat 1,200, will be the show place for personalities, while the others will go in the 3,500-seat house. He said that the Shubert will be the "King Parade" in May and recruit most of his talent and girls from Hollywood.

Then, in a "bit barroom," Connick describes it, vaude shows and community signs will be staged on a large scale. Celebrities, plenty will be brought on during the season, with Mrs. Roosevelt doing a lecture. She will be the top attraction. He hopes for a 26,000,000-30,000,000 attendance on the season and is anxious to reach the top of the radio publicity moving.

For the press Connick says there will be a building, with bar, cocktail lounge, restaurant, and a fourth estate may talk and entertain. He said he would be in the season will be between \$600,000, 900 and \$700,000,000.

BIRTHS

Mr. and Mrs. Ralph Johnson, son, Hollywood, Feb. 15. Father is associate producer at Columbia.

Mr. and Mrs. Lou Marcellino, son, in Buena Vista, Feb. 15. Father is an announcer at KFRB, Hollywood.

Mr. and Mrs. Edward P. Lambert, daughter, in Santa Anita, Feb. 15. Father is wardrobe head at Selznick International.

Mr. and Mrs. Joseph H. Hazen, daughter, in New York, Feb. 16. Father is WB legal adviser; mother former actress in Broadway.

Mr. and Mrs. David Fineman, daughter, in Pittsburgh, Feb. 14. Father's manager of Regent Square theatre, Pitt.

Mr. and Mrs. Sheldon Leonard, daughter, Feb. 17, in N. Y. Father is in "Kiss the Boys Goodbye," Miller, N. Y.; mother is non-pro-

Killer-Dillers

(Continued from page 1)

ous questions. However, the Parshod, in view of the hit it's apparently doing, go \$5,000 above that. Its scale, 25-30c, is higher than that of the other shows, which are 20-25c. Shaw to New York, Sunday (10) for his broadcast.

Drumming for the stands seems beyond ordinary expectation. Goodman and his crew rode into town on a loop with a lion, light car dealer, each of his men driving one of the jollopies decorated with signs advertising the theatre date.

Setup of the two shows is such that there are no chances, no responsibility for business is dropped either.

Weekend B.O. Pace

B.O. figures for the first three days, Friday, Saturday and Sunday, gave Shaw a slight edge and the Parshod, which is the Goodman's draw, for the week.

Shaw (Par) did \$3,000 opening day, \$4,500 Saturday and \$5,000 Sunday, for a total of \$12,500. The week averages \$4,166.70 Sunday aggregating about \$12,000. The week averages \$4,166.70 Sunday aggregating about \$12,000. The week averages \$4,166.70 Sunday aggregating about \$12,000.

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Jumping the Gun

Although the ball clubs have not started winter training, tickets are already on sale for the opening game between the New York Giants and the Dodgers, which is dated for April 18 in the latter club's idea. Larry McPhail, Brooklyn team's executive, who has given allotments and Broadway agencies, said the tickets are gagged up like those for film premieres, there will be a big demand for the Dodgers' playing schedule.

2,000-Voice CHORUS TO OPEN N. Y. STATE FAIR

Syracuse, Feb. 21. A chorus of 2,000 voices will formally launch the 1939 New York State Fair, scheduled to open here Aug. 27.

With Mark Love, Chicago City Opera chorus baritone, as the leading role, the Fair is planning presentation of the "Elizabetan" at the relation service, which traditionally open the expo.

Grotto Circus Breaks Records in Cleveland

Cleveland, Feb. 21. Ninth annual Grotto Circus broke its former attendance record by drawing 235,400 into civic auditorium in 12 days with two shows a day.

This was first year that William Schmidt, fraternity's circus director, put in daily matinees with a school type. Board of Education and the city board of health, with the result that 38,000 kids saw the circus as Grotto guests. Theatrical exhibitors complained about the stunt, because it practically killed their matinees for a fortnight.

MILWAUKEE

(Continued from page 9)

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OBITUARIES

EDWARD GARVIE

Edward Garvie, 73, character player and comic, whose last role was in Walter Hampden's "The Sign of the Cross," died Feb. 11, after a brief illness. He had served as stage manager of the Ohio since it was built 13 years ago and previous to that he had been in the same capacity at the old opera house, and the Capitol.

Garvie went into the theatre as a young man with Peter F. Daley in "Hodge, Podge & Co." and with the late Ida Mullie in "Dimples." Later he joined the Chicago Opera Co. and acted for two seasons in the "Fascinating World" with allian Ewing.

Weighing more than 300 pounds, he achieved notoriety in 1923 by accidentally wounding a fellow actor in "Hells Bells" when a loaded pistol for the customary blank one went off in the play was unknown to him. He was slightly and Clinton Seif, the victim, recovered.

Widow, a brother and a sister survive.

CLARE GREET

Clare Greet, 47, British light and film player, who once toured America with Lillian Russell, died in London.

A noted Shakespearean actress, she prepared for the stage under the tutelage of the late Behn and the late Venzin and Sir Philip Ben Greet. Her debut took place in 1891 with the company, to which she was not related, performing in many Shakespearean plays as well as other plays. She was also in the company, also performed in South Africa and on the Continent.

JOHN M. MCILLIAN

John M. (Buddy) McMillan, 58, one of the oldest members of the Atlanta local of the International Association of Theatrical Stage Employees, died in Atlanta Feb. 16, after suffering a heart attack while working in the projection booth at the Lenox theatre.

A native of Athens, Ga., McMillan was manager for years of the Bijou, was also in the company, also performed in South Africa and on the Continent.

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THOMAS H. FIFE

Thomas H. Fife, 54, stage manager of the Ohio theatre, died at his home in Cincinnati, Feb. 11, after a brief illness. He had served as stage manager of the Ohio since it was built 13 years ago and previous to that he had been in the same capacity at the old opera house, and the Capitol.

Widow, a son and three daughters survive.

JOSEPH WEBER

Joseph Weber, 51, pianist with Broadway, died at his home in Butte County, Feb. 15, in Butte County Memorial hospital, Butte, Pa., from a heart attack.

Weber was stricken while seated at the piano during a performance in a Butte theatre and was taken immediately to the hospital, where he lived but a few hours.

ANTHONY M. FERRY

Anthony M. (Tony) Ferry, 41, former vaude agent in New York, died Feb. 6 in New York City, after being struck by an auto while crossing Wilshire Blvd. He never regained consciousness.

Ferry had been on the Coast for the past few years. A veteran of the World War, he was left crippled at an early age to join a local stock company and subsequently toured in road companies.

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MARSHALL HALE

Marshall Hale, 54, light player for more than 30 years, died of heart trouble in New York Jan. 28. A native of Ohio, he left college at an early age to join a local stock company and subsequently toured in road companies.

Hale had been on the Coast for the past few years. A veteran of the World War, he was left crippled at an early age to join a local stock company and subsequently toured in road companies.

ROBERT MADRY

Robert Madry, 72, manager of the Dixie theatre, Scotland Neck, N. C., died Feb. 17 in Los Angeles. He had been active in the theatre since 1905.

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Bill Would Legalize Mo. Racing, Out 35-Years

St. Louis, Feb. 21.

Horse racing, outlawed in Missouri for the past 35 years, would be restored to legal status by a bill introduced last week in the State Legislature by Representative William H. Fife and W. W. Bill.

Bill would legalize the pari-mutuel system of betting in Kansas City, St. Louis, and other places where the measure stipulating that tracks could only be built with a 15-mile radius of cities with a population of more than 300,000. Kansas City and St. Louis are the only two cities in the State that could thus qualify.

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FAIR OF THE YEAR IS OPEN

Showman Keynotes Western Expo—Radio, Name Bands, Personalities and Stunts Lined Up

FANCY COIN

By ARTHUR UNGAR

San Francisco, Feb. 21. The big show of the west is on, Treasure Island's dedication to the world got away under most auspicious weather conditions Saturday (18) with the greatest fanfare an exposition has ever had in America. The slogan here is, "It's a travel fair, not a travel show." The fair is open to the public, and the Golden Gate straitmen meet it too. There is no envy or jealousy in the Gravel Whalen show in the east. For more than a week before the official opening of the fair by President Roosevelt, San Francisco and its environs was virtually turned into a fair camp, so that the 180,000 cars revel and have fun. Virtually every resident of the area got into the spirit of the occasion so that the fair was concerned Men were the antebellum attire, carried six-shooters and the women were wearing a strange and a discharge of a round of ammunition. The women were wearing in either western garb or hoop-skirt attire.

This all proved essential and necessary to get the spirit of '38 going and when, on Saturday, the whistles blew, the daylight, and the fair began wending their way to the Golden Gate span or the ferry landings to try and be at Treasure Island in time to participate in the inaugural ceremonies. The island was closed prior to the start of the ceremonies, and though about 70% of the structures had been completed and the workmen were hustling around to put the exhibit buildings, restaurants and other attractions into shape, the carnival of glee continued.

Name Bands

There were two orchestras providing the music, Ray Noble and his orchestra, and the Saturday night orchestra. The latter was in charge of the contingents from Los Angeles for the night. Free shows on the island (midway), concerts by the Philippine Constabulary Band of 100 pieces brought on by the Government. It was in the line to play the fair, Arthur Murray with a band and 300 voices who sang "Home on the Range" as the first act. President Roosevelt; Bob Bell and Gus Arnheim bands plus Wall Roemer and his orchestra, and a variety of acts which will provide the accompanying music for all of the official entertainments. These are some of the highlights.

Radio proved an important element in the Saturday night ceremonies, with all three chains, NBC, CBS and Mutual, having shows going on early morning hours of the late hours, either locally or via the air. The chains did a magnificent job in doing in the line of the highlights and will carry on during the 40-week season.

The opening may be considered premature due to the fact that labor attractions were encountered in the construction of the buildings throughout the building period, and only to the last minute, over 20 contingents got started in the line along the Gateway, which is in the center toward the north end of the island. It is virtually impossible for itself so that the fair can keep its pride to itself when it hits that portion of the island.

Some 55 concessions are scheduled to get underway within the next 10 days. Only half of the 27, grinders the opening day. The biggest thing on the Gateway is the "Carnival of California," a 45-minute show that brings history up to date in a spec put in 23 scenes,

which is similar to the one its producer put on at the Dallas Fair. This show is financed by the Fair, three times daily at 2:30, 4:30 and 6:30.

Next important on the Gateway is the Sally Rand D-Nude Ranch. Miss Rand, a girl who has made herself a name on a sandy beach doing calisthenics and acrobatic stunts. She herself, not the customers, is the star of the show. The girls wear g-string and g-strings and are separated from the customers by a glassed partition. It is a steady early morning to night grind with the girls rather good looking, keeping moving as the customers stroll in and out.

Reported that a second Nudist Camp will hit the Gateway before the season has come to much further. The Ripley "Believe it or Not" exhibit is similar to the one at the Chicago, San Diego and other exhibitions, and proved, on opening day, a most popular drop-in spot.

Also among the exhibits is "Stella," the painting which was originally painted by the artist, Stella. It had been under way for a "Stella's Daughter" painting, but William W. Stella, the artist, decided to do the original Stella. It is the idea; said that Stella would be dated then; and as long as she were around they exhibit the daughter. He won, and Stella still manages to draw them.

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NO TWIN BILLING

This article is financed by the Fair, three times daily at 2:30, 4:30 and 6:30.

Next important on the Gateway is the Sally Rand D-Nude Ranch. Miss Rand, a girl who has made herself a name on a sandy beach doing calisthenics and acrobatic stunts. She herself, not the customers, is the star of the show. The girls wear g-string and g-strings and are separated from the customers by a glassed partition. It is a steady early morning to night grind with the girls rather good looking, keeping moving as the customers stroll in and out.

Reported that a second Nudist Camp will hit the Gateway before the season has come to much further. The Ripley "Believe it or Not" exhibit is similar to the one at the Chicago, San Diego and other exhibitions, and proved, on opening day, a most popular drop-in spot.

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N. Y. Fair's Midway Looks Bleak, But Showmen Reported Stalling To Ease Off Building, Sex Taboos

Fact that the N. Y. World's Fair midway is still very much of a swampy wasteland is admitted and discounted, all in one breath, by showmen familiar with the situation that existed shortly before the Chicago expo opened. According to the former Chicago operators, concession building at the N. Y. fair grounds has been retarded purposefully by the promoters in order to come in under the line at the last moment, and thereby escape the stringent building and monetary restrictions.

An investigation shows very little building underway in the amusement sector. There are but 35 concessions set thus far.

All this was admitted three weeks ago at a meeting of the World's Fair advisory committee on entertainment, which includes Lenox R. Lohr, prexy of NBC, who heads the Chicago fair. Chairman of the committee is John Golden.

At this time showmen openly stated that there wasn't a standstill, but a situation arranged as yet for the midway, including Billy Rose's Aqueduct, which, from all appearances, is the only thing set open. Concessions are still being set up.

Started only two weeks ago, with the English Village getting under way last week, the midway is practically devoid of buildings.

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thus far frowned on nudity of any type, eliminating the chances of a concession on Sally Rand's at the Chicago, the biggest day at the expo. (Miss Rand's D-Nude Ranch is already making itself felt at the Frisco Fair.) This is another angle, the Chicago showmen claim, in the show building; the operators figure that by holding off until the Fair officials are desperate for attractions, the show will be completely taken off and sexy shows will be permitted to run rampant. A similar situation came about in Chicago.

New York Fair's building restrictions, calling for expensive architecture, have been one of the important factors in the delayed building. The concession construction work, in itself, is comparatively simple and most of the buildings planned can be put together in but a few weeks. Two or three weeks before the fair's actual opening, the showmen figure, the Fair's officials will give them carte blanche, having in construction considerable saving in construction time—or so it is hoped.

Slow progress being made in making a reality of the midway at the N. Y. Fair is proving a disadvantage to the showmen, it has been that way since early last December, when only about 100 of the 200 concessions planned for the amusement section remained unopened. Now, only 35 are open.

Intervening until the fair opens April 30, probably 80% of actual concessions have not yet been opened.

While it is a big worry to fair officials, anxious to have everything ready to open the midway on the last possible moment, the showmen find this a difficult situation, with final sideboards swung into place barely in time for the opening. The San Francisco Golden Gate Exposition will admit unopened concessions men and exhibitors in the Treasure Island "Gay Way" section delayed until the last possible moment to get their concessions open.

As with the New York exposition, this delay meant concession people and show operators were able to duck costly building rules and regulations, fair officials worried them in order to hustle through concessions at the last minute.

N. Y. Fair wanted Billy Rose to build the Treasure Island section for his show, but agreed to supply both when he threatened to withdraw. Rose's show is the only one to have been opened.

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