

VARIETY

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56 PAGES

THEATRE

Whalen's Whale of a Show in Need Of More Break-In; N. Y. Expo Incomplete

The New York World's Fair took off its wraps Sunday (30) before the latest premiere crowd in exposition history, some 600,000 in admission, but did not exactly display a complete World of Tomorrow. Faulty operation and misunderstanding in many departments of the Fair management were quickly evident in several portions of the 1,216 acres of Flushing meadowland, second day of the Amusement Zone. Second day admissions were 103,000.

That the New York expo will eventually emerge as the world's greatest show is a certainty, despite the countless mistakes made in the past few months. But on opening day there was little doubt among the participating showmen, and those present as spectators, that the debut could well have been postponed a month. It won't be before June 1 that the Fair will be operating 100%. While the exhibit area is far more advanced than the amusement zone, this also is in a state of incompleteness, particularly the foreign section. And the midway is still a shambles of unpaved roads and unfinished buildings.

Only about 10% of the midway was in complete operation opening day, with those concessions in partial operation raising the estimate to 35%. The rest of the buildings and rides were totally unready, presenting bleak fronts to the huge initial influx into the area.

The Fair's front office management quickly seized upon alibis to explain away the midway's condition. Labor took the quickest rap; secondly the pernicious status of many of the concessionaires. The fact that the Fair, until a couple of months ago, was woefully lacking in manpower understanding the outdoor show business was not mentioned.

Early in March, Grover Whalen, the Fair Corp. exec., finally took cognizance of the midway's precarious status and sought in Jay Downer, Paul Massman and Frank Conner as an advisory committee for the amusement zone, with Downer as the chairman. All three were connected with the Chicago World's Fair, with Massman taking a leave of absence from NBC to participate in the N. Y. expo. This (Continued on page 55)

U.K.'s Preparedness Curbs Theatre Bldg.

London, May 2. Keynoting a trend adopted just prior to the World War, when supplies of remote need were first pointed out, the newly appointed minister of supply is holding up reconstruction and building of the War Department for steel and other building supplies. This is in line with the recently declared preparedness budget adopted by the Kingdom.

HAYS REPORT SEEKS BENEFITS

TOO REALISTIC

Radio Serial Broadcast From Apt. Scores Neighbors

Blood 'n' thunder stuff on the 'Smilin' Jack' juve program over Mutual drew a squad of sundown last week when the broadcast was shifted to the Beaux Arts apartments, N. Y. Cops were responding to a call from neighbors who were frightened by the gunshots fired on the flames.

Reason for shifting the broadcast from the studio to the apartments was that Frank Beadick, lead on the show, had the flu and the mike was brought to his bedside. Series is sponsored by Tootsie Rolls.

REFUGEE REVUE APPEARS SET FOR B'WAY

Refugee Artists Group, with a Viennese revue similar to 'Chauncey-Souris,' is attracting the attention of Broadway showmen, several having been mentioned as considering financing the show. At private showings, without sets or costumes, the visitors aroused enthusiasm among those asked to attend. Venture was yesterday (Tuesday) delayed by Equity.

Plans have not been definitely decided upon, present idea being to present the group as a not-profit show. Refugees are to get modest salaries. The producers will go to aid other refugees. Stated that while few know English, their diction is clear and there is little of the dialect during performances.

Group is made up of actors, playwrights, and comic artists, there being 16 performers. They formed in 1932 and became known as 'Klein Kunst Duha's,' being forced to appear in Vienna basement halls on account of censorship, which was even then rather strict. Refugees in ones and twos arrived in New York and for several months have been making preparations to appear publicly.

They have been financially aided by Mrs. George S. (Beatrice) Kaufman. Mrs. William S. Paley, Robert E. Sherwood, Eddie Cantor, Irving Berlin and others. Showmen who are considering backing the group are said to be Sam H. Harris, Martin Beck and the Theatre Guild.

BLIND DISC THROWER

Detroit, May 2. Harold Kean, blind writer at WJR here, is being sued for divorce. Among charges listed by his wife is that he threw discs at her. Papers didn't indicate if his aim was good.

Urges That Industry Secure Channels Earmarked for Theatre Use Only, as Distinct From Home Transmissions

OTHER ANGLES

Television soon will be a pressing problem before the exhibition (Theatre) division of the film industry in the opinion of Courtland Smith, who has recently completed an exhaustive report on visio. Copies of Smith's findings are in the hands of leading film executives for whom the survey was made, under the auspices of the Motion Picture Producers and Distributors of America, Inc. (M.P.D.A.).

Coincidental with the opening of the New York World's Fair and the successful telecasting within the metropolitan area of the inaugural ceremonies, including the opening address by President Roosevelt and scenes of pageantry, the relationships of films, radio and television are being studied in a new light. Although technically still in the experimental phase, and to be regarded by the Federation (Continued on page 30)

Can't Tell a Yoke! From a Native; B'way Should Lure Visitors

BY BARNEY O. WILSON (VARIETY CORRESPONDENT FROM LINCOLN, NEB.)

Mass migration from the outland hamlets, villages, farms, and cities to the Whalen enterprises in Flushing will make 1939 Broadway's banner year.

Broadway is due for one surprise—the yokes won't be easily found from the regular, except that they may look up at the tall ones, walk with the green light and stop for the red, drive the wrong way on the one-way streets, and many of the femmes be blonde au naturel.

The yokes will be less surprised, because he knows about what Times Square looks like, thanks to Hollywood and Technicolor. He will expect to see burlesque joints and dance houses employing carnival barker to whom nobody pays the slightest attention. Likewise he'll be disappointed if he doesn't see a few pith helmets, or if he doesn't see a few peculiar panhandlers, a few pickets who can't talk English, lockstepping and kicking their feet for the guy who has been hiring them at better money than they could get where (Continued on page 47)

Sun Plays Hide and Seek But RCA Televizes Fair's Opening Successfully

STILL IN CHARACTER

Cops Tag Ray Mayer Through Film Gangster Portrayals

St. Louis, May 2. Ray Mayer, who, with his wife, Edith Evans, have resumed their vaudeville act after 've years in Hollywood, is encountering some amusing complications due to the fact that he played so many gangster bits in films.

In a couple of railroad depots police detectives who spot all incoming trains have tailed him. His face is familiar and they associate it with crime.

REPORTERS AS LICENSED RADIO OPERATORS

Salt Lake City, May 2.

Nearly 30 Salt Lake Tribune (a. m.) and Salt Lake Telegram (p. m.) editorial staffers took examinations Friday (28) for FCC radio-telephone operator licenses, third-class, which will permit them to handle short-wave radio equipment in news gathering. The two local papers recently became the first in the United States to be granted a license by FCC for ultra short-wave relay press radio etherizing. Edwin S. Heiser, Denver inspector for FCC, gave exams.

Newspapers' three portable-microphone can carry on the backs of reporters. They will operate on 30,000 kilocycles. One will operate with 40 watts, the other 15 watts.

By BOB LANDEY. Miles ahead of the old nickelodeon pickers, harbingers of the cinema, and substantially better on all counts than crystal-set radio, the RCA-NBC television broadcast Sunday (30) of the ceremonies opening the New York World's Fair was an impressive demonstration of advances made in the last year or two. During a three-and-a-half hour sleep from 12 noon to 3:30 p. m., there were only three or four momentary 'rainstorms' in the light-picture.

Viewed on a Dumont receiver on the penthouse of a Madison avenue building, the television program was relayed from the Fair grounds to the RCA-NBC transmitting station atop the Empire State Bldg., and thence advanced made by the RCA senders, the event established Dumont as one of the aggressive contributors for leadership in the new industry.

The Dumont set is a direct-view 'screen,' unlike the RCA sets, which use a mirrored panel at an angle above the set. An image 14 inches square in black and white tint is controlled by a series of knobs.

(To aid the tuning of television sets a drawn pattern is sent through the air. In relation to the circles (Continued on page 31)

Posthumous Play By Sarah Bernhardt Found

Paris, May 2.

Marion Dix, former Hollywood scenarist, has acquired the film rights to a hitherto undiscovered four-act play, 'La Chemin de la Jalouse' ('The Way of Jealousy'), written by Sarah Bernhardt several years before her death.

Lytiane Bernhardt, kin to Miss Bernhardt, discovered the manuscript, which is in the actress' handwriting, in a discarded trunk.

35 GIRLS and ONE MAN

The Hour of Charm

Phil Spitalny

And His All Girl Orchestra concluding the third year of broadcasting for General Electric

Griffith 'Welcomes' U. S. Suits; Should Clarify Chain's Position

Oklahoma City, May 2.—Action within a week or two is expected on the injunction asked by the Department of Justice against Griffith Amus. Co., four of its companies and 10 defendant distributors. Actual trial of the Government's suit filed in U. S. District Court here last week is not expected to begin for some time.

No statements have as yet been made by Griffith officials who are busy conferring with their attorneys and with distributor attorneys with regard to the suit, although it is understood from official sources that Griffith executives welcome the Government action, "since we knew it was coming eventually and we would just as soon that our position be made up at the earliest possible moment."

Acting on behalf of the anti-trust division of the Department of Justice, Charles E. Dierker, Federal district attorney, after returning from Washington, filed a suit for injunction against the Griffith companies and distributors to prevent alleged acts and combinations in restraint of trade.

Named defendants are: Griffith Amus. Co., Consolidated Theatres, Inc., R. E. Metrolite, Inc., Westex Theatres, Inc., L. C. Griffith, H. J. Griffith, R. E. Griffith, Frank and Metrolite, Inc., RKO Radio, Vitaphone, Universal, 20th-Fox, United Artists and Columbia Pictures.

It is understood that selection of the Griffith companies was made because the Griffith setup is the largest in the independent circuit operating in the U. S. and would not be covered by the outcome of the Government suit in New York.

Investigators for the Department of Justice have been at work in the Southwestern territory for several weeks taking testimony from independent operators, from Griffith opponents where it exists and doing similar work in exchanges here. The guiding hands behind the new independent buying pool which is to be formed here and there are also said to have aided Department of Justice men in their investigations.

Similarities to the Monand suit was pointed out by local officials. These have been asking \$450,000 damages of Griffith companies, producers and distributors, are based on practices the same charges embodied in the Department of Justice bill of complaint. The Monand suits were filed five years ago, rested last year and are today still pending in preliminary stages of the depositions of the parties heard. Action in the Monand cases is also expected shortly.

Since the past five years the defendant exhibitors have constituted a combination with each other and with each of the major distributors to unreasonable restraint of interstate trade and commerce in motion picture films and in the operation of first and second run exhibition of feature pictures and the operation of first and second run theatres in the Griffith towns in violation of Sections 1 and 2 of the Sherman act, the Government complaints allege.

Griffith Amus. operation includes the following locations and number of theatres: Oklahoma—Ada (3), Bartlesville (4), Blackwell (2), Chandler (2), Duncan (2), Elk City (1), Enid (3), Muskogee (3), Henryetta (2), Hobart (1), Hugo (2), Norman (2), Oklahoma City (1), Okmulgee (4), Seminole (4), Shawnee (3), Stillwater (3).

Texas—Borger (3), Kermit (2), Pampa (3), Wellington (2), Wink (2).

Consolidated Theatres, Inc., has the following locations and number of theatres: Oklahoma—Altus (3), Chickasha (2), Claremore (2), Clinton (2), Cushing (3), Drumright (3), Fredrick (3), Holdenville (3), Hominy (3).

(Continued on page 18)

Why No 'Consent'

A major reason for the unwillingness of the major companies to come to any agreement with the Government, over a consent decree was revealed during the week by a Government spokesman. It states from knowledge that there are hundreds, if not thousands, of small theatre owners who, if the Government suit proved successful, would bring similar actions based on the charges throughout the country.

It is not the intention of the U. S. to seek money damages in the anti-trust action. But should they win, the small theatre owners can file their actions, claiming violations of the Sherman Act.

Philly Exhibs Admin Distribs Not So Tough

Philadelphia, May 2.—Exhibitors here were willing to agree this week with the distributors in New York that districts are going easier on them this year in their approach for the new season's business. Whether it's a realization that b.o.b.'s are sharply off from last season or whether they are inspired by Washington legalists, exhibitors are unable to say. They do agree, however, that the exchange managers and their salesmen are not so tough as they once were.

Accustomed to being asked for a tilt in rentals each year, many exhibs claim they are being pleasantly surprised by the exchanges. Several companies are asking for no increase at all, while others are requesting very moderate slants—which the exhibs maintain they know they won't get anyway. Metro in many situations is only offering two allocations, changing a pair of 25's to 30% and 30% to 35%. Fox is demanding a slight raise and Warner Bros. is no longer than last year.

On the other hand, there's no concerted move by exhibs to delay making deals—which has been particularly prevalent in this territory for the past two years and which has been very costly to the exchanges. Exhib organizations are sending out their usual warnings, but there seems to be no real force from them this year in the past.

Some exhibs, of course, are still doing business on unfavorable terms, waiting about exorbitant rentals and unfair practices in cases where distributors have been particularly tough for upping prices. They are much more in the minority, however, than in the past.

WB TO MAKE BIG PIX WITH TOP STARS IN ENG.

London, May 2.—Warners is out to produce big picture films for the next few years of the Atlantic and intends to bring over James Cagney and Paul Muni, among others.

Joe Hensberry is coming to direct.

H'wood Calls Bromberg

Hollywood, May 2.—J. Edward Bromberg accepted a telegraphic contract from Darryl Zanuck to play a role in the forthcoming "Hollywood Cavalcade" at 20th-Fox.

He just closed in 'Awake and Sing' on Broadway, and is due here May 15.

Local 'Circuits' Trying to Rush the Arbitration Machinery of Trade Practice Code Before New Selling Gets Much Older

Latest Suit Against Four Texas-New Mexico-Oklahoma Circuits Is Forerunner of a Series in Several Localities

CONCERTED DRIVE

Washington, May 2.—Several supplemental anti-trust cases, patterned after the equity attack on four Texas, New Mexico, and Oklahoma circuits (Griffith) filed last week, are contemplated by the Justice Department to back up the suit against the major producers-distributors affiliated exhibitors. Policy announcement Friday (28) said the suit filed in Western Oklahoma federal district court is merely the first of the series under preparation for several months.

Rumors of a concerted drive were substantiated when Prof. Thurman Arnold, assistant general counsel, announced the Government's objectives cannot be realized without breaking up "local circuits." The Southwest action was the first docketed because the investigation came to a head soonest. Next case or two may be unveiled in the coming week, although D. J. officials are hesitant to make specific predictions and will not indicate which one of several exchange territories may be the next to go.

Shortly before Arnold's statement, Attorney General Murphy revealed that the non-affiliated exhibitors film monopoly will be extremely broad. Several cases are being prepared, as was forecast in January several weeks ago.

Applause from Allied Artists Association followed the D. J. move against the Griffith Amusement enterprises. The Oklahoma suit, "second in importance only to the omnibus proceeding against the Big Eight filed in New York last July," was termed by Abram F. Myers, general counsel of the indie outfit, a complete substantiation of the claims of the non-affiliated exhibitors. A new and effective argument in favor of the indie position. Counters the "propaganda" dished by the majors, he declared.

The action demonstrates that the Federal government will not tolerate monopolistic practices by anyone, and that it will not accept membership. Does not necessitate the need for further concessions by the major circuit.

Remarkable on the prospect of more suits Myers called for a thorough probe into the activities of the Producers & Distributors of America, hinting at action in the fall. Job of correcting unwholesome conditions in the film business will not be finished until there has been a thorough market of the activities of the Mays Association, he declared. Propaganda and lobbying the public require intensive study, according to the Allied leader.

Arnold's Attitude
The policy pronouncement by Prof. Arnold rested the grounds set forth in the New York suit and emphasized the major contract exhibitors' chains of theatres exercising monopoly power in various sections of the country. In addition, it stressed the link between the chains and major distributors.

If the major producers are deprived of control over local theatres, they must have for themselves a thorough market of the independent theatres in which to distribute their product, the assistant general counsel said. They must not permit the local monopolies which control the market in particular territories.

"To leave the chain theatres in control of the market after divestiture of the major contract exhibitors is simply to substitute a number of local monopolies for the national (Continued on page 18)

Actor by Thrust

Hollywood, May 2.—James Preston became a Hollywood actor by accident after 18 years as superintendent of the U. S. Senate press gallery in Washington and more recently assistant custodian of Governmental archives.

Brought to Hollywood by Frank Capra as technical advisor on "Mr. Smith Goes to Washington," Preston was drafted as a thesp. His screen role is superintendent of the Senate press gallery.

Special Master To Decide on U.S. Vs. B.&K. in Chi

Chicago, May 2.—Government suit against Balaban & Katz and six major distributors on charges of violating the consent decree made against them in 1933, restraining them from violation of the Sherman anti-trust laws has been set before a special master. Edgar Eldridge was named by Federal Judge Charles E. Woodruff, who has said the case, and May 17 is the date for the introduction of evidence in the Government's charges that the defendants maintain a monopoly in films.

Just as Eldridge gave the Government a big point when he ruled okay on the U. S. petition to examine the records of the companies involved in the suit.

Robert L. Wright, assistant attorney general at Washington, appeared for the Government along with Warren Canaday, district attorney.

Suit of the indie exhibitors against Balaban & Katz and the major distributors charging restraint of trade is being stalled, due, in some measure, to the preoccupation of plaintiffs' attorneys, Joe Rosenberg, in the current Moses Anenberg tax case.

At present the two sides are involved on the question whether or not the plaintiffs (the indie theatres) shall open their books to prove their contention that they have been injured by the tactics of the defendants.

SELZNICK-VA TO SIGN 3-YEAR DEAL ON COAST

Contract on the new three-year releasing deal of Selznick International Pictures by United Artists Corp. was signed officially in New York. Final ink had been held up by recent illness of John Wharton, attorney for John Hay Whitney and S. J. Wharton left New York for the Coast last week to close deal out of town. They must now wait until Murray Silverstone later this week.

Free Commercial

London, May 2.—James Roosevelt, vice-president of Sam Goldwyn productions, who has just returned from Great Britain on foreign situation, sails for the U. S. tomorrow (Wednesday).

General publicity are taboo by the BBC, but he got it.

Initial steps having been taken during the past week toward building up a structure to govern arbitration under the trade practice code, a satisfactory basis for handling disputes may be worked out, legally and otherwise, in time to carry important weight before the selling season has advanced too far. If the machinery of arbitration, as it will function, can be set up pending ultimate action of exhibitor groups on the self-regulation code itself, then Allied States Amus. and other recalcitrant exhib bodies may be influenced toward ratification of the code.

Understanding is that Abram F. Myers, chairman of the board of Allied and its general counsel, is inclined to favor consideration of the final trade practices draft if the details of arbitration are worked out first. Allied turned the code down unofficially by refusing to convene the board of directors to consider it, one of the principal reasons being that the draft did not embrace the exact methods under which distributor-exhibitor disputes would be settled.

The Intermountain Theatres Assn. of Utah, one of the key groups through which the distributors have been setting up the code, also turned it down without specific reasons but believed that this local exhib unit may also be encouraged by the prospect of a special master of the arbitration structure set up quickly. Some other exhib bodies are making suggestions concerning but conditionally upon the arbitration methods to be employed. These include Independent Theatre Owners Assn. of Greater New York which, along with other groups, are making suggestions concerning arbitration. An important point seems to be the methods under which arbitration were made by the distributors group, headed by William F. Rodgers, general sales manager of Metro, and lawyers who have started to summarize them to determine

(Continued on page 45)

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Par's 1st Quarter \$500,000 Above '38; 20th-Fox's \$400,000 Less Than Last Yr.

Paramount Pictures showed an improvement of nearly \$500,000, while 20th-Fox showed a decline of more than \$400,000 in the first quarter this year as compared with the initial quarter of 1938. In the first quarter, Paramount estimated its earnings on a net basis at \$1,341,567, or \$830,866 in the first quarter last year. Surprising thing about Par's report is that there were no extraordinary pickup (approximately \$600,000) in income from picture distribution, while at the same time there was a dip in revenue from theatre operations of partially owned non-consolidated subsidia. The first quarter this year showed Par getting \$676,000 from this source, while in the comparable quarter of 1938 the company reported \$406,000 from partially owned non-consolidated subsidia.

An idea of the improved Par earnings is seen in the per share earnings on the common. In the first quarter this year, even after paying out \$200,268 in preferred dividends, undistributed earnings amounted to 41c per share as against 25c in the initial quarter of last year. The \$200,268 dividend was paid in preferred dividends. Paramount statement showed 144,600 shares of 8% preferred stock outstanding on April 1 last, indicating that the company's conversion of preferred stock into common shares at \$100 per share was completed. Par at one time was manifesting great interest in getting holders of both first and second preferred stock to convert them into common shares. The company was paying out \$100 per share of stock, but the prospect for such payment in the immediate future appeared somewhat doubtful, according to informed Wall Street opinion.

The first quarter for 20th-Fox which incidentally showed almost the same total as Par (\$1,224,250), was down in line with the picture business, financial circles, which had been expecting a decline in earnings. 20th-Fox showed as against last year. In contrast to \$1,224,250 for the first 13 weeks, ending April 13, 20th-Fox showed net profit of \$1,641,337 in the first quarter of 1938. This compares with \$1,224,250 for the first quarter of last year. The company received in dividends from National Theatre Corp., shown for the fourth quarter of last year, \$1,224,250 for the first quarter this year for \$200-Fox amounted to 50c per common share.

Gross income from sales and rentals of films and literature for the first quarter of this year totaled \$1,241,337. Amortization of production costs placed at \$1,076,222. Provision for Federal Income tax amounted to \$220,000.

PAR'S ANNUAL PROFIT ENDING '38—\$4,105,675

Paramount Pictures annual report for the year ended Jan. 1 last showed a profit of \$4,105,675, or \$2.65 per share, after deducting \$1,076,222 in Federal income tax. The larger total, taking in undistributed earnings, amounted to \$4,105,675.

Paramount report shows that revenues from subsidia operations in foreign countries and theatre operations are included only to the extent that dollars have actually been received. In the total earnings, Par showed a profit of \$332,267 on the purchase of picture debentures. Undistributed earnings also include \$232,267 of net capital and non-recurring income. Total net profit, including interest, as a stockholder in the combined undistributed earnings for the year for partially owned companies totaled at \$1,340,000.

Company's statement signed by Motley, said that \$1,340,000 of 20-year sinking fund debentures were redeemed on Feb. 19 last and that \$1,340,000 of 20-year bonds were redeemed last April 17. With these and issuance of \$250,000 principal amount of debentures in settlement of claims filed by the Prudence Co., Inc., there were outstanding in the first quarter of 1939 \$1,340,000 of these bonds. Report shows that the funds needed to swing this refunding, the company and several of its wholly owned subsidia borrowed at 3 1/2%

Lloyd at RKO Set

Hollywood, May 2. Harold Lloyd Productions for RKO is ready to inked with RKO. Lloyd will direct his present effort, "The General Series" while producing on the RKO lot.

SEE PATHE LABS' CASH DIVVY IN 1ST YR.

Pathe Laboratories, its operating company formed by Pathe Films Inc., has been the first to make this year, probably will declare a cash dividend the initial year of its existence and will show a nice profit the first year. O. Henry Briggs, newly elected president of the stockholders' meeting last week, Briggs, who was president of the company at the time of its formation, to head Pathe with Kenneth M. Young, brother of Robert Young, who has been the chief counsel in the affairs of the company for years, named new president of Pathe Film. He is a banker.

Briggs also revealed that the new laboratory operating company was on a profitable basis as early as last March. Mechanical film gadget, being sold to what's fair, is responsible for the film showing made to date by Pathe Lab.

He also reported that the company's micro-film device for recording legal documents and checks may soon be placed on the market. His chief competition just now is Recordex, the Eastman Kodak device. When a deal is worked out, rendering them out on a monthly basis, it is likely that a loan needed for the purchase of the device. The company already has had a \$250,000 offer for 75% interest in the machine.

Meeting was informed that Pathe Film would cost only about \$50,000 per year to operate under the present setup. The DuPont Film Mfg. Co., for which Pathe Film was established as a holding firm for its substantial stock interest, showed a number of shares of stock in the first two months of this year, against \$117,000 in initial two months last year. The company also has a substantial dividend basis, with an extra dividend declared weekly at the end of each year. The company declared \$30 extra at the close of 1938.

Notarius' New Exc Berth at Par Studio

For many years with Paramount in theatre operation and film in book-binding, Louis Notarius is transferring to the Paramount studio. He is taking over the first two months of this year, against \$117,000 in initial two months last year. The company also has a substantial dividend basis, with an extra dividend declared weekly at the end of each year. The company declared \$30 extra at the close of 1938.

Ginger Rogers' Next

Hollywood, May 2. Ginger Rogers, who finished "Little Girl in the Flat" with RKO in "Fifth Avenue Girl" at RKO in three weeks. Gregory LaCava directs. 300,000 from banks, most of it on a 30-day basis. The first quarter of 1939, the company reported a profit of 30% per annum. For the first year period ending Dec. 31 last, report shows that the company's income from the first quarter of 1939, the company and several of its wholly owned subsidia borrowed at 3 1/2%

INSIDE 'PHILLY STORY'

Several Angles to WHY Miss Hepburn First Bought the Rights

Several major film companies are bidding for the screen rights to "The Philadelphia Story" and a deal may be consummated within the next week or so. Understood all the offers call for the purchase of the rights to the leading part, which is currently playing in the Philip Barry play at the Shubert N. Y., under Theatre Guild management.

Despite widespread reports that Howard Hughes has the film rights in the comedy, Miss Hepburn is the actual owner. Contract for the rights is in her name and it is reported she is receiving money for the advance payment on the deal. Whether or not Hughes is in the proposition is a matter of speculation, but those close to Miss Hepburn state that the millionaire aviator never guaranteed the actress against loss in case no major studio bought up her rights to the play. Lively interest by the companies in obtaining the show from Miss Hepburn would seem to indicate that neither the not having will be left to produce it on their own.

What kind of bids have been forthcoming isn't known. Miss Hepburn acquired the screen rights on a production deal, with the price a flat advance plus a sliding scale of royalties based on the picture's gross. The deal was made at a time when ever been made. It is a question of whether the actress would transfer her rights to a flat price or a percentage basis or a combination of the two.

Incidents involving the film rights to "Story," Miss Hepburn also has a substantial share of the left production. The actress' rebuff of other offers are supposed to be on an approximate basis of 40% each by the actress and Barry, and 20% each by the actress. The actress bought the screen rights merely to insure her playing the part in the picture.

LOEW'S 28-WEEK NET PROFIT UP, \$7,268,847

Loew's, Inc., net profit rose approximately \$400,000 in the first 13 weeks of this year, compared with 16 last as compared with the same period of 1938. Report ended yesterday, Loew's net profit for the 28-week period of last year. This year's net profit was \$7,268,847, or \$16.87 per share. The company made decision that directors recently approved setting up a reserve of \$900,000 for contingencies. The company's net profit only \$500,000 was set aside last year for the comparable half year.

When the dividend is paid, the net was figured as being: only \$2,368,667 or \$3.68 per common share. The company's net profit for the 28-week period of 1938 when \$3.76 per common was shown.

Studio Contracts

Hollywood, May 2. Metro signed Jacques Thierry, scripter.

Edw. Fox contracted Sybil Jason, screen writer.

Don Castile's paper play renewed by Metro.

Walter Schiller inked writer deal with Boris Morros Productions.

RKO handed actor part to John F. Hamilton.

W. Fox signed Jacques Kapralik, artist.

James Hilton inked scripting part at Warners.

Ernest Hansen handed almost deal by 20th-Fox.

Virginia Day penned paper play for 20th-Fox.

John Taintor Foote and Owen Francis, writers.

More Higher-Bracketed Pictures Inspires a Buyers' Pool Plan in N.Y.

Sennett on 'Cavalcade'

Hollywood, May 2. Mack Sennett goes to 20th Century-Fox as an associate producer with Harry Joe Brown and technical director on "Hollywood Cavalcade."

Studio wants to utilize its picture background during RKO's formative years for its \$2,000,000 spectacle.

LIFE SENTENCE IN THEATRE HODDUP

Spartanburg, S. C., May 2.

Melvin Coffey, 25, and Bedford Collins, 26, were sentenced to life imprisonment for armed hold-up of Mr. and Mrs. J. C. Holland, the father of the late Mayor of March 1. Mr. and Mrs. Coffey were convicted of first-degree burglary.

Incidents involving the film rights to "Story," Miss Hepburn also has a substantial share of the left production. The actress' rebuff of other offers are supposed to be on an approximate basis of 40% each by the actress and Barry, and 20% each by the actress. The actress bought the screen rights merely to insure her playing the part in the picture.

Ticket Taker Held Up

Detroit, May 2. Norman Powell, ticket taker at East End theatre here, and escaped on Tuesday last week. Powell was carrying money to manager's office after a performance. He was captured on a street, stepped out of rest room, knocked him unconscious and seized money bag.

Pink's Sleazebag Wave

Pittsburgh, May 2. New wave of theatre robberies has broken out here again despite fact that police men have captured banked who had been responsible for several of them and sent him to prison for a year.

John Stahl, Jr., son of Homestead theatre here, the latest victim. He was stuck up on the way to the bank by an armed thug and relieved of \$300 in cash.

Last week colored thief reached into ticket booth of Triangle, East World's corner up \$10 in quarters from the hands of Rita Kelly, cashier, and the latest victim.

Couple of other stickups have been tried at nabu houses during past few days, but they were unsuccessful.

Lenox Station

Troy, N. Y., May 2. Two protection fences, valued at \$200, were arrested by police by someone who entered the theatre and stole a bag of money. Rosen reported to the police.

WB H'wood a Victim

Hollywood, May 2. Two handle hands off with \$1,000 Sunday (30) at Warner's office on the boulevard, after forcing William Brown to open the safe.

They herded five others together and made a clean getaway.

Plenty of Film Trailers

On N. Y. Fair's Premiere

Paramount News devoted a full newswall space to the New York World's opening. The paper got it out early Monday morning that it was playing Broadway theatre by the time they opened for the day. Paramount newswall expressed its belief that the country's interest around was enough to justify devoting an entire issue to the event. It was the only newspaper to do this or the country to do it.

They herded five others together and made a clean getaway.

20th-Fox renewed Milton Sperling's scripting ticket for one year.

Minneapolis, May 2. As a protest against distributor action in the picture market, the higher brackets and thus raising film costs, demands will be made at the National Film Association's next month for organization of a buyers' pool to deal with the competition.

Independent exhibitors here charge that the increased number of films produced under new industry code has been more caused by the crowding of upper classification. They refuse to concede the possibility that the pictures will be of sufficiently higher quality to warrant the higher prices. The distributors' actions. Even with the additional cancellations, the independent exhibitors will be worse off than ever because contracts will involve more money for lower film rentals than hitherto, regardless of whether or not the buying pool is organized.

There is much opposition to the practice of one prominent member of buying 'runs' of pictures. As a result of it, they claim, they're not having to pay more than otherwise for their film.

RCA'S 1ST QUARTER NET AT \$1,448,110

David Sarnoff, president of Radio Corp. of America, told stockholders that the company's first quarter (Tuesday) that net earnings of the company totalled \$1,448,110 in the first quarter this year as against \$1,437,801 in initial three months last year. Profits were equivalent to slightly less than 5c per common share after preferred payments.

Sarnoff told stockholders' meeting that the company had received \$1,448,110 in cash on hand as of April 1 despite the fact that bank loans were reduced by \$1,000,000 with resultant interest saving on that amount. He pointed out that outstanding bank loans were \$1,000,000, on which the interest rate has been reduced from 6% to 4 1/2%.

The RCA president outlined the first public television program. He said that the company had the Radio Corp. building's television exhibit the opening day of the N. Y. World's fair.

Cornelius N. Bliss, Bertram Culler, Charles G. Dawes and James G. Harbo, who were directors, were re-elected for a term of three years.

Metro Buys 'Maritza' For 60C from Kalmann

Paris, April 24. A soundfilm rights deal for Metro Kalmann's "Countess Maritza." Although sale price paid for the operaetta cost \$1,000,000, the picture will cost \$1,800,000.

This makes the second work Metro has bought from Kalmann, the other being "Sari," bought some time ago. The picture, which has not yet been made, it's expected that Kalmann will go to Hollywood to set up a picture capacity when the picture is made.

Irvin Marks negotiated the sale.

Extras 'Big Apple Take'

Hollywood, May 2. General upsurge in all lines of studio employment spread \$22,000 in the first quarter of 1939.

Calls for 21,000 jobs went out, topping March by 5,000 places. Studios are expected to be in a break demand through June.

SAG-Agents Report Ready

Hollywood, May 2. The Screen Actors Guild advised at a meeting (Tuesday) that the report on the licensing contract for agents will be ready by the end of the month. The Agents' Committee on May 8.

It will go to the board for final approval after the committee okay it.

**'Victory'-Talley Smash \$25,000, but 'Ky.'-Vaude
Only Fair \$15,500**

Washington, May 2. Baseball, carnivals and outdoor spots are taking their toll this week. What might have been an interesting battle between femme warblers at rival vaude spots crashed when "Dark Victory" swept Marion Talbot at Earle, completely out of reach of Jessica Dragonette, who is getting no help from Lady's from Kentucky, a Capitol.

Leon Warner management's tradition-busting experiment of opening "Dark Victory" on Thursday without stage show, which bowed as usual on Friday, gave clear proof of

What last week's snows meant for the home box office, however, was estimated 35% of those who managed to get to the theatre on Thursday (28) walked away to return when they could get a stage show for the same price.

Box Office For This Week

Capitol (Loew) 9,343; 25-35-40-60-75
—Lady's Kentuck (Loew)
—Audie. Jessica Dragonette dragging it up to fairish \$15,500. Last week "Freedom Ring" and Arthur Godfrey; Revue, probably \$15,500.

Capitol (Loew) 1,234; 25-35-40-60-75
—Midnight' (Par) (2 run). Thru week downtown will see average \$4,500. Last week, "Prison Bars" (UA), same figure.

Earle (WB) 2,219; 25-35-40-60-75
—Rocky (WB) 1,000; 25-35-40-60-75
Sork reviews and bally, plus some draw by Marion Talley, make this

Knock's Biz Off;

Victory Looks Best at \$7.500

Indianapolis, May 2. Biz generally is still suffering from spring fever in downtown section with Indiana leading the straight pluck houses with 'Dark Victory.' Lyric is perking up some by combining Dixie

feeling the competition with a real week with Jommy Dorsey orch and 'Zenobia.'

Last two nights of Roller Derby affected week end business, but the weather, which turned balmy, gets the blame for so-so week days.

Estimates for This Week

Apollo (Katz-Dolle) (1:100; 25-30:40)—'Eastside Heaven' (U) dunned

Indiana (Katz-Dolle) (2,600; 25-30 40) — 'Zenobia' (UA) and Jimmy Dorsey's orch on stage. Winding up flesh policy to losing \$8,000. Last week 'Lady's Kentucky' (Par) and Al Donahue on stage, \$8,700, also in the carmine.

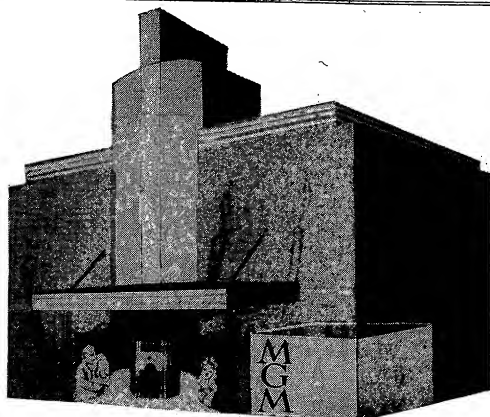
Indiana (Katz-Dolle) (3,100; 25-30 40) — 'Dark Victory' (WB). Topping all others, with \$7,500 in sight. Last

—'Madden' (M-G) and 'King Turk' (UA). Coasting along at \$5,500.

Lyrie (Olson) (1,900; 25-30-40)-
'Cisco Kid' (20th) and Joe Sanders
orch. Dixie Dunbar and George
Givot on stage. Taking the top flesh
money of the town for good \$9,700.
Last week 'On Trial' (WB) with

MacPherson Leaves NSS
Chicago, May 2.
Jack MacPherson has resigned as

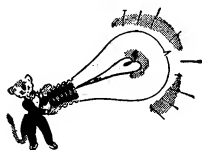
He was with the company for 1 years.



**Strength!
Security!**

THE CORNERSTONE OF 11,000 THEATRES!

For 15 Years:



**FIRST in
STARS!**

Exhibitors named M-G-M
the star company and it's
truer than ever today!



**FIRST in
HITS!**

At every year's end M-G-M
leads all companies. That's
a matter of record!



**FIRST in
the hearts of
its Customers!**

"A square shake!" The Friendly
Company practices what it preaches!

Let 15 years of experience be your guide. Net results at the end of each year are the only thing that count in this business. When 11,000 satisfied customers balance their books at the close of each season, they say: "I'm playing safe with the leader. Let the other fellow gamble on a flash in the pan." Think this over! M-G-M HAS 18 EXPERIENCED TOP-RANKING PRODUCERS! MANY MORE THAN ALL OTHER COMPANIES! That's how M-G-M removes risks which you have to face elsewhere! WE WILL NOT ALLOW THE SAFETY OF YOUR THEATRE INVESTMENT TO REST ON THE GENIUS OF ONE OR TWO OR THREE! M-G-M's production ranks are rich with talented showman brains ready for any emergency. THAT GOES FOR STARS—THAT GOES FOR DIRECTORS—THAT GOES FOR WRITERS—THAT GOES FOR STORY PROPERTIES—THAT GOES FOR M-G-M IN 1939-1940!

(next page →)



ANGEL CAKE!

And These Stars Will Make The Party A Success!



CLARK GABLE



NORMA SHEARER



ROBERT TAYLOR



JOAN CRAWFORD



JEANNETTE MACDONALD



NELSON EDDY



HEDY LAMARR



SPENCER TRACY



MYRNA LOY



GRETA GARBO



WILLIAM POWELL



MARGARET SULLIVAN



MICKEY ROONEY



WALLACE BEERY



MARX BROTHERS



ROBERT DONAT



ROBERT MONTGOMERY



ELEANOR POWELL



FRED ASTAIRE



EDDIE CANTOR



LIONEL BARRYMORE



ROSALIND RUSSELL



JAMES STEWART



JUDY GARLAND



OPEN DOOR POLICY!

We have no secrets from our customers. M-G-M would prefer to be able to say right now that each one of the pictures listed below will be delivered as described, and that the costs as contemplated now will remain intact months from now.

But our customers of Fifteen Friendly years know the sincerity of our methods which make understandable to them why we reserve the right to amend our plans to meet changing conditions, new trends during the course of a long year.

We report herewith the early status of what is destined to be the most ambitious and costly studio expenditure in the history of M-G-M. The ultimate perfection of each production is our sole concern and yours. Time and circumstance may necessitate changes but they will be changes designed for betterment only.

The 15th Anniversary line-up of M-G-M will be notable for multi-starring pictures, for the importance of the properties selected and for the scale on which they are made.

A MINIMUM OF 44 A MAXIMUM OF 52

The following is a tentative prospectus. From these and others, M-G-M's 1939-1940 releases will be drawn.

NORTHWEST PASSAGE, to resume production on location in May; based on Kenneth Roberts' famed best-seller; King Vidor, director; Spencer Tracy, Robert Taylor.

THE WOMEN, sensational Clare Boothe stage hit of Park Avenue's wives and sweethearts, starring Norma Shearer, Joan Crawford, Rosalind Russell and an all-female cast of about 40 players; George Cukor, director.

GONE WITH THE WIND, Margaret Mitchell's most discussed book of our time; Clark Gable, Vivien Leigh, Leslie Howard, Olivia De Havilland, directed by Victor Fleming. In Technicolor.

A Selznick-International Picture. Prod. by David O. Selznick

IT CAN'T HAPPEN HERE, based on Sinclair Lewis' famed novel of upheaval in America.

ZIEGFELD FOLLIES. Gigantic new type of musical entertainment, as pretensions as Ziegfeld would have made it if he had had M-G-M's resources; multi-starring.

SILENT KNIGHT, highly romantic vehicle for the screen's singing sweethearts, Jeanette MacDonald and Nelson Eddy; play by Eugene Heltai.

MADAME CURIE, starring Greta Garbo; famed biography by Eve Curie depicting the thrills, hardships, struggles and final triumph of the discoverer of radium.

MINOTSCHKA, original comedy by Melchior Lengyel; Parisian and Russian background, starring Greta Garbo; Ernst Lubitsch, director.

THUNDER AFOAT, Ralph Wheelright and Commander Harvey Haislip's story of submarine chasers during last war; Wallace Beery.

THE WIZARD OF OZ. In Technicolor. Awaited by entire show world as the most amazing screen magic ever unfolded. Based on celebrated L. Frank Baum's book of globe-circling fame. Cast includes Judy Garland, Frank Morgan, Ray Bolger, Bert Lahr, Jack Haley, Billie Burke and thousands of others. Directed by Victor Fleming.

TONIGHT AT 8:30 is among the newly acquired important properties; Noel Coward's sensational international stage hit in which it is planned to star Norma Shearer.

GUNS AND FIDDLES (temporary title), spectacular drama with music; Robert Taylor, Hedy Lamarr, Miliza Korjus, Robert Young; by Walter Reisch and Samuel Hoffenstein.

A DAY AT THE CIRCUS, Marx Brothers; to start shortly.

ON BORROWED TIME, Lionel Barrymore, Sir Cedric Hardwicke, and Bobs Watson, the child sensation of "Boys Town" and "Calling Dr. Kildare"; stage hit by Lawrence Edward Watkins; director, Harold Bucquet.

RETURN OF THE THIN MAN, by Dashiell Hammett; William Powell, Myrna Loy.

BROADWAY MELODY OF 1940. Fred Astaire, Eleanor Powell in the most sumptuous of this successful series; novel story treatment by Jack McGowan.

BABES IN ARMS, musical drama more, based on Rodgers and Bobs Watson stage success; large cast includes Mickey Rooney, Judy Garland, June Preisser, Betty Jaynes, Douglas McPhail; Busby Berkeley, director.

MAY FLAVIN, Myron Brinig's novel of an abandoned wife's life struggle.

THE YEARLING, Marjorie Kinnan Rawlings' successful novel; Victor Fleming, director. Pulitzer Prize Novel.

WINGS OVER THE DESERT, Harold Buckley's melodrama of aviation over Sahara.

SEA OF GRASS, Conrad Richter's novel of embattled farmers and cattle men in New Mexico; awaiting availability of Spencer Tracy, Myrna Loy.

KIM, Kipling's famed novel, plans for which call for record studio budget.

SOLDIERS THREE, another Kipling thriller.

QUO VADIS, a multi-starring production of famed Sienkiewicz novel by the creators of "Ben Hur."

THE RUINED CITY, starring Robert Donat; based on the celebrated novel "Kindling" by Nevil Shute.

THE GREAT CANADIAN, Clark Gable and Myrna Loy; story of the American hockey circuit by Robert Hopkins and Vicki Baum.

HOUSE OF GLASS, melodrama by Max Marcin; Joan Crawford.

A LADY COMES TO TOWN, by Clements Ripley; being prepared for Joan Crawford.

BEAU BRUMMEL, by Clyde Fitch; planned to star Robert Donat.

I HAD A COMRADE, descriptive of present-day conditions in Germany; by a British nobleman, Viscount Costello.

AMERICAN NEWLYWEDS. Introducing a new young married couple series.

BLACKMAIL, starring Edward G. Robinson. H. C. Potter, director.

(Prospectus continues next page)

(Continuing 1939-40 prospectus)

SMILIN' THRU, triumphant musical version, starring Jeanette MacDonald; from play by Jane Cowl and Jane Murfin. Robert Z. Leonard, director.

I LOVE YOU AGAIN, by Octavus Roy Cohen; awaiting availability of William Powell and Myrna Loy.

HANDS ACROSS THE BORDER, friendly rivalry on the hockey field between Canadian and U. S. military academies; starring Robert Taylor.

EARL OF CHICAGO, starring Robert Montgomery; Brock Williams' engaging, fast-moving story.

THESE GLAMOUR GIRLS, Cosmopolitan Magazine story by Jane Hall and Marion Parsonnet, for selected young female players.

Further **HARDY FAMILY** and **DR. KILDARE** productions, continuing the high standard which have established these two great American series.

SUSAN AND GOD, Rachel Crothers' play starring Greer Garson, distinguished for her performance in "Goodbye, Mr. Chips."

SHOP AROUND THE CORNER, play by Nicolaus Laszlo; Margaret Sullivan, James Stewart, Frank Morgan; Ernst Lubitsch, director.

BALALAIKA, from the successful London musical by Eric Maschwitz; Nelson Eddy and Iloria Massey, the exotic new singing star.

WITCH IN THE WILDERNESS, novel by Desmond Holdridge; starring Spencer Tracy; King Vidor, director.

LOVER COME BACK TO ME, based on Sigmund Romberg's "New Moon", starring Jeanette MacDonald, Nelson Eddy.

GO WEST, a comedy of Indians, rodeos and the wild and woolly; now being prepared for the Marx Brothers by Bert Kalmar and Harry Ruby.

A YANK AT ETON, by George Oppenheimer and Thomas Phipps; starring Mickey Rooney, to be produced by our successful unit which just completed "Goodbye, Mr. Chips."

WAR EAGLES, a novelty thriller combining imagination and living actors; treatment like "The Lost World", "King Kong"; unprecedented budget.

BUSMAN'S HOLIDAY, Dorothy Sayers' mystery story; Robert Montgomery.

PRIDE AND PREJUDICE, starring Norma Shearer. Play by Helen Jerome from Jane Austen's romantic novel.

LIFE STORY OF THOMAS EDISON, Spencer Tracy and Mickey Rooney respectively present Edison as man and boy.

PARK AVENUE MODEL, starring Joan Crawford; exciting, de luxe drama of a modern maiden; by John Larkin and Jerry Horwin.

20,000 LEAGUES UNDER THE SEA, Jules Verne's world-renowned story in Technicolor.

BANJO EYES, comedy-drama with music for Eddie Cantor.

WINGS ON HIS BACK (title tentative), Myles Connelly's breezy, clever comedy story of an aviatrix and aviator; James Stewart.

NICKEL SHOW, "cavalcade of the motion picture business," with a central showman character; a strongly romantic story; by Vera Caspary.

JOURNEY'S END, based on Robert C. Sherrieff's famous play; starring Robert Donat.

THE ROSARY, Edward E. Rose's famed stage success.

GREAT LAUGHTER, Fannie Hurst's celebrated novel.

THE ZIEGFELD GIRL, all-star cast in story by William Anthony McGuire, author of "The Great Ziegfeld."

METRO
GOLDWYN
MAYER
P R E S E N T S

HIGH
SIGN of
1939-40!



"oh, by the way"

HARDYS RIDE HIGH—hitting the high spots; extended time; biggest of the Hardy hit parade!
CALLING DR. KILDARE—gets rave reviews (*Lew Ayres, Lionel Barrymore and big cast*)—definitely establishes another b. o. series; off to flying start in all opening spots.

LUCKY NIGHT—sure-fire, happy-go-lucky hit—Myrna Loy, Robert Taylor—spontaneous combustion.
IT'S A WONDERFUL WORLD—nothing like since "It Happened One Night"—Claudette Colbert, James Stewart excruciating!

GOODBYE, MR. CHIPS—the best picture of any year—you'll see! Robert Donat, Greer Garson (the star of 1939!); follows sensational "Pygmalion" (6th month!) at Astor, N. Y., launching another long-run triumph to nation-wide fame.

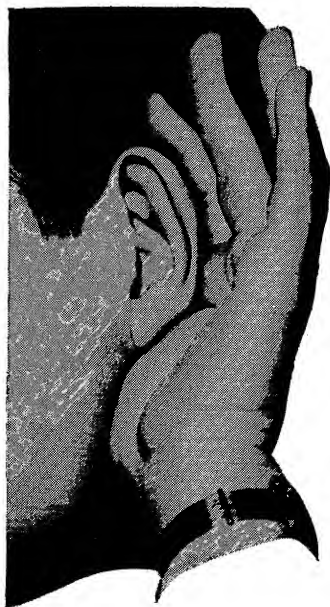
That's just a few in coming weeks and more big ones in June, July, August from

THE FRIENDLY COMPANY

Majors Study Spain

Each of the American major companies has sent two or more reps to Spain to thoroughly check the distribution situation there under General Franco.

Film companies want to size up possibilities and costs of operation under the new government.



Did Somebody Say Something *about* **CONSISTENT DELIVERY?**

Who else but **WARNER BROS.** offers not 1, not 2, not 3 but
4 TREMENDOUS ATTRACTIONS RIGHT NOW!

Confessions of a
NAZI SPY

Sensation of Sensations at the N. Y. Strand!

JUAREZ

Absolute sellout at \$2 - top at the Hollywood, N. Y.!

DARK VICTORY

Radio City hold over — ditto in practically every spot!

DODGE CITY

The extended-time special! Matching 'Robin Hood' everywhere!

Who else but **WARNER BROS.** can show
A FULL-YEAR RECORD LIKE THIS!

DARK VICTORY

JUAREZ

Confessions of a **NAZI SPY**

DODGE CITY

THE OKLAHOMA KID

WINGS OF THE NAVY

YES, My Darling DAUGHTER

DAWN PATROL

THE MAN WHO DARED

A FAMILY AFFAIR

THE KID FROM KOKOMO

HELL'S KITCHEN

THEY Made Me a CRIMINAL

DEVIL'S ISLAND

BROTHER RAT

ANGELS With DIRTY FACES

THE DEVIL ON WHEELS

BLACKWELL'S ISLAND

THE SISTERS

EACH DAWN I DIE

FOUR DAUGHTERS

JACK L. WARNER In Charge of Production • HAL B. WALLIS Executive Producer

(Dare 'em to compare 'em! It's the Fair Way!)

Quiet Please!

while we talk Business

Advertising that puts your sales argument over quickly and graphically is a good investment.

Advertising that appeals to people while they are in a mood to buy is a good investment.

Advertising that entertains while it sells is a novel investment.

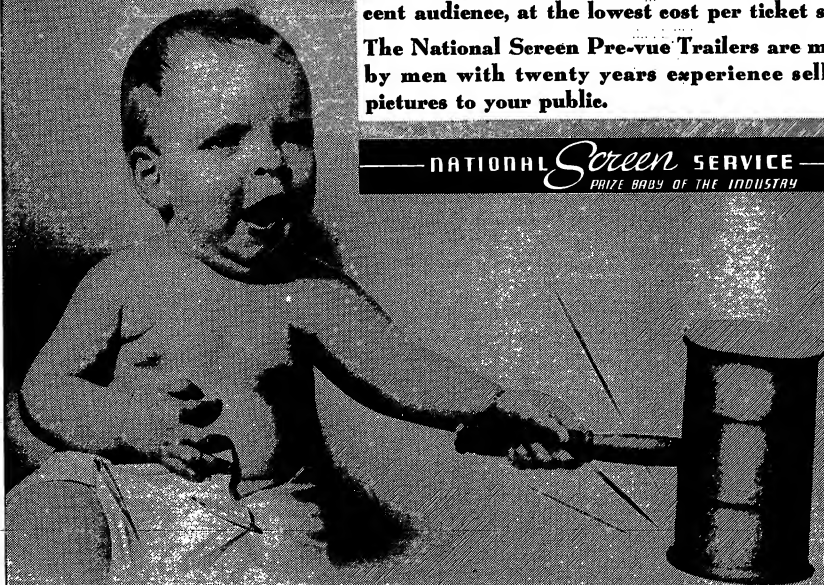
Advertising that is heard as well as seen is a rare investment.

The National Screen Pre-vue Trailer . . . only advertising combining all these features is a great investment.

Why not use this unique advertising on your screen? It sells your show to a one hundred percent audience, at the lowest cost per ticket sold.

The National Screen Pre-vue Trailers are made by men with twenty years experience selling pictures to your public.

NATIONAL *Screen* SERVICE
PRIZE BABY OF THE INDUSTRY





ARE THEY CATHOLIC, JEW, PROTESTANT?

(Think of this when you read tonight's headlines!)

You'll be proud to be part of this. You'll be glad that in this topsy turvy world there's some sanity left and it's working right in your own city. You'll agree this is Americanism in its truest sense and you'll get a tug at the heart to think that the brotherhood of man touches you closely today.

Whatever you give to the GREATER NEW YORK FUND goes to a united effort of all races and creeds to take care of the sick, the needy, the troubled. As you glance at the headlines in your newspaper tonight, think deeply what this means. Protestant, Catholic, Jew in the world's

greatest city join hands for the common good, to help all of its people now, to "build for tomorrow" a healthier, happier city. 380 allied groups are benefitted, covering all communal obligations in one annual solicitation.

Some who read these lines may have great wealth... each should give in proportion... but *everyone* who bears the name of American should contribute at least a day's pay a year to the GREATER NEW YORK FUND... a united gesture whose significance will roar across America and the world.

The Fund Chairman of your company will communicate with you. Others kindly send contributions direct to Motion Picture Division, Greater New York Fund, 1540 Broadway, New York City

Winn Heads WB Exchange in K. C.; Shifts Among Theatres-Exchanges

Kansas City, May 2. New manager of the Warners exchange is Jimmy Winn, formerly with Grand National. He replaced Bill Warner with the company in K. C. for many years. The move follows closely on personnel revision in K. C. of weeks past. Winn, formerly Gaffney was brought in to the post of office manager. Don Woods has taken over the post of sales manager territory, was on the Par sales force in Minneapolis.

M. J. Hogan, former office manager, now is traveling auditor for firm.

Moves Around Philly
Philadelphia, May 2. William Smith, operator of the Washington, Washington, D. C., will take over the Casino Hall, Mt. Pocomo, Pa., for summer season.

Warner circuit last week shifted Bill Hoffman, manager of Oxford, to the West Chester, West Chester, Pa., and Ivy Blumberg from the Albany to Oxford.

Darby theatre being renovated, Dave Supowitz architecting. Henry Robinson is the owner. Renovations on the theatre completed and will reopen soon.

Sam Ierco, RKO salesman, awarded \$125 in March of time spent last week, one of an international group of 10 in the top bracket.

Affiliated Theatres Circuit reported ready to add two more houses, bringing total to 10, following a trip by prez Dave Millgram and treasurer Schwartz to New York last week.

Academy theatre, Wilmington, slated to close May 22, at the hot spell. A. J. Vanni, Warner zone manager, not certain yet of reopening date.

A New Type Film
Detroit, May 2. Pleading that the showing of anti-Nazi stickers failed to keep his theatre from losing money, Newton Jackson, manager of the People's here, won a reduction in tax assessment on spot from Board of Tax Review. Assessment was reduced from \$54,680 to \$44,680.

Indiana Folio
Indiana, town's largest dealer, is slated to shutter for the summer Thursday (4). Union crafts have been given notice, and house prob-

ably won't reopen until October. Last year it was closed from May 6 until Oct. 21. Film product usually added to main policy. The theatre at the Circle, latter house has been trying a vaudeville policy for several weeks trial basis, but results have been poor. The theatre will return to straight film bills.

Theatre Man Goes Pro R.M.
Pittsburgh, May 2.

Aaron Hopkins, chief of service at WB's Boulevard theatre in Brookline, has resigned to go into minor league baseball. He's been signed by the McKeesport team in the Penn State circuit, a Pittsburgh Pirates farm, as a pitcher and has left with the squad for training camp.

Hopkins achieved some rep as a singer in high school, joining Warner last year after his graduation. He played sandlot ball last summer. Al Kline, McKeesport P. A. exhibitor, took to Rochester, Minn., last week for an operation at the Mayo clinic.

Al Kline, 290-Fox manager here and head of Pittsburgh Variety club, announces that Tent No. 1's annual baseball game will be on May 20, Oct. 15, the day after the Pitt-Duke football game at William Penn hotel will be the act, as usual.

Bob Newtark, for many years treasurer and assistant manager at the Penn who resigned several years ago, just been made an exhibitor, took to Rochester, Minn., last week for an operation at the Mayo clinic.

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which and William Tam, Amador county theatre owner, are associated in the new picture theatre just opened at Lone, Cal., the first time since 1928 that Lone has a picture house. Byron F. Mace will manage.

High Theatre Assemblage
Milwaukee, May 2.

Four of the 45 Milwaukee entertainment buildings and industrial properties are contained in the list of sale values in excess of \$100,000 last year included the Empire Bldg., home of the picture theatre, the Carpenter Bldg., housing Fox's Wisconsin circuit, the Madison Bldg. and Garden theatre and the Warner Theatre.

The 1938 assessment for the first is \$1,751,000 for 1938 against \$1,428,000 the previous year; for the second \$1,375,000 compared with \$1,436,000; on third, \$1,570,000 against \$1,220,000; and on the Warner Theatre Bldg., \$1,400,000 compared with \$1,236,000 in 1937.

Paramount Film Distributing
Corp., a Delaware corporation, has filed articles in Wisconsin, listing authorized officers and directors. George C. Blak, Madison, is listed as Wisconsin agent for the firm.

Elmer Hope, former manager of the Wisconsin's Granada here, was named manager of the circuit's Lake where he has been in business for 15 years ago as an exhibitor.

J. Ecker, who has been showing films at the auditorium since 1935, with Ray Pfeiffer, purchased the Lake theatre and will bring this summer into a first-class theatre.

Anderson Let One Go
Den Moines, May 2.

Central State Theatre group here has leased the Princess at Boone, Iowa, for the summer season, and will take possession May 27. The Andersons had been in the picture business since 1907.

A. C. Foley Switch
Atlantic City, May 2.

The former picture exhibitor here, Wildwood, recently destroyed by fire, has been transferred to the Blaker, three shows nightly. Wednesday, Saturday and Sunday regulars, and the Blaker will be increased.

John J. Strand, re-opened for the season, more or less replacing the Casino. Plans are for a rapid recovery for rebuilding the Casino.

OKLA. SEES LOTS OF OPPOSITION THIS YEAR

Oklahoma City, May 2. Exhibitors over the state are expecting competition to be tougher this year than in past years. Usual outdoor shows, operated by such as carnivals is not expected, as carnivals and it tougher and tougher shows, even, due to the city and village tax impositions. The biggest competition is expected to come from strictly amateur projects, civic sponsored enterprises, and Federal entertainment setups carried to a high state of development in this state.

Early interest in the numerous outdoor setups also is expected, as exhibitors may expect these events to offer stiffer competition this year than the past. In some spots exhibitors have learned how to cash in on the county fairs but in others the lack of money has made no cash exploitation is unshared.

RKO's Stock Conversion

Notice was given last Friday (28) that the period for exchanging 10 year 6% gold debentures of Radio City Pictures Corp. for new convertible preferred stock, in accordance with the recently confirmed plan of reorganization, expires tomorrow.

(1) last. The plan provides that owners of such debentures who do not choose to make the exchange will receive one share of new preferred and five shares of new common for each \$100 of debentures. By exercising their election and acting in writing with the Irving Trust Co. they would receive 40 and 43-100 of a share of the new 6% convertible preferred (par value \$100 per share) for each \$100 of principal amount of debentures held.

SMITH DREW 'DREW'
Hollywood, May 2.

Nancy Drew and the Hidden Staircase, which was bought the German play (Monday) with Noel Smith directed into the directorship. Another pilot will be assigned to the next Secret Service feature, originally set for Smith.

The Ultimate in Sound

"Theatre of Tomorrow," housed in the American Telephone building at 450 N. Y. World Bldg., is the first theatre to install the perfect sound system. The new electric-EKPI agent \$200,000 for the intricate stereophonic system, to be installed at the A.T.&T. It actually supplies sound in three dimensions, employing three sound tracks instead of one now used for talking.

Enormous cost precludes marketing for some time to come. Only elaborate suggested use of this tri-dimensional sound system, after the system is completed is for the production of a symphony concert. Then it probably would have to be underwritten by a concert group, with one or two roadshows of setup in key cities once the system is adequate to furnish and reproduce a symphony orchestra of 100 pieces with utmost fidelity.

SETTLE PA. THEATRE SUIT AFTER 14 YEARS

Philadelphia, May 2.

Lawsuit involving the sale of a film house here, which has been in court for 14 years and has been tried four times, was finally settled on Friday (28) when the judge got tired of listening to it and demanded a final settlement. The litigation started out of an agreement made in 1925 for the sale of a theatre by Louis Kagner to Abraham Graboyes.

Regarded as one of the most bitterly contested suits in the history of local courts, it went to the superior court twice and Pennsylvania supreme court once. Twice a juror was withdrawn, once the jury disagreed and once found a verdict for the plaintiff. Judge Leopold Glass on Friday called counsel up for a sidebar confab, demanding they settle the case and agree without going through another trial.

U in Test Suit On Exhib Contract Violating

Los Angeles, May 2.

Universal Film Exchange filed suit against Ben Bronstein and George Warner, exhibitors, for \$4,000, alleged due to unfulfilled contract during the 1938-39 season.

Suit is a test case to determine if a product can be cancelled by an exhibit at will.

Montl's Annual Headache Disrupts Theatre B.O.'s

Montreal, May 2.

Unique in this city, the annual headache of the year for exhibitors and distributors, is in full swing virtually all current week. It started Thursday (27) and will not be quieted until next weekend.

This is the May Day moving trip of around 40,000 families, which disrupts business and breaks the heads of amusement purveyors in this city.

Exodus of Scribes at WB

Hollywood, May 2.

Four writers were dropped off the Warner's payroll after the studio learned that they were due to go as soon as they finish their current jobs. The dropped writers were Katie Smith, John Kane, Russell and Scott Littleton.

Studio has been working a full writing staff for the last month and is well ahead of its scripting schedule.

ENGEL'S 'ORDREAL' TREK

Sam Engel hauls east tomorrow (Wednesday) to go to England for backgrounds for 'Ordreal', on which he is associate producer for David O. Selznick.

Film, depicting a bomb attack on England caused by the outbreak of a conjectured war, goes into production on Engel's return.

STORY BUYS

Hollywood, May 2.

Famous Productions (Harry Edington) optioned Theodore Dreiser's novel, "Sister Carrie."

Edward Finney bought "Lil Louisa," a novel by Fred Myton.

Monogram acquired "Wings Over the Andes" from Albert H. Smith. Scott Darling "in his tale, 'Junior' set," to Monogram.

Metro purchased "The Courageous Seamen," by George Kalmar.

20th-Fox bought the German play "City in Darkness," by Greta Kaus and by Leopold and Murt-Baum.

Universal bought "Lil Louisa," by Fred Myton, by Joe Fields.

COAL STRIKE KAOES PA, W. VA. BIZ

Pittsburgh, May 2.

Coal strike, which has been disastrous in this district and has already resulted in temporary folding of many businesses, has not expected this week unless mines are settled. Tri-state area is a big blizzard of coal and stock of small towns around Pittsburgh have coal-mining as their sole industry, and the strike has cut off their supply. The strike is the hardest hit, however. Seven spots closed two days after strike started and stock of others followed within the week.

Even downtown and nabe houses were hit. The strike has been here have been seriously affected. Weekend hits, generally good because of the strike, but out-of-town-ers, has dropped off 25% in last fortnight and operators are tracing it down to miners' walkout.

Drop's being reflected elsewhere, too, particularly in department store sales.

Fire Shatters Par's Uptown, Mpls. Nabe

Minneapolis, May 2.

Fire breaking out in a ventilator shaft at the rear of the theatre shut a matinee audience of 200 at the local Uptown, largest and most important of the Paramount circuit's neighborhood houses.

When smoke began to fill the theatre, patrons calmly walked to the exits with ushers assuring them they were in no danger. The flames were confined backstage, but smoke damaged the auditorium.

Theatre will be closed several weeks for repairs and redecorating. In the interim, the Granada, another Paramount neighborhood house, a block distant, will use the Uptown policy of the pick of the pictures for neighborhood first-run at 35c admission. The Granada, with 25c admission, has been getting the second choices.

Okla. Exhibs' June Conv.

Oklahoma City, May 2.

The annual Oklahoma Theatre Owners convention will be held here at the Hotel Statler on June 10-12. Ed Kuykendall, MPTOA proxy, will be the chief speaker and will discuss the picture industry in light of MPTOA and the trade practices agreement.

TITLE CHANGES

Hollywood, May 2.

"The Zero Hour" is release title for "The Tomorrow" at Republic.

"Undercover" is the tag for Paramount's "Federal Officer."

Republic is changing the heading for "Texas" to "Southward Ho."

"The White Lady of the Orient" is the new title for "The White Lady" at 20th-Fox.

"The White Lady" is the new title for "The White Lady" at 20th-Fox.

"The White Lady" is the new title for "The White Lady" at 20th-Fox.

"The White Lady" is the new title for "The White Lady" at 20th-Fox.

New York Theatres

THERE'S A BETTER SHOW AT THE THEATRES

State (only to) Today only In Person Entor Powell "ICE FOLLIES" of 1939

Thursday BORST TAYOR "THE LUCKY NIGHT" TODAY "MAN OF CONQUEST" ONLY

Radio CITY MUSIC HALL "EAST SIDE OF HEAVEN" Spectacular Stage Productions

ROXY OF WASHINGTON SQUARE "ROSE OF WASHINGTON SQUARE" ALL 25¢ TO 50¢ PM. - On Stage - New Stage Show

HELD OVER "WUTHERING HEIGHTS" UNITED ARTISTS - RIVOLI Broadway Doors Open 8:30 A.M. MIDNITE SHOW

Capitol Thursday BORST TAYOR "THE LUCKY NIGHT" TODAY "MAN OF CONQUEST" ONLY

Pygmalion 2nd Big Week! At 14:00 PM

"Confessions of a Nazi Spy" A Warner Bros. Picture IN PERSON FRED WARKING And His Famous Broadway and City Shows

PARAMOUNT TIMES SQUARE GEORGE RAFT and ELLEN DREW "THE LADY'S FROM KENTUCKY" HENRY HODGE and LARRY ROSS And SHIRLEY ROSS

SMITH DREW "DREW" Hollywood, May 2. Nancy Drew and the Hidden Staircase, which was bought the German play (Monday) with Noel Smith directed into the directorship. Another pilot will be assigned to the next Secret Service feature, originally set for Smith.

Reduce "WASHROOM INFECTION" Install NEWLINE Onlinen Towels and Tissue Write to: P. V. Service, Albany, N. Y.

NBC'S ALLEMAN LAYS

Claim Income from Time Sales

	1938	1938	1937	1936
January	\$2,493,000	\$2,709,118	\$2,541,999	\$2,611,915
February	\$7,498,000	\$7,498,000	\$7,498,000	\$7,498,000
March	\$1,470,850	\$1,470,850	\$1,470,850	\$1,470,850
April	\$3,560,800	\$3,560,800	\$3,560,800	\$3,560,800
Total	\$15,514,450	\$15,514,450	\$15,514,450	\$15,514,450

	1938	1938	1937	1936
January	\$2,493,000	\$2,709,118	\$2,541,999	\$2,611,915
February	\$7,498,000	\$7,498,000	\$7,498,000	\$7,498,000
March	\$1,470,850	\$1,470,850	\$1,470,850	\$1,470,850
April	\$3,560,800	\$3,560,800	\$3,560,800	\$3,560,800
Total	\$15,514,450	\$15,514,450	\$15,514,450	\$15,514,450

MUTUAL

	1938	1938	1937	1936
January	\$315,078	\$315,078	\$315,078	\$315,078
February	\$716,003	\$716,003	\$716,003	\$716,003
March	\$266,878	\$266,878	\$266,878	\$266,878
April	\$262,626	\$262,626	\$262,626	\$262,626
Total	\$1,560,585	\$1,560,585	\$1,560,585	\$1,560,585

WILL HOLD SPOTS FOR ADVERTISERS

Complicated Mathematical Basis Covers Network's Summer Policy Shift—Auditors Can Figure It Out But Tough on Agency Men That Merely Played Football at College

ANSWERS 'HIATUS'

NBC has revised its summer vacation policy for advertisers to the extent that it will guarantee to hold a spot from four to eight weeks previous to the account agreed upon. One of the weekly billing which prevailed when the account went off the air. The formula which NBC has developed is highly complicated and is described as the NBC Interval (or Interval) Plan. Through this device NBC for the first time in network history seeks to collect for time not actually used by the advertiser.

Prior to the advent of this plan NBC's policy, with but few exceptions, was to refuse to hold time on an account went off the network. The modification is forced by NBC's adoption this season of a 'hiatus' plan. CBS' layout structure is used as the number of stations that the advertiser promises to use when it returns in the fall, while the NBC is presented with part payment during the hiatus plan the amount of money that the account must spend per week during the resumption period of 12 weeks.

The account must turn in to the network prior to the interval's starting an order specifying the week period (Continued on page 25)

Brown & Williamson Shows Moved To Chicago for Production Economy

Skull Practice

Agencies which were allowed a pre-grander at NBC's summer layout plan say that it seems to require a knowledge of higher mathematics, some acquaintance with Einstein's theory of relativity and endless patience for solving Rubik Goldberg puzzles. These agency men are also shaking their heads and wondering why life must be so complicated.

On the other hand they think that NBC has put over a smart stroke. By the time the advertiser, or his agency, has figured out how it all applies to him the summer will be about over and he will decide that he might as well keep his program going as to let it die.

Two of the three radio networks are currently interested in setting up a commercial wired entertainment network similar to Muzak's Sponsored Program net. However, after such an idea is a currently negotiating underwriter man for a major spot to set up and another such a net.

The idea is that the nets would be able to deliver to certain of their radio sponsors a wider audience for shows particularly fitted for outletting into restaurants, etc.

Transfer of these Brown & Williamson Tobacco shows on NBC red from WLW to Chicago becomes effective this week. Half-hour shows are: Avalon Time, Saturday; Plantation Party, (Bugler), Friday; and Uncle Walter's Dog House for Sir Walter Raleigh pipe-tobacco. Later is switched from Friday to Tuesday. Changes were ordered suddenly by Freeman Kays, president of the Russell M. Seeds agency, which handles the accounts.

Avalon Time has Red Foley and Red Skelton, singers, and Whitty Ford as the Duke of Paducah. Foley and Ford will continue to live in Chicago and commute to Chicago to make the show. Most of the supporting talent on 'Avalon Time' and 'Plantation Party' is under the Seeds and they all move to Chicago. Del King, announcer, and Janette, warbler, from the Crosby stage, are expected to make the move to Chicago.

Switching of the three shows comes as AFPA is negotiating terms with Cincy stations; and is reported to be an economical move on the part of the sponsor. While AFPA's Chicago scale is expected to be higher than the one locally, savings will be made in the long run as far as has been spent in moving talent and Seeds directors here from Chicago, the agency's home.

Amos 'n' Andy Billings Reverse Trend At Columbia; April 17.7% Over 1938

Columbia's billings last month came to \$2,654,028 and represented the first upturn in gross revenue in just one year. Income from the Amos 'n' Andy series (Campbell), which started April 1, had much to do with it. CBS time turnover this April was 17.7% better than it had been for the like month of 1938. The comeback was strong enough to reduce the difference between the cumulative figure for the first four months of 1939 and the parallel period of '38 to but minus 0.2%.

Mutual likewise had a big April. Its gross for the past month was \$200,608, or 38.6% over what it had been for April, '38.

CUFFO COMMERCIALS

N.A.B. Regional Looks Into Practice of 'Fill-In' Waxes

Boston, May 2. Increasing broadcasts of 'cuffing' transmissions, by which advertisers grab free air on certain stations willing to run these commercial platters as fill-ins, will be a major point for discussion at the meeting of the First District of the National Association of Broadcasters here May 11. Simultaneously, the Sales Managers' Group will convene to discuss ethics of radio copy.

Both meetings will be at the Yankee Network studios. Joseph Miller, of NAB; Dr. Robert F. Elder, director of research, Lever Brothers; and Kenneth Backman, president, National Association of Better Business Bureaus, are among the scheduled speakers.

ROY DURSTINE IN NO HURRY

Roy S. Durstine, who resigned as president of B. B. D. & O. several weeks ago, declared Monday (1) that he had no crystallized plans for return to the agency business. He said that he was taking it easy for the time being.

Durstine denied as baseless the rumor that he had lined up a piece of the American Tobacco Co. account. Also the report that he was to spend much of his time in Hollywood.

Austin Croom-Johnson

Returns to NBC, N. Y. Austin Croom-Johnson has again become a production man at NBC reporting directly to William Ramey Croom-Johnson, who is also a composer of vocalistic themes, used to report to Phil Carlin, head of the sustaining division.

He will continue to handle the same type of sustaining programs, namely, vocal.

Heads NBC in Midwest

Chicago, May 2. Sidney Slovic has been tapped to full-degree manager of NBC's mid-west division.

Slovic had been acting manager.

Mark Hawley shifts sponsors Friday morning new program with Mark Hawley shifts sponsors beginning May 17. Series in the 6-6:15 slot will now be bankrolled by Menzies, which dropped 'Perry's Rally' after last Sunday's (30) show. Bathwaters formerly sponsored the new stand.

Kiesewetter is the agency for both accounts.

McCann-Erickson Nicked \$56,420 On Adv. Idea Lift

A jury before Federal Judge Mortimer W. Byers in N. Y. Friday (28) brought in a \$56,420 verdict in favor of Leora Solovay against McCann-Erickson, Inc. She had sued for \$100,000, claiming breach of contract whereby she was to receive 5% of the total advertising business secured by the defendants as the result of her idea.

The plaintiff alleges that in May, 1935, she approached the defendants with her idea, and was promised compensation if they succeeded in interesting anyone. It was her claim that the Axton-Fisher account was the result of her idea.

McCann-Erickson received over \$2,000,000 from this account is her claim.

Dimitris Bergen Claim

Federal Judge Alfred C. Cox, in N. Y. yesterday (28), dismissed the \$25,000 action of Brigella & Smith, Inc. against Standard Brands, Inc., in which the plaintiff claimed damages for not having been paid for an advertising idea to popularize Edgar Bergen film.

CBS Clients Spend 104.6% More

Columbia Broadcasting System has made an analysis of its billings as of this week (first for May) to draw out the statistical finding that the web's present list of advertisers rank 104.6% ahead in weekly dollar volume over the amounts each individually spent with CBS at the time of starting CBS radio advertising. Tabulation and breakdown follows:

Client	Started on CBS	Original Weekly Gross	Total Weekly Gross on CBS	Current Weekly Gross
American Home Products, July, 1931	1932	342	384	\$15,373
Amesbury, Jan., 1932	1932	1,877	40	1,917
American Tobacco, May, 1938	1938	17,720	158	31,971
Beneficial Mgmt. Co., Oct. 1938	1938	4,328	77	8,025
Campbell Soup Co., Sept. 1932	1932	8,670	100	8,630
Campbell Soup Co., Oct. 1934	1934	15,850	229	46,275
Chrysler Sales Corp., April, 1932	1932	8,201	164	18,875
Colgate-Palmolive-Peet, Dec. 1931	1931	39,485	467	49,480
Continental Baking Co., May, 1933	1933	2,553	214	11,700
Cudahy Packing Co., Oct. 1930	1930	1,798	226	7,080
Phillips Petroleum, Jan., 1932	1932	1,827	163	10,320
Gulf Oil, Jan., 1938	1938	12,840	15	12,840
General Foods, Jan., 1932	1932	18,827	285	17,817
Griffin, April, 1938	1938	8,570	28	7,095
Gulf, May, 1938	1938	6,516	272	7,715
Hormel, Nov., 1930	1930	1,538	88	4,240
Household Finance, June, 1933	1933	982	69	5,265
International Collocation, April, 1938	1938	7,252	103	12,820
International Silver, April, 1932	1932	1,177	78	5,695
Kellogg, Nov., 1932	1932	3,515	63	14,800
Lambert, Dec., 1927	1927	2,060	281	8,790
Lever Bros., July, 1938	1938	12,652	179	64,351
Pat Mfg. Div., 1933	1933	39,275	359	15,820
Lorillard, Feb., 1928	1928	8,500	233	10,830
McCann & Robbins, Sept., 1929	1929	2,994	78	4,875
Phil Morris, April, 1938	1938	7,561	137	12,820
Nehi Corp., March, 1939	1939	9,789	6	9,780
Norstrom, June, 1931	1931	1,880	51	7,780
Pat Mfg. Div., 1933	1933	39,275	359	15,820
Procter & Gamble, June, 1929	1929	3,606	230	40,277
Pure Oil, Sept., 1938	1938	2,548	11	2,548
R. J. Bernold, Jan., 1932	1932	7,526	304	23,385
Sealtite, May, 1929	1929	2,520	14	7,520
Sterling Products, June, 1938	1938	4,808	368	10,700
Texaco, Sept., 1938	1938	11,090	107	11,580
U. S. Rubber, Jan., 1938	1938	12,110	38	12,580
U. S. Tobacco, June, 1939	1939	4,625	107	23,985
Wrigley, Dec., 1928	1928	3,350	381	23,985
Total		\$334,401		\$684,002
Increase		104.6%		

N. W. AYER'S RADIO DEPT. PEPS UP

N. W. Ayer proposes to return to radio in a big way. It is arranging to move to Radio City from its present quarters at 424 street and plans to move and develop a radio department of major proportions, both as to staff and facilities.

The agency has at last been analyzing the cause of the loss of important accounts in recent years. It has decided that this situation could, in large measure be remedied by strengthening its radio servicing. It recalled how two accounts, Kellogg and Dole, were alienated through other agencies allying in with name program ideas, although in neither case has the program clicked. Ayer has decided that if it's an aggressive, enterprising radio setup that clients want Ayer will give it to them.

For a while up to six years ago Ayer rated as the No. 2 agency in radio, and as to time spent expended.

SUICIDE DESTROYS STATION'S OUTPOST

Hartford, May 2. Fire partially destroyed a two-story structure owned by engineer-electrician, John J. O'Neil, 100 Mountain Thursday (27). Damage was estimated at about \$7,000. The fire was caused by a local circuit, who whose the cabin to commit suicide within the building, setting fire to the structure.

Resisted efforts of two WVIC engineers, Ross Tobias and Harry Cooper, to take him out.

Campagna Spanning Heat

Campagna Corp. will keep its 'First Show' showing running on CBS through the summer. Only change it will make is to eliminate the re-broadcast and use but a single showing from Columbia to meet the EDTT Friday.

Account's contract with CBS expires in September.

Inside Stuff—Radio

Frank Hummert, who has been having stomach ulcers, is doing his rad-

N. Y. World's Fair Radio Dept.

Just Another Step Child; Young Has Ideas, Staff, But No Budget

John S. Young, who is in charge of the radio activities of the New York World's Fair, appears to have the sympathy if not the cooperation of most of the stations and networks in the metropolitan area. Young has a staff, but hardly any budget. His staff does the stations work, which are likely to be vetoed because the expense must be borne entirely by the stations.

It is believed that once the furor of the opening is over of the way the question of radio publicity will go to Grover Whalen personally. The latter has been backed by a radio committee consisting of Wilbur J. Foley, of CBS, and Henry R. Lohr, of NBC, and Alfred J. McCook, of Mutual. The latter is thought to be the man who will lead Whalen and the committee is rated as standing, but not moving.

Telephone lines are the major item of expense. It is estimated that a monthly expense of \$500 to each station is involved in having a steady flow of programs out of the fair grounds. In this regard a meeting of the stations held in the offices of Herb Petty at WJZ last week decided to serve notice that programs "officially offered" by the Fair, as distinct from programs originated by individuals, sponsors, organizations or clubs, must be broadcast, produced and delivered to the telephone switchboard at the fair, from which only the station would assume the phone costs.

Special eventsmen make the point that the newspapers are serviced with handouts, maps, photographs and charts, this being an equivalent to the program content of the same.

Telephone Co. will string a radio line from its board to an exposition building at the rate of \$27. It is likely that the fair will have several days, but is usually only wanted for one 15 or 30-minute program in this city. The fair is expected to absorb the cost of the program. Meanwhile, Young has been able to get the fair to use the space in the Foods Exhibit buildings, which is to be re-named Radio City station, to convert each space into a broadcasting studio, or studios, is again a moot question.

Same Old Story

Radio observers feel that the previous World's Fairs of recent years have uniformly encountered the same headache. The same story, Young, drifting, uncertain policy marked by red tape, rules, buck-passing and the oddities of the lifting has been true. It took months and several major shifts of policy to get the Chicago exposition harmonized with radio out there. It comes down to this 'why,' asks the broadcasters, 'should we patriotic, philanthropic or public-spirited when the Fair is strictly commercial and the radio company sticks to its own business?'

Still another complication is the union standby rules on musicians. The Fair has for clarification, but for the present the musicians union is willing to rule only on each specific program brought up.

Sunday opening ceremonies from 10 p.m. were carried by most of the New York stations, but the networks declined in the main to do much, seeing no reason for disrupting the commercial arrangements.

Costliness of carrying programs from the Flushing Meadows site is pointed out by the fact that the station exhausted its entire remote pick-up budget for the month of May in four days during the first three days.

Whalen Vs. NBC

Relations between Grover Whalen, head of the N. Y. World's Fair Corp. and the networks are sort of serene. Whalen is complaining about the parity of programs from Fair, while the news report that he's trying to get too much for nothing. Whalen is asked to meet the other half way by paying for the line charges within the Fair grounds and he promises that the Fair will pay an element of news and entertainment to the broadcasters ought to be paid to carry regular programs.

Whalen can't see why the Fair's sub-stations should be paid during the day, admitting that their night-time schedules are loaded with commercial transmissions. The network's reply is that their daytime commu-

Frisco Stations Wired

Recent story in VARIETY concerning a similar phone line situation at the San Francisco exposition reported that local stations regarded at high the cost of carrying fair programs. However, all the San Francisco stations have lines on regular monthly lease and the statement to the contrary was incorrect.

ments are almost equally heavy. Initial head-on between Whalen and the news occurred last week when the latter advised him that they would limit their opening day (30) activities to a broadcast of the Presidential and kindred ceremonies or a matter of an hour and a quarter. Whalen insisted that they also contribute time to a series of dedications extending through the afternoon of the same day and also broadcast the opening of the light and water displays at the Lagoon of Nations, starting 9 p. m.

HURED GUIDES FOR S.C. ONLY GHOSTING

Some of the station reps are considering the installation of a special World's Fair department to take care of the visiting friends of the fair. A regular staff would not be diverted from its regular chores.

As a result of the loss or the salesmen, the cost of the exposition runs with the station client and his family. Grover Whalen, especially hired for the Fair's run, prohibiting the station to be a stand-by runner, once the official office greetings were over.

Chase & Sanborn Hints

Montreal, May 2. Chase & Sanborn program being taken off the Canadian coast-to-coast network of 25 stations by J. Walter Thompson Agency for the summer months.

Program will continue on only two of the 27 stations for the summer, going over CBE, Toronto, and station CFCF, Montreal. Underlying the program, however, will be resumed in the fall.

Texaco Uncertain

Texaco will decide the future of its Wednesday night hour on CBS from New York station, but the networks declined in the main to do much, seeing no reason for disrupting the commercial arrangements.

Sheldon Stark to WXYZ

Sheldon Stark has gone to Detroit with his family to take up residence on a contract basis with WXYZ, formerly of the Great West, under Fran Striker.

Stark formerly did the Mennonite Famous Tye trademark for the Fair, while the news report that he's trying to get too much for nothing.

Percy Winner Aiding Walker Aided by Jimmy Walker last week to assist in preparation of his new commercial news commentary shows are Percy Winner, formerly of the Great West, and department of NBC, and Sylvia Leonard, formerly of the press department of WJZ, Philly.

Sheldon Stark has gone to Detroit with his family to take up residence on a contract basis with WXYZ, formerly of the Great West, under Fran Striker.

Sheldon Stark has gone to Detroit with his family to take up residence on a contract basis with WXYZ, formerly of the Great West, under Fran Striker.

Helen Brooks, legit actress, will be the cost of the Saturday (8) program of the "Playboy's" series over NBC red.

NBC's Algebra

(Continued From Page 23)

together with the facilities it will use for at least 13 weeks when it comes to the interval schedule, which is based on gross weekly billings at a 13-week Resumption Cycle, is as follows:

HOURLY PROGRAMS		Weeks
Amount		
\$1,000 or over	.....	5
14,000	.....	6
16,000	.....	7
18,000	.....	8
20,000	.....	9
FIFTEEN HOUR		
7,800	.....	4
8,400	.....	5
9,000	.....	6
9,600	.....	7
10,200	.....	8
10,800	.....	9
11,400	.....	10
12,000	.....	11
QUARTER HOUR PROGRAMS		
5,200	.....	4
5,600	.....	5
6,000	.....	6
6,400	.....	7
6,800	.....	8
7,200	.....	9
7,600	.....	10
8,000	.....	11

While CBS' plan was silent on the subject, NBC does make specific provision for an advertiser to put a program on ice for as long as 13 weeks. This can be done by borrowing the advertiser's own weekly schedule of his billings. In such cases the "total gross billings" the facilities of the station, which the advertiser would have been entitled to, divided by the number of weeks of the first program's Resumption Cycle, will determine the additional number of weeks "made available" to the program going off.

For example, an account which has had a spending, \$10,000 a week, wants a vacation. According to the interval schedule it's entitled to seven weeks, provided it agrees to spend as much for 13 weeks when

Small Chap Favored

One view gathered from agencies which have prevailed NBC's summer vacation plan is that it may be a fair and practical approach to the problem and that it gives as much consideration to the advertiser as to the advertiser as it does the big spender. It is also expected that the arrangement for getting the advertiser while the account takes a sista hand and strong favor among NBC officials.

It returns. The account has agreed to pay 25%, or \$5,180, of its last weekly gross billing for each of the seven weeks. Now, if the same advertiser has also a half-hour program which is spending \$9,000 a week, and is scheduled to run a week (with the premium paid), he divides \$5,180 by \$18,500 and the resulting figure of .278 is multiplied by three additional weeks, or altogether 10 weeks for the hour program's plan. All these calculations involve advertisers whose gross annual billings is \$120,000 or over and as such they continue to earn a 25% discount.

Discounts Up to 15% As maker advertisers whose gross billings are under \$120,000 they will continue to earn discounts up to 15%. These discounts will be given, as usual, be allow' them, providing they have an unbroken run of 13 weeks. If a casting agency will, as usual, be allow' them, providing they have an unbroken run of 13 weeks, the 25% premium being during the layover will be subject to the following modifications:

1. Programs which have facilities for a regular broadcast will be available at no-charge interval weeks. The 25% rate will then apply only to the additional remaining, available weeks under the interval schedule.

2. Programs whose billings are under contract for less than 52 weeks, including the interval weeks, will apply to all interval weeks; but if and when such programs continue a regular broadcast, the 25% rate on the interval, the 25% rate on the regular broadcast interval weeks will be retained.

Following is NBC's example of the above mathematical computation: An advertiser is spending \$11,000 a week, which allows him seven-week interval. He is paying the 25% rate he has to pay \$2,750 for the seven-week layover. However, he is paying \$1,850 for the 45 weeks continuously he's entitled to 45 weeks at no charge. By dividing \$1,850 by the total of 45 weeks from the \$2,750 he will be for the seven-week layover is \$7,700.

3 Chicagoans, Trammell, Mullen, Hedges Prominent as RCA Revamps; Shift Morgan, Morton, Mason

Open House Echo

Duluth, April 27.

Editor, VARIETY:

Open House Week at WEEB, Duluth, was a howling success, with the office staff doing the howling. It seems that during the process of literally pushing several thousand people through the studio and executive offices everything movable was moved. So now, at the beginning of a new open house week, the WEEBers are conducting a scavenger hunt, with a prize for every pen, pencil, eraser, paper weight, etc., discovered and returned to the station.

What we want is bigger and better Open House Week, all right, but you really think it's a good business move? The removal of movies certainly sets up the profits.

(Signed) WEEB, Duluth.

PART OF TUMS CHANGES, HEEDS SIGN

Horace Heidt orchestra is set for a 30 minute Saturday night NBC red broadcast by Lewis-Howe Co. of St. Louis in behalf of Tums. Program starts Oct. 7—10:30 p.m. with a net of 106 stations. Slack-Goble Agency handled. Music Corporation of America agreed for Heidt. Lewis-Howe Co. currently has three programs a week on NBC for Tums. Two come in from Cincinnati Tuesday and Thursday with Jerry Cooper and a third in Friday without him. Cooper's contract comes up for renewal sometime in June.

Slack-Goble agency got a piece of the Tums account (Lewis-Howe Co.) when Michael Porter, New York v.p. for the agency, sold the proprietary drama manufacturer on the idea. H. W. Kastor has been servicing the account this season with a half-hour dramatic show on the blue net (WJZ) network, "Vocal Varieties" sessions over NBC also, with WLW, Cincinnati, the point of origin, and five-minute transcriptions. The dramatic stanzas folded several weeks ago and there are now two weekly 'Variety' installments.

Balmy Weather

By ROY REED

FL. LAUDERDALE, Fla., May 2.

Early morning listeners were disappointed in Hitler's broadcast. He didn't once give the correct time.

Kind of screwball songs now appearing on the radio. Composers can write in those stuffy straight-jackets.

FCC can't halt television sales but MCL may.

Next Joe Louis fight to be sponsored at spot announcement rates.

In fits and Paul Harris, Rochester and others, poor Jack Benny always gets the worst of it except on pay day.

Can it be the N. Y. Giants are suffering milk fright?

Washington was not first in war, first in peace, etc., it was either NBC or CBS.

Wall motel: Be kind to the page boy, you may want to borrow car.

Poem

is statements ponder state of no, comes simply rib relations.

Three radio exiles from Chicago have had their strategic positions in the RCA-NBC organization further institutionalized on Trammell's organizational changes which became effective last Friday (25). Niles Trammell, who was formerly in charge of RCA's executive v.p., has become the operating head of the network with all division and department chiefs reporting to him directly, while Frank Mullen has been promoted to manager of charge of all RCA advertising and publicity. Bill Hedges is taking over Mullen's former title of manager of the department of information.

Bill Hedges is the third ex-Chicagoan to come from p.a. to top of the new set-up. He like Mullen got most of his broadcasting experience on Trammell's staff in Chicago. At the time he was brought east a few years ago Mullen was director of the Farm and Home Hour, which emanated from Trammell's former building.

The new organizational setup at NBC Trammell will continue to report to Lenox R. Lohr. Other NBC executives are expected to become effective last Friday are:

Tracy Morgan stays at head of publicity to become assistant to the president for special public relations and institutional promotion affairs, while Frank Mullen v.p. taken over the newly created Department of Information, which includes the press and promotion divisions of the publicity department, and also retains authority over shortwave broadcasts.

A. H. Morton is relieved of the direct control of NBC's management and operated stations to become v.p. of charge of radio television. Morton was formerly in charge of RCA's radio business as RCA rep in Europe.

William S. Hedges also gets a new assignment. He will be in charge of the Stations Department he will supervise, in addition to his old RCA position, the new assignment, national spot and local sales, the traffic department and the office of the director of development and research.

Stanley Strotz, Trammell's former assistant, takes the title of manager of the Chicago division.

Part of the sales department. It formerly came under the treasurer's auctory.

Clay Morgan has been representing NBC at outside functions more and more. He is expected to be the type of activity he will specialize on. Some months ago he was transferred from the administrative side of the actual publicity bill. NBC has been weak on matters in recent years.

Significance is attached to Trammell's new power in that he is the first operating head with actual radio industry background and experience since the days of the late E. W. Schnitzer, who was later in 1932. Trammell was recently charged with the task of reorganizing NBC take and net.

BANGOR'S EXCLUSIVE

WLBE Grabbed Russian Flyers At Maine Airport

Bangor, Me., May 2.

Station WLBE kept its spot on 24-hour call and division became the Russian flyers when the rescue plane finally stopped here Sunday morning for fuel. The plane was a bomber. Congressman Ralph O. Brewster aided station in getting in touch with the military and first info on the trip and status of the plane.

Program's headliner, did not go to the state of Maine, but was west for Portland, Augusta, and WAGM, Presque Isle.

'Buck Rogers' Back

After a buildup via transcribed spot announcements, "Buck Rogers" in the 25th Century resumed airing Monday (1) over Mutual for Popular Music. The show is a continuation of the show is spotted Monday, Tuesday and Friday nights. Sponsor agency is putting over a live character to intro the show, looking for "Buck Rogers" page boy. Jack Johnston is scripting and directing the series.

Paramount's "UNION PACIFIC" Crashes into Tremendous World

The great state of Nebraska, from Governor Cochran to prairie farmers who'd never seen Omaha before, turned out last weekend 500,000 strong to give Paramount's glorious epic of the Old West, "Union Pacific," the biggest send off ever given a motion picture anywhere in the United States. They mobbed the streets of Omaha till President Jeffers of the Union Pacific Railroad had to ask for the National Guard to keep order in the city. They trampled over each other for the glimpse of the Paramount celebrities in for the big celebration... Cecil B. DeMille, Barbara Stanwyck, George Raft, Lynne Overman, Robert Preston, and the other big Paramount stars. And they crowded three theatres, at \$2.75 a head, to cheer this as the biggest and best of all the great DeMille triumphs. When the Indians wrecked the U. P. train in the picture, when the old engine plunged down in the snow slide, when the troops crossed the Dale Creek bridge through fire... they practically

fore the house down. The Orpheum Theatre had to run a midnight show and that only took care of a fraction of the overflow.

From such theatre men as John F. Lee, Harry Burke, Al Anson and E. J. Ludwig, of Michigan Amusement Company, Harold Robb and Ed Rowley of the Robb and Rowley Circuit, Jack Rubin of Great States Theatres, John Balaban of Balaban and Katz, A. H. Blank of Tristate Theatres, Ed Cassler of the Danham Theatre, Harry Warren of the Central States Theatres... came praise for Paramount's picture and for Paramount's showmanship. W. Averill Harriman, Chairman of the Board of Union Pacific Railroad summed up the whole show... "A great picture"... he said. And Carl R. Gray, Director of the U. P. gave the greatest praise of all, "The first railroad picture I've ever seen in which a railroad man could find no fault."



Cecil B. DeMille's "UNION PACIFIC"
and **Joel McCrea** with **Akim Tamiroff**

Produced and Directed by **CECIL B. DeMILLE** • Screen Play by **Walter DeLeon, C. Gardner Sullivan**



Premiere, tremendous business

10,000 Nebraskans turn out for "Union Pacific" premieres... doubling population of city.
Companies of Iowa and Nebraska National Guard called out to keep crowds in order.
10,000 actually attend triple World Premiere at Omaha, Orpheum and Paramount theatres with seats selling at \$2.75 each.
5,000 crowd in front of theatres

Look at that Old Union Pacific Pay Train Roll!

OMAHA... First week at the Omaha Theatre hits 215% with Paramount Theatre doing tremendous business besides.

LOS ANGELES... Paramount Theatre does week's business in three days...175% for week.

SALT LAKE CITY... Center Theatre gets week's business in three days...180% for week.

DENVER... Denham Theatre comes through with week's business in two days and a record 200% for week.

CHEYENNE, WYOMING... Lincoln Theatre outgrossing "Wells Fargo," which did record New Year's business.

LARAMIE, WYOMING... Empress Theatre 'RUNS WAY AHEAD OF "WELLS FARGO" - THREE-DAY GROSS IN TWO DAYS.

NORTH PLATTE, NEBRASKA... Paramount and Fox Theatres running way out in front of "Wells Fargo."

SAN FRANCISCO... Fox Theatre running neck and neck with "Wells Fargo" to smash business.

PORTLAND, OREGON... Paramount Theatre in a close race with "Wells Fargo" and packing them in.

"UNION PACIFIC" starring Barbara Stanwyck

Bert Preston • Lynne Overman • Brian Donlevy

©Lasky, Jr. • Based on an Adaptation by Jack Cunningham of a Story by Ernest Haycox • A Paramount Picture



Sidelights on Visio's Start

Engineers Busy

Dumont television sets were operating in numerous department stores in New York, Brooklyn and Westchester Sunday (30) in connection with the three-hour program televised from Flushing Meadows by RCA-NBC as the N.Y. World's Fair got started. Installing, supervising, servicing the sets was a headache to the Dumont staff, who had only about 35 engineers available to do about 400.

There was some fear that the decision of Bloomingdale's to install sets in the show windows would do television an injury. It was feared the plate glass reflections would mess up the reception. Crowds collected early on the sidewalks, however, and there was no particular trouble as feared. Most of the stores arranged to open and have clerks on hand so that invited guests could see the demonstrations.

A television set is almost unknown in Greater New York, although there are said to be 14,000 in Greater London. A handful of radio executives, engineers and interested parties have sets in their homes. But with all the publicity, hardly anybody outside the immediate professions and trades affected has yet seen television. It will burst upon the public in a comparatively advanced state of refinement by the time installations are common.

RCA, NBC's Overlapping Billing

Telecasts by Radio Corporation of America carry the trade-mark of two overlapping circles. In one RCA. In the other NBC, are emblazoned. These are frequently fished. Main title shows the RCA building in silhouette and the opening slogan is "Pictures Through the Air."

Para's Television Film

Paramount newscast was out with several crews to photograph television demonstrations in various sections of New York. This was part of the tie-up with Dumont. Paramount has perfected a grainless film which will be developed for television use. Par owns 50% of Dumont.

Few Sales, But Plenty Curiosity

Not many sets are actually being bought, but the curiosity is terrific. Television circuits from one part of store to another are being employed in several New York department emporiums. This means that the spectator sees controlled visio, but not over-the-air visio in some demonstrations. Public will need to be infected with enthusiasm. It's all a missing quantity to most of them. Macy's and Bloomingdale's are especially active in boarding the bandwagon.

Slightly Mixed Up

Full-page advertisements have appeared in the New York dailies from both RCA and Dumont in the past week. Dumont boasts that it was first to introduce sets in the area (which RCA answered at the time by abruptly stopping its tentative visio schedule). RCA's owner advertises it is backed by \$42,000,000 of research.

Meanwhile, Zenith has lately scareheaded: "Zenith is ready—but television is not." Zenith states: "Radio dealers have been penalized and punished by premature television publicity starting last fall." And adds "our television receivers are loaned—not sold."

\$50 to Install

It costs around \$50 for a television machine to be installed. Must be carefully tuned up in relation to the transmitter, which invariably is on the highest building or hill available. However, at this particular time, the small number of sets (hardly 400) thus far sold, or installed experimentally, means that they are getting careful nursing and plenty of fix-visits from engineers.

11 YEARS TO WAIT

Ideal Conditions Prevailed Last Fall for Television

Washington, May 2. Televised long-range cinema, unveiled for the first time last week, showed definitely the limit on visual transmission is not as rigid as engineers have previously feared but also emphasized plainly that transmission to remote receivers remains a problem of greatest difficulty. Revelation impressed pedagogues at the International Scientific Radio Union, meeting at the National Research Council.

Rephotographed pictures were received at Riverhead, N. J., last fall when conditions for remote reception from London were uniquely favorable. The situation won't recur for 11 years, due to the sunspot cycle, unless researchers develop remarkable equipment. Limitations on existing apparatus were obvious to witnesses of the sensational screening.

Show was termed "weird" and "ghostlike" by the Washington Star, which quoted D. R. Goddard, RCA engineer, as saying conditions last October and November when the New Jersey lab peeked in on BBC operations were almost ideal. Goddard insisted, however, that the rephotographed version did not do justice to the actual transmission.

As shown here, they were probably the most ghostly pictures ever thrown on the screen and the sober scientific meeting took on an atmosphere of a spiritual gathering, Star related.

WMCA May Resume Owling

WMCA, N.Y., is currently planning to resume the late two-hour variety program it dropped last fall and add to it an owl session of recorded request music. Variety show would run from 11 p. m. to 1 a. m. and include straight and sports news, interviews, and the Lee Grant orchestra.

Recorded program would cover from 1 a. m. to 5 a. m. with a break midway for a 30 min. news roundup. Later to include news of Europe via short wave through the station's tie-up, with the N. Y. Herald Tribune.

Televize Fair's Opening

(Continued from page 1)

Lines on the tuning pattern the image is focused to the proper width and depth.)

Most exhibits (laboratories on wheels) were used by RCA-NBC to facilitate coverage of the N.Y. Expo ceremonies. Most of the action took place in the Court of Peace. The program opened lastly by focusing upon the flag of various nations waving in the breeze. Little by little the camera wandered around the buildings, the crowds and the grandstands, which slowly began filling with people. The sun, which had been bright for a time, went down and a large portion of the program was heavy on the greys. Later Old Doc obliged and the spectator got a clearer contrast of blacks and whites, a great aid to comfortable watching.

Most Difficult Test

Actually the outdoor test was one of the most difficult television could tackle. The arrangement of distinguished guests and the pomp of the opening kept the iconoscope too far from the objectives. It was predominantly reported in long shot with a sprinkling of medium shots. In the latter the camera reached its peaks. There was a hair-curler moment or two, for example, when the Scottish Highlanders, bagpipes blaring and kilts swaying, moved into the immediate range of the camera. It was amusing when the carpenter's union, resplendent in the new white overalls, came marching down the lane and moved into the best seats down front. Another grin was the band of the plumbers and steamfitters, their insignia easily legible, which broke out with "The Weir's of the Green."

There was considerable delay before the presidential automobile turned the corner and slowly crept up the ramp to the speakers' stand. While the President dismounted, the iconoscope turned back to long shots of the crowd and the buildings and breeze-tossed flags. While the detail was vague at times, due to the distance and the falling sunlight, the presence of colorful native costumes among the international delegations stood out.

The characteristic figure of Mayor

LaGuardia could be easily picked out individually as he came along. Another clinch was the mustache, big toothy smile and impeccable tailoring of Grover's Whelan.

The speeches of LaGuardia, Governor Lehman, Sir Louis Beale of Great Britain, and finally President Roosevelt reminded the small crowd around the Dumont receiver that television carries a quality of sound reproduction substantially better, from the start, than radio. The greater sound cycle range of visio accounts for this. In the band music of the various military units this was also noted.

Essentially the ceremonies were on the dull side, but the miracles of television made it a memorable and engrossing show as it was indubitably a historic occasion.

ONCE AWAY FROM KPO, LACEY MARKETABLE

San Francisco, May 2.

How to get a commercial in one easy lesson: get yourself a job on another station.

At least, that's the experience of Larry Lewis (Lew Lacey) who broadcast a sustaining series as "The Southern Broadcaster" for several months over KPO and KGO, left the NBC staff and became commercial manager at KFA here and now finds himself with a quarter-hour weekly commercial on KPO starting May 12 under the banner of the United Packing Co. of South San Francisco.

Lacey, as Larry Lewis, will do the same type of song and gab set he did before on KPO. Sidney Garfunkel agency handles the account.

Nebraska Assn. Elects

Lincoln, May 2.

Nebraska Broadcasting Association named Randall Ryan, Grand Island, president at its annual meeting at North Platte. William LeBaron, North Platte, was chosen vice-president. Art Thomas, Norfolk, secretary-treasurer. John Gillman, Jr., Omaha, and L. L. Elliott, Scottsbluff, directors.

1,200 Pages—2/3 Actual Size

Editorial excellence is the reason the annual Variety Radio Directory is accepted as the industry's most authoritative reference book.

ADVERTISING RATES

Full page.....	\$175.00
Half page.....	90.00
Quarter page.....	50.00
Bleed, per page, extra...	25.00
Color, per page, extra...	25.00

(These rates are net)

NEW YORK
154 W. 46th St.

CHICAGO
54 W. Randolph

HOLLYWOOD
1708 No. Vine St.

LONDON
8 St. Martin's Pl.
Tryalgar Square

Spot Campaigns (New, Renewed or Pending)

Daytimes Repeated at Night

General Mills will put platters of "Betty and Bob" and "Hymns of All Churches" on WIND, Gary, each week night from 8 to 8:30. This is part of a general tendency on the part of big advertisers to double up on their national coverage in the key markets of the country. With the daytime shows coming through with comparatively low daytime ratings, the advertisers are convinced that these shows can well afford another crack at the audience in the evening hours. Especially do they feel that the major markets can take extra plugging to advantage.

Chicago, New York, Boston, St. Louis and Philadelphia in the eastern sector are figured as the ripe markets for this double-billing, while the entire coast has indicated a real need for such spotting arrangements.

The Franciscan Fathers (N.Y.C.), 52 half-hour programs, "The Ave Maria Hour," April 30, 1939, to April 21, 1940. Through Donald Peterson, N.Y.C. WNAC, WICC, WLLN, W.F.A. WBK, WOSL, WATL, WNLG, WTTT, WSPR, WHAI, WSNR, WEAN.

American Thermos Bottle Co., Norwich, Conn., 58 100-word announcements, May 9 to July 3, 1939, daily, including Sundays. Through Sidnerm Van Riper & Keeling, Inc. (Indianapolis).

Plough, Inc., Memphis (St. Joseph Aspirin, "Pneum Salve" and "Breathin Inhaler"), 91 100-word announcements, daily, April 22 to July 21. Through Lake-Spire-Cohn, Inc., of Memphis. WNAC, Boston.

Coca-Cola for the fifth consecutive year is sponsoring local games in Texas League via WRR, Dallas. Co-sponsoring now with Wheaties Games are aired by Charles Jordan, acting manager.

State Automobile Mutual Insurance Co., Columbus, O., has taken "Unbroken Melodies," new half-hour show over WJR, Detroit, starting May 7. Will be heard Sunday nights with m.c.'ing by The Stationary and music by 14-voice mixed chorus directed by Don Large.

Carling's Beer this week starts sponsorship of Jimmy Stevens' daily baseball resume program over

Chicago, May 2.

WJR, Detroit. Program has been staggered slightly on time change.

Hi-Speed Gasoline this week resumes sponsorship of "The Fact-finder" show over WKXZ, Detroit, and state wide, plus WSPD, Toledo. It's fourth consecutive season for bankroller. Will be heard at 7:15 p.m., Monday, Wednesday and Friday over WKXZ and WSPD, and hour earlier on same days over Michigan web. Programs also will be carried (disc) independently over several Ohio stations, under Hi-Speed acis.

Besides Factfinder, who unearths little known facts, show includes Benny Kye's studio band and a male quartet.

Rheingold Beer is gathering awhales through Lord & Thomas preliminary to placing a spot campaign through the south.

Bonus Watch is doing some heavy time signal spotting through J. D. Tarcher, Inc. Joe Wayer is the agency's time buyer.

Ross Bros. (clothing firm), through Emil Brisscher & Staff, renewed its thrice-weekly, quarter-hour, "The Sportman," with Ernie Smith, over KXA, San Francisco.

Dr. Ross' dog and cat food is being plugged in three announcements weekly on Bill Baldwin's "Yawn" Detroit morning variety show over

Religion as Bait?

Religious News Service, an offshoot of the National Conference of Christians and Jews, is extending its service from newspapers and magazines to radio stations. Will offer mimeographed script for 15-minute shows once weekly to broadcasters. Thinks about 150 stations may be interested. Bases this calculation on number that co-operate in similar drive.

Religious news is advanced as a possibility for attracting sponsorship locally. Banks, utilities, department stores are suggested as likely to respond.

Religious news service is \$13 for 15 weeks, \$19.50 for 26, and \$26 for 52 weeks.

KFSO, San Francisco, starting May 1. Through Howard May agency, Los Angeles.

Manhattan Soap Co. (Sweetheart Soap), through Franklin Bruck agency, New York, began May 1 a thrice-weekly sponsorship of Bob Garred's "Streamlined Headlines" newscasts on KFSO, San Francisco.

Zonite Products Corp. (Forhan's toothpaste), through Cowan & Dangler, Inc., New York, using participating announcements in Janet Baird's program, "Through a Woman's Eyes," over KGO, San Francisco, twice weekly, May 14 through Aug. 11. Also two weekly on KFO in programs of transcribed music.

Gardner Nursery Co. of Osaage, Iowa, through Northwest Radio agency, sponsoring quarter-hour portion of the "Musical Clock" on KFO, San Francisco, six mornings a week through June 17, using Jack Edwards as the "Old Gardener," Kenney Gilum and waxed music.

Policyholders Advisory Council, which airs Morris Siegel to advise life insurance buyers, will spread from a once weekly WMAA, N.Y., broadcast to five 15-minute spots per beginning May 1. Airs 7:45-8 p.m. Contract's for 52 weeks and includes

Bureau of Missing Business

(This department is devoted to discussion of types of advertising that, for one reason or another, usually offer resistance to radio. Object of series is to stimulate thought and exchange of ideas. Persons within the trade are invited to express themselves, either on specific subjects brought up, or on related aspects overlooked or not covered.)

NO. 5—HEAVY INDUSTRIES

Not very much has been done to date to attract so-called heavy industries to advertise over the radio. Radio has been essentially a package goods medium. But, in the opinion of some observers, there is no need to assume indefinitely that radio cannot be useful to advertisers not traditionally considered radio prospects. Railroads for example, may hereafter follow the example of Union Pacific in using radio as they followed U. P. in adopting the streamlining principle on rolling stock. Union Pacific, now uses spot radio but is deemed an outside possibility for network in the future. While only a few railroads could be considered even remotely likely to respond to radio solicitation, the road's need of modernization and improved public good will is too dominant to shut radio out of consideration just offhand and categorically.

Airline traffic is particularly heavy between such points as Boston-New

Intercity affiliates WIP, WOL, and WCBM.

Ex-Lar assumed sponsorship of WMAA, N.Y.'s Five-Star Final last week. Contract is indefinite and was placed direct.

Emerson Radio will extend on from three news periods per week to five on WMAA, N.Y., effective May 8. Lightfoot Associates agent.

Look Magazine, three 15-minute periods weekly on WNEW, N.Y.'s Make-Believe Ballroom. Starting May 1 for 52 weeks. Austin & Spator agency handled.

York, New York-Washington and New York-Chicago, but airline advertising has been mostly confined to newspapers and magazines. It would seem that airlines might be logical sponsors of news periods, although bulletins about crackups of planes might be periodic embarrassments on that point. One airline that did do a little radio blurring in the Midwest recently withdrew in pique when the advertising manager didn't like the prominence given an accident item.

Motorboats, which fall within the price range of automobiles, have not advertised over the air at all apparently. Glossy mags get the play from this direction.

Two chief examples of heavy industries now using radio are the American Rolling Mills on NBC and Wheeling Steel, on Mutual. Armco's radio character, The Ironmaster, played a provocative part in some research tests once made on groups that had just read through magazines containing Armco advertisements. Readers recalled the ad as "The Ironmaster Company" although there was no copy mention thereof in the actual printed ads. Radio test was a broad hint of what radio could do to add consumer values to technical copy often passed over by readers as aimed at dealers. It's foreseen that heavy industry will increasingly desire to give the public an idea of what lies under the paint.

Wheeling Steel uses a "family party" technique in its amateur programs. This has been a great help in labor relations as well as in hyping actual sales.

Produced by and Originated from WKY, Oklahoma City

Southwestern Stars

NBC RED NETWORK

EVERY SATURDAY

4:30 P.M., E.D.S.T.

WKY Oklahoma City

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY
REPRESENTED NATIONALLY BY THE KATZ AGENCY, INC.

Many stations outside the network centers develop talent of network caliber. Few are given the opportunity of putting that talent on the network. WKY, Oklahoma City, is the exception to the rule. "Southwestern Stars" is a regular NBC Red Network feature each Saturday afternoon at 4:30.

"Southwestern Stars" is written, pro-

duced and aired by WKY. It has opened the eyes of the nation to WKY's sparkling showmanship. But what is making New Yorkers and Californians talk today has been taken for granted by Oklahomans for the past ten years. . . . for "Southwestern Stars" presents the same talent and the same production skill that goes into each of the more than 140 local, live-talent shows WKY produces every week.

Tune in on NBC Red Network each Saturday afternoon. Study the type of programming that WKY's men, method and machinery is putting behind the products sponsored over the Southwest's Standout Station.



3 signs of summer—and some other signs

At least a million more people will listen daily to radio *this* summer than last summer. And this is millions more than listened in the peak winters of 1934, 1935, 1936!

78.6% of all U. S. radios were turned on *each* day last summer. Average listening was 4 hours 18 minutes for sets in use, per family, *each* day last summer!

This year, summer listening will increase. It has—every year! There are now millions more radio sets—home, automobile, portable—than ever before. And there is still time for you to take your story to this audience, growing in size and in responsiveness.

WORLD'S LARGEST RADIO NETWORK **CBS**

\$6,313,829 of CBS business in 30 days!

You may have seen that headline recently, for it made the front pages in paper after paper. Here's what one paper said about it:

"Completely reversing the seasonal trend in radio for both Summer and year-round schedules, CBS has concluded a record-breaking month in signing new business and obtaining

renewals. Gross business in new contracts for the past 30 days totaled \$6,313,829 of which \$2,255,396 comprised renewals. Contracts included 14 new accounts, while the renewals were five in number..."

If you'd like to know more about summer 1939, we'll be glad to amplify for you this brief story.



SOME 1939
CBS SUMMER
ADVERTISERS

FCC SQUIRMS AS CALDWELL RAISES ISSUE OF ACTUAL REGULATION OF NETWORKS

Regulators Have Always Ducked Coming to Grips with Web Practices—Mutual Move Rapped as 'Unfair' by NBC and CBS

Washington, May 2. Suggested ban on extension of network-affiliate agreements has thrown the FCC into turmoil of legal debate, along with industry representatives, over the jurisdiction and authority to take such starting proposals under consideration. It was advanced suddenly by Louis G. Caldwell, attorney for Mutual, at the wind-up of the prolonged chain-monopoly investigation.

As industry lawyers continued arguing whether a temporary stopper could be issued by the Commission, the regulators call on the law department for a memorandum concerning their legal powers in such a situation. Chief question to be settled is whether the FCC can entertain such a request, regardless of the method of transmission, while subordinate proposition is how the plea should be presented, in the event it is held such a matter may be considered.

So far, there has been only incidental discussion of the merits of Caldwell's motion. No indication whether the committee is disposed to recommend action to preserve the status quo or what the full Commission might do if the hearing group urge issuance of what amounts to an injunction.

Fight Will Follow

A legal fight over FCC authority is in prospect if the regulators make any attempt to prevent the webs from renewing, extending, or replacing their present agreements with affiliates. Although no course of action has been set, lawyers hint they will not submit to a temporary regulation without offering resistance. Several courses open, but the novelty of Caldwell's suggestion

leaves the baristers still wondering just how to swing into action. For the moment, they are disposed to mark time, waiting to see what the Commission does.

Network cases are watching anxiously and saying little. The general sentiment, however, seems to have been expressed by John J. Burns, special CBS counsel, at the hearings. Aside from objecting that Mutual was employing unfair tactics, Burns emphasized the chain-monopoly hearing was merely a fact-finding inquiry for the purpose of obtaining information that could serve as a basis for regulatory policies and legislative action. The hearing was not the proper place to offer such a motion, even though the committee had been receiving a wide variety of suggestions and recommendations as to future practices and principles.

Caldwell maintains that the proceeding is comparable to a court case in equity in that the Commission has the right to take steps which will preserve the status quo while it has reached a conclusion on the question of laying down specific regulations for the control of chain operations. Dissenters argue that, even if the Commission has the right to enjoin the webs, there should be an opportunity to present argument. Some baristers feel Caldwell should have presented his request in the shape of a formal petition addressed to the whole Commission, rather than use the committee as a funnel.

In case the FCC lawyers reject their consider the motion administrative, the prospects are that NBC and CBS will offer some kind of demurrer as a basis for going to court. The rival chains almost certainly

will demand a chance to oppose such an unusual move as Caldwell requested the Commission to take, with some possibility they will be backed up by various affiliates.

The Caldwell proposition has serious implications for the radio industry. If the Commission is sympathetic to his plea and attempts to enter the chains, that action will be construed as a forerunner of special permanent regulations covering network operations. Part of a title bill. Despite agitation in Congress, the FCC never has attempted to exercise the power conferred by Section 303 of the 1934 statute which gives authority to make special regulations applicable to radio stations engaged in chain broadcasts, so the present tiff is virtually a test case.

Adoption of even a temporary rule to the effect that no existing contract may be altered while the matter of permanent policy is being determined by the Commission would provide a ground for the chains to learn how far the FCC can go under this provision of the statute. It would give the industry a chance to force a showdown so the courts will let the Commission try.

Looking for Loop-Hole

The Commission attitude indicates the regulators feel they have a loan by the radio industry. A memo on jurisdiction looks like a search for a loop-hole through which the FCC can wriggle out of an embarrassing situation. Though the power has been available since 1927, Federal radio cops never have been anxious to take advantage of the invitation to regulate chains, even under the pressure from Congress. But one attempt to use this power could be recalled last week, the 1928 rule prohibiting program duplication by clear-channel stations within 300 miles of each other. That regulation was dropped from the code, but it eventually it was repealed without ever having been applied.

From the comments of Mutual and the Independent Radio Network Affiliates about practices of Caldwell, CBS were heard in Congress last week. Testimony, John Shepard, III, Sam Rosenbaum, Fred Weber, Elliott Roosevelt, and others was read for the FCC and the industry. (See separate story.)

Hoblitzelle Sheet Gives Dallas Closet Party

Dallas, May 2. Merger several months ago of old Dallas News, p.m. rag, owned by Dallas News, Inc., and Dallas Dispatch, p.m. Scripps League, has resulted in better space break for most local radio stations. Slipper was WFAA, Dallas News station, which formerly gave exclusive puff stories in London. Gainer was WRB, municipal - owned; KRLL, Times-Mirror station, and KCKO, Fort Worth, all of which have received much additional space. WFAA still retains its play in new Dallas News. The new Dispatch-Knight is owned largely by Karl Hoblitzelle, head of Interstate Circuit.

WKBO to Mason-Dixon

Harrisburg, Pa., May 2. Controlling stock in WKBO, operating on 250 watts daily, 100 watts nightly, 1200 kilocycles, has been sold to the Mason-Dixon Group, operated by the Slineman and Lancaster, by the Telegraph Press, following FCC approval. With WORX, York, and WQAL, Lancaster, station is being offered in a package group. Managed by Clare McCullough, Lancaster.

Operates from 7 a. m. to 1 a. m., early morning hour being added to regular schedule yesterday (1). Uses Red and Blue NBC networks for about 75% of its time under the new management. NBC franchise had previously been used by Telegraph Press as protection for its sale, WHP, with Columbia service.

Thayer Ridgway, commercial manager for Don Lee chain, back after month's bio safari through east.

OH, THAT FCC!

Lovett Tells Court Commish Is Stalling on Purpose

Washington, May 3. Stalling tactics of the FCC are violating the public interest, District of Columbia Court of Appeals was told last week in reply to the Commission's plea for reconsideration of the opinion that new hearings would be improper in the fight for facilities at Lovettville, Pa. And the sharply-worded brief by Eliot C. Lovett, counsel for Pottsville Broadcasting Co. accused the FCC of "intransigence, stubbornness, and arrogance which are depriving listeners in the Pottsville area of the service to which they are entitled. Judiciary should afford some protection for applicants against Lovettville said. Public needs safeguards against regulatory bodies which consider themselves to wise...so important...so overwhelmingly important and complex...so necessary...that they can go along their own path without restraint.

The challenge to a court's jurisdiction has never been more truculently and dogmatically asserted—on such grounds than here, Lovett declared.

WOW, OMAHA, ADDS MANY, SOME VIA BLUE

Omaha, May 3. Acquisition of blue service to supplement the NBC red net, along with various transcriptions, padded WOW's summer schedule notably. It was the result of a "chain cut" WOV on both NBC loops.

New on WOW are these programs:

Monday
Dr. I. Q. (Mars Candy Bars).
Studebaker Champions.
National Basketball Family Party.

Tuesday
Uncle Walter's Dog House, Raleigh Child.

Wednesday
The Inside Story, sponsored by Ruston Purina.

Thursday
Madness, sponsored by Old Gold Cigs.

Friday
Hobby Lobby, sponsored by Fels Naphtha.

Saturday
Lights Out Drama (new series).

Sunday
Smoke Dreams (LaFendrich).

Monday
Planation Party (Brown-Williamson).

Tuesday
Arch Oboler's dramas (Sustaining).

Wednesday
Dick Tracy (Quaker Oats).

Thursday
Alka-Seltzer (Barn Dance).

Friday
Walker-Schultz (Jergens).

Saturday
Irene Rich (Weitz's and Jewel's).

Sunday
Good Will Hour (Ironized Yeast).

Monday
Woodbury Playhouse.

Tuesday
Summertime daytime programs added include:

"The Life of Mary Southern" (The Play).

"Young Doctor Malone" (Huskies).

Goodyear Farm News.

Midwest (P&T Feed).

"Grouch Club" (General Mills).

Edward Whitlock Succeeds Deceased Sowers at WRNL

Richmond, Va., May 2. Edward Whitlock is new managing director of WRNL, News-Leader owned station. Successor to late Sowers. Whitlock has been serving in that capacity since about first of year when Sowers was in hospital, indefinite leave of absence in hope of improving his health. Whitlock is from wholesale and department-store fields.

Bill Hamilton, production head, and Walter Seidman, technical chief, continue in present spots with no personnel changes planned.

JAQUIER AT KITE

John Kendrick, His Former Sidekick at WIRE, Indianapolis

Kansas City, May 2. Change at station KITE brought in L. J. Jaquier as vice-president and general manager. He was formerly in charge of the First National Radio and Television School. D. E. Kendrick remains as president. Two were former associates at station WIRE, Indianapolis. Kendrick had at the Television School is C. V. Peterson.

Change brought Red Border from the announcing staff to post of program director. Border continues with his announcing duties.



COME TO BALTIMORE FOR THE "PREAKNESS"

America's richest 3-year-old Race

PIMLICO Saturday, May 13

WFBP and all Baltimore invite you to the greatest sporting event in Maryland—the historic PREAKNESS horse race—engaging the best 3-year olds in the U. S. with a purse of over \$70,000. Run at Pimlico—the famous course of the Maryland Jockey Club.

BUT IF YOU CAN'T COME LISTEN!

The PREAKNESS will be broadcast by WFBP

on the entire NBC Red Network and Maryland Coverage Network

SPONSORED BY

AMOCO
(American Oil Co.)

5.15 Eastern Standard Time

Another scoop for WFBP! Maryland's favorite station caters to Maryland's favorite sport and brings Maryland's greatest race to the entire nation!

Marylanders are "crazy about horses".

WFBP is the official broadcasting station for Md. Jockey Club.

WFBP broadcasts twice daily direct from the Pimlico race track "The Pimlico Free Box." Just another case of earning public esteem!

Local Flavor means Local Favor!

IN BALTIMORE IT'S WFBP
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

1952 mail requests just for WMT, a printed giveaway! Where?



* And, of course, you can buy WMT in combination with WNAZ and KSO or KRNT at an exceptionally low rate.

That response confirms what many advertisers already know—that WMT does an effective selling job to 747,569 radio homes in Iowa and western Illinois. Economically, too, with rates that figure as low as 3 cents per thousand families.

Ask us how. Drop us a line, or call your nearest Katz office.

WMT
Cedar Rapids-Waterloo • 600 KiloHertz
NBC Blue-NBC • 5000 Watts L.S. • 1000 Watts Night
Represented by THE KATZ AGENCY
69,000 Square Miles of the RICHEST PART of the MIDWEST

NEWS AFRAY OF DAILIES

PICKING ON RADIO, DECLARES GURNEY

Move to Discriminate
Against Broadcasting Goes
on as Drys Single Out
the Short End of Booze Ad-
vertising—Exempt News-
papers and Magazines

IGNORE PROTESTS

Washington, May 2. Proposed statutory ban on radio advertising of all alcoholic beverages reached the Senate calendar last week despite protests about discrimination and evidence that liquor accounts are shunned by the bulk of the broadcasting industry. The Senate Interstate Commerce Committee approved the bill sponsored by Senator Edwin C. Johnson, Democrat, of Colorado, and backed by host of blue-noon groups.

Strong argument against the restrictive legislation was presented in a minority report by Senator Charles McNary, North Dakota Republican, whose family used to own WNAK, Yankton. Suggesting the measure should be referred to committee, he warned about a dangerous precedent. Said the drys are attempting to make radio the goat in renewed campaign against all intoxicants.

The objective behind the Johnson bill is so limited and the alleged abuses are so rare that much discriminatory legislation is entirely unwarranted, Gurney protested. Why radio was singled out for punitive treatment with magazines and newspapers exempted, is a mystery, he said, remarking that more than \$500,000 of the outlay to ballyhoo liquor was spent on printed media last year.

The facts are that slightly over \$100,000 was spent for hard-liquor advertising by radio in 1938 and \$1,068,000 for radio advertising of beer. Gurney said. "Newspapers and magazines receive the preponderant amount of liquor and beer advertising. . . . If liquor advertising is per se a social evil, action on the 95% should logically precede an effort to eliminate the 5%."

Self-Imposed Curbs

Self-imposed curbs on radio ballyhoo for fine-water were cited by the dissenter, who noted that both beer and hard liquor have been legitimized in this country. Commented if a parental government believes it should be the fact that prohibition is over from American youngsters, blindfolds and shears must be applied. Networks and majority of independent stations do not accept hard-liquor business; trade associations in the distilling and importing business discourage use of radio; and the National Association of Broadcasters on record against selling time to drink peddlers and manufacturers, he noted.

"There is no necessity for the legislation proposed, as any abuses complained of can be remedied by existing laws and regulations or by industry self-regulation," Gurney stated.

"No practical problem is faced with respect to distilled liquors and radio advertising, as most radio stations do not accept such advertising, and distillers and importers as a matter of self-regulation do not use radio facilities. Hence, the only effect of the proposed legislation would be to prohibit the advertising by radio of malt beverages. The stigma of prohibiting the advertising by radio of beer, a legal product, would doubtless be a disservice to the cause of real temperance. It such would be the effect injury would result to important groups of labor and agriculture."

With the FCC, Federal Alcohol Administration, and Federal Trade Commission on guard, there is no need for Congressional action, minority report went on. Unless there are abuses and excesses, which the record does not show.

Despite the industry arguments,

Senator Johnson, author of the majority report, declared that a ban is urgently needed. While he conceded that distillers have refrained from radio advertising, he said importers, wholesalers, wine producers, and brewers "have not all seen the wisdom of maintaining the proper public policy of refraining from invading the sanctity of the home."

In recent months there has been a marked increase in the amount of liquor advertising over the air, Johnson contended. Situation has disturbed many people because the radio enters practically every home, affecting little children and young people who are refining the education which will guide them in future years. Adults as well are resentful at this invasion of their homes and public opinion widely supports this legislation, Johnson said.

Sparking Sparks

Hollywood, May 2. Ned Sparks of Texaco program makes the rounds of a half dozen CBS shows this week. He's on quest of sourpuss that'll top his.

Not new, but figures his button-in is good exploitation.

E. J. Glade's Chore

Salt Lake City, May 2. Earle J. Glade, general manager of KSL, on a committee to study practices of U. S. stations on controversial subjects.

Glade is sole western representative named to the committee, which includes the prexies of CBS, NBC and Mutual.

'If Your Wife Caught You—' One Of Many Games at KIDW, Lamar, Colo.

Lamar, Colo., May 2.

Prize pool of new stanzas has been put on by KIDW, Lamar, with the quiz theme in mind. Following are the latest additions to the schedule: **Blarney:** Object is to think of a quick alibi to a question such as "If your wife caught you, what would you say?"

Eleven Clubs: 11 word announcements are given. One word is missing. Detect it.

Spello: Idea is to convert words into numerical values.

Backward Bee: Contestants spell

words backwards. Scoring is on the basis of correct spelling and rapidity.

Cooperative Birthday Party: Flock of sponsors are rounded up to back this one. Sponsors give kids slips entitling them to take part in the other club and tumbst.

Ken Dyke gave a pint of blood to slot wife of colleague Doug Merriam at NBC in New York.

Frank Stanton, Market Research director of CBS, doing a week at Ohio State U.

ON AN IDENTICAL COST PER LISTENER BASIS

In the 13 markets surveyed by Ross Federal Research Corporation and Alberta Burke Marketing and Research Company the rate on WLW would be \$3,876 to provide the same cost per listener as the leading local stations in these markets.

During the week of March 22 through March 28, 1939, Ross Federal Research Corporation made 118,920 calls, of which 78,793 calls were completed in the following 12 cities: Charleston, West Virginia; Columbus, Ohio; Dayton, Ohio; Fort Wayne, Indiana; Indianapolis, Indiana; Lexington, Kentucky; Lima, Ohio; Louisville, Kentucky; Muncie, Indiana; Kokomo, Indiana; Newark, Ohio, and Springfield, Ohio. In the 13th Market, Cincinnati, out of 21,883 calls made by the Alberta Burke Marketing and Research, 14,947 calls were completed.

Results show that the average audience tuned to WLW from 8:30 A. M. to 10:30 P. M. Monday through Friday is 111.8% greater than, or 2.1 times that of the ten dominant local stations serving these markets. The combined cost of these ten dominant local stations is \$1,830 per hour. While that of WLW is \$1,080. Therefore, the cost of the local stations is 69.4% greater than that of WLW.

Since the dominant local stations collectively have an average of 22.8% of the audience listening to the radios in their respective markets and their combined costs amount to \$1,830 per hour, then on an identical cost per listener basis, WLW's rate should be \$3,876 per hour, inasmuch as WLW's average audience is 48.3% of the sets in use in these same markets. (And this disparity is based on the unfactual assumption that WLW's coverage is limited to the city limits of these 13 cities!)

IF YOU WOULD KNOW THE WHOLE STORY PLEASE WRITE
TO WLW OR TRANSAMERICAN BROADCASTING AND TELE-
VISION CORPORATION, NEW YORK, AND ASK FOR . . .

More Facts and Figures on Why I should buy--- THE NATION'S STATION

In last week's issue of VARIETY we inadvertently implied in our statement to the radio industry that Ross Federal Research Corporation had conducted a survey in the 13 cities mentioned. The 13th market, Cincinnati, was surveyed by The Alberta Burke Marketing and Research Company.

We believe the matter is clearly defined in this week's statement.

Government Entry Into Radio Up Again; Champions Have Call Letters, PAZ (Peace) Picked

Washington, May 2. Administration pressure for a Government owned and operated high frequency broadcast station to aid U. S. propaganda to Italian and German bluffs already shattering the South American market before the end of the present Congressional session.

Despite remarks of testimony showing major chains, General Electric, World Wide and other big broadcasters are concentrating on giving the South American audience radio free available, plans to put the U. S. into the broadcasting have not been discarded. Bill authorized

construction of a \$30,000,000 Government DXer was reintroduced Thursday by Senator Dennis Chavez, New Mexico Democrat.

Chavez and sponsors of similar legislation have been advised by the well-organized opposition from the commercial in their fight to prevent Government transmission. Playing on popular opinion this year by specifying that the proposed station will call letters PAZ—to spell out the Spanish and Portuguese word for PEACE. Measure also has been amended to change location of the DXer from San Diego, Calif., to Washington, D. C., where the U. S. Government spotlights a convenient sounding board from which to air the "cult" broadcasts while the New Mexico senator believes vital to relations between the North and South American.

Senate hearings last year brought out the seriousness with which NBC, CBS, G. E. et al., have tackled the problem of piloting programs to Latin America. Additional testimony given during the past winter before the Senate subcommittee further demonstrated that the industry has been on its toes in cultivating friends in the U. S. A. knob-twiddlers.

Principal arguments against putting Uncle Sam into the short wave band is the U. S. Government

(1) Passage of the legislation would prevent the entering wedge Government control of broadcasting.

(2) Commercially operated DXers are not a meritless enterprise with highly-trained staffs, whereas Government broadcast enthusiasts have had little practical experience and lean too far toward educational-type programs.

(3) South American listening audiences have expressed a preference for commercial American programs because of the excellence of musical and other entertainment, and doubt exists as to whether knob-twiddlers would favorably to do the "culture" which advocates of the Chavez bill recommend.

W. W. R. Research Analysts

General feeling in the industry is to let well enough alone. Efforts of Nazi-Fascist propagandists to show the South Americans how they should run their affairs have not been popular and no reason to believe that U. S. advice would be received in a more kindly fashion. Studies of the Latin American temperament have revealed that the southern neighbors—like their North American cousins—prefer to be entertained and do not appreciate overdoes of cultural, educational propaganda—and existing transmitters already have provided news flashes, political comment and other non-entertainment information of the type that the average listener is ready to listen to.

Sam Haggerty, engineer, with CTRM, Regina, Sask., joins Canadian Broadcasting Corp. staff at Ottawa on May 1. He replaces him and Harry Dane takes over control room.

Jack Scott, former Vancouver News-Herald radio columnist, to C.B.C. network as regional publicity director.

**DON'T MISS
PALMOLIVE'S**

"HILLTOP HOUSE"

STARRING
BESS JOHNSON

By Adelaide Marston

Dedicated to the 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.
78 Stations Coast-to-Coast
WOR—4:30-4:45 P.M. E.S.T.
Monday Through Friday**

Direction **BENTON & BOWLES, Inc.**
Management **ED WOLF, RKO BUILDING, New York**

LEE BRISTOL'S ADVICE

Tells Canadian Publishers Not to Worry About Radio

Montreal, May 2. Lee H. Bristol, vice-president of Bristol-Myers, New York, told the Advertising Club of Montreal last week that radio is no new threat to newspaper advertising and that radio can never obtain a monopoly of advertising. Bristol counseled against alarm at the increasing popularity of radio, stating that there is plenty of room for newspapers as well as radio as media.

Among the points advocated for 1939 Bristol advised against aloof advertising campaigns on the grounds that plain, substantial copy brings lasting results.

Bristol was moderately optimistic about business prospects in the U. S. A. for the coming year, despite international tension.

Cut Vaude, Jazz From Sunday Shows—Clerics

Toronto, May 2.

Drastic recommendations, including the elimination of advertising, the banning of sports events, and the restriction of humor on Sunday programs of the Canadian Broadcasting Corp., were embodied in a unanimously-adopted resolution of the 8th convocation of the Presbyterian Synod at which church leaders pleaded for the support of CBC and the Lord's Day Alliance of Canada in 'maintaining the sanctity of the Sabbath.'

Resolution forwarded to Leonard W. Brockington, chairman of the Board of Governors of CBC, recommends that all Sunday programs of professional and commercial sport be eliminated; that Sunday advertising and sales talk be restricted; that an improvement in the character of the Sunday program be made by leaving out jazz and vaudeville and in their place giving greater emphasis to those programs of a religious and educational character.

BBC HOLDS A WAR DRILL

London, April 31.

Broadcasting House held its first full-dress air raid drill last night when everybody on BBC personnel was alerted by General P. C. Quinlan down took their stations and went through emergency routines. System has been worked out to the last detail, with affairs in all departments and every individual under orders to carry out set duties.

Staff members have been formed into fire squads, decontamination parties, first aid units and the like, while those not assigned to group duties are detailed to make for the underground concert hall and remain there till the all clear. Drill lasted 15 minutes.

Highlight of the exercise was that continuity of broadcasting was allowed for, and maneuver was carried through without interruption of programs.

FRENCH LOVE TRAVELS' FOR QUEBEC AUDIENCE

Montreal, May 2.

Paul L'Andrieux is producing French-language radio for British-American Oil entitled "L'Amour Quebécois" (Love Travels) over CAC once weekly.

Ovide Legare, who is authoring the series of dramatic sketches, was selected as the winner of a contest in which eight French authors wrote sample scripts.

NEW CFCF PROGRAMS

Montreal, May 2.

"Treasure Trail," new short program sponsored by Wringley's, starting on station CFCF.

New commercials on CFCF include "Ports of Call," sponsored by Hartney's; "Question Program," for Mount Royal Dailies; and "Classical Melodrama" for Onyx Oil & Chemicals.

Women's Nat'l Radio Comm. Awards Encourage Government Radio Moves

London Calling

J. Walker Thompson has devised and produced a new Kraft show to go on the air May 7. It combines the best of the old and new radio interviews with celebs. Guest artists for the first broadcast are Mills Brothers, Arthur Treacher, and The regular cast includes John Mills, as competitor, Herdies of Swing Orchestra, Phyllis Robins, Gordon Little and a mixed choir.

Proprietary Agencies, Ltd., on behalf of California Sprup of Fines and Milk of Magnesia, renewed Radio Normandy broadcasts which totals five hours weekly. Renewal contract made by C. Mitchell & Co. with BBC.

B. J. F. Howells, BBC director of program administration, transferred to newly created post of assistant controller (administration).

Alan Thomas appointed editor of The Listener; official BBC publication, in place of R. S. Lambert, retired.

Gordon and Kevell drew an unlucky card from waggish expert Lou Levy on latter's first broadcast of the Movies' program, when he referred to them as 'unknown to English listeners.'

Erwin Wasey just fixed George Formby on another radio broadcast on Radio Normandy and Luxembourg for Fenn-Mint. Also a similar period on both stations for Jack Jackson for Oxydol.

Arthur Askey signed years' contract with Symington's soups for one week on Radio Luxembourg. Will be assisted by Stinker Murdoch. Starts July, with Mather & Crawmer agenting.

Jan session relayed specially to BBC from New York some weeks ago being repeated on May 6, by means of recordings made at the original performance and since shipped to London.

Nestlé Milk products have renewed Normandy contracts for 82 weeks, and taken a further quarter-hour on Tuesdays for a similar period. Erwood, Ltd. made the booking.

Crabtree, Ltd., extended Radio Normandy quarter hours for Odo! Toilet paper.

King George will broadcast only one message for relaying outside the Empire during his tour which will next month. This will be on Empire Day (May 24), and will climax a Round the Empire program being devised by C.B.C. The King will speak from Winnipeg.

King George will give the coverage to the royal jaunt, beginning with departure from Portsmouth, May 10, when he will be hooked up throughout the Empire. C.B.C. will subsequently relay to U.K. listeners the description of the arrival in Quebec, and later the departure from Halifax for Newfoundland.

Throughout the entire trip, Richard Dimbleby of BBC news department, will act as observer and commentator, cast three eye-witness accounts weekly for U.K. listeners and also fix news talk by Canadian speakers.

Tom Wedgewood gets a new ticket with BBC as commentator, but is allowed more time for outside activity than heretofore.

Entire third act of Bernard Shaw's 'Ghosts' for the first time with theatre, with synopsis of acts 1 and 2, written by G.B. himself, preceding the presentation.

Dr. Julian Huxley, secretary of the Zoological Society, is co-operating with Normandy on a sustainer program titled 'Listen to the Zoo.' They will consist of a series of talks between Dr. Huxley and Wilfred Thomas, producer of the program, discussing the various aspects of zoo life.

Ten of Carroll Lewis's most successful 'Discoveries' will do a radio comeback May 9 on a program titled 'Discoveries' by Lewis and his Ladder of Fame.

Washington, May 2.

Kudos for three programs are being cited as justification for government broadcasting by the Interior Department. Commendation from the Women's National Radio Committee comes at a strategic time when critics of airward Federal propaganda are preparing to knude the budget.

In anticipation of sharper criticism, Dr. John W. Studebaker, Federal Education Commissioner, called attention to the plaudits for 'American All-Immigrants All,' 'The World is Yours,' and 'What Price America.' Officials of the Information Division's radio section also displayed puffed chests. Press handout Saturday (23) played up the 'most original radio program of the year' honor for American All-Immigrants which is aired over CBS Sunday afternoon.

It Speaks Their Language

CKAC MONTREAL

• 15,000 people write letters to CKAC—every week!

• 7,500 Montrealers attend CKAC studio shows in three radio shows a week!—every week!

• CKAC feeds nearly 20 hours of French shows to the Quebec network—every week.

• The reason:
1. Three-fourths of Montreal population speak French.
2. CKAC speaks French.

Canada's Busiest Station

DINTY DOYLE
New York Radio-American, says:

"The fact really new idea in the quiz department is the offering of Allen Prescott called 'Don't Forget to Vote'—it is the best of the lot... It is a half-hour which will catch on..."

"DON'T FORGET"
ALLEN PRESCOTT
Fridays, 8:30-9 P.M., WIZ

WBAL
means business
in Baltimore



Favorites with
**COLLEGE
CROWDS
EVERYWHERE**

**PAUL
WHITEMAN**

and His
ALL-AMERICAN BAND

Playing

• University of Rochester

Rochester, N. Y., May 6th

• Brown University

Providence, R. I., May 12th

• Cornell University

Ithaca, N. Y., May 26th

"TUNE IN THE"

CHESTERFIELD SHOW

CBS Coast-to-Coast

Wednesday, 9:30 P.M. E.S.T.

Booked EXCLUSIVE by

Artists Management, Inc.

17 East 65th St., New York

Murray Hill 2-1888

TO COVER GREAT BRITAIN

YOU MUST USE

RADIO

NORMANDY

Full particulars of Air Time

Refer to

INTERNATIONAL

BROADCASTING

COMPANY, LTD.

REPOURTAIR PLACE,

LONDON, W.1.

JOSEPH RINES

And His

ORCHESTRA

Hotel St. Regis

Venues Room

2nd Consecutive Year

NBC—THRICE WEEKLY

WM. MORRIS AGENCY

E-AP EUROPEAN RADIO

BUT FIVE LANDS HAVE NOT SIGNED

BBC Will Have Better Chance to Fire Propaganda at Germany—Many of Present Dials, However, Will Become Obsolete

JAM PUSH-BUTTONS

London, April 24.

Sweeping changes which will affect nearly 300 radio stations and not less than half of the estimated 46,000,000 home sets in use throughout Europe have been decided on at the European wavelength conference just concluded at Montreux, Switzerland. Decisions will take effect the night of March 3-4 next, and will involve broadcasting concerns in many million of smokers, with BBC among heaviest to be hit in the bankroll.

All countries in Europe were represented on the plan, but five—Russia, Turkey, Greece, Iceland and Luxembourg—did not sign, so it is problematical whether they will all accept alterations in frequency and wavelength of their stations. Holding off of these states involves 37 transmitters, 25 of them in Russia. Altogether in the scheme are 373 stations throughout the continent, though among them 103 are set-ups applied for and allowed by various states which are not yet in operation. Every one of the existing stations is scheduled to modify its wavelengths.

Purpose of conference was to meet growing complaints from countries that claimed they were not getting a square deal on the air, particularly from smaller states whose radio systems only came into service after their bigger neighbor had collared the best parts of the wave band. In parts of Europe overlapping of stations and general interference was troublesome to many, and new set-up is intended to iron out the situation and allow better all-round transmission and reception.

One benefit is granted to the larger web; raising the power limit for longwave and mediumwave output, so that where former had up to 100 kilowatts and later of 100, these have been upped to 200 (500 in the daytime) and 120 kw, respectively. Efforts will be slight to increase field strength and give better reception to listeners on the fringe of each state's service area. Long wave stations are estimated to get 16% extra coverage this way.

A practical boon of this for BBC particularly is that it will improve foreign language transmissions to Germany, and natives on the eastern side of the Reich will get better reception. U.K. general programs are also widely listened to on the continent, so that general propaganda value of British radio will be stimulated. Both longwave and main mediumwave transmitters in U.K. will up their output strength. Droitwich (1511 kilocycles) to 200 kw.

and Brookmans Park (London region, 916 kc.) to 150 kw. Increasing latter's strength will improve listening on parts of the south coast.

General basis of Montreux plan is to establish stations at intervals of 9 kc. frequency, though many of the weaker stations are let in closer to others, especially in the cases of minor transmitters which are geographically remote from others operating approximately the same wavelength.

Thus many of BBC's stations share their frequency with Russians, but in one case, the Northern Ireland transmitter at Lisnagar-

vey, there is a clash with Toulouse (France), which may or may not cause interference for either. Where other more powerful stations are on neighboring wavebands it is mostly designed that they are on opposite sides of Europe; thus BBC midland station at Brookmans Park is close on the band to Bratislava in former Czechoslovakia.

Plan gives BBC 13 wavelengths, including a place on the frequency band for a projected station at Norwich, which will serve the eastern counties. Transmitters to be opened next June at Start Point and Cleve-

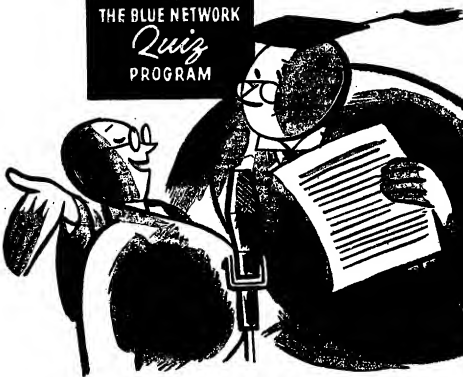
don, serving the west of England, will now operate on different wavelengths from those originally allocated by Corp. Agreed variation will necessitate installation of completely new transmitters at stations changing their output strength, which means BBC has immediately to fix contracts for two more additionally to three already being laid down, which will involve the U.K. web alone in several million dollars.

Serious for home listeners in that the scheme throws into the ashcan all those radios which are equipped

with dial controls indicating all stations by name or by pushbutton tuning. Radio Manufacturers Ass'n has, however, been constantly advised of the situation by BBC in England, and it is likely new dials will be made available for old sets. Correction of pushbutton sets can be done by mechanical adjustment, though whether the retailer or manufacturer will bear the cost, as a servicing charge is not yet determinable. Estimates assume around half the total sets operating in Europe will need adjustment for either of these reasons.

ABSOLUTELY CORRECT, MR. JONES!

THE BLUE NETWORK
Quiz
PROGRAM



EMCEE: Contestant Number One is Mr. Jones. . . Now, Mr. Jones, can you give us the by-word in radio today?

MR. JONES: I believe it is "buy-word" and it is "Better Buy Blue."

EMCEE: You are correct, absolutely correct, Mr. Jones. Now, can you tell us why "Better Buy Blue" is the buy-word?

MR. JONES: Because many Blue Ribbon advertisers have found the Blue Network to be the low-cost high-return radio buy today.

EMCEE: Correct again, Mr. Jones. And now, let's see, can you list the Blue Ribbon accounts which have signed new or renewal contracts on the Blue in the past few months?

MR. JONES: I think so. They are Acme Paints, Alka-Seltzer, Anacin-Bisodol, Ballard & Ballard Biscuits, Brown & Williamson, Canada Dry, Fels-Naptha, Fendrich Cigars, G. Washington Coffee, Goodyear Tires, Gulden Mustard, Jergens-Woodbury, Lewis-Howe Company, P. Lorillard Company, Macfadden Publications, Mars Candy, Procter & Gamble, Ralston,

Standard Brands, Sun Oil, Swift & Company, Time Magazine, Vanette Hosiery, Ward Baking Company, R. L. Watkins, Welch Grape Juice, Westinghouse, J. B. Williams Company.

EMCEE: Correct, absolutely correct. 100% for Mr. Jones.

• • •

So much for that. But . . . get the whole story on the Blue. Call your nearest NBC office for details, particularly on the new discount plan which helps you to "go National" on a modest budget.

NBC
Blue
NETWORK

NATIONAL BROADCASTING COMPANY

A Radio Corporation of America Service

BLUE IS THE BUY-WORD
IN 1939

WBNS
COLUMBUS, OHIO
ALL YOU NEED IN CENTRAL OHIO
5000 WATTS DAY
1000 NIGHT
JOHN BLAIR & CO. MANUFACTURERS

Padula Sues ASCAP, May Sue AFM. ASCAP MEETING TO SET POLICY Alleged Has Action Against MCA—Operating With Non-Union Orchestra in Philadelphia Cafe Nazis Allege Irregularities as Legal Stopper to Refugee Royalty Claims

Philadelphia, May 2.
Damage suit for \$50,000 against ASCAP was filed by Arthur H. Padula in U. S. District court here last Friday (28). Padula is president of the music industry's bandstand rulers, and operator of the Anchorage, currently open. He claims irregular practices by ASCAP in refusing to grant him a license for the Anchorage.

ASCAP is demanding \$300 due in back fees by the Acadia before it will give Padula permission to use its music in the Anchorage. Padula claims he was only an officer of the defunct Acadia corporation and not personally liable. He maintains that his activity in the Acadia has nothing to do with the Anchorage, which is a new incorporation but which he owns all the stock. Anchorage would be up to date on the last bill rendered by ASCAP, Padula claims in his brief.

Nikely on admits infringements on ASCAP since the performing rights society's recent refusal to grant him a license. He declares he has no objection to the price he is being paying ASCAP and is perfectly willing to make any payment if it is imposed. Suit was brought on by a citation from ASCAP for an infringement on Pat. Padula maintains that at that time he was operating under an oral agreement with the Society which had been withdrawn without notification to him.

Says Will Sue Union
Another action of a similar nature is now being prepared against the American Federation of Musicians, Padula told Variety yesterday. He said today is inquiring his claims by keeping quiet about the unfair deal and thus preventing his hiring of union bands and making it difficult to get AFA. He is now operating with a non-union orch, which he declares is not up to the standard he wants. The Anchorage, he states, owes the AFM nothing, but is being asked to pay for the use of the AFM, with which it actually has no connection.

Bartholomew, secretary of the Musicians Local, admitted that the union has no grievance whatever against the Anchorage, except Padula's connection with it. "We just don't care to do business with Padula," he explained.

Padula also has a suit pending against Music Corporation of America claiming compensation for the frequent work of bands which he helped to break in at the Acadia.

Calif. Would Ban School Bands Opposing Pros

Sacramento, May 2.
The state assembly has given a favorable vote to a measure by Assemblyman Jack B. Turner, of Los Angeles County, which would prohibit school bands and orchestras from competing with professional musical organizations.

The measure said the legislation would relieve hardship among musicians who are being deprived of dance and apply to bands playing at college football games or similar exhibitions as charged by the opposition.

DEL COURTNEY DISCS First Time on Records—William Morris Set Deal

Never before on records, the Del Courtney orchestra has been signed for a year by American Record Co. effective tomorrow (4) when the band cuts four sides. **Wm. Morris Agency**, which handles Courtney, stated.

Bands just completed a stretch at the Elmore Hotel in New York City, N. Y., being replaced there last week by band of John Phillips Sons, 3d.

'DESERT SONG' SUIT

Takes In About Everything and Everything

A song suit which can total several billions of dollars in damages was filed last week by Joseph John Danville in N. Y. federal court against Harms, Witmark, Sigmund Romberg, Otto Harbach, Oscar Hammerstein 2d, Lawrence Schwab, Frank Mandel, Warner Bros., Vitaphone, Inc., Stanley Co. of America, Stanley-Marc-Strand Corp., RCA Mfg. Co., Inc., NBC, Brunswick-Walk-Columbia, Decca, Brunswick-Radiogram-Record Corp., American Record Corp., Columbia Broadcasting, Bamberg-Warbling Service, Inc., Knickerbocker Broadcasting Co., Maroon Loew Booking Agency, Inc., W.B.O. Broadcasting Corp. and Columbia Phonograph Co.

The suit claims that the plaintiff wrote the words and music to "I'm a Spider and You Were My Spider." He declares he is the author of this song was allegedly plagiarized in "Desert Song." The suit seeks recovery of profits and \$250 damages for each individual playing on radio, screen or stage is asked.

Woody Herman Another In the Fast-to-Front Bands, a la Art Shaw

Woody Herman orchestra started four weeks of consecutive Monday nights at the replacement band for Jan Garber at the Hotel New Yorker, N. Y., on Monday (1). Hereafter, the band will play the same each week as relief, according to N. Y. radio's 12-day week ruling. Herman's outfit is all signed for a week at the Paramount, N. Y., in late July or August after the high-Carlton, Boston, where it opens June 1 for an indefinite run. Less than two months ago, the band was stretched at the Raynor Ballroom, Boston, considerably lower scaled.

Bookings show how fast a band can skyrocket once it's booked into advantageous spots, plus the radio buildup. Prior to the aforementioned Raynor date, Herman's band was alternating between the New York and Brooklyn Roadland dances. Formerly James Jones band (later has since formed a new outfit), which Herman had previously played sax, it has been kicking around New York and the east for some time without getting anywhere. Rise from obscurity is similar to that of the band which has featured all; Charlie Barnett and others, Rockwell Genera; Amusement box Herman.

Pressure For Opening Night Turnout Defeated By United Pub-Pluggers Front

Even though the pac' hasn't been signed, the Music Publishers Protective Association and the Professional Music Men, Inc., last week showed how the proposed code against unethical plugging practices could work effectively. Through an all-out effort, the two organizations through their members by the two organizations they succeeded in frustrating the efforts of the pluggers to pressure music men into delivering large parties to his opening.

The pluggers had been a double-harnessed action after several concert bands had been reported "hot" lead-ership. The pluggers had been receiving from him during the summer would depend on the number of parties he had been invited to on opening night. As a result of the phone calls attendance at the spot's

RCA Schedules Unponsored but Called Commercial for Sale of Sets and Therefore Within ASCAP Scope

NOT NOW COVERED

American Society of Composers, Authors and Publishers is slated to ask this week on the question of television rights. With many of the members contending that the present contract does not cover such rights and stating that they propose to have television treated as any other medium, but that the ASCAP would be meeting tomorrow (Thursday) will undertake to evolve a policy on the issue after hearing the opinion of Louis D. Frohlich, of general counsel.

As things now stand NBC is conducting musical television broadcasts without being covered by public performance licenses. ASCAP/NBC itself isn't sure whether television comes within the purview of small performing rights or whether it is a right that can be separately administered. The legal view within ASCAP is that the right falls within the administrative authority of this organization, even though the word "television" was intentionally struck out of the renewal contracts which the group was asked to sign at nature last year.

Claim They're Commercial
NBC figures that no attempt will be made to collect fees on televised musical programs so long as these programs are considered on an experimental, or non-commercial basis. Some ASCAP members hold that the NBC broadcasts are not to be considered as "non-commercial" since there is involved public performance for profit. RCA, they point out, must depend on these NBC television broadcasts to exploit or promote the sale of its picture-receiving sets.

Another factor which is bound to enter into the television rights situation is the Songwriters Protective Association. Under the association's new assignment clause which its members have been asked to sign, the SPA retains the right to administer the television rights of all new popular numbers created by these members. Council for various ASCAP front-line artists and composers as opposed to yielding the television right to ASCAP regardless of whether the use is dramatic or incidental one.

Television rights are specifically excluded in the broadcast code issued by the Society of European Stage Authors and Composers and G. Records & Co., of Milan.

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PHIL SPITALNY TO DRAKE

Count Basie, Casa Loma and Yearlings Also Due in Chi

Chicago, May 2.
Phil Spitalny and his orchestra take over in the Gold Coast room of the Drake hotel here, near north side in May 20. In for at least six weeks and figures to hold over through the summer.

Within the same week three other orchestras get going in town. Count Basie bands over into the Collage Inn of the hotel Sherman replacing Gene Krupa band on May 18. On May 18 Casa Loma orchestra replaces Eddy Duchin band in the Empire Room at the Palmer House, while Jack Morgan orchestra slides into the Blackhawk to take over the bandstand from the Bob Crosby orchestra which heads out on a theatre tour before returning to the Blackhawk later in the year.

Protest Townsend Cabs Use of Non-Union Music At Beer-Dance Parties

Spokane, Wash., May 2.
Townsend's old sex clubs were scored at a northwest convention of the American Federation of Musicians last week for their alleged practice of employing non-union live music at their beer-dance parties. Convention named a delegation to lodge an official protest with the townsmen.

Matter will also be brought up at the AFM's annual meet in Kansas City for the week of June 10. AFM also voted to urge the international to get more musicians regular employment in such places.

Regional conventioners were told that Spokane radio stations had RCA, they point out, must depend on these NBC television broadcasts to exploit or promote the sale of its picture-receiving sets.

Liss No Like Leica Pic Ads, \$50,000 Suit

Roland S. Liss, artist and violinist, filed a N. Y. supreme court action Monday (1) against E. Leitz, Inc., Raymond Pariser and Hugh W. Battersby, doing business as Parker & Battersby, asking damages of \$50,000.

The complaint claims that Liss used his picture in connection with an advertisement selling Leica Cameras.

Alfred Fred doing musical score for "The Hit Parade" at Republic.

Hugh Williams on Visit; Also Koga From Tokyo

Hugh Williams, ex-William Grogan, former Vienna composer who has been living in Eng. "For the past five years, arrived in N. W. work with his wife last year for month's stay. Williams (Grogan), who is doing a British edition, wrote the melody of "Life of Coppi," "Rat," "Sally in the Sun," "Heart Light" and "Pretty Girls."

Masao Koga, Japan's leading pop songwriter, also in New York on a visit, first time in America. Confabing with Burton Crane, N. Y. Times music and former Japan advertiser-editor, who has fashioned lyrics for Koga's tunes.

Vienna, April 21.
Austrian composer and owner of the Record Verlag, publishing house, has uncovered what it describes as a series of frauds involving allocation of credits in the distribution of royalties. News of the discovery came from the authorities whom Berlin designated to liquidate AKM, the Austrian Society of authors, composers and publishers.

As the STAGMALLS explained it, Bertl Berndt, author-composer and owner of the Record Verlag, publishing house, had induced a number of band leaders to let him fill out their reports showing what numbers they played on certain occasions. In that way, the story goes, Berndt was about to collect around \$4,000 for compositions of his that were hardly ever performed. In criminal affidavits have been obtained from several Vienna orchestras, the names of the writers are unknown, and the \$4,000 will be distributed among the STAGMA members who are supposed to have suffered from this device.

The Usual Gas New York Publisher members of ASCAP, with which the KMA was affiliated, are not surprised at the 'discovery'.

Berndt is a refugee and it is expected that he will be deported. Evidence will be gathered against other AKM members whose whereabouts are unknown. It is expected that they can't collect royalties due them from AKM through legal procedure. The names of the writers are unknown, and the \$4,000 will be distributed among the STAGMA members who are supposed to have suffered from this device.

LIN HOPKINS DRAWS NEW VANCOUVER SPOT

Vancouver, May 2.
Lin Hopkins, current maestro at Ottawa's Chateau Laurent, goes into the new \$50,000 Hotel Vancouver for the opening, Highlight of date is visit of King and Queen May 28. Meanwhile, Mart Kennedy orchestra leaves the old Vancouver this week for a West-to-East tour prior to opening in the Royal York, Toronto, May 18.

Pending Hopkins' arrival Stan Patton crew will fill in with new combos, leaving directly after run for barnstorming tour of British Columbia, Alberta and Saskatchewan.

Harold Dixon's Probation Following Narcotic Charge

St. Louis, May 2.
Harold A. Simon, known writer and orchestra leader, received a suspended sentence last week from United States District Judge George H. Moore when he entered a plea of guilty to an indictment charging him with the purchase and possession of narcotics. Simon, according to an affidavit, had been arrested in December for receiving treatment at a private sanatorium since his arrest and has not returned to his home since. He was placed on probation for two years.

Simon composed "Call Me Back, Paul o' Mine." After living in New York for 15 years Simon returned to St. Louis in 1935 for several months where he was a waiter at the Marquette Hotel.

Johnny O'Connor Bedded

Johnny O'Connor, general manager of Words & Music, Inc., was arrested on last Friday (28) for an illegal canal sailing at the Murray Hotel.

He expects to be back at his office within three weeks.

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Brady's New Agitation for Sunday Legit, But It's at Least a Year Off

Sundays will ultimately come for legit on Broadway and also the weekend week, in the opinion of those who observed the uproar and contacts that called an abrupt halt on the movement. Regardless of the interference which cropped up unexpectedly, the feeling is that legit should have the same chance at Sunday as all other amusement forms and sports. It may be a year or more before the situation is clarified, but indications are that present handicaps will be eliminated.

Sundays during the World's Fair are definitely out and there is now some doubt whether that will make any material difference to Broadway. William A. Brady appeared before Equity's council last week and attempted to secure a suspension of the actors for Sabbath shows, despite the defeatist attitude of the stagehands. He said that if the weather is favorable there probably would be no benefit to theatres, but in the event of rainy Sundays, shows would doubtless reap a harvest from visitors cooped up in hotels.

Brady believes that the actors should take the lead for Sundays for their own welfare, but Equity declined to change its position. At the time the stage unions first agreed to work without extra pay before it adopted the same rule. Since then, the chance of the stagehands coming to scratch under the present administrative objections of which legit has been made clear. Known that in the IATSE the Sunday idea is definitely out, the I.A. will not be expected to influence the New York Local (No. 1). Average deckhand pointed out that Sunday shows during the recent general meeting, then appeared to have been swayed to vote the other way.

Showmen pointed out that last summer inclement weather forced abandonment of two outdoor stage attractions around New York. Equity was prepared to change its outdoor policy to make it possible to operate in the event of abnormal weather conditions. There are no outdoor legit plans, however, and the fair itself may be one reason. It being the greatest attraction of the metropolitan area.

Equity's willingness to swing to Sundays knocks out the old alibi of the other stage unions that it was a sector's fault. Sunday didn't get through. As for amending the state law for a seven-day week, such a move will be forced upon legit next winter, as the legislative session is drawing to a close, and even if such a measure was put through it would be ineffective until the unions come to an agreement over Sundays.

LUNTS CLOSE 43-CITY TOUR; SUMMER LAZY

Pittsburgh, May 2. The long tour of Alfred Lunt and Lynn Fontanne, which began last season in Boston, closed here at the Nixon theatre Saturday night (29). Team left immediately for their home in New Haven, Conn., where Lunt will stop off in Mill wake to have a couple of teeth removed. Believed to be at the root of his arthritic condition, which forced Lunt to cancel previous Festival of Comedy tour Broadway during the World's Fair.

Tour covered 43 cities and ranged from one-nighters to week-long stands, with 'Idiot's Delight' most frequently followed by 'The Green Pastures' and 'Gull', later, following Chicago engagement in January, was performed in only eight towns.

As things stand now, and depending on course, on Lunt's health, team will enter their postponed Festival in New York in October, when they will actually same acting company they've had for last five years. 'Fanning of the Shaws' and 'Reminiscences' will also be added there. They're also reading several new scripts and hope to do one of them next spring.

Run-of-Play Lease

'Hellzapoppin'' Ole Olsen lives on Long Island, and Chic Johnson took a place in Connecticut, motorizing there nightly. Latter also has a swanky apartment on Central Park West, which he rarely uses. Though the show was playing capacity when he took the spot, Johnson figured four months would be tops for the engagement and signed a lease for the apartment for the run of the play.

Prediction now is that it will stay two years and Johnson would welcome a sublet. Same goes for his home on the Coast. San Francisco, but neither is worrying.

WILDER - HARRIS FEUD ON 'TOWN' PIC SALE

Los Angeles, May 2. Thornton Wilder and Frank Harris, respective author and producer of 'Our Town,' are understood feuding over the offer for last season Pulitzer Prize winner.

Scrap arose when Columbia offered \$200 for the script rights. 'Town' Although both Wilder and Harris approved the price, the former demanded the right to produce the show script, or have an say on the director, with the idea of seeing that the spirit of the play was kept in the picture. Columbia is understood to have refused Wilder's stipulations, so the deal is in abeyance.

As producer, Harris would like to produce 'Our Town' and has been demanded that Wilder at least agree to arbitration of the matter. However, Wilder is reported as standing on his author's rights of negotiating the sale.

With Harris here, Wilder is said to be taking it easy at his home in Connecticut, apparently unconcerned as to whether the deal goes through or not. Meanwhile, the local production of the play is slated to close this Saturday night (6) in San Francisco, while another road company is playing in Boston.

No confirmation of the reported Wilder-Harris rift is obtained in New York. Wilder is said to be at his home in New Haven and is unavailable for comment. Sidney Fleischer, Dramatists Guild secretary, said that his office had no word of the matter. Officials at the Dramatists Guild headquarters declined to comment.

However, Wilder and Harris are known to have several disagreements during the Broadway production of 'Our Town.' Although Harris at one time announced another play by Wilder, no such move is coming and nothing has been heard of it for many months. Meanwhile, a subsequent Wilder play, 'The Skin of Lions,' was produced by Herman Shubert. And at the time Wilder temporarily subbed for Frank Harris during the Broadway run, it was reliably stated that he had stipulated that Harris could not enter the theatre.

Bolger's Four Deals

Hollywood, May 2. Ray Bolger is en route to New York to talk over stage deals with Max Gordon, George Abbott and other producers. Among his propositions are a Rodgers and Hart musical and two legit plays on Broadway and one in London.

1ST '99 SHOWS THAT FIGURE

Cost Less to Produce Than Any Hit Musical in the History of Show Business —Equity Takes Credit for Its Success by Forcing Legit Classification Upon It, Rather Than Vaude

LUNTS TOP ROAD

'Hellzapoppin'' rated passing the \$1,000,000 mark, is the first attraction to gross the seven-figure total in its season. One or two other attractions on the list may reach the dream total during their Broadway engagements, but none will measure up to the profit level of 'Hell,' which cost less to produce than any successful musical in the history of show business.

Equity takes a bow in the click of the Olsen and Johnson show. When it opened there was a controversy over what type of attraction it was. The management, Lee Shubert, Harry Kaufman and O. K. J., sought to establish it as a vaudeville-revue, intending to run it on twice daily. Had that schedule been adopted when 'Hell' opened at the 46th Street show any have had a flurry of business and, even though it probably would have made a run, the vaudeville rating would have affected attendance and the strength of performance could not have been maintained.

In classifying it as a legit, Equity therefore performed a service that at first was not recognized. For months there was a suitable over coin due the players. As vaude there (Continued on page 61)

'PARIS' WILL TEE OFF SUMMER MUSICALS

'Streets of Paris' will be the first of the summer musicals for Broadway this summer, having gone into rehearsal and due to debut on May 28. Lee Shubert, Harry Kaufman and Olsen and Johnson are interested in the production. Other musicals now lined up for June or July entry are 'Bugsy' with Howard (Joe Cook), 'Scandal' and 'Yokel Boy'.

Musical bill, which is a possibility for summer, followed by a play, is open at the Martin Beck May 18, sponsored by a socialite group known as the Stokers. Sewell Smith, Robert Morley, Harold Young and Random House, Inc., for an injunction against the drama against the play and book entitled 'Oscar Wilde.'

She claims this to be an infringement of Frank Harris' book written in 1916, entitled 'Oscar Wilde,' His Life and Confessions,' which was assigned her in 1922.

Defendants are producer, authors, star, staggers and book publisher, connected with the play.

League Indicates Ticket Code Not 100% Effective; Backing N. Y. Bill Limiting Premiums to 75c

Did They Fit?

Change in the management of one summer theatre in a small New York state spot drew an unusual explanation. Hall used is close to the local paragon, and it was alleged that an actor appropriated clothes belonging to the minister.

Managers were held responsible, but they did not agree to recompense the donor.

PULITZER PRIZE FOR LINCOLN SPURTS B.O.

The Playwrights Co., a quintet of name dramatists, won the Pulitzer prize award with Robert E. Sherwood's 'Ab Lincoln in Illinois,' their first presentation, this being their initial season as sub-managers. 'Lincoln,' in its 29th week at the Plymouth, N. Y., led the straight plays in attendance through April and winter and is still up among the leading gross getters, last week's takings topping \$18,000.

Four of the five Playwrights have been within the Pulitzer circle. It is the second win for Sherwood, who opened previously with 'Idiot's Delight.' Maxwell Anderson won with 'Both Your Houses' Ermer Rice with 'Street Scene,' and Sidney Howard with 'They Knew What They Wanted.' E. N. Behrman, the quintet has not gotten the Pulitzer nod, but his 'No Time For Comedy' was close to \$21,000 at the Barrymore last week.

Plymouth boxoffice reported a spurt in ticket sales last Tuesday (2), the morning after the award was announced. In show circles it is known that the Pulitzer prize is more valuable than other awards, with the critics' selections a distinct second. Some critics considered 'Lincoln,' but not enough could make up their minds. The play has been accorded a number of honors from various groups.

MAE WEST TO PLAY IN OWN 'LADDER'

Mae West, who is making personal appearances in the Texas territory, is due to back shortly and plans a summer appearance in 'Up the Ladder' at the Plymouth. The play, adapted by her from the French, Lee Shubert will be interested in the production. Mae West intends to remain east indefinitely and plans call for appearances in films to be selected by the same group.

Shubert is also concerned with 'Clean Bed,' which Miss West's husband, the representative James H. Moore, is producing. Show, which is due at the Golden in about two weeks, will use several of the cast. Play was originally tried out on the Coast.

Lipton, Murphy Dicker N. Y. Staging for 'Lamb's

Hollywood, May 2. Negotiations are under way for a Broadway production of 'Lamb's Head' by Lipton and Murphy. Dicker is the producer, and Murphy is identified with N. Y. The play will be come under his pictures. Lipton is a screenwriter.

League of New York Theatres is expected to attempt stricter enforcement of its ticket code, what with the Apxe case disposed of in the referee's report, but there are indications that its progenitors realize the control system has not worked as effectively as claimed. This was shown when delegations went to City Hall, Friday (28), and advocated the adoption of the Spellman Bill, which would make charging more than 75c premium a misdemeanor.

Explained that such a law would tend to curb the ticket code, which has the same 'selling,' or maximum premium limit, and that it would delegate enforcement to the authorities, thereby relieving the league's complicated committee of its headache. Session before the council took several hours, those favoring the bill believing that their arguments were favorably received. Chief of those approved was John McBride, who, while advocating it, said down front that the prescribed limit, said he never discovered why some patrons pay far more than the limit, even when plays are better viewed from further back. Broker stated to be objected to the idea of being told what to charge for service.

The general theory is that such a move would bring ticket prices and similar statutes having been enacted unconstitutional. However, no much has happened since the U. S. Supreme Court for 13 years, and it's pointed out that, as the complement of the situation has changed considerably since then, a different decision might be obtained.

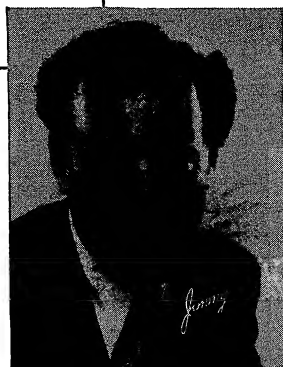
Neither Bill Pending the assembly is a combination bill also designed to regulate the ticket business. Measure is known as the Coudert-McBride bill, originally calling for a change in the licensing system for agencies, switch to the city, and to the state from the state to the city. Whether the bill will get action before the legislature is doubtful. Coudert-McBride in the collaborated proposal included the 75c provision. In show circles the desirability of such a regulation is questioned, because it might give too much power to an industry which has been so often and ultimately could be used for political purposes.

It's reported a number of brokers would not want scrapping the code. Reputed reason is that they are gyping and not kicking back any coin, although they are among those who bitterly protested being limited in charging as high as they could get.

It is quite clear that under the code most agencies have not been as protected as much as contended. Pointed out that in doing away with buys, the situation is being put under the ticket men, because most would have gone broke had they taken all the business, or at least reduced, which still, Most of them admit this, but objected to many features of the code, and they claim have clipped their sails.

Intimated that the 31c. per ticket most agencies have been using may be dropped, or at least reduced. That requirement has been one most strongly objected to. Whether any agency is better off or not, in making payments is not stated, but it is understood that not less than 75c is required for the first five months or more, including the first month, and then the 31c. for remittance. League did not press for amendment, but at the same time and recently some of the managers have been heard to advocate it. Likely, however, the league would have to okay any changes in the code under its arrangement with the League.

The RITZ BROTHERS



Exclusive Management

MCA ARTISTS *Ltd.*

AFFILIATE OF MUSIC CORPORATION OF AMERICA

The World's Finest Entertainment

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TOUGHEN UP THIS YEAR

Film Story Editors' Jitters Over Anti-Nazi Themes; B.O. Reactions

Hollywood, May 9. Studio story editors are jittery over the current deluge of spy, red, fascist and anti-Nazi stories. Many of the yarns would make good pictures under present conditions, but there is no way of telling which way the diplomatic cat will jump. Sudden declaration of war on conclusion of a peace treaty would ruin their market value.

Being held back are "The Magician" by Edward Small and "Concentration Camp" by Warner. Meanwhile the editors are wondering what to do about "Who Is My Brother?" "Address Unknown" and a host of others in the same vein.

Walter Wanger, after some stalling, is dusting off "Personal History" by Vincent Sheehan's anti-Nazi story which has been on the shelf for a year. John Meehan is working on the script for summer production. Activities of German-American bands are exposed in "Boycott," slated to start June 5 at Warner's. Lya heads the cast. WB has also just acquired "Underground Road" by Edwin Justus Mayer and Oliver H. P. Garrett.

Erich Maria Remarque's "The Heroes" has been taken by Metro for Spencer Tracy, Robert Taylor and Margaret Sullivan. Story deals with Jewish political refugees from Germany.

Nobody may yarn, if "Married at Night" has been bought by 20th-Fox. It's coming out in book form under the title, "Swastika."

K. C. Beef on "Nazi Spy" Kansas City, May 9. A 100-name petition protesting "Confession of Nazi Spy" at Orpheum has been turned over to E. C. Walton, city censor, Monday afternoon (9) by Herman Gastreich, editor of the (Continued on page 45)

Kirkland Fights Ousting Of 'Someone' on Charge It's Vulgar and Lewd

Attempts of Martin Jones to oust "I Must Love Someone" Vandybilt, N. Y., resulted in Jack Kirkland, author and producer of the play, moving for a restraining order. Jones and associates operate the house under the title of the Vandybilt Theatre Corp. and they contend "Someone" is vulgar and lewd. Kirkland, however, contends the matter of his play was well known to the house management when it moved to the Vanderbilt April 24 from Longacre.

It appears that when the show moved, Jones took exception to the ads inserted in the dailies. Emphasis was placed on the billing of the Florida Sextette, upon which the play is based. "Sex" was in capitals and "let's" in smaller type. Under (Continued on page 52)

MG LEADS '88-'39; WB 2D, 20TH 3D

A Bit Premature Philadelphia, May 9. There's nothing show about Philly trailers. Two days before Grover Whalen fired the opening gun for his Flushing Meadows rejuvenation, the Washington Casino was advertising via newspapers and signs.

The Six Walker Girls, Direct from the New York World's Fair.

RADIO STATION ADDS RODEO TO GUITARS

Chicago, May 9. WLS is going into the rodeo bit and on May 28 will premiere the WLS Rodeo in Columbus, Ind. In addition to the station's regular rodders and hill-billy performers, the show will contain regular rodeo trick riders, ropers and bull-doggers. Fatsy Montana, yodeling femme, and Cowboy Bill Newcomb, warbler and trick roper, will top the show along with the Vagabond Cowboys band.

Stock for the show will be supplied by the Calaveras ranch.

COHAN BETTER ROAD DRAW THAN LUNTS

Although the Lunts drew a slightly greater total gross on tour than George M. Cohan's "The Road to Nowhere," it's "The Road to Nowhere" that's better. Stand for stand, "Road" was far the better draw, averaging \$33,000 weekly for 26 weeks, total touring gross being \$667,461.

Lunts were out for 28 weeks, average weekly takings being \$24,000 and the total \$763,413.

Barrimore vs. Colt

Providence, May 9. Ethel Barrimore and her daughter, Ethel Barrimore Colt, will be opposite each other Friday and Saturday (18-20) with respective light and nifty dates in Providence. Actress brings her "Whiteoaks" to the Playhouse there Friday for a two-day stand to wind up full season tour that extended to the Coast and back. Daughter is appearing all week, beginning Monday (15), as torcher at the Providence-Biltmore hotel. In a subplot she takes her itinerant "legit" troupe, the Jitney Players, to Eagles Mere, Pa., for the summer.

End-of-Season Films May Raise or Qualify Certain Cos.—Barometer of '38-'39 Performance, in Relation to the New Season's Selling, at the Three-Quarter Mark

ONLY 33 ABOVE PAR

By JOHN C. FLINN Leading boxoffice films of 1938-39, as of late April national release dates, and judged by the previous season's rating of their respective companies, based upon 100% as average, are: "Alexander's Ragtime Band" (20th) 170%. "Gunga Din" (RKO) 168%. "You Can Take It With You" (Col) 165%. "Boys Town" (M-G) 160%. "Sweetheart" (M-G) 145%. "Jesse James" (20th) 140%. "Angels With Dirty Faces" (WB) 138%. "Too Hot to Handle" (M-G) 135%. "Story of Vernon and Irene Castle" (RKO) 125%. "Carefree" (RKO) 125%. "Out West With the Harbys" (M-G) 120%. "That Certain Age" (U) 125%. "Dodge City" (WB) 125%. From data compiled over a spread of nine months, commencing with the pre-release period of August, 1938, and continuing until the closing weeks of April, 1939, Varsity presents comparative listings of boxoffice values of feature films distributed and released by major studios, from companies during the current season.

Rounding the three-quarters pole, with final standings to be computed in the late summer, at the end of the film year—Aug. 31—the standings are issued at this time as an aid to exhibitors who are starting negotiations (Continued on page 4)

RADIO ALL-VITAL IN RALLYING DEMOCRACY

Washington, May 9. Center of radio's international operations was shifted to Washington May 9, as various developments with NBC setting the pace, the webs are being saturated by the diplomats, who in case of the most potent weapon for mobilizing popular opinion, both here and abroad, in the stop-it-summer movement. All chains have become wrapped up in diplomacy, while keeping an eye on the various developments overseas, and are going to new extremes in carrying special programs in which participants at widely separated spots aid the so-called "Democracy Bloc."

First Week of N. Y. Fair Murder To B'way; No Relief Till June 15

A New Worry There's a new air of hopefulness amongst the habitués of the Palace Beach at present. All of them now eyeing television, when it comes. One of 'em exclaimed the other day: "Maybe I'll get a break if my hair holds out!"

RECORD WEEKLY NUT FOR TWO FAIR SHOWS

Billy Rose's Aquadome in the amusement areas and Railroad on Parade, situated in the industrial exhibit area at the N. Y. World's Fair, cost \$30,000 and \$17,500 a week to operate, respectively. At such figures, they are the most expensive operations on the grounds.

Railroads on Parade's admission is 25¢-41¢, with 28 Eastern Railroad, which back the enterprise not figuring to make much profit, if any, because of the bally for rail transportation. It has 4,000 seats. Rose's Aquadome is scaled 40¢ to \$1.10, and has 10,000 capacity.

A total of 61 standstalls, all members of Local No. 4, Brooklyn is employed to handle the Railroad show. In setting up the show, a 30-ton crane was required to place one of the larger sets in place.

The stagehands are getting \$12 a day on six-hour shifts and are on a six-day basis. Some of the men are working overtime or doing more than one shift daily.

Broadway's big b.o. whodunit is the N. Y. World's Fair, which, conversely, has blasted midtown instead of helping it. That it will continue to do this until after June 15, or thereabouts, is a foregone conclusion, but why the Main Drag has hit bottom so deep is puzzling most show people.

The answer, deduced by the more astute, is that Broadway has nothing to lure the natives, hence they're all turning to the Fairgrounds. Broadway will hold plenty, of course, for the visitors once they start rolling in.

But right now the Fair is 10 Coney Islands rolled into one, and the locals seem to be converging on Flushing Meadows in order to beat the pressure when the hinterlanders start coming in.

The same among Broadway legions is termed catenacy. There is no doubt that the Fair rainbow quickly faded, yet showmen appear confident that legions which survive the month of May will benefit ultimately. Tiff-off on miscalculations may be gleaned from the records of those agencies which booked trips to New York. One of the leading enterprise recently gave the figure. This agency booked 104,000 reservations, inclusive of hotel accommodations and theatre tickets up to last week. The gimmick is that only 4,000 are coming during the first month of the Fair—May.

Maybe 34 Fair Year The Fair is here for two years, according to those who have investigated coin in the Flushing meadows, and a third year is not improbable. Some of the buildings at the Fair are anything but temporary structures, and at least one concession is air-conditioned.

It is expected that the world's greatest exposition, will average 170,000 persons daily, or more than double the attendance to date. There (Continued on page 54)

35 GIRLS and ONE MAN
The Hour of Charm
Phil Spitalny
And His All Girl Orchestra
CONCLUDING
third year for
General Electric
NBC

Warners and Metro Having It Easy In Northwest Selling of '39-40 Films

Minneapolis, May 9.

Minneapolis, May 9. Despite the fact that only the outstanding pictures have been recently delivering at the boxoffice in a big way, film companies here report above-average sales of new-season product. The present slump isn't holding exhibitors from buying, according to the branch managers. Independent theatre owners outside the Twin Cities are closing their deals the same as though conditions were normal. The general feeling seems to be that the turn for the better can't be far off.

Metro and Warners are having the easiest sailing in selling new-season product. Independent exhibitors in this territory buy on past performance and are making good. That during the past year the two aforementioned companies have far outdistanced the rest of the field in

Otherwise there is the usual seasonal grumbling that certain companies have raised the number of pictures in the upper classifications considerably, thus boosting aggregate film costs.

DeMille Hurries Back To Finish N. Y. Fair Film

After several conferences during the past week with Will Hays in New

York, Cecil B. de Mille is hurrying back to Hollywood to assemble and put into screening form the picture which will be shown free at the World's Fair by the film industry. 'Cavalcade of America.' It was to have been ready for the Fair opening.

De Mille left New York Friday (5) for Louisville to attend the Derby the following day, flying. Immediately after the race he left for Hollywood, cancelling prior plans to come back east to see plays and vacation a week or two.

Considerable stuff has been shot on the Coast for 'Cavalcade' of America to tie in with assembled material from various films of the past.

Final and 14th R. C. Bldg

—
Last piece of construction work on the Rockefeller Center development was begun last week, with clearing of land site at 48th street and 6th avenue, N. Y. This is the final and 14th unit and will consist of a 20-

When all completed, Rockefeller Center it is estimated will house more than 30,000 workers.

N. Y. to L. A.

Eddie Albert.
Joan Bennett.
Walter Damrosch.
Joan Danton.
Alan Dinehart, Jr.
Jose Ferrer.
Billy Gilbert.
Illa Hagen.

Will H. Hays.
Jerry Horwin.
William B. Jaffe. \

Harry Lang.
Patricia Morison.
Louis Notarius.
Lynne Overman.

Alfred Paschall.
John Payne.
Cole Porter.
James Roosevelt.
Jimmy Saphier.
Mrs. Ruth Selwyn.
Carol Stone.

Deems Taylor.
Irene Tedrow.
Dorothy Vernon.
John Hay Whitney.

L. A. to N. Y.
A. C. Blumenthal.

Harry Cohn.
Brian Donlevy.
Glenda Farrell.
Virginia Field.
William Gargan.
Edmund Goulding.
Jascha Heifetz.

Robert Hirschorn.
Sidney Howard.
Marsha Hunt.
Erich Wolfgang Korngold.
Carl Laemmle, Jr.
Maud Miller.
Frank Morgan.
James Cagney.

James Seward.
Donald Ogden Stewart.
Gladys Swarthout.
Jean Travers.
Mr. and Mrs. H. M. Warner.
Warren William.

Grosses Nationally Big Ahead of '38, But Fear 2 Fairs Will Hurt Later On

While theatre operating losses reported last summer for the last year, the Jan. 1 to the present, show a slight increase over the same period in 1938, fairs are felt that the season will have a reverse effect on business this summer. If it comes to any appreciable extent, the dip would be deepest from about June 15 through Labor Day, when schools are out and vacations are on in big numbers, it is believed.

The San Francisco fair, in action a couple months, has not helped local business there, but rather has knocked it off considerably. Main time the N. Y. expo, now in its second week, has cut into business in New York and surrounding towns. It is believed that a little later on when the heavy crush of the fair visitors begins, both the N. Y. and the New York may be different in these cities. A question among the film theatre operators is whether the tourists are going to want to see pictures that they can see in their home towns unless policies also include stage shows which they don't have back home. Radio City Music Hall, N. Y. alone is likely to be a probable 'must' with the out-of-towners, regardless of pictures on tap. Nabuconob's operators are whether the tourists are going to want to see pictures that they can see in their home towns unless policies also include stage shows which they don't have back home.

When an average is struck for the whole country, the grosses up through the past week are about the same as for a possible 5%, though not believed over that. The business may be adversely affected in New York and some other spots, but the average is brought up to beat last year through the summer conditions of other territories.

Past weekend (Saturday and Sunday) was one of the warmest in history for May 6-7 and 7-8, in the east of the Mississippi, yet, in together with the N. Y. fair in New York, and some other spots, but the average is brought up to beat last year through the summer conditions of other territories.

Reliable figures would indicate that Saturday (6) ran well ahead of the same Saturday last year when an average for the entire country is considered, but that Sunday (7) was a little behind the corresponding Sunday in '38. Average for the two days on the weekend, however, would put the increase over the same days a year ago at about 2%.

It is what the weather mostly, it is little behind the corresponding Sunday in '38. Average for the two days on the weekend, however, would put the increase over the same days a year ago at about 2%.

Lesser's Added \$616 Tax
Tap Incl. \$22 Dodge License

Refusal of the government to allow income tax deductions on a \$2 dollar, but other matter, the government agencies resulted Monday (6) in \$20 Lesser, motion picture producer, agreeing to pay \$616 additional on his 1938 income.

Lesser signed an stipulation with the Board of Tax Appeals submitting to the extra charge. Feds disallowed the dog tax charge and \$135. The motion picture producer deduct for personal expenses of his wife, plus \$400 which the Lesser paid for organization attorneys for fighting the government tax artists.

Some Fancy Grosses

The actual house gross in rentals on 'The Singing Fool,' an early talker made by Warner Bros., was \$2,000,000, which puts it only \$500,000 behind 'Snow White' instead of \$2,000,000, as given out by the Dime-Jersey people.

'Snow White' figure released was \$6,740,000. Another early Warner talker, 'The Jazz Singer,' which received terrific rentals, was up near 'Singing Fool' in distribution returns being close to \$2,000,000.

COLUMBIA'S 40 FILMS FOR 1939-40

Columbia Pictures is announcing program of 40 features, 16 westerns, four serials, two series of 2-reel shorts and 12 series of single reels at its sales convention in Atlantic City (Wed.). Budget for the program has been considerably increased over last year and will include a minimum of 15 high-bracket productions.

Two William Ruggles productions are scheduled, two Frank Lloyd pictures, one Frank Capra, two Joe E. Brown (Wed.). Jack Holt, one Mr. Martin Johnson production and several other pictures by Rouben Mamoulian, Alexander Hall.

In his address, general sales manager Alex Montague yesterday (Tues.) stated it is the company's intention to distribute product for single bill as well as dual bill houses. Montague rapped stage of other major distributors who are attacking the double-feature 'evil' and then advertised issuance of special groups of 'twin bill' programs.

Montague also stated Columbia will live up to all the clauses of the new trade practice agreement. Because of its decentralization policy, local sales forces will be in a position to individually handle any code problems that come up without referring decisions to the home office. A special delegation attending the confab include: v. Jack Cohen, William Ruggles, Rouben Mamoulian, Louis L. Lasker, John McCoolville, Lou Weinberg, Alex Montague, Max Weisfeld, Al Seigman, Sam Lisget, Maurice Bergman and Maurice Grad.

FANNIE BRICE WARNS 20TH-FOX ON 'ROSE'

Fannie Brice, through Hollywood court, served a legal letter of objection on 20th Century-Fox Film when production plans on 'Rose of the Nineteen Nineties' were announced. The comedienne wanted to make sure that nothing in her private life was infringing upon in the plot structure having to do with the 'My Man' song sequence, or, her fight over her marital life as Mrs. Nicky Arnstein.

The 20th-Fox legalists in New York have done nothing about it.

H. M. Warner in New York

With several undisclosed things on his mind, Harry M. Warner and Mrs. Warner arrive in New York from the Coast today (Wed.). The Warner Bros. organization is avoiding a press reception by request.

Arbitration Wrinkles to Be Ironed Out—Rodgers Trying to Push It to Conclusion—N. Y. Allied's Open Forum on Trade Practices

INDIES' STANCE

Major developments in connection with the trade practices code, on which arbitration is being carefully discussed, so that no mistakes will be made in setting it up right, include the following:

1. William F. Rodgers, general sales manager of Metro, plans to meet this week with other distributors and members of the committee as well as attorneys to go over arbitration recommendations and other points.

2. Max A. Cohen, president of Allied Theatre Owners of New York State, declares an open forum will be held May 23 in New York on not only the code, but also on questions on whether the industry is capable of regulating itself from within.

3. Independent Theatre Owners Assn. of N. Y., headed by Harry Brandt, while endorsing, the code in general, wants another group of non-union Indies or neutral persons on arbitration boards to make awards.

4. Rodgers makes strong point of necessity to set up arbitration machinery that will not throw favors or another, may be used by local exhibitors so that it won't die of its own weight.

5. Open contracts may or may not include the agreement reached concerning the functioning of arbitration.

6. Allied States Assn., which has taken no action on the code one way or another, may be used by local exhibitors in its setup to adopt a more liberal attitude toward the code.

The open forum, which Allied Theatre Owners of N. Y. has decided upon, reflects a position on the part of Cohen, its president, and others in the organization that may go a long way toward saving the way for more complete accord on self-regulation.

Cohen states that the forum, on the third day of its convention dated for May 23-25, will be open to any exhibitor desiring to attend, regardless of whether he is a member of N. Y. Allied or not. He adds that the forum is to be held in New York, as well as newspapermen, will be welcome and all will have an opportunity to express their views on the subject. Believing that there should never be any side-chamber sessions among exhibitor organizations, Cohen declared that trade-paper representatives also will be welcome all three days of the convention and a portable will be provided for them. They may take active part in the sessions and make suggestions or pose questions, the Allied president has decided.

The important thing, says Cohen, 'is to determine whether we agree to be governed ourselves as an industry. Sentiment of New York is: always is to try to make constructive progress. What else is an exhibitor for?'.

N. Y. Allied's Attitude

Cohen believes, as other leaders do, that the code is a step forward, but hastens to add that with Allied of N. Y. it is not a guarantee of applying or rejecting the last draft of trade practices submitted by the distributors, but a line that is which is strictly up to each exhibitor. He echoes the opinions of others in the industry, believing that if he wants the proposals of the code in his 1939-40 program, it is personally up to him. It is being recognized that this will become the ultimate way the code will be adopted. Should any exhibitor object to the provisions of the code to apply in buying 1939-40 film, no organization has the belief that it will harm him to do otherwise—but, as Cohen (Continued on page 24)

Film Firms Promise No Reprisals, So U.S. May Disclose Names of Indies Who Figure in the Anti-Trust Case

Lawyers Can't Lose

Probability of the start of the actual trial of the Government anti-trust action against the major companies was revealed yesterday (Tues.). It is believed that David L. Podeli, who spoke for the Department of Justice on Friday, will act as trial counsel. Trial is expected to last a full week, with the U. S. taking four months to present its side of the case.

An interesting feature is that even if the majors should win a complete victory, millions in fees for their attorneys will probably be handed out.

GOLD-SCHLAIFER ELEVATED TO NATIONAL P.S.

Hollywood, May 9. United Artists' exploitment of \$3,000,000 advertising and exploiting a minimum of 32 pictures on the 1939 program, was announced at Monday's (8) opening business session of the U. A. sales convention by Gold-Schlaifer. The director of world-wide operations for the company was principal speaker at the opening session. Giving conventions an earful of inside dope and figures, and referring to the present season as the biggest in the history of the organization.

Announcement of the elevation of Harry L. Gold and L. Jack Schlaffer, eastern and western sales chiefs respectively, to vice presidencies, was also made by Silverstone. House checks of \$250 each and 100¢ club buttons were awarded to 15 field workers by Schleifer.

Production plans were outlined by Victor Fleming on Monday afternoon and by the balance this (Tuesday) morning. Close to 200 home office executives, district and branch managers, salesmen and producer reps are in attendance.

Mary Pickford was hostess at a lawn party given on grounds at Pickfair Sunday afternoon, assisted by a number of U. A. producers and studio execs. Entertainment program for Monday night was a preview of 'Four Fathers'—Edward G. Rober's first production for the U. A.'s 1939-40 program. Tonight (Tuesday) delegates were under dinner at the Earl Carroll nightery.

FLEMING BACK WITH 'WIND,' 6 WEEKS TO GO

Hollywood, May 9. Victor Fleming resumed direction of David O. Selznick's 'The Sign of the Cross' (Monday) after a week's illness. Sam Wood, who had been picked to direct, returned to the Metro lot.

Picture requires about six weeks more shooting.

M-G Renewed J. W. Ruben

Hollywood, May 9. Metro has renewed the producer contract of J. Walter Ruben. He tees up 'Thunder Afloat' as his new 'Rain' Whitely yard will co-star Wallace Beery and Robert Young. George Seitz directs.

Apparently deciding to cut the knot by a split decision, Federal Judge William Bondy in N. Y., on Friday (8) severed the decision the application made by Paul Williams, special assistant attorney general, to rescind the order requiring the Government to answer Article 8 of the demand for a bill of particulars.

Article 6 was perhaps the only important point requested by the majors that the Government is unwilling to answer, as it will require giving the names and theatres of all independent exhibitors who, the Government will claim, are coerced into selling out to the majors.

Williams, and David L. Podeli, who will probably be retained by the U. S. in its fight, recite the reasons they felt were sufficient to re-depicting order. They repeated the allegation made previously, that Paramount had declined to service independent business with the defendants, and that he had filed suit against them, this case being one in North Dakota. They told that they had agreed to protect the men who gave them information, many of whom were business with the defendants, and some of whom are actually in the employ of the defendants. It would seriously jeopardize the Government's case to reveal names at this time, and allow the defendants to get the primary position.

He pointed out that when the judge had previously allowed this demand, the primary position was given to the exhibitors, talking to the exhibitors they were creating a tug-of-war on the side, most of them feared reprisals and begged to be protected.

Col. William Donovan, Richard E. Dwight, and Robert Perkins, representatives of the 20th Century-Fox, Donnan spoke for the defendants.

Donnan, who is the Government's chief counsel, declared that the Government was creating a tug-of-war on the side. Besides being essential to the majors to have this information to defend, the order pointed out that since 1918, the year the Government has chosen as the first year of viola-

(Continued on page 18)

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SCREENS

SAG's Provisos for Agents

Scried Actors Guild's licensing pact for agents is now ready for negotiating committee and will include film and television work. The agency work disclosed in a rough draft that contracts in force before the licensing plan was announced expire in September, 1943.

Other clauses in contract: No contract may be sold, transferred or assigned without agent's consent; no agent is permitted to receive money for an actor unless given power of attorney; agent can't share an office with anyone else without SAG consent; all employees must have sub-agent franchise; actor is given the right to cancel a contract if, during any period of four consecutive months, the actor fails to be employed or receive compensation splitting with another agent; no agent is prohibited except with specific consent of SAG; Guild must approve television contract with agent; agent agrees to accept the decisions of the Arbitration Committee as final and not file any court action on the issue; a franchise cost is to be based on agency earnings.

Joe Schenck's 20th Selling Jack Warner's WB Buying Highlight S.E.C.

Washington, May 9. Big March stock deals by Joseph M. Schenck in 20th Century-Fox picture and by Jack Warner in Warner Bros. securities were unveiled last week in the semi-monthly Securities Exchange Commission's release of insiders' market operations. Activity also on the part of persons in the know in several other fields.

At a place which has not been touched in film circles for many weeks, Schenck, chairman of the board, dumped 10,000 pieces of Fox common. Two 5,000-share batches were put on the counter early in March. Since his pile cost 108,943. Related statement showed he also held 23,284 shares of \$1.50 preferred as of Dec. 31, 1938.

Operating on a more modest scale, Warner picked up 8,500 shares of WB common in four batches. Biggest batch was 3,500 shares bought on March 8. Holdings at the end of the month were 48,500 shares, or 15,004 preferred. He also grabbed 210 more shares of the latter variety in three deals.

The statement showed that Wilfred J. Badley, on the 20th-Fox director, picked up 1,000 shares during March, while Sam E. Morris, one of the WB insiders, disposed of 10,000 worth of his pile. Of 6% debentures, Morris, who engaged in three transactions, still has \$15,000 of bonds and 8,000 shares of common.

While the parent company was acquiring another 17 shares of Loew's Boston Theatres, J. Robert Rubin sold 700 shares of Loew's common and Leopold Friedman picked up 200. Latest count showed the parent with 90 shares of Loew's stock. Rubin still has 33,475 shares of common and Friedman's total rose to 812.

Hertz's Pat Pickup
John D. Hertz reported that Lehman Bros., of which he is a director, got back 100 shares of Pictures in March, picking up 100 shares. The drawer had been empty for some time.

Edward A. Golden of New York received 550 shares of Monogram with common and kept the other 500, while a letter showed George W. Weeks, another Mon officer, peddled 194 shares of common for common during February. Monogram Pictures, Inc., in which Weeks has an interest, was revealed as holding 1,000 shares of Monogram Pictures Corp. common and 7,141 shares.

Edward C. Delaford of New York wiped out his interest in General Truck Equipment by turning 100 shares of common.

Gift of 137 Columbia Pictures voting trust certificates in December was unveiled in a report showing Jack Chob received 13 shares of common and 77 certificates in March as stock dividends. Gives him 856 shares of common and 31,831 shares of the trust. Charles Schneider added two certificates by the stock dividend route, boosting his holdings of this to 100.

The S. E. C. learned that Norton V. Ketchy, new Monogram director, holds 10 shares of the company's common and options on 8,768 more. Charles D. Prutzman, recruit on the

Rumony Gets a Call

Hollywood, May 9. Metro bought Damon Rumony's magazine, 'A Call on the President', early production by Edgar Melville Baker is doing the script.

Pic Players Only Want To Loaf in Gotham, So Bernie Guzik Selznick

Back of Herman Bernie's resignation after a year and a half to New York manager for Myron Selznick's eastern branch agency is a curious disinclination by the film name to extend themselves in other than film channels. Bernie avers that he would have package radio deals set to certain names, or some fancy personal appearance bookings, but when they came about the Hollywood and Guzik preferred to play the 21-Store-Monopoly circuit instead. Their prime objective is to get the work and income only meant money for Uncle Sam.

Bernie found the office meant more of a social meeting-greeting headquarters for film names, many of them Selznick clients, en route to and from Europe. He's returning to indie agenting after taking a month's rest. Jack Chapin, meantime, is continuing the office.

Goddard Gets 'Titanic' Lead in Pact Workover

Hollywood, May 9. Paulette Goddard gets top role in David O. Selznick's 'Titanic'. Arrangement was made by the producer released her from her studio contract because of outside commitment.

Actress currently is in 'The Cat and the Canary' at Paramount. Following is 'The Great Dictator' with Charles Chaplin before doing 'Titanic'.

Morner 'Desert' Lead

Hollywood, May 9. Stanley Morner gets the male lead in 'The Desert Song', originally slated for Donald Dixon.

Picture rolls at Warners next fall.

Stewart's Star Rating

Hollywood, May 9. Jimmy Stewart gets official star rating in the Columbia production, 'The Shop Around the Corner', teamed with Margaret Sullavan.

Stewart's is the 26th stellar name on the Culver City list.

Universal Corp. board, said he owns 300 shares of firm's voting trust certificates but has no financial stake in the subsidiary company.

99% DEAL GETS 50% PAY BACK

Producer Contract Gives Directors, Unit Mgrs. 80% Guild Shop—Granted Say So in Preparation, Cutting, Casting Leads — Okay Wage Scales

STRIKE TABU

Hollywood, May 9. Nine-year Basic Agreement ended this week with the Screen Directors Guild and Unit Managers Guild disallowing a trend by the producers to establish a five-day week in the film industry. Both contracts provide that where first assistant directors and unit managers are employed by the day they shall receive one-third of the minimum weekly scale for each day or fraction thereof worked. Old contracts with other crafts called for one-sixth of the weekly minimum.

Pact has been okayed by negotiating committee of the two groups and copies forwarded to studios for signatures of company heads. Hollywood has been a long time to the S.D.G. board of directors, and will be formally approved by the members. The S.D.G. board of directors, and will be formally approved by the members. The S.D.G. board of directors, and will be formally approved by the members.

Contract calls for 80% Guild shop. The director will be allowed two weeks' preparation time, and one week on productions costing \$200,000 or less. Five days preparation time will be allowed for westerns and serials and two days for short. Preparation time, however, may be waived by mutual consent in an emergency.

Freelance directors receiving a salary of \$750 per week or less will be paid full salary during preparation time. Those receiving in excess of \$750 weekly will take care of pay for preparation time in individual contract negotiations.

Cut in on Cutting
SDG contract provided that a director shall be consulted on the cutting of each feature, western and serial and shall be permitted to veto the cuts. He may be allowed to view first rough cut of picture; and to discuss changes with the producer.

The director also is to be consulted on the Alvin, and the principal players in the cast before assignments are made.

Freelance directors to be appointed within 30 days to conciliate differences arising over interpretation of the contract. Each committee is composed of two members of the SDG and two producer representatives.

An arbitration committee composed of two directors and two producers will be named to conciliate matters referred to it by the Standing Committee. In the event the arbitration committee fails to agree a fifth arbitrator is to be called in from a list to be prepared by the two groups.

The salary of first assistant directors on contract is fixed at \$125 per minimum eight-hour call, and overtime after 44 hours. There will be no weather permitting calls, and (Continued on page 18)

Breakdown of IA-Writer Parleys

Keeps Pic Labor Ranks in Turmoil; Pay Tilts to Crafts Stalled by Tiffs

Double Shift

In 1930 Eddie Buzzell's first Hollywood assignment as a player was the title role of Warner Bros. in 'Little Johnny Roy', directed by Mervyn LeRoy.

Some nine years later, both are off the WB lot, and Buzzell is now a director, handling the Marx Bros. picture, 'A Day at the Circus', for ex-director Charly LeRoy, now a producer for Metro.

Double Shift

Definite break in negotiations between producers and the Screen Writers Guild, and the failure of leaders to smother an international fight in the International Alliance of Theatrical Stage Employees has created general unrest in film labor. The heat and other various unions are intervening in an effort to restore peace and harmony.

The SWG has turned thumbs down on a five-year agreement offered by the major companies and has requested the National Labor Relations Board to resume its hearing on a complaint charging the producers with unfair labor practice in dealing with main Guild. In the meantime tips in the IATSE claim the picture makers are being wined by a group of Technicians local 37 is blocking a substantial wage increase of 20.00 a week.

Rawlinson's Pan On Film Mamas Gets Odd Kickback in Syracuse

Syracuse, May 7. Queer turn given by local writers to the 'Gateway to Hollywood' quest as it was conducted here by RKO-Schine interests last week, has these three officials scratching their heads in wonder. Principal buildup to the test is based on the presence of Herbert Rawlinson, one-time film star, who came here with Arthur W. Schuchman, talent scout for RKO studios. The pair picked out a local couple to participate in the regional 'Gateway' contest.

But during his one-day stand Rawlinson was quoted by one of the studio's publicity men as saying that he thought his children are qualified for film contracts, and quoted as saying that most mothers stand away from the troyans in droves.

'Sometimes,' Rawlinson was quoted, when I look at these mothers out in Hollywood and their poor, skinny, smug children, pale and bedecked in the hope of their getting into the movies, I'd like to take those kids into a dark corner and sock them.'

It sounded like tough stuff, and these mothers who didn't want to take a chance on getting 'socked' dodged the auditions which were aired over WFHL.

Albert Leaving 'Boys' For Warner Film Role

Eddie Albert leaves Saturday (13) for the Columbia production, 'On Your Toes' for Warners. He has one picture deal, upon completion of which he will go to a vacation and returns to 'The Boys from Syracuse', the George Abbott-Rodgers and Hart musical, at the Alvin.

During Albert's absence from 'Boys,' Ronald Graham will move over from the other picture to replace him. Ray Lawrence will move up from the head policeman to play for Graham, and James Wilton stepping up to the Lawrence part and Robert Collins being added to the cast for Columbia.

Enlight's Toes
Hollywood, May 9. Ray Enright will direct Warners' musical, 'On Your Toes,' with Zorina and Enright in the top spots. Shooting starts June 5.

Bombay Bans 'Gunga'

Bombay, April 22. RKO's 'Gunga Din' has been banned from the Bombay market on alleged incorrect interpretation of native customs, mostly religious. The picture is alleged that the Moslem natives might resort to similar violent protests that accompanied the showing of U.A.'s 'The Drum' ('Drums' in the U.S.) when they picketed theatres until objectionable portions were deleted.

Producers, in a letter to the SWG, denied they had rejected the minimum demands of the screenwriters, and accused the writers of vetoing proposals on which a 'seeming agreement' had been reached by negotiating committees representing the two groups. Mendel Silverberg, head of the producer committee, forwarded the following letter to Charles Brackett, SWG proxy, after the Guild turned thumbs down on a seven-year agreement:

'We have your letter of May 1 on which you say: "After reviewing the proposals submitted by the producers the executive board of the Guild is of the opinion that such proposals indicate no willingness on the part of the producers to consider sincerely the minimum proposals of the membership of the Guild."

'In justice to the problem under consideration I must take issue with you on two matters suggested by your letter.

'You name these "minimum proposals" but you fail to indicate that these proposals were discussed at great length by the two committees representing the producers and the writers. These three matters, I.A. Guild shop term of contract and layoff material, the following letter of protest and the agreement by the two committees that it would be submitted in this form to the Guild and to the producers.

'Result of Negotiation'

'You seemingly intend to indicate that the matters submitted at the producers' meeting contained in the outline of May 27 were proposed by the producers and that the matters set out in that outline and approved by the producers were the result of a negotiation between the two committees representing the Screen Writers Guild and a committee representing the producers.

Each item as presented to the producers represented the result of your committee's, as expressed by your committee, as expressed by your committee, as expressed by your committee.

It was at the earnest request of your committee that a special meeting of the producers was held for the purpose of discussing the above proposals.

It was at this time that the proposals, with slight clarification, were accepted.

It comes to us now as a matter of considerable surprise that you say that the three matters set out in your letter were the result of a negotiation between the two committees. The producers were not told by your committee that the minimum proposals alone, despite the lengthy negotiations between us, had been the result of a negotiation to be the fact. On the contrary, both committees engaged at length in negotiations on each of these propositions.

'Despite the failure of our negotiations, we were not the group which represented the Screen Writers Guild for its earnest and amicable (Continued on page 24)

Self-Regulation Move Eases Film Tension In Southeastern Canada

St. John, N. B., May 9. In the belief that self-regulation would be highly preferable to the government regulation, as provided in a bill recently passed in the Nova Scotia assembly, representatives of the distributors and exhibitors have established a conciliation board. Three entities participate in the makeup of this new board: (1) the St. John film exchanges, (2) chain theatres, (3) independent theatres.

Because of the drastic conditions of the new legislation, aiming at suppression of alleged discrimination against the independent exhibitors and in favor of the producer-distributor controlled theatres, by the exchanges, a conference was called for Halifax, N. S., at which the three groups were represented. Out of the conference came the conciliation board, to which will be presented all controversies, including that of the alleged discrimination.

The order-in-council effective to make the new legislation effective has not been passed by the provincial government. But, even without order-in-council, no complaints are made by the independent exhibitors, the cancellation of discussion licenses as provided in the new law, for conviction of discriminatory treatment by exchanges, will be maintained.

In discussing the ban on film sales to all Nova Scotian theatres placed on the St. John exchange, under the new legislation could be studied, Leo M. Devaney, general manager for RKO in Canada, revealed. Out of the new legislation could be studied, Leo M. Devaney, general manager for RKO in Canada, revealed. Out of the new legislation could be studied, Leo M. Devaney, general manager for RKO in Canada, revealed.

The agreement on the conciliation board to adjust the film exchange within itself, had altered the situation, and eased the tension greatly. Although the film exchange is not within itself, had altered the situation, and eased the tension greatly. Although the film exchange is not within itself, had altered the situation, and eased the tension greatly.

The agreement on the conciliation board to adjust the film exchange within itself, had altered the situation, and eased the tension greatly. Although the film exchange is not within itself, had altered the situation, and eased the tension greatly.

PA. PRESS BACKS UP ANTI-BLUE LAW FIGHT

Pittsburgh, May 9. Local press went to bat immediately for the film industry's week right after bill was introduced in legislature at Harrisburg seeking to repeal law okaying Sunday films in this state. Post-Gazette led the pack, stating unequivocally that the bill should be passed immediately because "we do not believe the clock should be turned back to 1929."

While bill has been laid to pack of die-hards in assembly, in some cases it is believed that the bill is James Hamilton is behind it. Known generally that he's squarely behind the measure because of the threat of lightening up in liquor enforcement and now the film bill since he took 1929 a few months ago.

Under present Sunday law in this state, communities themselves have the right to determine via local referendum the seven-day week. Bill No. 1342 would withdraw the right of the people to decide the issue for themselves and put a general ban on Sunday entertainment. Post-Gazette editorially that the bill is a "hard-core" anti-blue law. The bill is a "hard-core" anti-blue law. The bill is a "hard-core" anti-blue law.

Denver to Vote on Daytime

Denver, May 9. Daylight savings will be up for a vote at the city's next week. Theatres and hotels are against it, but the city and bond and security houses for the city's daylight time in 1920, but killed it when it was voted on in 1921.

Holiday to Coast?

Transfer of Richard Halliday to the Paramount studio's story department has been discussed, but nothing set in stone. He is now in New York, editor of the company under Russell Brown.

Suffering from a sinus condition, Halliday returned to his h.o. desk weeks ago after being away two months.

FIRST DRAFT OF REVISION

First draft of a bill for the revision of existing domestic copyright law has been submitted to the congress representing the various interests interested in the subject. Document was drawn up by Dr. Edith Ware, executive-secretary of the Committee for the Study of Copyright, of the American Intellectual Union, member of the League of Nations. Understood the draft contains most of the provisions previously made acceptable to the various interests. However, it is expected that the actual revision of draft will undergo considerable change.

Representatives of the various groups concerned with U. S. copyright, including authors, composers, music publishers, book and magazine publishers, broadcasters, record producers and recorders, have been meeting for conferences with the Copyright Commission. The commission's drafting of the bill is that the whole question of copyrights is an extraordinary one, even for legal authorities—and Dr. Ware is one of the few non-lawyer members of the conference group.

CENSORS RELENT

Quebec Eases on 'Wuthering and Maybe Also 'Angels'

Montreal, May 9. Widespread newspaper attacks on the censor board, and the censoring of 'Wuthering Heights' (U.A.) was proposed has apparently had salutary effect. The board's refusal of the toughest in the world, is reported as having relented on 'Angels With Dirty Faces' (WB) and will permit showing of films. The board shortly following several deletions.

Censors cut approximately one hour from the film, and the boxoffice losses in Montreal and rest of the province reputedly due to the censoring of the film. The film, is inestimable. They are death on gangster films of any kind, and have banned 50 in recent months.

Any film depicting infidelity is also largely poison. Any scene in which a married man indicates love for a woman not his wife, and vice versa, cannot be screened in any theatre in this Province. Divorce proceedings also prohibited in films here. It was the infidelity that they objected to in 'Wuthering' though newspaper criticism of the board has been in the air for some time with very slight modifications.

'Emile Zola' barred throughout the province of Quebec after a ban on which has never been lifted, was broadcast here Monday night on Canada's C.T.V. radio outlet, let in this city.

The Canadian Broadcasting Corp. has made no effort to prohibit the broadcast, a wire from Gladstone Murray, CBC general manager, in the past acting in this respect, pointing out that the pic had been barred here.

N. Y.'s Anti-Band Bill Exempts Stage Roles

Albany, May 9. The bill introduced by Republican boss of the assembly, and senate banning the wearing of uniforms by band members in a State Band and similar organizations and making it unlawful for owners and managers to permit the wearing of uniforms for amusement to permit the assembling therein of persons at a public place, is expected to be adopted. Suggested by Edwin F. Jaecobs, Buffalo, chairman of the committee on the bill, is certain to be adopted. Suggested by Edwin F. Jaecobs, Buffalo, chairman of the committee on the bill, is certain to be adopted.

Schenectady, who traditionally abstains from the introduction of bills, was in the upper house in the lower house. Schenectady, who traditionally abstains from the introduction of bills, was in the upper house in the lower house.

Leader Joe R. Hanley, Perry, he is also of German stock. His father public a leading anti-Nazi German-language paper in Schenectady, Hanley, a minister, lawyer and former chairman of the local German-American Club and World War veterans. He is state commander of the S.P.A. Veterans.

Heck-Hanley proposal, which makes several legitimate exemptions, one for groups in state motion picture production, characterizing the officials of a foreign state, nation or government, and one for groups in state motion picture production, characterizing the officials of a foreign state, nation or government, and one for groups in state motion picture production.

Edna Carroll to Get OK

Philadelphia, May 9. Mrs. Edna R. Carroll's confirmation as chairman of the State Board of Film Censors has been held up by the Senate since she was appointed several months ago, will definitely get a change of heart from the Senate before they adjourn on May 28.

Mrs. Carroll has been serving unofficially since she was named by the Governor, with two specially designated employees who have been under the last administration appointing the state's go-head film censor. Confirmation by the Senate, which is vice-chairman of the Republican City Committee, was required by a change in the law. Her predecessor was forced to resign so she could be appointed—common political practice.

Charles Olson Sets Up His Own Circuit in Indianapolis: Other Theatres Involved in Ownership

\$50,000 RENTAL DEMAND

Stalls Rebuilt Gas. M. Cohen, St. N. W.

Failure to close any lease for the theatre, which is to be converted into the old George M. Cohen, on Broadway, is holding up construction of the new theatre building. Removal of the Fitzgerald Building, was completed two weeks ago, but not a shovel has started on foundation excavation.

Owners' agent, Charles F. Noyes, is asking a yearly rental of \$50,000 for the 600-seat house which would form a part of the new theatre building.

Rotating Strong Films By Consul, Montreal, Helps All Its Houses

Montreal, May 9. Consolidated Theatres, with four first run houses to operate which are opposition to each other, appear to be rotating strong b. o. product among three of the first run, namely one of the houses, Palace, seemed to have first pick and built big week. Ideas of attracting whatever product was left. Policy of booking big attractions into Loew's, which began with 'Pygmalion', has also been extended to the Capitol with 'Dodge City' there a week. Idea of attracting whatever product was left. Policy of booking big attractions into Loew's, which began with 'Pygmalion', has also been extended to the Capitol with 'Dodge City' there a week.

With at least two of the houses now apparently in the running for the product disagreement was reported among houses when Edna switch of 'Three Smart Girls Grow Up' away from Loew's to Capitol. Maurice had plugged the film for several weeks. Maurice got 'The Mikado' instead of the Deanna Durbin sicker.

GN REALIGNS SALES CORPS IN ALL KEYS

Initial step in strengthening the field sales for Grand National was taken during the week when Eastern sales chief, announced new branch. Max Stahl, veteran with Educational, and recently branch manager for United Artists in Cincinnati, was named Cleveland manager, while Joe Kellie, formerly with Gaumont-British and also an Educational vet, was spotted as manager at New York. The new branch manager for United Artists in Cincinnati, was named Cleveland manager, while Joe Kellie, formerly with Gaumont-British and also an Educational vet, was spotted as manager at New York.

Other branch managerial appointments include Marcel Meeckelberg to Boston, Fred Freese at St. Louis. GN also sent Paul Riebach, formerly in the U. S. home office, to New York to handle the Benja switches from Detroit to Chicago. Ralph Penkham goes from Buffalo to head the Detroit office.

Max Shulgoff, Pittsburgh sales manager, is now acting in the spot, while Douglas Desch, Kansas City booker, also was appointed acting manager.

Fine for FA

Hollywood, May 9. Three fine art productions are slated to roll within two weeks at Grand National under supervision of Franklin J. Warner. The pictures are 'Dead Man's Cipher,' 'Trouble Over the Pacific' and 'Wonder World,' all for GN release.

Irish Comes First

Hollywood, May 9. Republic is postponing the start of its musical, 'Hill Parade of 1939,' to use Phil Regan in 'The Fighting Irish' instead.

Joe Siegel, originally slated to direct 'Hill' will pilot 'Irish.'

Indianapolis, May 9. Seven of the city's leading theatres were directly involved in one of the largest theatrical transactions here in recent years when it was announced Thursday (4) that Charles M. Olson had organized Olson Enterprises, Inc. 'Veteran local showman is known for his position of a vaudeville policy at the Lyric here since 1919.'

The new company, which becomes one of the larger theatre circuits in Indiana, purchased outright Roy Breyer's six neighborhood houses—the Ritz, Uptown, St. Clair, Strand, and Oriental. The other theatres which will be directly affiliated are the downtown Lyric, lone a stage show house, and the Vogue, one of the city's largest theatres. Other holdings of the company include ownership of the buildings and property of the downtown Apollo and the outlying Rivoli, both of which are under lease to other companies at present.

Prominent among the new company's plans is the announcement that the company will be responsible for the construction of three new deluxe in residential districts, which will have special parking facilities.

A. M. W. Brown, Fox West Coast division manager for Fox-West Coast Theatres, will soon start new 800-seat house in San Francisco.

B&K Theatre Co., Incorporated recently in Oakland with a capital stock of \$25,000, by Maurice H. Berg, Claude and Lew Weinstein. The New Salinas Theatre, Inc., incorporated in San Francisco last month with a capital stock of \$75,000 by Dorothy F. Hanley, Leslie L. Hubbard and J. C. Miller.

Dan's 19th

Seattle, May 9. Sterling Chain (John Danz) has added a new picture to the new making it 19—eight downtown. The new one is the Grand, name in north. Danz has been in the business for 19 years, operator, realigned as manager. Liberty (Jensen-Don Herberg) reopened last month. The new picture included new seats and rigging throughout. House closed down for a month. Danz is in the business for 19 years, operator, realigned as manager.

Tri-States 9th In May

Des Moines, May 9. Tri-States has leased 3709-11 Ingersoll avenue for a neighborhood house, to be completed Aug. 1. Jake Hargrave, president of the Tri-States, will seat 600 and contain a stage. Tri-States already operates eight theatres in Des Moines.

Kaplan's Own House

Los Angeles, May 9. Kappy Kaplan is building a new 600-seater in suburban Bell Gardens, to be opened in August. Kaplan is president of Fox-West Coast theatre manager.

Phil Hathaway shifts from Fox Western to production circle Friday (12) as house manager under supervision of Ray Deussen.

Hearst in Frisco Bans Ads to 2 Russe Films

San Francisco, May 9. Advertising on Russian pictures has been refused by the two Hearst papers here, the Call-Bulletin and the Examiner. The Hearst papers, Rosner, who operates eight foreign language theatres throughout the city, is currently at the Larkin and, and the other circle Friday recently played the same house. The latter picture was banned in Portland, Ore., and in Boston, Mass. 'Mamlock,' which has been in the Hays seal, was once banned in Ohio but was later approved.

OWMANSH

Smash Trade Press Advertising Spreads For New U. A. Films

Tour was booked by Paul Savoy, who also set the 'Lake Placid Ice Follies' for a swing of Utah and Colorado, opening (15) at the Rox. Salt Lake City.

Savarese received 2,720 votes. The ballots were distributed at the theatre and patrons wrote in the name of the policeman they thought should win the prize.

make love. Mr. and Mrs. Clark Gable (Carole Lombard to you) in 'No Man of Her Own.' Picture is built on his violin.

direction fails to catch the dramatic elements apparently written originally for Miss Dietrich.

BING'S SINGING 'EM IN AT THE RADIO CITY MUSIC HALL

THE CRITICS CHORUS:

"EAST SIDE OF HEAVEN" is the most charming musical film Bing Crosby has done. Sandy is a most adorable infant in "Baby LeRoy." **DAILY NEWS**

"...much too ingrained to be missed." **NEW YORK TIMES**

"...totally delightful. Sandy Henville...is one of the most beguiling infants to be found." **DAILY MIRROR**

"You'll find it great fun." **JOURNAL-AMERICAN**

"Sandy Henville...is our favorite actor of the month." **N.Y. HERALD TRIBUNE**

"One of the finest pieces of unadulterated screen entertainment to come along in months." **WORLD-TELEGRAM**

BING CROSBY JOAN BLONDELL
MISCHA AUER
East Side of Heaven



Screenplay by William Conselman
Directed by DAVID BUTLER
Original story by David Butler and Herbert Polansky
A NEW UNIVERSAL PICTURE

with IRENE HERVEY
C. AUBREY SMITH-HEROME COME
"SANDY" MATTY MALNEC
and his Orchestra



SANDY, the Wonder Baby

Bryn Mawr Business Men's Association is taking an active part in Fried's fight. They have already sent letters of protest about Fried's clearance difficulties to the Department of Justice and the distributors. They may go even farther by filing suit on their own hook. It is their claim that the unreasonable clearance forced on Fried causes potential patrons to go to houses in other towns, thus taking them away from the Bryn Mawr shopping district and injuring all business.

Nationally Available

**June
10**



And In Response to Overwhelming Demand,
In Selected Situations on

Decoration Day

PAUL

BETTE

MUNI DAVIS

in

JUAREZ

So Momentous It Required Six Academy Award Winners and a Supporting Cast of
1186 Players Including

BRIAN AHERNE

**CLAUDE RAINS • JOHN GARFIELD • DONALD CRISP
JOSEPH CALLEIA • GALE SONDERGAARD • GILBERT ROLAND • HENRY O'NEILL**

Directed by **WILLIAM DIETERLE**

Screen Play by John Huston, Access MacKenzie and Wolfgang Reinhardt • Based on a Play by Franz
Werfel and the Novel, "The Phantom Crown," by Bertila Harding • Music by Erich Wolfgang Korngold

JACK L. WARNER • HAL B. WALLIS • HENRY W. BLANKE
In Charge of Production Executive Producer Associate Producer

WARNER BROS., Producers





"oh, by the way"



"Hello Mr. Exhibitor"

"GOODBYE MR. CHIPS" opens at the Astor, N. Y. on May 16th, launching this most talked about attraction in the same showmanship manner which gave nationwide fame to "Pygmalion" (still S.R.O. as it concludes a sensational 6-month run at the Astor.)

While the fame of "GOODBYE MR. CHIPS" (Robert Donat, Greer Garson) spreads throughout the nation, M-G-M exhibitors will say hello to hit after hit. For instance:

Hold-overs are mounting as the "HARDYS RIDE HIGH"—best of them all! "LUCKY NIGHT" (Myrna Loy, Robert Taylor) strong in all first engagements. "IT'S A WONDERFUL WORLD" (Claudette Colbert, James Stewart) rolled preview audience in the aisles. It's socko at the b. o. "CALLING DR. KILDARE" (Lew Ayres, Lionel Barrymore) establishes Dr. Kildare as another Hardy series. The new "TARZAN" looks great! And that's just a few in coming weeks!

Goodbye Mr. Exhibitor, you're in the chips as usual with Mr. Leo.

Advance Production Chart

(Continued from page 18)

graphed by Edward Connelley. Cast: Amanda Duff, Kane Richmond, June Gale, Harry Arthur, Frank Fletcher, Helen Roberts, Edward Norris, Scotty Beckett, Rex Downing, Jimmy Butler.

'THE FINE FOLK IN HOLLYWOOD', associate producer, John St. John, directed by Mal St. John. No writing credits released; photographed by Edward Stryker. Cast: Jed Prouty, George Ernest, June Carlson, Spring Byington, Florence Henderson, Helen Gale, Billy Mahan, Marvin Stephens, Matt McHugh, William Tracey.

'20th-Fox Fix New in Production'

'SECOND FIDDLER' (1939-40 release), drama; photographed by Leon Shamroy. Cast: Sonia Henie, Tyrone Power, Rudy Vallee, Edna May Oliver, Harry Brady, Robert Blake, George E. Stone, John St. John.

'YOUNG MR. LINCOLN', historical drama; produced by Kenneth Macgowan; directed by John Ford; no writing credits released; photographed by Arthur Miller. Cast: Henry Fonda, Nigel Bruce, Marjorie Rambeau, Mary Richard, Cromwell, Eddie Collins, Pauline Moore, Eddie Quillan, Doris Jordan, Alice Brady, Fred Kohler, Jr., Francis Ford, Ward Bond, Spencer Charters, Milburn Stone.

'THE RAINS CANE' (1939-40 release), drama; produced by Harry Joe Brown; directed by Harry Joe Brown; original story by Louis Bromfield; photographed by Bert Glennon. Cast: Myrna Loy, George Brent, Tyrone Power, Joseph Schildkraut, Jane Darwell, Henry Travers, Maria Ouspenskaya, Montague Shaw, R. B. Warner, Nigel Bruce, Marjorie Rambeau, Mary Nash, Brenda Joyce, Laura Hope Crews, Abner Biberman, William Royce, Charles Barclay, Adolphe Menjou.

'JONES FAMILY AT GRAND CANYON' (1939-40 release), family drama; produced by John Stoen; directed by Malcolm St. Clair; no writing credits released; photographed by Lucien Andriot. Cast: Jed Prouty, Spring Byington, George Ernest, Billy Mahan, June Carlson, Florence Henderson, Eddie Collins, Robert Blake, George E. Stone, John St. John.

'CHARLIE CHAN AT TREASURE ISLAND' (1939-40 release), mystery drama; produced by Edward Kaufman; directed by Norman Foster; no writing credits released; photographed by Lucien Andriot. Cast: John Toler, Sen Yung, Cesar Romero, Pauline Moore, John Carradine, Sally Blythe, Charles Barclay, Adolphe Menjou.

'HOTEL FOR WOMEN' (1939-40 release), produced by Raymond Griffith; directed by Gregory Ratoff; screen play by Kathryn Scales and Darrell Floyer; original by Peter Milne; photographed by Louis B. Grockow. Cast: Bina Maxwell, Linda Darnell, Ann Sothern, Joyce Compton, Lynn Bari, Katharine Aldrich, Amanda Duff, Lillian Porter, Frances Leelan, Jean Oliver, June Gale, Alice Brady, Nigel Bruce, Marjorie Rambeau, Mary Griffith, Irma Willsen, Alice Armand, Barbara and Gloria Brewster, Karl Linaker.

Universal

Features	Number of Picture Promoted	Number Com- pleted	New Shots Ing.	New Balance to Be Placed in Releasing Stages	Number of Picture Promoted	Number Com- pleted	New Shots Ing.	New Balance to Be Placed in Releasing Stages
Westerns	12	12	0	0	0	0	0	0
Serials	5	5	0	0	0	0	0	0
Total	56	47	0	0	0	0	0	0

Pictures in the cutting room or awaiting preview:

'HOUSE OF FEAR', formerly titled **'BACKSTAGE PHANTOM'**, mystery thriller; produced by Edmund Granger; directed by Jay May; screen play by Peter Milne; photographed by Charles E. Whelan. Cast: John Krassa, Cast: William Gargan, Irene Hervey, Dorothy Arnold, Harvey Dwyer, Walter Catlett, Doreen Delaney, Dorothy Dearing, Roy Tom Dugan, Raymond Parker, Stanley Hughes, Don Douglas, Herbert Corbell.

'THE SHAMPO', drama; produced by Burt Kelly; directed by Phil Rosen; no writing credits released; photographed by Elwood Bredell. Cast: Victor Bruce, Tom Brown, Nan Grey, Constance Moore, William Frawley, Donald Briggs.

'OREGON TRAIL' (1939-40 release), western serial; produced by Henry MacRae; directed by George B. Seitz and George B. Seitz; screen play by George Plympton, Basil Dickie, Edmund Kelso and W. W. Watson; photographed by Jerry Ash. Cast: Johnny Mack Brown, Louise Stanley, Harry Knight, Ed Leelan, Bill Coss, John Kenney, Jim Toney, Jack C. Smith, Charles Stevens, Charles Murphy, Roy Barcroft, James Blaine, Charles King, Forrest Taylor.

'FOR LOVE OR MONEY', comedy; produced by Max Glendon; directed by Al Roell; screen play by Charles Grayson from original by Julian Blaustein, Daniel Taradash and Bernard Feist; photographed by Sam Corlies. Cast: June Lang, Robert Kent, Edward Brophy, Richard Lane, Adolphe Menjou, Edna May Oliver, Howard MacMahon, Elsie Girardot, Charles Regan, Dora Clement.

'OLD GRAB', produced by Ken Goldsmith; directed by Harold Young; screen play by Harold Young; original by Louis Bromfield; photographed by John Boyle. Cast: Charles Greepwin, Anita Louise, Dick Lane, Frances Robinson, Robert Kane, John Kenney, Jim Toney, Jack C. Smith, Charles Stevens, Charles Murphy, Roy Barcroft, James Blaine, Charles King, Forrest Taylor.

'THE SUN NEVER SETS', romantic drama; produced by Roy Rowland; V. Lee; original story by Jerry Horwin and Arthur Pitt-Richard; screen play by Jerry Horwin; photographed by George Robinson. Cast: George Fairbanks, J. J. Applegate, photographed by George Robinson. Cast: George Fairbanks, J. J. Applegate, photographed by George Robinson. Cast: George Fairbanks, J. J. Applegate, photographed by George Robinson.

'INSIDE INFORMATION', produced by Irving Saraf; directed by Charles Lamont; screen play by Alex Gottlieb; original by Martin Mooney and Charles Hershey; photographed by Arthur B. Williams. Cast: Dick Foran, Harry Carey, Mary Carlisle, Adolphe Menjou, Joseph Sawyer, William Richards, Pauline Moore, Fred Brown.

'IN OLD CALIFORNIA' (1939-40 release), produced by Ben Pivar; directed by Christy Cabanne; original screen play by Michael L. Simmons; photographed by Charles Lamont. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'CINDERELLA CHASE', produced and directed by John M. Stahl; original story by James M. Cain; photographed by Arthur B. Williams. Cast: Edwin Stanley, Mabel, Sandra Kane, Mamo Clark, Princess Luana, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'THE UNDERPUP' (1939-40 release), produced by Joe Pasternack; directed by Richard Haerter; screen play by Joe Pasternack; photographed by I. A. R. Wiley; photographed by Hal Mohr. Cast: Gloria Jean, Nan Grey, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'THE PHANTOM CREEPS' (serial for 1939-40 release), produced by Henry MacRae; co-directed by Fred Beebe and Saul A. Goodkind; original story by William Cooper, George Plympton, George B. Seitz, Charles Barclay; photographed by Jerry Ash. Cast: Bela Lugosi, Robert Kent, Dorothy Arnold, Regis Toomey, Anthony Avara, Edwin Stanley, Jack Dwyer, Roy Barcroft, Edna May Oliver, Robert Kane, John Kenney, Jim Toney, Jack C. Smith, Charles Stevens, Charles Murphy, Roy Barcroft, James Blaine, Charles King, Forrest Taylor.

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Warners

Number of Picture Promoted	Number Com- pleted	New Shots Ing.	New Balance to Be Placed in Releasing Stages	Number of Picture Promoted	Number Com- pleted	New Shots Ing.	New Balance to Be Placed in Releasing Stages
12	12	0	0	0	0	0	0
5	5	0	0	0	0	0	0
Total	52	31	0	0	0	0	0

Pictures in the cutting room or awaiting preview:

'SMASHING THE MONEY RING', produced by Bryan Foy; directed by Noel Smith; screen

play by Les Katz and Dean Franklin; photographed by Ted McCord. Cast: Ronald Reagan, Rosella Towne, Eddie Foy, Jr., Moroni Olsen, John Galt, Isaud, John Littel, June Galt, Stetlin Duna.

'THE GRAY MARE', produced by Bryan Foy; associate producer, Mark Hellinger; no writing credits released; directed by Terry Morse, photographed by Sid Hickox. Cast: Boris Karloff, Margaret Lindsay, Ralph Bellamy, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'BRIGHT, BUT NICE', formerly titled **'THE PROFESSOR STEPS OUT'**, formerly titled **'ALWAYS LEAVE THEM LAUGHING'**, executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'NANCY DREW, TROUBLE SHOOTER', produced by Bryan Foy; directed by William Clemens; directed originally by Caroline Keene, photographed by Lou O'Connell. Cast: Bonita Granville, Frankie Thomas, John Littel, Charlotte Wynters, Aldrich Bowker, Edgar Edwards, Erville Alderson.

'THE KID FROM KOKOMO', formerly titled **'BROADWAY CAVALIER'**, executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'GIVE ME A CHILD' (1939-40 release), drama; executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'GAVE ME A GREAT', produced by Bryan Foy; directed by William McGann; no writing credits released; photographed by Ted McCord. Cast: Edith Fellows, Jimmy McCallion, Granville Bates, DeWolf Hopper, Frankie Davis, Moore.

'REACH DAWN I DIE', executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'BATTLE OF CITY HALL', comedy drama; executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'LIGHTHOUSE HARBOR', comedy-drama; supervised by Mark Hellinger for Bryan Foy unit; directed by Noel Smith; no writing credits released; photographed by Charles E. Whelan. Cast: John Krassa, Cast: William Gargan, Irene Hervey, Dorothy Arnold, Harvey Dwyer, Walter Catlett, Doreen Delaney, Dorothy Dearing, Roy Tom Dugan, Raymond Parker, Stanley Hughes, Don Douglas, Herbert Corbell.

'DEVIL ON WHEELS', formerly titled **'THE ROARING CROWD'**, formerly titled **'THE ROARING ROAD'**, executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'THE OLD MARY', drama; executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'BOBBY FAMILY', family drama; produced by Gordon Hollingshead for Bryan Foy unit; directed by William McGann; no writing credits released; photographed by Charles E. Whelan. Cast: John Krassa, Cast: William Gargan, Irene Hervey, Dorothy Arnold, Harvey Dwyer, Walter Catlett, Doreen Delaney, Dorothy Dearing, Roy Tom Dugan, Raymond Parker, Stanley Hughes, Don Douglas, Herbert Corbell.

'DUST BE MY DESTINY', executive producer, Hal B. Wallis; associate producer, Sam Bischoff; directed by Ray Seitz. Cast: George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

'THE KNIGHT AND THE LADY' (Technicolor), executive producer, Hal B. Wallis; associate producer, Robert Lord; directed by Michael Curtiz; screen play by Norman Krasna and Elaine and James MacKenzie; photographed by Elizabeth the Queen, by Maxwell Anderson; photographed by Sol Polito; associate photographer, W. Howard Greene. Cast: Belita Davis, Errol Leelan, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger, George E. Stone, John St. John, Richard Lane, Mabel Albertson, Marjorie Burns, Paul Fix, Byron Foulger.

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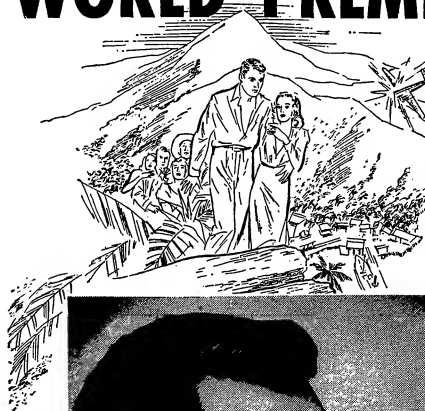
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WORLD PREMIERE TOMORROW RADIO CITY MUSIC HALL!



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HOWARD HAWKS' PRODUCTION

STARRING

★ **CARY GRANT**

STAR OF "GUNGA DIN"

★ **JEAN ARTHUR**

HEROINE OF "YOU CAN'T TAKE IT WITH YOU"

ONLY ANGELS HAVE WINGS

**THOMAS MITCHELL
RITA HAYWORTH
RICHARD BARTHELMESS**

Screen play by Jules Furthman
Story and Direction by

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ploitation! Open to all theatre managers and advertising men!
Contest to run for 6 months beginning with release date of picture!
Entries should be addressed to "Contest Committee, Columbia
Pictures Corporation, 729 Seventh Avenue, New York City".

CRITICISM OF THE

CHICAGO IN PRODUCTION SPURT

Chicago, May 9. NBC program production in Chicago has been lately stepped up appreciably, particularly as it applies to evening shows. Addition of three Brown & Williamson dances has had much to do with the latter development. With the addition of the B. & W. dances there are at present eight half-hour and one full-hour evening commercials originating from Chicago.

Settle Colgate Opera Claim for \$500; Marks Music Co. Sued Colgate

Suit of the Edward B. Marks Music Corp. against Colgate-Palmolive-Peet, Benton & Bowles and CBS over the unauthorized broadcast of an opera, "A Waltz Dream," was discontinued in the N. Y. federal court Monday (10) after the case had been settled for \$500. Broadcast took place on Jan. 25, 1938, while Palestine was running its "Beauty Box" series.

Agency had obtained a grand right license for "A Waltz Dream" opera, but as it later developed the license didn't cover the score. Opera was involved in the litigation was composed by Joseph Herbert. A. Walter Sokolow was Marks' counsel in the case.

BIG GUEST NAMES FOR LEVER TUESDAY FROLIC

Hollywood, May 9. Ruthrauff & Ryan is shooting the Lever Bros. bankroll to lure to its Tuesday Night Party the cream of local's guest list. Set for May 15 is Jack Benny, with other top names to follow.

Hugh Wedlock and Howard Snyder, former scripters for Benny, are pounding out the gags for the Dick Powell soap show.

Gov. Lehman Approves Radio Label Statute

Albany, May 9. Governor Lehman has signed the Court-Moffatt bill extending to radio libel and slander protection on "fair true report of judicial proceedings, public and official proceedings."

Networks and others favored this first official recognition of radio as of equal status with press.

Winchel Renewed

By telephone from Cincinnati, last week, Jergens renewed Walter Winchel's radio commentator for another year.

Same \$5,000 a week for 15 minutes.

Doris Rhodes on Upeat
Doris Rhodes has been signed for another year by CBS as staff chit-chat. Music, Inc. last week booked her for another series of transcriptions.

Deal on for her to appear in the next Rogers and Hart show, currently untitled.

Bob Benhart, the magician, auditioned by NBC's television department with NBC.

Up on the Bounce

Hollywood, May 9. Two KHX guides, Bud Larkin and John Ryder, did some good job of selling Columbia's plant to rubbernecks on tour that they have been promoted to the sales staff.

Rush In Show To Protect Phone Stunt

Lewis-Howe Co., maker of Tums, has advanced the starting date for its Horace Heldt program on the NBC red (WEAF) link to June 3 for fear that some other amount might get in ahead of it with the same money giveaway idea. Tums, which will make the Wheel of Fortune stunt the main feature of the broadcasts, had originally figured to debut the series in the early fall.

After several revolutions of the wheel a telephone subscriber in some city gets a call from the studio notifying him he has just been picked for a gift of \$100. The thing simmers down from state to state in a designated page in a telephone book and finally to a numbered line on that line.

Legals have given it as their opinion that this stunt does not fall within the purview of the letters laws since there are no obligations attached to the receiver of the money.

"Guess Who?" Guessing When Philip Morris may soon substitute an educational program for "Who?" currently on Mutual. It's been on since the start of the season.

Milton Blow, agency on the account, hasn't decided whether to submit another quiz or a dance band.

CRITICISM OF KID SHOWS

Controversy over children's radio programs, never quite ceasing despite steps taken in the past to end the worst aspects of cliffhangerism, seems imperceptibly to be crystallizing along new lines. At least it is now somewhat clear what the clubwomen, Parent-Teacher and civic groups have in mind. The latter have often been vague and confused in some of their attacks. The charge that radio shows created "moral delinquency" was and is substantially phoney organizational melodrama in complaint of phoney radio melodrama. It now appears that each side has forced the other to re-evaluate. Out of the discussions, verbal and printed, several salients are emerging.

Critics of the more sensible kind realize that they may play into Government operation hands and this might be a calamity for the democratic ends now sought. But coupled to this sympathetic tendency to be pro-industry in the lineup against Government operation there is a growing resentment against the network "back passing" which is particularly represented as snide and cheap for the networks to answer critics of existing shows by saying, "Very well, tell us what to substitute—if it's commercial, we're for it." This is not, say the fault-finders, the responsibility of criticism, nor an answer to it. The responsibility, they aver, is with the networks.

There has been a counter-propaganda against the critics. It has, of necessity, been largely private but nonetheless pointed and significant. Like many extreme criticisms from the denouncers of radio programs, the defenders of complete laissez faire in children's broadcasting may be out of tune with the country at large.

"What'dya mean kid programs?" is the response of some of these persons. "When the kids are out playing in the streets the grown-

CRITICS OF RADIO TAKE NEW TACK

Different Approach Veers Away from General Criticism of Juve Program as Inciting to Crime—Instead, the Present Type of Kid Entertainment is Being Called Inferior and Squandered Opportunities

FICTION AS EXAMPLE

"The old attitude on children's programs was to criticize some of them, or all of them, as injurious to the child. We now believe this was an unwarranted attack on the program. We weakened our case by talking about the 'evil' nature of such programs, most people thought we were exaggerating. In consequence we were merely considered fussy and impractical intruders into the harmless pleasures of other people."

The above statement, loosely rendered, sums up the expressed thought of some of the critics of radio kid shows who are now veering away from the old attitude and are being induced toward burglary and arson by what they hear over the air. New attack is not that the typical programs do any specific harm, but that they consume time and money to disseminate inferior entertainment and thereby constitute squandered opportunities.

Educators, librarians, clubwomen, churchmen, parent-teacher and similar persons, who think in what they say, New attack is not that the typical programs do any specific harm, but that they consume time and money to disseminate inferior entertainment and thereby constitute squandered opportunities.

(Continued on page 27)

Good Business Man

Will Pyffe, Scotch comedian, who is presently in Hollywood to make a picture, gave J. Walter Thompson a start when he quoted his price for a broadcast. He asked \$4,000. Agency has been paying the amount only for top film names.

Pyffe said that he would do but one broadcast while in this country and that the solo shot would have to bring him \$4,000.

P. & G. Serial On CBS Repeats Later on NBC

Procter & Gamble is buying time on the NBC red (WEAF) network to repeat some of its Columbia daytime serials. The first one set is "Life Can Be Beautiful" which currently clears over CBS at 1:15 p.m. EDT. The time on the red for the repeat broadcast, starting July 5, will be 5:15 p.m. EDT.

When P. & G. had its business mostly on NBC it used the red and the blue (WJZ) links for the same serials, running them on one in the morning and repeating over the other in the afternoon. With a serial allied with both NBC and Columbia the soap and by-products manufacturer will be able to book the show on certain preferred Coast stations which are on the NBC list. CBS had barred the use of transcriptions on such NBC affiliates.

Dinty Doyle Encores

Dinty Doyle, radio columnist on the New York Journal American, makes another personal appearance at Loew's State, N.Y., week of June 8. He was there last November.

MILLER TAPE TAKES DISC PLANT

Miller Broadcasting System, Inc., which started out to promote the tape market of recording, has taken over the studios and equipment of Jean V. Grambach and Advertisers Recording Service, Inc., for the making of wax and acetate recordings. James A. Miller has been elected president of the ABS; George K. Smith, treasurer, and D. L. Provost, commercial manager.

Officers of the Miller setup are Miller, C. M. Finney, of the North American Co., utilities control, v.p. and treasurer, and E. B. McCutcheon, secretary. David D. Chisman is commercial manager. The directors are S. L. Eberhart, head of Sterling Products, Frank Hummert, head of Blackett-Sample-Hummert, Louis Eppworth, Finney, Miller, Hunter, S. Marston, George H. Smith and Jacques Vihonnet.

James Melton Set For Ford Series; Inset From Detroit Expected

James Melton will do a 15-week series on the Sunday CBS show for Ford. Begins June 11, with Joseph Pasternak's orchestra. Show will probably also have occasional femme guest warblers. Melton once on the Cincinnati spot Thursday over NBC blue on a special program from the New York World's Fair, getting a 15 (14) for the Magic Key program, and May 25 with Andrew Kotelenak for Ethyl gas.

Cincinnati spot shuttling between there and Detroit for the Ford radio stint.

A new twist will be added. There'll be a "Rogue Plant Reporter" inserted in the middle. This will be a speller who gathers human interest stuff at the Ford industrial empire outside Detroit.

Be in informal in style.

ED SCHEUING GOES BKPT.; OWES \$13,784

Edwin W. Scheuing, salesman for WMAA, died in bankruptcy in voluntary petition in bankruptcy in the N. Y. federal court Thursday (4), listing \$13,784 as his liabilities and \$13,784 as his assets.

Among some of his creditors are the State of N. Y. for taxes, \$2,732; Meyer Davis, \$1,300 money loaned; Decca Records, \$75, for recording master; and the late Con Conrad, \$71, money loaned. Other creditors include a doctor's fees, a British law firm for fees, radiomen, etc.

Nager's Summer Stint

Hollywood, May 9. Summer show of substitute for Fibber McGee and Molly will be emceed by Conrad Nagel. Alec Templeton and Edith Head will be the guests. Fibber and Molly take their turn on the Screen Guild show May 28.

Tovarich' on Lux

Hollywood, May 9. Miriam Hopkins and William Powell set for May 15 Lux broadcast. They'll do "Tovarich."

ALTON COOK'S OPERATION

Alton Cook, radio editor of the N. Y. World Telegram, died last Monday on an appendicitis operation performed upon him at the Lenox Hill hospital, N. Y., last Thursday (6).

Maxine Cook, of the staff and no Monday (8).

ups are in at the radio listening to Dick Tracy and Little Orphan Annie and Jack Armstrong, the all-American boy.

This sidelight on the "children's hour" is passed off as realistic, if cynical, commentary on the I.Q. of the masses. The claim is made therewith that the parents concern with their offspring in addition to the flapdoodle melodrama and that, on occasion, programs that are too unreal and phoney for the kids go down with the adults.

This reasoning sums up: "Why criticize radio programs for being tawdry, puerile and silly? Why don't the clubwomen pick on the daily newspaper cartoon strip, which are far more devastating to the mental fibre of the nation. Millions of adults carry over an infantile devotion to the comic cuts which, in the main, are badly drawn, badly plotted, out of touch with life and calculated to fix low mental horizons."

The criticism against radio programs for children is now (see separate story) taking a positive rather than a negative aspect. Instead of saying this or that show is bad for kids, the new tack is that kids' shows in general are "missed opportunities" to help develop a better bunch of brains and a higher national I.Q. than heretofore. This puts the whole question on a higher plane.

The strength of "social criticism" of radio must be that it is absolutely and demonstrably sincere and not mere selfish career-seeking. Second, that radio is too important and vital to be beyond the proper concern of those interested in society at large and the education of youngsters in particular. One thing is fairly certain: kids' shows cannot indefinitely be considered simply as a fifth ace in the game of selling trade-marked foodstuffs.

NAB GROUP OPPOSES

Washington, May 9. — Specification for children's programs more drastic and rigid than the network's self-applied formulas seem certain to be recommended by the NAB program code committee. Standards and ethical principles now being whipped into shape for mulling at a semi-final meeting tentatively set for around Memorial Day.

While determined not to recommend a code which will contain an excessive proportion of "thou-shalt-nots," the industry group is impressed with the steady barrage of complaints from teachers, parents, and civic groups about the type and quality of radio fare dished up for kid listeners. Unless more steps are taken, the NAB crew fears the industry's argument that self-regulation is better than Government censorship will fall flat. So the axe is being whetted for those features for the youngsters which have drawn most criticism.

Box Tops
A complete ban on the box-top technique may be recommended, though there is some difference of opinion and the question of whether or not the practice should be discontinued is not being decided. Broadcasters are beginning to wonder whether the practice is really a good one or not, and whether it is really a necessary part of the industry's revenue.

Another point of contention is the type of fare. The NAB crew is virtually agreed to lay down a prohibition against any direct appeal to kids to eat this much or that kind of candy, which would be prevented from making specific references to the advertised product, but attempts to get around these limitations and restrictions on the amount and type of copy.

More drastic steps to do about the cliff-hanger programs. Feeling the kids won't listen to a lot of cliff-hangers, the industry is realizing a line must be drawn, the NAB group is sounding out mothers and fathers to find out what programs might be lively enough to hold the youngsters' interest. The industry is also looking for other and undesirable reactions. The industry is pointing out to many parents that the industry's point of view is being laid on the need for better craftsmanship in fabrication, and that the industry is talking with some of the women's organizations, code writers have been realistic of radio's ability to make imaginary situations too real. Need for better writing is appreciated by both sides.

Parents Share Blame
The industry people have conceded radio must assume responsibility for the effect of programs on child listeners, but are pointing out in defense that parents have to take some of the blame if they persist in tuning to entertainment not designed for the youthful portion of the radio audience. The point is that during the late afternoon, mothers are so busy getting supper, they can't make time to supervise their children's radio viewing and radio must do its best to see that the stuff put on the air at that time is not objectionable. On the other hand, the parents should co-operate by booting the good programs and encouraging the kids to listen to features specially prepared for them and preventing them from listening to the stuff that is not intended for them. The industry is pointing out that the parents' responsibility is not being shared.

In tackling some of the outstanding problems, the code framers are discussing the question of the State University seasons last week when educational broadcasting was taken up.

Sistered Religion?
General agreement has been reached on the question of discrimination on the basis of race, but the question of religious programs may be dis-

Spring It on A.F.A.

NAB will use the Advertising Federation of America convention in New York City June 18-19, as a sounding board for its code. Neville Miller will discuss the issues at a luncheon to be held by the N.A.B. at the Waldorf-Astoria.

Other speakers at the Federation will include Bruce Barton of B.B.D.O., Don Francisco of Lord & Thomas, Elizabeth Arden, George Sokolsky and Paul Garrett of General Motors.

In framing the standards, the NAB crew has come to the realization that all critics cannot be appeased. Some reform organizations appear to be bent on gaining control of operations in a way that is contrary to the statute and which would mean the end of the industry as we know it. The industry is realizing that all critics cannot be appeased. Some reform organizations appear to be bent on gaining control of operations in a way that is contrary to the statute and which would mean the end of the industry as we know it.

Budd Bullock, of the "Guess Where" program over Mutual, was ill and missed last Sunday's (7) stanza. Shirley Booth, featured on the show, doubled as m.c.

Fog of Delay and Uncertainty Clouds Whole Question of FCC Reorg Plan

Washington, May 9. — Unless Congress starts on the job through mid-June, prospects for the FCC reorganization bill to be introduced by the Commerce Committee, Wheeler is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture. The House Committee on Agriculture is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture.

on the horizon for several weeks when he might devote his full attention to communications. In addition to his other duties, Wheeler is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture. The House Committee on Agriculture is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture.

COUGHIN ALL SUMMER

Father Charles E. Coughlin, reversing his usual custom, will continue to broadcast during the summer months on a special hookup of 47 stations. For some weeks the Royal Oak (Mich.) priest had been asking listeners to inform him whether they wished him to stay on the air over the summer. Sunday (May 7) the announcer stated Father Coughlin would do so.

Emphasis was the fact that due to other commitments, nine of the stations could carry only the first half hour of the priest's address. The phraseology of announcement seemed to indicate that Father Coughlin would like all the transmitters to carry the full hour. Because nine stations drop the second half, the program is divided into two parts, with a musical interlude.

Sneaking Up

(Continued from page 26)
In negative terms of why what is falls down. That will presumably be the next act.

Change in Kid Fiction
Closest point of comparison of radio to a practical expression of the change in the industry is the change in the past decade in children's fiction. A Brooklyn librarian called attention to this at a recent conference on radio programs for youngsters.

It appears that junior book editors of the publishing houses finally got together with children's librarians, and the result was a new series of well-read fiction for the publisher's story. It is the essence of the change in the industry is the change in the past decade in children's fiction. A Brooklyn librarian called attention to this at a recent conference on radio programs for youngsters.

In recent years, book publishing for children has brought in writers capable of first-rate professional work in other fields. Writers in the field of juvenile fiction include A. Milne, Rachel Field, Dorothy Canfield Fisher, Elizabeth Eastwood, Henry Beston, and others of literary standing.

on the horizon for several weeks when he might devote his full attention to communications. In addition to his other duties, Wheeler is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture. The House Committee on Agriculture is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture.

McNinch's Health
With Chairman McNinch forced to desert his office again because of his precarious physical condition, political circles heard new rumors he would be sent back to the hospital. In recent days, influential Senate leaders are supposed to have been working out the matter of his return to the Power Commission, of which he was chairman until drafted.

Baby Talk

Philadelphia, May 9. — WDAS, here, received a letter last Friday requesting that it not play "Three Little Fishies" any more.

Mother complained that it has taken her years to make her kid stop talking baby and now he hears it on the radio and is reverting.

GEROLD LOUCK LUCKY

N. W. Ayer Exec Escapes in South African Smash-Up

Philadelphia, May 9. — Gerold M. Louck, exec. v.p. of N. W. Ayer & Son, was the only one of eight persons aboard who was not injured when a giant Imperial Airways airliner crashed in Mozambique Anchorage, Southeast Africa, last week. Two members of the crew were killed in the accident and five other passengers and employees were injured.

Louck took another plane immediately for Durban, his destination. He was in Africa on a business trip, the agency recently having made a survey of the possibilities of merchandising diamonds in this country for the DeBeers Syndicate, of London, which has its mines near Durban.

Fred Hoy on WBZ

Boston, May 9. — Fred Hoy, focal point of a high-pressure campaign of protest by his friends who attempted to get him out of the Yankee Network after 12 years of sports broadcasting, has signed a 13-week contract to continue his sports program with Howard Johnson (road side stands) as sponsor, over WBZ, Boston.

Series officially started Monday (8) at 6:15, but a special "week-end" broadcast on Sunday (9) with representatives of the "Fred Hoy Boosters," sports writers and baseball players participating.

Hoy aired a similar series for Yankee Net, besides his play-by-play. Both now handled by Frankie Frisch.

Doris Fisher has replaced Joseph Huston on "Take a Note," Monday night sustainer series over Mutual.

nearly two years ago to clean up the FCC. While none would admit he had been asked, there was a report at the time that the FCC had been asked to investigate the matter. The investigation was against confirmation of his nomination to the old job. During the time the chairmanship is being rotated.

In the near future, the question of a resolution to be introduced by the House Committee on Agriculture, the House Committee on Agriculture is deeply interested in farm legislation slated for introduction by the House Committee on Agriculture.

Bea Win Offered Solo
Rockwell General Amusement is offering Bea Win for radio separate of her orchestra with the group whom she got together with her own band when he goes on the "Bea Win" for Sena Cigarettes, not on the "Bea Win" for Sena Cigarettes, not on the "Bea Win" for Sena Cigarettes.

STAYS BOTH PROS AND CONS

Large groups are nursed by the broadcast industry in connection with the program code now under adoption this July at the Atlantic City convention of the National Association of Broadcasters. It is hoped that through united action the stations will not hereafter be placed in such invidious predicaments as in the past.

Particularly, the code is expected to force controversial broadcasts to be made under conditions and circumstances guaranteeing equal opportunity for rebuttal and taking stations off spot. It is the absence of perfectly-matched mechanics for accomplishing equality of rebuttal that has often put the station—the innocent victim—into an undesirable position of seeming to take sides.

As foreseen, the code will probably provide that religion be entirely on free time and entirely on equal opportunity for rebuttal and taking stations off spot. It is the absence of perfectly-matched mechanics for accomplishing equality of rebuttal that has often put the station—the innocent victim—into an undesirable position of seeming to take sides.

Handling Both Sides
Radio has no wish to bar controversy, but it has every wish to escape the odium of one-sidedness. The end of greater equality of opportunity for rebuttal and taking stations off spot. It is the absence of perfectly-matched mechanics for accomplishing equality of rebuttal that has often put the station—the innocent victim—into an undesirable position of seeming to take sides.

If the laws of libel and slander are to be enforced, the industry must preserve free speech without making the radio a fair play and equal opportunity for the contrary viewpoint.

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UP go the grosses
as "UNION PACIFIC"
gets a-rolling

<u>THE CITY</u>	<u>THE THEATRE</u>	<u>THE GROSS</u>
Kansas City	Newman	180%
Atlanta	Fox	157%
Sioux City	Capitol	143%
Sioux Falls	State	139%
Detroit	Michigan	135%
Duluth	Lyceum	133%
Des Moines	Des Moines	133%
Birmingham	Alabama	133%
Memphis	Malco	133%
Worcester	Capitol	130%

. . . . and in the
SECOND WEEK

Omaha	Omaha and Paramount	130%
Los Angeles	Paramount	110%
Salt Lake City	Centre	102%

"UNION PACIFIC"

is getting additional playing time at theatres all over the country—including The Denham Theatre, Denver; Paramount Theatre, Portland, Oregon; the Fox, San Francisco . . . transfers from Fox to Orpheum for continued record run in San Diego; Worth Theatre, Fort Worth; Majestic Theatre, Dallas; Martini Theatre, Galveston; Criterion Theatre, Oklahoma City.

**GO
UP
WITH PA**



Cecil B. DeMille's "UNION PACIFIC"

with Akim Tamiroff • Robert Preston • Lynne Overman •

A Paramount Picture • Screen Play by Walter DeLeon, C. Gardner Sullivan and Jesse

Those Midnight Grosses Are Still Going UP!

This big Paramount comedy smash was a natural for the here ... but now we can tell you it's a natural for the small town, too. Figures pile in every day to prove "Midnight" was what the small towns like...and don't forget John Barrymore and Elaine's front-page news story is helping plenty.

Bob Bobs UP Everywhere

Everytime you look at a report from the smaller towns and the smaller towns another theater checks in with a rave for the Bob Burns' laugh hit, "I'm From Missouri!" "We're packin' 'em in. Give us more Bob Burns' pictures," says Mr. Small Town Exhibitor, "Okay, brother," says Paramount, "you'll have 'Our Leading Citizen' before the summer is over, and don't forget 'Chaey Jones' on the Paramount lineup for fall!"

Los Angeles Wakes UP to "Stolen Life"

We thought we had a BIG ONE when we first glimpsed the Elisabeth Bergner picture, "Stolen Life." NOW WE KNOW WE HAD A BIG ONE...For we set the picture in the Four Star Theatre in Los Angeles...with no fancy building...no ballyhoo...RESULT: The picture opened strong, and more important—built daily to weekly gross of \$6,100 against theatre's average of \$3,200. Women were crazy about it...called it best women's picture of year...We're giving it a big smash premiere opening in New York and then...gentlemen, grab it fast...it's terrific.

UP with the Champions...

Yes, sir... "The Lady's from Kentucky" is the Johnstown of the racing pictures. Exhibitors who confess they didn't like horses till they saw this picture pull 'em in at the gate...are horse crazy now...They admit when it comes to fast-stepping pictures...action...heart sock...laugh...Paramount sure knows its sale...

UP Come Those Adjectives...

We know the critics would have to dust off their Midget adjectives for "Invitation to Happiness." Listen: "One of the most human pictures that has come to the screen in many moons. Should play to heavy grosses in all types of theatres..."—Film Daily. "Paramount can look for hefty grosses from 'Invitation to Happiness'. The picture doesn't miss a trick!"—Hollywood Reporter. "A grand and exciting picture. Entirely different and very true to life..."—Adela Rogers St. John. "It's a story that Mr. and Mrs. John Public will appreciate and understand. Fred MacMurray gives his best performance...Rue Cliche of course is important and 'Invitation to Happiness' has all the necessary ingredients..."—Louisia Parsons. "I never thought I'd get over a prisonfighter, but I did. And I loved it..."—Hedda Hopper.

UP with Another Hit Song...

When Paramount writes songs and has Paramount's Bob Hope and Shirley Ross to sing 'em...well...remember "Thanks for the Memory" and "Two Sleepy People"? Here's one that tops either of those. Ask any musician and he'll tell you "The Lady's in Love with You" is one of the half dozen reasons why Paramount's "Home Like It Hot" is going to have the hit parade dancing in your aisles and the quieter citizens applauding the first swing picture that really has what it takes...Gene Krupa and His Band do plenty to put over the fastest romance comedy with music of the spring season.

What's UP?

Philo Vance (Warren William to you) is out on the trail of the best R. S. Van Dine detective mystery of 'em all...and who's "helping" him...Gracie Allen herself...who makes Paramount's "Gracie Allen Murder Case" the novelty hit of the early summer.

FLASH—Hollywood Reporter

"JACK BENNY'S OKAY: FANS FORGIVE TRIAL
Oakland-Paramount, which has been wondering what was going to happen with its upcoming picture with Jack Benny, can go ahead with the release of "I'll About Town" anyway. Brought to the Orpheum here, on a sneak showing, to grab reaction on Benny, it got a terrific haul, and Jack's okay, the picture apparently forgiving him his trespasses. Bill Latham, Mark Sandrich and Lou Lipstone left the theatre feeling happy."

P.
PARAMOUNT

starring **Barbara Stanwyck** and **Joel McCrea**
Erin Donlevy • Produced and Directed by **Cecil B. DeMille**
asky, Jr. • Based on an Adaptation by Jack Cunningham of a Story by Ernest Haycox



Talent Agents, Personal Managers and The Law

Auto Static

By ROD REED

On Tour, May 9.

NBC's summer layoff plan is natural consequence of the quiescent phase.

Makes it tough on boys who are trying to learn to pronounce CBS' hiatus.

Grasch's extemporaneous gag annoys Basil Rathbone. He doesn't believe in 'live and ad lib'.

Appropriately, Amos 'n' Andy are putting CBS farther in the black.

When the radio censors get to work, those three little babies will be swimming over the darn.

Free speech dead? 'Dancin' and datin' with Lenny Hayton'.

Or, 'Bring your cutie to hear Veauti'.

Johnston finished so far ahead in the derby, broadcasters pondered a piano all pending arrival of the second horse.

Motto: One belle in the rumble seat is worth two from Fidler.

CBS RESUMES TALKS WITH BRONSON

Herbert Akerberg, v.p. in charge of station relations for CBS, will make on his current trip along the west coast, look again on the possibilities of working out a deal with the network in connection with the use of KQW as Columbia outlet in the San Francisco territory. KQW, now assigned to San Jose, is slated to go 50,000-watts when the Havana treaty becomes effective. Ideas under discussion is to spot KQW's transmitter not far from Frisco. A Class B station would have to shield its signal from the east coast. KQW's Columbia's present release from Frisco.

Akerberg's present trip will also take him to Portland and Seattle.

OUT AFTER 12 YEARS

Various Letters at WLW Due to Power Curtailment

Cincinnati, May 9. Talent curtailment at WLW went into effect last week. Among the let-outs are Grace Clava Raine, vocal director, who joined the chorus of the organization 12 years ago when it took over WSAI from the U. S. Playing Card Co. Helen Raine, vocal director, who joined the chorus of the organization 12 years ago when it took over WSAI from the U. S. Playing Card Co. Helen Raine, vocal director, who joined the chorus of the organization 12 years ago when it took over WSAI from the U. S. Playing Card Co.

Paul De Fur, newcomer, has been assigned to the production department.

Reduction, according to James D. Shous, general manager, is in line with the station's power cut from 50,000 to 5,000 watts and the subsequent silencing of time rates.

Les Quailly Checking Up

Philadelphia, May 9.

Les Quailly, in charge of broadcast personnel on the Atlantic Radioing sports rallies, is making a tour of the south.

On W. Ayres' case is listening to his gabbers, making suggestions and talking with them where necessary to educate them to the Atlantic style.

Benell Turns to Fair

Julie Benell, legit and radio actress, will do a World's Fair commercial over WINS, New York, three weeks at 9 p.m. starting May 15. It's her first experience in this type of radio.

She's currently in two NBC serials, 'Sister Dallas' and 'John's Other Wife'.

(Ben Pratt, former NBC network exec now in the talent representation business, has propounded to VARIETY some basic questions apropos the relation of artist to agent and/or personal manager. Striking facts in the fundamental questions which, all too frequently, are taken for granted but not fully understood, Pratt's questions together with the theatrical lawyer's answers thereto are printed hereafter in parallel columns. I. Robert Broder, theatrical attorney, was formerly of counsel for Radio-Keith-Orpheum.)

By Ben Pratt

In the general field of entertainment, there is a good deal of question as to the correct definition of a "personal manager." Striking facts in the fundamental questions which, all too frequently, are taken for granted but not fully understood, Pratt's questions together with the theatrical lawyer's answers thereto are printed hereafter in parallel columns. I. Robert Broder, theatrical attorney, was formerly of counsel for Radio-Keith-Orpheum.)

A mere definition, however, of the term "personal manager and sole representative" will not suffice, as there are a great many questions that require answers in order that the members of the entertainment profession may understand the duties and obligations that are placed upon the person who is designated as a sole representative. I shall take the liberty of citing a few of these questions. They are as follows:

1. What is the maximum commission that a personal manager should receive?
2. What is the maximum commission that a personal manager should receive in addition to his or her other duties handling publicity for the client, what should be the maximum commission paid by the latter?
3. In the event the personal manager obtains employment for the client through a regularly licensed theatrical agent or agency, is the commission to be the latter deducted from the personal manager's commission, or should the client pay the agent's commission in addition to the manager's commission? For example, suppose a personal manager obtains a commission of 20% and suppose through an agent he obtains employment for his client, the agent to receive 10% and this 10% come from the manager or from the client? Thus, if the client were to receive \$100 a week for an engagement, should he or she pay a total of \$20?
4. Should the personal manager have an agent's license from the City of New York?

What are the personal manager's personal expenses that should be assumed by a personal manager?

7. In the event the personal manager also acts as publicity representative, what expenses should he pay for photographs for use in publicity, should he meet the expense of the publicity representative, i.e., can he pay for photographs that involve additional expense such as taxicabs, etc., should he pay the bills or should the client, and generally, what publicity expense should unquestionably be assumed by the client and what by the personal manager and publicity representative?

10. When there has been any legal decision as to the length of time a contract between the client and his or her personal manager may run?

12. What are the usual standard form of contract generally recognized by the law for personal management of an artist or entertainer?

Does Equity have any such standard form of contract?

15. What is the maximum commission a regularly licensed theatrical agent or agency may charge for (a) work in the legitimate theatre, (b) radio engagements, (c) theatrical engagements, (d) musical engagements?

18. Has there been any legal definition of the term "engagement"? If not, what should be the amount of commission that should be paid a personal manager by a client whose professional reputation and standing in the entertainment industry are such that the client is just starting and who is, for all practical purposes, practically unknown to the public?

19. In the event a personal manager signs a client who is unknown in the entertainment field, builds that client up, and then the client's income increases thereby for the client, the ability to earn a large income, should the personal manager's percentage decrease, or should the percentage increase in proportion to the client? For example, assume that a manager takes over the management of a young actress who is earning \$100 per week; assume that the manager, through contacts, publicity, etc., increases this income to a point where she is earning \$1,000 per week; assume that the manager has a five-year contract; assume that his commission during the three years of the first period is 20%; assume that the client's income during the last two years of the contract is \$2,500 per week, should his 20% commission be reduced, assuming that the manager has no other income?

20. In the understanding that Equity allows only 5% commission for actors and actresses in legitimate theatre, should the same 5% commission apply to the personal manager is concerned if he is able to place his client without going through any establishment?

21. In the event railroad or other trips are necessary and that it is also necessary for the personal manager to make such trips, what expense paid by himself out of his commission, or is such expense met by the client?

When compensation is paid for the services of a client, should that compensation be paid to the personal manager or should it go direct to the client?

By I. Robert Broder

Answering the various questions raised by Ben Pratt in his communication to VARIETY the matters, in stated order, are as follows:

1. A personal manager should have only as many clients as he can render actual personal services to. It must be borne in mind that the employment agency will specifically advise those whose business only incidentally involve the seeking of employment. Therefore, in order to qualify as a personal representative and manager, one must devote most of his time to services other than the procuring of employment. Those services should include, among others, the complete management of the professional affairs of the artist, such as the arrangement of programs, proper casting in roles, proper wardrobe, arranging for advantageous publicity, choosing proper "spots," providing office facilities for the artist's business, checking up on the artist's performances and giving constructive criticism, checking on advertising and billing, etc. In view of these numerous duties, a manager cannot permit himself to take on too many clients. If he takes on too many clients, the results will be all too hard and the artist will be forced to the number of clients the manager may have, since the capacity of individual managers varies. One manager may be able to handle exclusive services to a dozen clients, whereas, another manager may only be able to service two.
2. There is no fixed maximum commission for a personal manager. Courts have sustained amounts up to 33 1/3%. In that particular case, the manager had developed the artist from obscurity to the point where the artist became an outstanding personality, earning thousands of dollars per week. Not alone had the manager in effect raised the artist's professional name, but had created a unique style of performance for the artist which had become so closely identified with the artist that it became a definite part of his stock in trade.
3. If the manager is also a press agent, he is entitled to a compensation in an added fee for his services as a press agent but such compensation should not be based upon a percentage of earnings.
4. It should be borne in mind that the answers to these questions cannot be set in accordance with any fixed rule or procedure since, as the questioner requests, the answer may vary in each individual case. One cannot fix the amount of commission to be paid to a manager as a general rule. If the manager obtains engagements for the artist, he should include in his fee, an amount to cover his services as an agent. If, however, the manager cannot obtain engagements for the artist, his contract should provide that the agent's commission should be paid by the artist and the manager's commission reduced accordingly.
5. (See 1.)
6. The personal manager should be prepared to expect to provide such facilities for the artist as are adequate for his business. Surely, no manager can expect any compensation if he has his office in front of his home, and his business expenses are expected to have some overhead if it is to operate at all.
7. It is customary that a press agent provide stenographic and other services for the artist, but such expense and such office expense as is ordinarily incurred. The artist, however, usually pays for photographs, entertainment, transportation, etc. It is always best, however, that before any such expenses are incurred, the approval of the artist is first procured.

10. The minimum contract period for a period of seven years. California has limited such contracts to a seven-year period and seven years has become the standard period throughout the industry. Courts, however, will limit the length of a contract to a "reasonable" period.

12. There is no standard form of contract generally recognized by law for personal management. Such contracts must be fair and equitable, to be enforced. As to the standard form of contract, the artist's contract exclusively with the manager, the manager must likewise endeavor to part with some valuable consideration to the artist.

13. No.

14. (a) 5%.

(b) No provision.

(c) 5%.

(d) No provision.

15. No.

16. There is no fixed rule as to the difference in amount of commission to be paid by an established performer. The manager's commission should be determined entirely upon the bargain made between the parties.

17. The percentage of the manager's percentage remains fixed throughout the entire period of the contract. After all, the manager gambles with the artist, and if the artist's income increases, the manager's compensation should increase in like proportion.

18. The percentage of commission is purely a matter of agreement between the manager and the artist. None can attempt to fix the amount of that percentage.

19. Whether railroad expenses are paid by the manager or artist, depends entirely upon the arrangement between the parties.

20. The artist is entitled to the compensation which he receives from the employer. The manager is in no position to receive any part of the artist's compensation. If the artist desires the manager to collect the money for him, that is entirely a matter for the parties to decide.

Washington Lobby

Professional jealousy has hit a new high since Congress let down the ears and wags of radio commentators on parity with news correspondents. Despite difference in numbers, the two groups are having an amusing war of wills, with the radio gang good-naturedly talking about duplication of effort and the news correspondents angrily stating by the typewriter mailers. Formal organization will be set up, with certification cards and all the trimmings (perhaps even a snooty honor). Everybody can hold office, since there are only four members of the radio gallery. Ironical twist to the rivalry that the annual White House Correspondents' Association dinner despite the continued snub from the press corps.

Latest warning of Chairman Frank R. McNinch for health purposes led to revival of the story he is about to leave the White House. Curious coincidence Friday (28) that the diminutive head man is slipping away for another two weeks. McNinch is expected to return that he was in tip-top shape.

CBS STAFF SEES OMEN IN VISITS

Hollywood, May 9. Wholesome leavening and production of personnel are expected to follow the recent influx of CBS officials to Hollywood. In charge of local assistant treasurer of the network, has been in the Hollywood branch for several weeks. A survey of the personnel setup and after turning over his report to Melford Young, in charge of local station operations, Seward left for New York.

W. B. Lewis, v.p. in charge of broadcasts, is due in Hollywood the latter part of the week. Reported that Charles Vanda, on leave as Coast production head to handle Wrigley's 'Gateway to Hollywood' will soon return to his CBS post.

LORD & THOMAS ADDS ONE

Sprague Warner May Use Radio in Chicago Area

Chicago, May 9. Lord & Thomas Agency has signed the Sprague Warner account. Account hasn't used agency service for several years.

Plans include a number of other tests on a spot campaign to start late this month. The campaign is expected primarily in a radius of 250 miles from Chicago.

Levys Pass Out Stock

Washington, May 9. Two of Philadelphia's Levy family, chief holders of CBS stock, played Santa Claus for the network last March, the semi-monthly Securities and Exchange Commission statement on insiders' activities showed last week.

Without indicating the recipients, the S.E.C. reported Isaac D. Levy gave away 384 of his A holdings, and the late Harry Levy gave away a grand total of 872 B shares, retaining 43,515. Latest check shows Isaac with 25,825 and Leon with 37,850 A's.

George B. Russell, formerly production director of WIND, Gary, Ind., heads the revamped staff of WCHV, Indianapolis. Only the network's only man who will handle sports and special events, while Everett Howard remains in charge of musical programs.

New ASCAP Deal Same for All

John Paine Opposes Discrimination for Newspaper-Owned Stations—Meets Miller Tomorrow (Thurs.)

Whatever new contract is worked out between ASCAP and the broadcasting industry will be uniform for every licensee, John G. Paine, general manager for the performing rights society declared last week. There will be no special deals, exceptions or discriminations, and a different contract for newspaper-owned or operated stations is out.

In explaining the policy he proposes to pursue in his negotiations for a new agreement with radio, Paine stated that his organization now knows enough about the business and other details of the broadcasting industry to avoid getting into any form of discrimination. ASCAP, he said, has discarded granting newspapers a special contract since he came into office two years ago. Prior to that, he added, there have been quite a number of newspapers that have refused to accept the discriminatory agreement.

Neville Miller, president of the National Association of Broadcasters is slated to meet Paine tomorrow (Thursday) to continue their preliminary discussions on a new contract. Miller is to submit certain data in support of clauses that he has argued ought to be inserted into the succeeding agreement.

WMCA IN POSSESSION OF BUND RECORDINGS

Group of 44 recordings taken at the riotous Nazi Bund rally at Madison Square Garden, N. Y., Feb. 22 last, has finally been acquired by WMCA, N. Y., and will be used in excerpt on several programs. Platters cover every incident of the rally, covering more than three hours. Station will use parts on its recorded 'America Marches On' program.

Waxings were made secretly for shipment to Germany where high officials bent an ear.

FLOCK OF RADIO-FILM FOLK ATTENDED DERBY

By GEORGE WIEDERHOLD

Louisville, May 9. Total of \$1,665,131 was wagered on the nine Derby Day races, breaking a 10-year record. Bets on the Derby totaled \$580,227, up \$51,465 from last year.

Former Mayor Neville Miller, pres of NAB, and Mrs. Miller, arrived in one of the special cars from Washington. Miller had as his guests Ed Craig, owner of WSM, Nashville, and John Kennedy, of Clarksville, W. Va., owner of a number of West Virginia stations.

Al Johnson, seeing his first Derby, posed for photographs in 'Mammy' position on Gov. A. B. (Happy) Chandler's knee.

Don Ameche was plenty busy days preceding big race, and made p.a. at Rialto Friday (5) with 'Granny Bell.' Johnson Musselman, manager, shared loads of publicity and photos in local papers, and had about 20 cops on hand to handle crowds outside theatre.

Edmund Lowe and Mrs. Lowe, George Raft, Mary Brian and other Hollywood celebs were the targets for autograph fans, at the track and in hotel lobbies.

Honorable Order of Kentucky Colonels pre-Derby dinner at Kentucky Hotel drew 500 to sip mint julep Friday (3). Don Alberts' orchestra imported for occasion. Gov. Chandler named 12 new Colonels, two generals and an admiral. Ceremonies were aired over WHAS, with Bryan Field, New York turf writer and announcer as m.c. Those receiving colonelcies were: David Butler, director; Walter Brennan, actor, and Joseph M. Schenck, producer, honored for their parts in producing 'Kentucky'; and Don Ameche, whose

commission was withheld until he sang 'Easter Parade.'

James E. Sauter, of New York City, radio program organizer, was one of a Derby party which came in four special cars from Washington, D. C. Special Police Court, Saturday night (6) disposed of 235 cases in two hours and 35 minutes. Majority of cases involved drunkenness.

Courier-Journal beat its photo-gravure picture record of Derby finish last year by two minutes this year. First photo with pile of finish was on the street one hour and 37 minutes after the pic was snapped at the Downs. Associated Press was transmitting a picture of Johnston's victory from coast to coast just 18 minutes after the Derby finish. Race was over at 4:32 p.m. and first picture of the finish was moving by Wirephoto at 4:46 p.m.

L. B. Wilson, director of WCKY, Covington, was a guest in Room 20, reserved for some 75 selected millionaires.

For first time big race was tagged 'Derby' at all times over Station WHAS and CBS network. Pronunciation 'Darby,' over which there was much controversy in former years, went into the discard this year, as majority of race fans objected strenuously to the English pronunciation.

Ask 100-Watter Station For Burlington, N. C.

Charlotte, N. C., May 9.

Incorporators of the Alamance Broadcasting Co., a firm chartered by Secretary of State T. Had Eure with a view toward establishing a radio station in Burlington, has filed application with the Federal Communications commission for final authority to set up a unit here.

R. R. Jenhour, C. V. Sharpe, V. W. Lane, all of Burlington, and A. J. Fletcher, Raleigh, have subscribed \$100 of an authorized \$100,000 capital stock in the corporation.

Application is being made for permission to set up a 100-watt station.

WLV Aets Re-Member

Cincinnati, May 9. Kresup Ezion, soprano, on WLV program, including the new 'Vocal Varieties' edition, has changed her first name to Kaye.

Harry Mummie, basso, on the same station, has adopted Michael Stewart as his monicker.

Shotwell Group for Copyright Changes That Would Oddly Affect Networks

KOIL'S GOLDEN SPIKE BROADCAST PAY OFF

Omaha, May 9. Total of 13 hours and 37 minutes was devoted by station KOIL to the 'Golden Spike' celebration in connection with the world preem here of Union Pacific (Pur) ticker. All sponsored by Omaha National Bank with origination of a 30-minute sustainer dramatic script on the Mutual and excerpted in KOIL. KOIL erected a glass studio on the Douglas County Courthouse lawn for the broadcast of its 'Opry House' shows, so that the public could watch the broadcasts.

Fit Time for Stanco

Standard Oil of New Jersey (Stanco) is switching the plug on its script series, 'The Career of Alice Blair' to fit for the summer spell. World Broadcasting will continue to turn out the records, but the latter's old Network sales arrangement. Schedule is five programs a week.

Stations on the World list getting the business are WOR, Newark; WCAU, Philadelphia; WFLA, Tampa; and WBAL, Baltimore. WLV, Cincinnati, is being added and there will be a Chicago outlet.

Felix Hinkle Runs WHBC

Akron, May 9.

Felix Hinkle, former business manager of the now defunct Scripps Howard Akron Times-Press, has been named manager of WHBC, subsidiary of Brush-Moore Newspapers. Hinkle succeeds Paul Morgan who several months ago was transferred to the radio post after a number of years as business manager of the Canton Repository.

WHBC is now completing a new building and transmitter.

Formality committee of the group, which under the leadership of Dr. James T. Shotwell, is preparing recommendations for changes in the U. S. copyright law has expressed itself as being in favor of the elimination of the compulsory provision in the present law and the portion exempting coin-operated machines from paying performing fees. Committee may also recommend that phonograph records be granted a secondary copyright.

Observers in the trade point out that the adoption of a secondary copyright would place NBC and Columbia in a curious position. Each is affiliated with record manufacturing interests and each has affiliated stations which use phonograph records. If phonograph records are invested with a secondary copyright, NBC and CBS will, through these interlocking subsidiaries, be able to collect broadcast royalties from such station affiliates. It will be a case of the networks wanting to choose just where their greater interest lies.

Automobile Under the compulsory provision of the copyright law a copyrighted number becomes available to all recorders once a license has been issued for recording purposes. The provision was adopted some 20 years ago after competitive companies charged that Victor was able to copy the recording rights to copyrighted music by paying top figures on an exclusive basis.

As the statute now stands a place using a mechanical device reproducing music is exempt from paying royalties as long as the spot does not charge admission. With this exemption out of the way copyright owners would be able to collect royalties from public places where coin-operated machines are in use, or where the proprietor depends on his own phonograph record player for music.

Bert Lahr set for guesting with Bing Crosby, Rudy Vallee and Screen Guild show.

The 1939-40 Variety Radio Directory will thoroughly and authoritatively cover every complex phase of the broadcasting industry.

ADVERTISING RATES

Full page.....	\$175.00
Half page.....	90.00
Quarter page.....	50.00
Bleed, per page, extra.....	25.00
Color, per page, extra.....	25.00

(These rates are net)

1,200 Pages—2/3 Actual Size

NEW YORK 154 W. 46th St. CHICAGO 54 W. Randolph HOLLYWOOD 1708 N. Vine St. LONDON 8 St. Martin's Pl. Trafalgar Square

After Years of Adverse Publicity Over Radio, Insurance Files Suit; Name of Company Not Mentioned

Libel action for \$550,000 damages was filed last week (3) against the Knickerbocker Broadcasting Co., local operators of WMCA, by the Metropolitan Life Insurance Co., in the supreme court in N. Y., listing 22 causes of action. While the action admits the name of the plaintiff was not mentioned by Donald Residine, in his broadcasts on insurance, a company with assets of \$4,000,000,000 was mentioned.

The plaintiff claims to be the only company with that amount of assets. Some of the charges were to the effect that too much insurance is sold needlessly, high pressure salesmanship is used, the public is bled of hard-earned money and overcharged, and immigrants are brotzen.

Not the Main Blaster
Residine is a new advertiser over WMCA in emulation of Morris H. Siegel who has been lambasting industrial-type insurance over the various stations of New York for four years. Siegel spends about \$150,000 a year for radio time and has recently extended to Boston. He expected to eventually take in the whole inter-city group of Atlantic seaboard towns.

The insurance industry has been in a state of near-apoplexy over the adverse publicity poured out by Siegel. The latter does not sell insurance but collects a percentage of such sums he is able to retrieve from lapsed policies and other situations too complicated for the policyholders to understand. Siegel is privately described as a veritable ringleader, snapping his whip in the offices of the insurance companies and getting

plenty of respect even while they burn.

Metropolitan Answering
Started on WNEW, New York, several weeks ago program titled "Stop, Look and Listen," with C. Hill, who has been shifted by its sponsor, Metropolitan Life Insurance Co., to WOR, N. Y., Monday (8), WNEW, however, will retain the program, airing a transcription of each broadcast one night after it's done on WOR. Later contact was for 32 weeks in a 6:15-9:30 p.m. spot set by Young & Rubicam. WNEW spot is 7:15 p.m. Both run Monday through Friday.

Wanted to effect the shift and start the transcription arrangement with WNEW working, the latter station, however, was not ready to accept Hill's earlier programs on Monday (8). Hill's Monday night stint at WOR was then ended on WNEW last night (Tuesday). Airing the oldie was the only way WNEW's time could be filled. Formal notice of the ouster on WNEW will be retained.

Quiet battle is taking place on WNEW, however, Hill's insurance sponsor and insurance advisers. Hill's programs consist of dramatizations of case histories from Metropolitan life. It's not pointed out but dramatizations are written as warnings against leading advice by consultants, scripts emphasizing against taking advice from "anybody other than a man in the insurance business."

Dick Brooks is aired three weekly, Tuesday, Thursday and Saturday backed by Graham-Kirk, Inc., insurance advertiser. Hill does not air on Saturday and Brooks takes his (Hill's) 7 p.m. spot is that day with counterpoint. Hill's schedule for the week. Brooks is scheduled at 8:30 p.m. the other two days.

Morris Siegel, president of himself the Policy Holders Advisory Council, is on WNEW every week in the concluding Sunday afternoon session WMCA, N. Y., time. Metropolitan advertises Hill's programs in almost every suburban N. Y. daily.

ALL-NEGRO COMMERCIAL

KXOK, St. Louis, Has Participation Jubilee Singers

St. Louis, May 8.
KXOK has sold six aired business firms in co-sponsoring a weekly series of programs. The "Jubilee Singers" is the best local affiliate of the kind. Program is recorded and the contract is for 13 weeks.

Linked in the sponsorship are Boy's Laundry, Sivers Motor Co., Johnson's Deluxe restaurant, Careful Cab Co., Calumet Taxiway Co., and the St. Louis Argus. Local colored population is 11%, or around 100,000. Idea was hatched and carried out by Fred Bryant, of the station's sales staff.

Chrysler, through J. Sterling Getchell, Detroit, spotting nightly announcements on KXOK, St. Paul, for eight weeks.

STATION IDEAS

Back Fence Gossip

Janesville, Wis.
Paul Ruhl, WCLO news spinner, is featuring a new series of short titled "Miss Jeanette Janesville" premiering May 6. Programs will be heard in a local theatre weekly, sponsored by local grocers.

Interviews will be along the line of back fence gossip of the city.

KLZ's Silver Dollar Theatre

Denver.
With the idea inspired by the Taber Grand Opera House, KLZ has started a series of programs labeled "The Silver Dollar Theatre." Casts for the plays are picked from the Denver Civic theatre group and h/L/Z's own staff.

Haw! Taber's favorite daughter was Rosemary Silver Dollar Echo Heymerson Taber, and half the saloons in the old territory used "Silver Dollar" in the name.

Western Union Tie-Up

Louisville.
Steve A. Cialer, who recently resigned as general manager of KTHS, Hot Springs, to take over the management of WGR, Newark, N. J., has installed innovations. Cialer has arranged a tie-up with the local Western Union office, whereby station announcer the time at fifteen-minute intervals, crediting Western Union. In turn, girls manning the W. U. switchboard, answer all inquiries for the time, by saying, "It is 1 o'clock, tune in WGR-C." Local W. U. manager estimates there are about 1,500 calls a day coming in through his switchboard.

Forest Fire 'Forecast'

Hartford.
Connecticut State Forest Fire Service has ordered all tree wardens in the state to listen nightly to a forest fire forecast aired by WRBC. Is given at the conclusion of the 11 p.m. Eco News.

Forecast includes information on weather, condition of state forests, humidity, and other necessary data. Reports are supplied station by the United States Forest Department.

Dept. Store Sales Chats

Tulsa.
Brown-Dunkin Department Stores, Tulsa, Okla., on KVOO, Tulsa, for new series of morning programs 15 minutes at 10:15 a.m. For a customer from store are brought before the microphone to tell in "man-to-man" chats about store merchandise.

One Sineg to Another

To attract attention to a WWL brochure-dial, a page of stenographic shorthand was used as a prefatorial. It translated as a plea from Vince Callahan's secretary, Marion McCann, to the secretaries of other busy executives. Would the girls please see that the matter was shoved under the boss's schinor when he was mentally present?

Indoor Games for Kids

Harrisburg, Pa.
WHIP Junior Town games, introduced by Ed Smith, originates from the Victoria theatre, local film house, Saturday morning. Broadcast is sandwiched with action pictures and draws between 1,000 to 1,500 kids per session.

Program includes balloon-blowing and milk-drinking contests. There are also Wednesday and Friday afternoon programs of the same series with the kids taking part from 10:15 to 11:15 a.m.

KYA's Musical Booklet

San Francisco.
Booklet containing an entire month's programs for the nightly two-hour concert of recorded music aired over KYA, as well as a list of other outstanding programs for the month, and several articles on music, is being prepared by the station's music department under the title of "A Guide to Better Music." Major musical events in the city during the month are also mentioned.

Leading advertisers on the station get complimentary space in the booklet, which is the brain-child of station manager Roland Quinn. J. C. Myers is editor. Booklet is mailed monthly issues, copies of which are offered to listeners for ten cents and are also being sold at downtown newsstands. Announcements plugging the booklet are made during the "Evening Concert," as well as a similar morning broadcast.

Bureau of Missing Business

(This department is devoted to discussion of types of advertising that, for one reason or another, usually offer resistance to radio. Object of series is to stimulate thought and exchange of ideas. Persons within the trade are invited to express themselves, either on specific subjects brought up, or on related aspects overlooked or not covered.)

NO. 6—EARLY AND LATE HOURS

Station operators and reps are agreed that the outstanding advantage made in the spot broadcasting field during the past season has been the use of early and late hours to experienced advertisers. Both factions figure that they have pretty well annihilated the old antagonism toward buying the periods preceding 7:30 a.m. and following 11 p.m. by producing a series of unquestionable success stories.

What is regarded as the latest trend in this direction is General Mills spotting of a transcribed version of "Jack Armstrong" on KMOX, St. Louis, in 7:30 in the morning. It catches the kids just before they have for school. The food processor has not yet managed to develop a late for its breakfast brands. By furnishing something that will motivate the youngsters into getting up early, General Mills anticipates much good-will from among the mothers. If the KMOX execs attempt to click the account proposes to extend such disk placements to many other stations.

As for the late night stretch the broadcasters are making headway in convincing advertisers on the merits of capturing the consumer interest of college students by airing phonostencils in the containing word stencils of leading name bands between 11 and 1:30 p.m. Approach has been mainly from the radio operating in communities where there are several colleges, with a couple of manufacturers of records as seriously concerned giving the proposal a whirl.

Still another marginal segment which gives indication of panning gold is that which comes before 6 a.m. Saturdays. Data is being gathered by Broadcasters show that the average family in the small community buys one or more of its weekly groceries on Saturdays. Since most of the country's industrial plants are operating on a five-day-week this Saturday morning of the pay envelope at hand Friday nights and a survey has disclosed that as a rule the housewife is out Saturday morning doing the major part of her week's food shopping.

More on Dept. Stores

San Jose, Cal., May 9.
Six ginning radio news items originating in the window of the White House department store here and aired at three p.m. daily last week were sponsored by the store to celebrate its 72nd anniversary. Loudspeakers outside the window permitted onlookers to hear the broadcasts by Howard McCauley, who handled the program with the assistance of producer Gordon Brown. News dispatches were received in the window over a telephone teletype machine. A daily "special" was featured in the teletype news, also plugged in the commercial copy.

Department store managers from all parts of the United States witnessed a similar series of broadcasts in San Francisco during the recent "Radio Opera House" series, when Frisco staged a total of 50 programs in the window of the city's largest department store, The Emporium, on Market street. These programs, chiefly newscasts, were sustaining.

Helped Deaf Ailing

New York.

Editor, VARIETY: I think, deserves some credit for WOR landing the five-times-a-week, 52-week Metropolitan Life Insurance Co. show, "Stop, Look and Listen."

Robert Benson Resumes Yodel
Philadelphia, May 9.
Robert Benson, who a month ago quit as half of a piano-vocal team on WCAU to take a job as announcer on the station, gave up the new job this week. He's decided to get yodeling and has resumed his old spot with his partner, billed as Benson and Mart.

John Franklin, of WIP, succeeds Benson on the sub station. Allen Fort, of Chattanooga, will fill Benson's spot.

and Listen With Edwin C. Hill. Because it was Vantery's Bureau by way of first step leading to the contract.

As for "I'm concerned, Vantery's Bureau is one of the most constructive editorial features Vantery has sprung in quite some time."

This statement is probably weighted with a little bias. But what statement wouldn't—when prompted by the pressure of a good contract signed by a company whose name and program should add prestige to any station's list of accounts.
Joseph Creamer.

Prudential to Columbia

Prudential Life Insurance becomes a customer of CBS May 29 by way of a five-times-a-week series, "When a Girl's Married." It scheduled for 2:45 p.m. EDT.
Hookup will consist of 50 stations.

"TIME TO SHINE"

WITH

HAL KEMP

and his orchestra

THE SMOOTHIES

NAN AYNN

BOB ALLEN

SAXIE DOWELL

BOB TROUT in

"TAKEN FROM LIFE"

DAVID ROSS

ANNOUNCING

ED CASHMAN

BEST NEW

CBS NETWORK

EVERY TUESDAY

10 15 10 30 P. M.

PRESENTED BY

GRIFFIN SHOE POLISH

PRODUCED BY

BERMINGHAM CASTLEMAN

& PEARCE

IN SALT LAKE CITY

...start trade in beginning already. It's quick cash business. Make a better able to buy your products. Any you listen to the

POPULAR STATION

WOL

The Popular Station SALT LAKE CITY

WOL 1000 Kilocycles

NAT'L ADVERTISERS MOVE IN!

50% MORE USE WNEW IN 1938

Better than 50% more national advertisers used WNEW in 1938 than in 1937.

THERE IS A REASON:

By all independent surveys' WNEW ranks first in number of listeners of any New York non-network station.

NEW YORK

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY—1000 WATTS BY NIGHT
1250 KILOCYCLES

Spot Campaigns (New, Renewed or Pending)

McKoskey Airflex Mattress Co., through Emil Brizacher & Staff, has renewed through July 20 its weekly quarter-hour "Sleepy Time" with Archer Presley, reader, tenor George Nickson and organist Leslie Harvey on KFO, San Francisco.

Studebaker is renewing its three-a-week evening spot schedule for an additional 13 weeks through the Roche, Williams & Cunyansham agency, Chicago.

With 26 weeks of night-time spot on a three-a-week schedule, it rates as the fattest chunk of coin that has landed in the laps of the local stations here in a month of Sundays.

WCAB, Pittsburgh, New biz: **Caplu Cigars**, continuation of Sam Balter's *Inside of Sports* to June 10, through Ivey-Elington.

Grenson Bakeries station break five times weekly for four weeks through Campbell-Mithum.

Independent Wall-Paper Co., renewal of participation in *Morning Express* four times weekly for eight weeks.

Packard Berk Co., minute disc announcements twice weekly for four weeks, through W. S. Hill.

Washington State Apple Commission, 50-word announcements twice daily, five times weekly for two weeks, through J. Walter Thompson.

Sweetheart Soap has taken over sponsorship of three noon-time newscasts weekly (Monday, Wednesday, Friday) from Wlen Wines on WCAB, Pittsburgh. Other three periods have been renewed by Oswald-Hess Packing Co. Bob McKee does the spelling for both banks.

Premier Vacuum Cleaning Co. will sponsor "Air-Grains" on KDKA, Pittsburgh, three morning quarter-hours weekly for next 13 weeks.

Show features Dorothy Bushey and Pat Haley, who have been on sustaining for some time now, with Bernie Armstrong accompanying them at piano.

Look Magazine has signed for 48 participations in the Yankee Network News Service, four times weekly, starting May 8. Contract placed through Farrall & Co., Des Moines.

WABC, WCCB, WHTZ, WCAE, WFLB, WFEA, WATR, WNBH, WLNH, WRDQ, WCOU, and WHAL.

Borden's Milk set with KOIN-KAIZ, Portland, Ore., for 15 shows each week, all built around news.

Pullman Company is carrying 100-word announcements on "Boone County Caravan" on WSAI, Cincinnati, to May 30. Contract through Blackett-Sample-Hummert, Chicago.

Philo Radio Corp. through Thompson-Holmes, San Francisco, using 50 announcements on KSRO, Santa Rosa, Cal.

California Fruit Growers Exchange (pectin), through Lord & Thomas, Los Angeles, participating in Elma Latta Hackett's "Your Home" program three times weekly on KSFO, San Francisco, for 13 weeks. Mrs. Hackett's "Friendly Homemaker" program gets a weekly participation by Everkleen Manufacturing Co. (furniture cleaner), through L. C. Cole, San Francisco.

CBS Dividend Up

CBS has returned to its 1887 dividend level. The network's board of directors last Wednesday (31) declared a 5% dividend on the Class A and Class B stocks of \$2.50 par value, payable June 8 to stockholders of record May 26.

Dividend for the previous quarter was 25c. It was the same for the second quarter of 1938.

LOADINGS AT WXYZ

29 New Accounts on Bill of Laden During April

WXYZ, Detroit, May 9. WXYZ's new biz contracts during April hit an all-time record for station, total of 29 new accounts being added during the month.

Included were four new NBC contracts, 11 spots for local programs and the remaining 14 new spot campaigns. NBC biz includes General Mills, Quaker Oats, Westinghouse and Old Gold.

New local biz includes programs for Pfeiffer Brewery, Eckhardt & Becker Brewing Co., Associated Investment, Ford Motor (divestment), Cluett Peabody, General Baking, Lutheran Church, Saint Germain Press, Blue Ribbon Stationery, Unit and Liberal Credit Clothing, campaigns comprise Cuticura Soap (renewal), Michigan Consolidated Gas, Grocers Spotlight, Liberal Credit Clothing, J. L. Hudson Co., Koppitz Beer, Michigan Mutual Liability Co., Oldsmobile, Pringle Furniture, Peoples Outfitting Co., Washington State Apies, Kling's Beer and Smovae.

Russell Grey Calls 'Em

Philadelphia, May 9.

Russell Grey, dean of Philly agency men, gave rein to a yen of years standing last week by assigning himself as announcer on a new show which one of his clients is sponsoring on WFIL. He is also doing all the production on the unusual show, which is tagged "It's Restaurant Time."

Sponsored by Mrs. Smith's Press, program plugs all the restaurants in the city which use the b-r-r products. Featuring waxings of name bands, it runs across the board in an evening spot.

Grey is associated with the Richard A. Foley agency.

American Tobacco Co. (Rol-Tan cigars), through Lord & Thomas, New York, signed for seven night announcements weekly for 13 weeks on KSFO, San Francisco.

Lennen & Mitchell 'Open Minded' In Search for Woodbury Pattern

Add: New Lawyers

Washington, May 9. Dozen additional radio attorneys admitted last week to practice before the Federal Communications Commission, New batch includes:

George Davis Cary, Washington, D. C.; W. N. Cuddy, Anchorage, Alaska; Penton B. Culley, Jr., Evansville, Ind.; William H. Dietrich, Beardstown, Ill.; Emmet Glore, Missoula, Mont.; E. H. Hoeglund, Kansas City, Mo.; Hannibal N. Joyce, Martinsville, Va.; Emanuel Leaf, Philadelphia; Gilbert E. Moody, Tun-calf, Calif.; George A. Shives, Cincinnati; William J. Van Allen, Washington, D. C.

Seven-Up Bottling Co. (soft drink), through Allied Advertising, San Francisco, on KSRO, Santa Rosa, Cal., with 123 spot announcements.

Lennen & Mitchell is departing somewhat from its usual policy in picking a show for the quarter-hour spot it has contracted for in behalf of Woodbury Soap on CBS Friday nights (7-8-9), starting July 7. The agency is throwing the doors wide open to listen to all sorts of program ideas, preferably new.

Cholly Knickerbocker, Hearst's color columnists, had been under consideration, but this is now totally out.

Chuck Myers Re-elected

Portland, Ore., May 9. C. W. (Chuck) Myers, KOIN, was re-elected president of the Pacific district division of the National Association of Broadcasters at a meeting of the regional group last week.

Myers was formerly national president of the NAB.

For Men Who Want FACTS—Not FANCY

WLW vs. COMBINED DOMINANT LOCAL STATIONS

in 13 MARKETS

We submit an analysis of

Gone are the days when a station or network could make blithe claims about coverage. Today cautious buyers demand unbiased facts and figures. Today WLW presents such facts compiled by unquestionable, authoritative sources.

During the week of March 22 through March 28, 1939, Ross Federal Research Corporation, made 118,920 telephone calls, of which 78,793 calls were completed, in 12 cities: Columbus, Fort Wayne, Indianapolis, Louisville, Charleston, Dayton, Lexington, Muncie, Kokomo, Newark (Ohio), Springfield (Ohio) and Lima. In the 13th market, Cincinnati, out of 21,883 calls made by Alberta Burke Marketing and Research, 14,947 were completed.

Findings bring much food for thought, leading off with this important certainty: The average audience tuned to WLW from 8:30 A.M. to 10:30 P.M. Monday through Friday is 111.8% greater than, or 2.1 times that of the 10 dominant local stations serving these markets. The combined costs of these 10 dominant local stations is \$1,830 per hour, while that of WLW is \$1,080. Therefore, the cost of the local stations is 69.4% greater than that of WLW.

Since the dominant local stations collectively have an average of 22.8% of the audience listening to the radios in their respective markets and their combined costs amount to \$1,830 per hour, then on an identical cost per listener basis WLW's rate should be \$3,876 per hour, inasmuch as WLW's average audience is 48.3% of the sets in use in these same markets. (And this disparity is based on the unfactual assumption that WLW's coverage is confined to the city limits of these 13 cities!)

AND REMEMBER: These cost comparisons completely ignore WLW's almost absolute dominance in the small towns and rural areas.

IF YOU WOULD KNOW THE WHOLE STORY
PLEASE WRITE WLW, or TRANSAMERICAN
TELEVISION AND BROADCASTING, NEW YORK

ASK FOR "MORE FACTS AND FIGURES ON WHY I SHOULD BUY

THE NATION'S STATION"

See the Crosley Building at the New York World's Fair

IN
BALTIMORE
IT'S
WLW
RADIO
EDWARD PERLEY & CO.
ON THE NBC RED NETWORK

Canadian Pioneer Dies at 38

Ted Rogers, Manufacturer and Operator of CFRB, Toronto, Had Spectacular Success

Toronto, May 9. The man who placed on the world market the first commercial light socket radio receiving set and thereby made the battery radio obsolete except where no light current was available, Edward S. (Ted) Rogers died yesterday (8) in his 38th year, one of the founders of the Dominion's business leaders, he was president of Rogers-Majestic Corp. and owner-operator of Canada's most powerful private station, CFRB, Toronto. He had been ill only three days.

While attending high school here in 1911, Rogers first heard of radio. He immediately built a set with an electrolytic detector, changed it for a crystal detector when that discovery was announced, and continued experimenting.

After the Armistice, he became Canada's leading amateur. With the call letters 3BP, he went to the air in 1921 with a half-kilowatt spark transmitter. Reports came in of reception on the Coast from the remote west in those days. Sent to bleak Adrosian, Scotland, by a group of American amateurs to transmit Atlantic signals from this continent, Paul Godley sat in a tent before a receiving set tuned in on American. Godley heard young Rogers and his 3BP, Toronto.

Graduating from the School of Practical Science at the University of Toronto, Rogers went into the laboratories of the Independent Telephone Co. a subsidiary of the Canadian General Electric Corp. On a visit to an American laboratory, Rogers saw a small, experimental radio tube designed to operate from the customary 110-volt electric light circuit.

He was advised by engineers that it would be hopeless to develop this commercially. When Rogers returned to Toronto, he carried in his pocket the Canadian patent rights in the tube. A year of research followed. He experimented with varied arrangements of transformers, com-

Everything New but the
Shapely in Blue

**PAUL
WHITEMAN**

And His
**ALL-AMERICAN
BAND**

Time In "T. W. W."
CHECKERBOARD
PROGRAM
each
Week, 8:30 P.M.
D.S.S.

Exclusive
Rights
**ARTISTS
Management
Inc.**
17 E. 40th St.
N. Y. C.

Exclusive
Rights
**ARTISTS
Management
Inc.**
17 E. 40th St.
N. Y. C.

Exclusive
Rights
**ARTISTS
Management
Inc.**
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17 E. 40th St.
N. Y. C.

Exclusive
Rights
**ARTISTS
Management
Inc.**
17 E. 40th St.
N. Y. C.

deners and choirs. He finally found the right combination. In 1925 he put on the world market the first home radio to operate by household current. He was 24. Rogers-Majestic Corp. grew from that discovery. World patent rights in household variety, feature, drama, and overseas program divisions. From 3BP grew CFRB, Toronto, most powerful private station in the Dominion.

Rogers is survived by his widow, Velma; a son, Samuel, 6; his mother, Mrs. J. Rogers, and a brother, Elsworth Rogers, both of Toronto; a sister, Mrs. J. Garner of Chicago.

In Australia

Lotte Lehmann here for Australian Broadcasting Commission.

Air commentators going very easily with matter covering new European crisis. Wised by officials not to take lapses against British government.

Allen Doane may do a couple of Irish plays for the Australian Broadcasting Commission.

J. M. Bateman, English cartoonist, will give a series of lectures for Australian Broadcasting Commission.

2 K.Y. Sydney, to air the premiere of World's Circus. First time sawdust and spangles have gone over the commercial airway in this spot. Community singing still remains a top fare over both national and commercial.

German short-wave station now uses female announcer concert programs. Hits here strongly.

Doreen McKay, female announcer on 2-SM, Sydney, is on her way to the United States under conditions there. Will also take the Fair.

Peter Dawson nixed a concert tour for Australian Broadcasting Commission and is now set with Greater Union Theatres. Dawson will probably do some airings during visit.

General Electric's new short-wave tower from Treasure Island, San Francisco Bay, hits here at nice strength around 10:30 p.m. Carries a cooking news service and is gaining a lot of listeners.

Jan Rabin again for Albert-Doyle commercial chain.

Stuart Doyle is seeking additional six stations to hook with Commonwealth Broadcasters.

Technical Men Grouped

London, May 9. With the aim of coordinating technical methods, BBC is to establish a new department to centralize balance and control of London programs. Chief is Dr. F. W. Alexander, and his assistant is A. W. Partridge. They will consist of all technicians handling this work at present in various program departments together with the effects staff. Dept. will be split into five subdivisions, to serve music, music production, variety, feature, drama, and overseas program divisions.

'DON'T WORRY,' HOWE ASSURES MARITIMES

St. John, N. B., May 9. Privately owned stations in the area have been assured by C. D. Howe, Canadian Transport Minister, that CBS, Sackville, N. B., new Canadian Broadcasting Corp. outlet, will not prove serious competition to them. While on a local visit Howe said that CBA would cover only the rural areas of New Brunswick, Nova Scotia and Prince Edward Island, heretofore poorly serviced, and the non-CBC stations had nothing to fear about CBS cutting in on their income from local or national business.

Howe added that the programs which will be made of the culture classification and that the station would not be able to put on many local programs because of lack of funds.

Anti-Fascist Germans Broadcast in Mexico

Mexico City, May 9. Government radio stations XEFO and XEPU here are now on the League for German Culture in Mexico, composed of prominent teachers, business and professional men, an hour every Thursday evening for broadcasting a campaign against fascism.

Speakers include L. Vicente Lombardo Toledano, Mexico's labor boss.

Nashville DX'er's Sked

Nashville, May 9. WSM's new ultra high frequency affiliate, WXXZ, is now on a regular schedule of 35% hours a week. WXXZ operates on 28,150 kc (28.15 megacycles) with a power of 100 watts. It is licensed to experiment with short waves in local broadcast.

The shortwave was constructed by WSM engineers and its transmission is from the studios of Nashville's residential district.

Chris Mills has been designated by Canadian Broadcasting Corp. to cover procession of the King and Queen of England at the Montreal City Hall next week and will hop to Ottawa for similar assignment there.

Canadian Deal With P & G Vexes Indie Stations; See Selves Out-Smarted

Montreal, May 9. Private broadcasters have been worried by the implications of a deal which the Canadian Broadcasting

Co. has worked out for one of its regional stations with Procter & Gamble. The government will carry two installments of two series on a Sunday basis as well as the time for the other three weekly programs is underwritten. The non-CBC operators regard this arrangement as some form of underestimating and are wondering whether they will have to resort to similar means.

The two series which P & G has tied up for the CBS hook are "Vie de Famille" (Chipmunk) and "La Grande Vallée" (Ivory). The government will pay the entire cost of talent and lines for the sustaining phases of the series, and it is reported that CBC will even share the talent costs on the commercial programs, charging this to the French language budget allotted by Parliament.

Private broadcasters are talking about protesting to Premier King or Transport Minister Howe on the ground that public tax money is being used to undersell private stations which are themselves taxpayers. Private broadcasters declare that they have been completely disillusioned of the CBC commission's

London Calling

BBC has placed contracts with Marconi for two new transmitters to replace existing plant serving London and North regions at Brookmans Park and Moorfield Edge, arising from Montreux convention at which power limit for European medium waveband transmitters was upped to 120 kilowatts. Both stations currently operate on 70 kw, and the new equipment will allow output strength to 120 kw.

Both transmitters will go into commission in the Spring of 1949, when Montreux plan takes effect.

June 14 will bring into service two new BBC transmitters serving west of England. Stations are at Start Point and Clevedon, and will replace the low power plant at Start Point and Bournemouth, both latter going out of commission on that date.

"Me and My Girl," including the famous "Lambeth Walk," telecast from Victoria Palace; entire second hour of twice-nightly show was put over.

Geoffrey Gibley, well known racing journalist, will do a series of weekly hour long programs as commentator on sporting subjects for Radio Normandy commencing May 10.

Edith Day's first appearance in a BBC music production program will be as the "Sane-Gene" in "The Duchess of Danzig."

Erwin Waszy & Co. has placed contract with BBC for another year of Radio Normandy service for Fairy Soap.

Gaumont-British dickerling with Lawton Association for permit to put international championships at Wimbledon on their theatre video screens.

WMCA, New York, cuffd deal for an exchange of broadcasts with Normandy begins with a weekly program "Orchestra" (house staff at WMCA) and the first Normandy program will be "Old English" (house phone), dramatizing a traditional English scene.

Freestone Corn Remover, which started on Radio Normandy in 1936, has been authorized C. Mitchell & Co. to renew for another year.

Tessanelli's arrival in London to conduct BBC series of Beethoven concerts was most unorthodox; departing from the train at Waterloo station, he was knocked down and trampled on by fans who had assembled to welcome—Spencer Tracy!

Charlie Coburn replaces Syd Walker in first three programs of BBC "Roundabout" series, on account of Walker being held up by picture work.

Established Writers Ignore CBC Contest
Toronto, May 9. First winner of the radio-playlet competition of Canadian Broadcasting Co. is Noel Watts, a writer who snafus the \$250 prize for his half-hour drama, "Hang the Poets at Dawn."
Winners are all unknowns. Established writers refused to nibble at the bait. Marjorie Jordan, Bradford, Ontario, took the \$150 second prize for her "The Doctor's Wife."
E. G. Archibald, Timmins, Ont., took third place for \$100 with "White Ascent." Fourth prize of \$50 went to "The Last of the Viceroy's," written by Ruthern of London, Ontario, for their "Some Must Watch."

Contest will be produced and presented over the CBC national network next fall.

Alien Newscasts

Prompt Revision Of BBC Schedule

London, May 9. Use of BBC transmitters for government purposes is causing reorganization of late evening entertainment programs throughout summer months. Five wavelengths are needed for broadcasting news in French and German for continental listeners, and between 10 and 10:45 p.m. nightly all main regional transmitters are linked for this purpose so as to ensure output reaches most parts of Europe. Home listeners are served only by the national network and there is no alternative listening beyond what BBC selects for that period.

One effect is that late night dance music which has for years been available between 10:30 p.m. and midnight, is heavily curtailed, with varied programs of dramatic material, readings, talks and serious music getting a showing. These have always been there, but long-distance there was always rhythm on the regional wavelengths for the folks with frivolous tastes.

One reason for switch is annual changeover to summer time in U.K. which became effective this week. During winter and spring foreign language news was broadcast in early evening spots, but long-distance reception of medium-wave transmissions requires darkness as an aid so these programs have been rearranged for a late session when that condition applies.

Miss Trent's Kids Spread

Montreal, May 9. "Miss Trent's Children," dramatic situation on CBC, written by Joseph E. MacDonnell of the J. Walter Thompson Agency, is to be spotted over the western net of the NBC. Program will go to NBC as an exchange feature.

TO COVER GREAT BRITAIN
YOU MUST USE
**RADIO
NORMANDY**
Full Particulars of Air Time &
Rates on Request
INTERNATIONAL
BROADCASTING
COMPANY LTD.
FLORHAM PARK
JERSEY, ENGLAND

"Program is worthy of sponsorship"—Ackerman, Billboard.

"DON'T FORGET"
ALLEN PRESCOTT
Fridays, 8:30-9 P.M., WIZ

JOSEPH RINES
And His
ORCHESTRA

Hotel St. Regis
Viennese Roof
2nd Consecutive Year
NBC—THIRCE WEEKLY
WM. MORRIS AGENCY

WBAL
means business
in Baltimore

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
MET. EGF WOLF-RKO BLDG. NEW YORK CITY

Inside Stuff—Radio

Warner Bros. will not withdraw entirely from its interest in Associated Music Publishers and the latter's two affiliates, Muzak and Associated Recorded Library Service. However, it may lose control of the trio through the issuance of AMP treasury stock. WB holds 51% of AMP common. AMP needs money which Warners is loath to put up and which will probably force AMP to bring forth the treasury shares. When and if that course is taken and WB does not acquire the stock on sale or a portion of it, its holdings will fall below the controlling 51%.

WB Warners is the deal with North American Corp. which gave it control of AMP it cost WB nothing more than \$50,000 which was advanced for remodeling Associated Record's studios. Sale called for a price of \$50,000, which was to be paid out of operations. Warners could not pay for the buyup of the trio via installments of 10% of whatever profits there were. Papers contained a proviso that WB could take the entire setup before April 1, 1941, without objection. North American retained ownership of all preferred stock which dominated the physical assets of the three affiliates.

In the event the aforementioned block of treasury stock is brought forth, either North American or Redifusion, Ltd., an English firm now holding shares in AMP, will bid for them. Would probably distribute control between the two organizations, depending on how much of the stock was acquired by each. Whichever of the two gain control, or if it's evenly distributed, it will not disturb Warners' holdings. Latter is on record as saying it will not withdraw.

Nan Wynn, Columbia Broadcasting sustaining singer and Vocalion recording artist, went on the Griffin Time and Shine show last week (Tuesday) and immediately thereafter was signed for a 13-week stretch. First airing was in the nature of an audition and later was logged as part of the 13 stanzas.

An arrangement is being worked out whereby Miss Wynn will sing with Knop's band at the Waldorf-Astoria hotel, N. Y. City. She will go on the road for college and one-night dates with the band starting June 3 at Mercersburg Academy, Mercersburg, Pa. Kemp's regular vocalist, Maxine Gray, is still with him, but may leave to go to the Coast. Kemp will broadcast from the road when he goes out.

Time mag called Miss Wynn a colored chanteuse last week, but will square it in this week's issue.

R. A. Wilkinson, director of public relations of Benton & Bowles agency, last week sent out the following official release signed by executive William B. Benton:

"After a bout with pneumonia I returned to New York to be asked by friends who might know better whether I am about to re-enter the agency business.

"1. I do not ever expect to go back into the agency business or any other business.

"2. If I did I would naturally rejoin my old partners, Chester Bowles and Atherton Hobler at Benton & Bowles."

Arrangements have been made by WNEW, N. Y., to carry two baseball games a day on Thursday and Friday of each week when both the Newark Bears and Jersey City Giants are playing at home. Teams are sponsored by General Mills and Atlantic Refining.

Alternating arrangement now holding true, which airs each team every two days, will also be applied in the doubling. One will be aired in the afternoon one day and at night the next. Teams had to rearrange schedules slightly in order to make it work. Starts first week in June. Earl Harper will call both games.

"Musical Steelmakers," the weekly (Sunday) house program of Wheeling Steel Co. over Mutual, now has its own publication, Radio News. It's a weekly mimeographed sheet, of two, three or four pages, containing personal trivia, chit-chat and generally puffish remarks about the program. Since it's obviously aimed to boost morale, it's all couched in folksy, house-organ style. Written by John L. Grimes, advertising manager of the company and godfather of the program.

Emulating Fred Waring as musician-inventor, orchestra leader Dick Aursand, of KSTO, San Francisco, has invented a mechanical butter slicer which is said to have commercial possibilities for both homes and restaurants. Press a lever and out pops a slice of butter. Aursand is now simplifying its operation by installing an electric eye in the gadget so that the user will merely have to pass a hand under the apparatus instead of pressing the lever.

Hildegarde stopped the annual Harvard freshman smoker in historic Sanders theatre last week for 55 minutes, after which she was presented with honorary degree of "Doctor of Charm" before 700 excited students. Also on the program were Albert Ammons, boogie-woogie pianist; Roy Eldridge, trumpeter; Ella Fitzgerald and Jack Hill band.

With last month's gross billings CBS took the leadership away from the NBC red (WZL) link. Latter had for 11 months consistently run ahead of Columbia. April gross for the red was \$2,731,133, while Columbia reported \$2,854,028. The blue (WZL) link this time figured for \$2,629,851.

John L. Clark, head of the Transamerica Broadcasting & Television Corp., left hurriedly Monday (9) for his farm homestead 20 miles outside of Richmond, Va., on hearing that his father had suffered a serious stroke. Latter is 58 years old.

Sears Roebuck Renews

Dallas, May 9.

Grandma Beale's Story, 15-minute morning serial on WFAA, drew renewal from Sears Roebuck. Kenneth Spensel handled deal for Blackett-Sample-Hummert, Chicago; Luther Jordan for the mail order house's Dallas office, and R. C. Marley for the firm's radio advertising department. Spensel said blind questionnaire to 2,000 preferred customers showed 82% followed story every day. Aline Ballard writes script.

Special OK to Beer Sponsor of Baseball

One Commercial Before, One After Games Not Enough, C.B.C. Admits

Montreal, May 9.

J. Walter Thompson Agency, it is reported, has been granted special permission by the Canadian Broadcasting Corp. to insert plug for Black Horse Ale every half hour in the baseball game program sponsored by National Breweries over station CHLP.

Under current regulations beer-sponsored programs are allowed mention of sponsor only at the beginning and at the close of show. Due to the time involved in baseball comment, running two hours or longer, concession was allowed in order that sponsor should not be forgotten by listeners.

Concurrently!

PARAMOUNT
Theatre
RICHARD HIMBER

PARADISE
Restaurant
RICHARD HIMBER

REID'S
Ice Cream
RICHARD HIMBER

STUDEBAKER
Transcriptions
RICHARD HIMBER

FIRST IN DETROIT

Every audience survey ever made in the Detroit Market shows that WWJ is first in listener interest.

WWJ

Owned and Operated by
The Detroit News
"Variety" Showmanship Award, 1938
Radio Red Network Station
Represented Nationally by
Geo. F. Hollingsberry Co.
New York Chicago Detroit
Kansas City San Francisco Atlanta

WFBZ-Preakness-Amoco Still a Threesome

Baltimore, May 9.

The Preakness, classic turf event to be run at Pimlico, Sat. (13), will again be fed this year to the NBC Red network by WFBZ, which has an exclusive on the broadcasting rights to the famous race.

American Oil through Joseph Katz Advertising Agency, will sponsor as in previous years.

KSD Loses Petition

St. Louis, May 9.

FCC last week in an oral decision temporarily nixed application of KSD for permission to operate on an unlimited basis on 630. The station now operates on 350 and shares time with KFTO, owned by Lutheran Synod of Missouri.

A hearing has been set for June 20 on the application of KXOK for permission to use 630 ribbon now held by WGBF, Evansville, Ill.

Joe Weber Demands Archer Explain Questionnaire to Ballroom Owners

American Federation of Musicians is considering putting the members of the Iowa Ballroom Owners' Association on the unfair list as the result of a questionnaire sent out by TOM Archer, the association's president and the alleged attempt of the IBOA to fix prices for band employment. Joseph M. Weber, AFM president yesterday (Tuesday) said that he has queried Archer about the intent questionnaire and that a satisfactory explanation was not forthcoming so he would move to keep name or traveling bands out of Iowa and also put IBOA's members on the federation's unfair list.

Weber stated that the association is not only trying to find out what its members pay bands but what the leaders themselves are paying their men. The IBOA is also accused by Weber of attempting to force orchestra leaders to pay the security taxes for their men, even though they have been no 50 decisions throughout the country holding that the band's employer must assume this obligation.

Ben Bernie Talks Tent Show at Fair; Wants Straight Salary

Ben Bernie huddled with Grover Whalen and John Kohn, N. Y. World's Fair executives, on the idea of a big 5,000-capacity tent at pop prices, for the fair's maestro could do a mass turnover bid.

Waxed by adverse price publicity and the steep reduction in ticket sales, Whalen now wants to go to the other extreme of cheap prices. Bernie says OK, but instead of he and Joie Co. Stein, of Music Corp. of America, putting up all the investment as a private venture, he would like the fair to run it and he'll work on a \$5,000 straight guarantee. That was his bid at the Chicago Fair where Whalen and Kohn recall his big gross, capitalizing on his radio rep, greeting the farmers, autographing, etc.

SQUARE DANCES IN CITY OF 3,000,000

Chicago, May 9. Having plugged barn dances these many years, WLS is finally actually staging real square dance parties. Series of old-time dances was started by WLS last week at the White City Ballroom on the southside, and now WLS is seeking other spots in which to stage the barn frolics.

Guy Colby, caller on the Saturday WLS barn dance program, is calling the dances at the ballroom, while the dancemanship is being tossed by the Hayfork Fiddlers, a WLS aggregation.

However, the orchestra serves up some modern dance tunes for the youngsters who want a little shagging.

Fife for Onétida Dance Hall
Albany, N. Y., May 9. Russell's Dancehall, Albany, has been chartered to conduct a theatrical and dance ball evening in Onétida, N. Y., a capital city of some 3,000, \$100 par value. Directors are: William T. MacNett, Eva W. Zophy, Onétida, and Alexander L. Saul, Syracuse.

Song Suggestions JIMMY MCHUGH'S "DICA DIGA DO"

MILLS MUGO

Anti-Lynch Propaganda In Swingtime, on a Disc

Propaganda in swingtime will be related next week on record cut by Billie Holiday for Commodore Music Shops of New York. Tagged "Strange Fruit," the platter is a musical anti-lynching campaign, voiced pointedly objecting to southern racism. It was cut two weeks ago. Miss Holiday getting special permission from Vocalion, where she's contracted for the disc. Formerly associated with Aristic Shaw, the singer is now at Cafe Society, N. Y.

Number was written by Harold J. Rome and Lewis Allen around a poem scribbled by the latter, Frankie Newton's band accompanied Miss Holiday.

BILL MORRIS SPONSORS FAIR DATE FOR DUKE

On either June 3 or June 11 Duke Ellington's orchestra will give a concert in the Hall of the World's Fair, sponsored by William Morris, Jr., of the Morris Agency, 110 Madison Ave., New York. Duke is en route home from Europe where he played a string of 30 concerts. It was Morris who introduced Ellington to the fair.

Ellington is scheduled for one-nighters and a week at Loew's State, N. Y., opening May 23, before the fair date.

Decca Details Revealed

Washington, May 9. Bookkeeping transaction by which Decca Records stock actually controlled by Warner Bros. was shifted in March from Herman Slaty to Brunswick Radio was revealed last week in regular Securities and Exchange Commission summary along with transaction by and the date of the record concern.

Routine report stated Star-Underwood, owner of Decca company, has under no consideration. Additional backswell the holdings in Brunswick's name to \$879. At the same time the SEC revealed Harold I. Thorp of World Picked up 100 shares while Lawrence M. Marks & Co. in which Thorp is interested, including its remaining 300 tickets.

Music Notes

Frank Waxman scoring Metro's "Lady of the Tropics."

Aaron Gossing, head the music score for "Panama Girl" at RKO.

Ralph Freed and Burton Lane singing songs for Republic's "Birds of 1939."

Ray Webb doing musical score for "Little Mother" at RKO.

Victor Young doing musical score for "Geronimo" at Paramount.

T. Devine's Rural Hoofery

Indianapolis, May 9. Tom Devine, operator of the Indiana Ballroom here, has joined forces with Harry E. Page, former proprietor of the Fairview Hotel, Lake Maslin, Rochester, Ind., to reconstitute and reopen the Colonial Hotel in the latter spot. It burned earlier in 1938.

Plans now under consideration will open the resort for dancing on May 27, with the hotel to be ready for occupancy about the middle of June. Dance pavilion will have, in addition, orchestral playing every night, with name bands booked in for week-ends.

Band Bookings

Kay Kyser, Valley Dale, Columbus, May 14; U. of Kansas, Lawrence, 16; broadcast, Kansas City, 17; Catalina Island, May 20, four weeks; then four weeks of one-nighters on Coast.

Hal Kemp, Macerberg Academy, June 2; William and Mary College, Williamsburg, Va.; 3; two weeks college proms; Cavalier Va. Beach, Va., 14, 17, 19 week.

Gray Gordon, Lyric theatre, Ind., week June 12; June 18, Zaneville, 19; Dayton, 21; Detroit, 22; Kane, Pa.; 23; Pitt, 24; Gallatin, Pa.; 28; White Plains, N. Y.; 27; reopens Edison hotel, N. Y.

Bob Millar, Hollenden hotel, Cleveland, May 15.

Casa Loma, Palmer House, Chicago, one week, May 18.

Joe Venturi, May 20, Oklahoma City, May 23, Tulsa.

Woody Herman, May 26, Cornell U., Ithaca, N. Y.

Clarence Hopson, June 12, Rocky Mount, N. Carolina.

Frankie Trumbauer, May 27, four weeks at Casino, Park Hotel, New York.

Frank Daily, May 17, 17, Iowa City, Fort Wayne, Ind.

Red Taylor, June 2, Turnpike City, Lincoln; 3, Frog Hop, St. Joseph, Mo.; 4, Skyline B., Sioux Falls, S. D.; 5, Sioux Falls, S. D.; 6, Truman B., Des Moines.

Freddie Fisher's Schmickelitzers, June 4, Clemons Hotel, Chicago; 5, Riverside B., Green Bay, Wis.; June 11, Recreational Bldg., Virginia.

Walter Searcy of 10-17, Baker Park, Rapid City, S. D.

Will Osborne, June 10, N. Y. Caroling and Harmon College, New York.

William and Lee U. Lux, Va.; 17; Truman B., Des Moines; 19, Arkola B., Sioux Falls, S. D.

Dick Barrie, May 19, two weeks, Lakewood Casino, Fort Worth.

PHIL SPITALNY SHOWCASING IN CHICAGO

When Phil Spitalny and his all-female band open May 28 at the Hotel Drake, Chicago, it will be more than for the purpose of a four-week engagement. Back of the booking is a showcase idea, as the maestro has several radio sponsors interested.

For the Drake it represents the largest band personnel ever spotted there, numbering 37 musicians.

Spitalny's largest dance band was at the Hotel St. Albans in Baltimore, N. Y., with 27 girls commencing last Thanksgiving week.

Ayers Lamarri Joins Joe Glaser Dance List

Formerly handling colored bands exclusively, Joe Glaser has his first white outfit. It's the Ayers Lamarri crew from New Orleans and was immediately booked by Glaser into Charlie Shribman's State Ballroom, Boston. Band opened last week and is being held over. Signing is the first effect of Bob Sander's entry into the Glaser office. He was once head of CRA in Dallas. Lamarri is a former CRA band.

Glaser recently negotiated an exclusive booking contract with the Grand Terrace, Chicago.

Al Roth orchestra and a Cuban outfit taken to the Glaser office, led by Druza Costello and Raphael Porty. Roth recently resigned from N. Y., when it reopened.

Kay Kyser plays a special hop created by students at U. of Kansas, Lawrence, May 18, because he was unavailable for their annual prom late this month.

15 Best Sheet Music Sellers

(Week ending May 6, 1939)

Little Sir Echo	BVC
Three Little Fishies	Santyl
Heaven Can Wait	Remini
Our Love	Chappell
Little Skipper	Chappell
Beer Barrel Polka	Chappell
'Whishing' (Love Affair)	Crawford
Deep Purple	Robbins
East Side of Heaven (East Side of Heaven)	Shapiro
God Bless America	Berlin
I'm Building a Rainbow of Dreams	Shapiro
Masquerade Is Over	Crawford
Penny Serenade	Shapiro
I Didn't Care	Chappell

* Indicates film/song.

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) compiled for the week from Monday through Sunday (May 1-7). Total represents accumulated performances on the two major 8 a.m. to 1 a.m. Symol * denotes film song, t, legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
And the Angels Sing	BVC	46
Heaven Can Wait	Chappell	36
Don't Worry 'Bout Me	Chappell	32
My Love with a View	Mills	31
I'm Building a Rainbow of Dreams	Shapiro	30
Little Skipper	Chappell	29
Sing Song of Sunbeams	*East Side of Heaven	29
Three Little Fishies	Santyl	28
My Love with a View	Wittmark	27
Strange Enchantment	*Man About Town	25
Waltz Me to the Stars	Famous	25
Masquerade Is Over	Crawford	21
My Love with a View	Mark	21
Whishing	*Love Affair	21
Deep Purple	Robbins	20
My Love with a View	*Rose of	20
I Never Knew Heaven Could Speak	Robbins	20
Washington Square	Robbins	20
Little Sir Echo	BVC	20
New Moon and an Old Serenade	Berlin	20
My Love with a View	Robbins	20
Moon Is a Silver Dollar	Famous	20
My Love with a View	Robbins	19
That Sentimental Sandwich	*Man About Town	17
My Love with a View	Robbins	17
How Warm It Is the Weather	Santyl	16
I Cried for You	Miller	16
My Love with a View	Robbins	16
That Sentimental Sandwich	*East Side of Heaven	15
My Love with a View	Robbins	15
Class Will Tell	BVC	14
Whishing in the Willowood	Olman	14
My Love with a View	Berlin	13
Gotta Get Some Shuteye	Berlin	13
My Love with a View	Robbins	13
I Get Along Without You Very Well	Famous	13
I Didn't Care	Chappell	13
It's Never Too Late	Berlin	13
Chestnut Tree	Shapiro	12
My Love with a View	Robbins	12
Romance Runs in the Family	Ager	12
My Love with a View	Robbins	12
It's Easy to Blame the Weather	Miller	12
Honolulu	BVC	11
My Love with a View	Robbins	11
Blue Evening	Miller	11
Quackie in the Clouds	Robbins	11
Funny Old Hills	*Paris Honeycomb	10
My Love with a View	Robbins	10
Happy About Whole Thing	*Naughty But Nice	10
I Had My Way	Paul-Pioneer	10
My Love with a View	Robbins	10
My Love with a View	Famous	10
My Love with a View	Robbins	10
My Love with a View	Robbins	10
My Love with a View	Robbins	10

On the Upbeat

Joe Seligman to open William Penn Hotel, Union Reef, Pittsburgh, May 28, with Ben Berni and his orchestra for Cavalier hotel, Virginia Beach, after four-month run in Pitt. spot. Both placed by MCA.

Billie Tates back in Pittsburgh after an engagement at El Tivoli, Dallas, Tex., with Ben Berni and his orchestra for Cavalier hotel, Virginia Beach, after four-month run in Pitt. spot. Both placed by MCA.

Herman Middleman, former Pittsburgh band leader, has opened an orchestra-conducting office in that city. He has gone with brother-in-law Jackie Brown's new band, but latter is leaving out Baker for a spot in Lew Brown's coming musical, "Yokel Boy."

Berni Elliott staff outfit at station (Continued on page 45)

NEAL BUCKLEY LEAVES BESTOR AFTER DECADE

Pittsburgh, May 9. Neal Buckley, for almost 10 years a singer with Don Bestor's band, has left that outfit to go into radio work here. He's been added to the KDKA staff and will make his debut as a solo artist there on new half-hour Thursday night variety show. At same time, Buckley is also organizing a band of his own, taking over the old Val Garvin outfit for possible dance gigs in this district.

KDKA program on which Buckley is singing from here has Maurice Spitalny's staff band, Dorothy Jane Ross and blackface team of "Sugarfoot and Rufus" (Bob Padgett and Jack Bell). Padgett is a brother of Pat Padgett (Pick and Pat).

L. Wolfe Gibbert is publishing the song of his own, taking over the old Val Garvin outfit for possible dance gigs in this district.

GORDON AND REVEL'S NEWEST SONG HIT

THE NEW FAME OF THE ROAD SPEAK

From the 20th Century-Fox Picture "Rose of Washington Square"

ROBBINS MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

[illegible]

BARBARA STANWYCK says "Want Romance? Then be careful about COSMETIC SKIN"

I USE COSMETICS
BUT I REMOVE THEM
THOROUGHLY WITH
LUX TOILET SOAP'S
ACTIVE LATHER

TO PASS THE LOVE TEST, skin must be smooth and soft. The eyes of love look close—and *linger*—would note the tiniest flaw. Clever girls use Lux Toilet Soap!

This gentle soap has **ACTIVE** lather that removes stale cosmetics, dust and dirt *thoroughly*. It's so foolish to risk the *choked pores* that cause *Cosmetic Skin*: dullness, tiny blemishes, enlarged pores! Lux Toilet Soap helps keep skin soft—smooth—*appealing*.

Sue takes
this tip...has skin
that passes the

LOVE
TEST

I DON'T WANT **COSMETIC**
SKIN TO SPOIL MY LOOKS
SO I TAKE THE SCREEN
STARS' ADVICE.
LUX TOILET SOAP
HELPS KEEP SKIN
SOFT AND SMOOTH

See **BARBARA STANWYCK**
in the
PARAMOUNT PRODUCTION
"UNION PACIFIC"
Now Showing Locally



9 out of 10 Screen Stars use Lux Toilet Soap

MOVING PICTURES POOL CLOSED

Patterson Vice Odium as RKO Board Chairman

Richard C. Patterson, 37, former assistant U. S. Secretary of Commerce, who succeeded Floyd B. Odium as chairman of the Board of RKO yesterday (Tuesday) declared, "I know Mr. Patterson very well, and he is well qualified from a point of view of experience, and I shall approve his nomination unless my connections should prove him to have no right to represent the company."

"Odium, president of the Atlas Corp., proponents of the plan of reorganization of RKO, had been selected as chairman, but due to pressing business was unable to serve."

Patterson, his successor, has just resigned as assistant Secretary of Commerce, and told among his qualifications the fact that he was a former member of the Monopoly committee, a director of the Export-Import Bank, executive vice-president and director of the National Trust Building Co., from 1932-1936; Commissioner of Correction of N. Y. City from 1927-1932, engineer with duPont, a bank trustee, and offered the N. Y. mayoralty nomination on the Fusion ticket in 1932, which he declined.

N. Peter Rathvon will serve as chairman of the executive committee of RKO, and both will act as guides to George J. Schaefer in the operation and management of the company.

At the close of the hearing, H. C. Rickard, representing Atlas, declared that the reorganization agreement would be forthcoming on consummation. This will probably be in July. Next hearing date on any unfinished business that may arise was set for July 6.

L. K. SIDNEY PRODUCER ON METRO'S TOLLIES

Hollywood, May 16. L. K. Sidney, in charge of Metro's studio, was named producer of the "Ziegfeld Tollies" in a surprise move by studio execs. Several producers on the lot had figured to handle the picture after William Anthony McGuire checked out. Sidney has had experience in every phase of the show business over a period of 25 years. He came from Hollywood to handle the studio's "Good News" series show. This is his first film production. Picture is slated to roll early in July.

WANGER'S POST

Chairman of Dermalmost's Annual Drama Festival.

Walter Wanger has been named chairman of the advisory committee planning the annual drama festival at Dartmouth College. He will be active in an effort to work out special features for budgeting the project.

Festival, which may open during the summer of 1940, will be directed by the Dramatists Guild and will give the \$1,000,000 theatre and workshop to be erected on the campus at Hanover, N. H. One of the prime matters to be worked out is arranging to bring audiences to the remote location and handle them. Hotels and resorts in the vicinity are cooperating.

Charnas' Bowling Alleys

Hollywood, May 16. Harry Charnas has ended a long association with Warner Bros. and will operate a 50-ally Bowling center at the old Warner Sunset Blvd. He formerly operated the Strand and Criterion in New York. He's a brother-in-law of the Warners.

'IT'S NONE OF YOUR BUSINESS'

VARIETY last week published a detailed analysis, based on exhibitor data, of the film product released during the first 8½ months of the 1938-39 season. Among the articles reactions to the story at least one point seems to call for an editorial answer. That is the startling thought put forward by one annoyed executive that an analysis of this kind, or the subject itself, was, to quote him, 'none of VARIETY's business.'

VARIETY's business for a third-of-a-century has been to comment upon, interpret, analyze and otherwise seek to contribute light and understanding to trade matters in all their manifold and overlapping phases. VARIETY's readers, including exhibitors and film bookers, do not, we feel confident, share the idea that an analysis of film releases, carried through with all possible objectivity, is a violation of anybody's privacy. The whole conception that specific showmanship is not a subject to review is a throw-back to old-school legit producers who often sought to intimidate critics and penalize a free press. Such a thought has not been openly expressed in the film biz since the days of 'the trust.'

Because VARIETY views the approaching new releasing year, starting in September, as a period in which the producing forces will be called upon to exert their creative ingenuity to the utmost, it grasps the opportunity to hold up the mirror to the passing show, hopeful that a summary will serve a useful purpose. The mere listing of current film attractions of tested boxes and pull, as reflected on receipts printed weekly in VARIETY, is information to the production forces, which means Hollywood, whether the studios care to make use of the information or not.

It is information of equal value to the exploitation and advertising departments, which, next to production, occupy in the present state of the industry the second most important field of endeavor. Examination of the film lists reveals scores of attractions on the borderline of healthy boxoffice profit, indicating that extra salesmanship by exhibitors, sponsored and encouraged by the publicity forces of the majors, might easily have pushed them to higher receipts. Lack of that united common effort might be found in the presently applied advertising formula (introduced by some of the high-powered advertising agencies) of boosting a film at its first runs and leaving it alone thereafter to sink or swim in the succeeding 12 months it is playing out its contracts.

Importance of impressive first-run introduction cannot be overvalued. The new routine, however, is to focus a campaign on a single week's or month's issue of national magazines, and, never again mention the title except in whispers.

In advertising and showmanship there never has been found a substitute for individual theatre exploitation, and the 15c. admission at the smallest theatre is as important as the first run dollar.

It is information that is available as a 'guide' or index, for the exhibitor who, once a year, obligates himself by license agreements to a volume of forthcoming films, only a few of which are produced at the time he puts his name on a contract. Once signed, the agreement binds him, and properly so, and he must carry out its provisions by accepting playdates as assigned and rental percentages as allocated.

The fact that the more liberal cancellation provisions, as outlined in the tentative trade practice agreement, may be in force during the course of the new season, does not lessen the importance of careful buying by the exhibitor, of which this newspaper numbers thousands among its readers. He is seeking strong at-

tractions for his public—not a surplus supply of films he may cancel out and leave in the film exchange vaults under the proposed 20%, 15% and 10% cancellation provisions, based upon his average film rentals.

It may be that the survey is of least value or interest to the different sales organizations, none of whom have proved themselves stronger or weaker than the product they handle, and few of whom have the slightest influence one way or another on the quality of the product shipped weekly from their respective Hollywood studios. That the distribution organizations haven't more to say about the story material, star casting and general showmanship ingredients in films just happens to be one of the weakest links in the entire film industry structure. It is one of the reasons, also, why Hollywood gets tangled up in story cycles and keeps running on a certain type of screen fiction months after the public has lost interest in the mode. Some distributor chiefs, who are courageously in New York to seem to lose their voices when they get to Hollywood.

There is nothing mysterious about producing motion pictures, or any open secret known only to a few gifted individuals. Human beings have written and acted in dramas since the earliest miracle plays. The wonder marvel of films is in the mechanical invention of the camera, sprocketed film and projector, and the synchronous fusion of photography with electrical sound recording and reproducing. There are probably not a dozen production executives in Hollywood who are mechanically educated to the point where they could develop a foot of film. They don't have to be. The surest way to know a good screen script from a bad one, and the record shows that the guessing during the current season has been uneven, and some valuable marquee names have been wasted on poor drama, Broadway musicals and unfunny comedy. For these and other reasons, it is not surprising that errors in production judgment (which might be rectified by closer cooperation with distribution) the exhibitors of the country have paid the bill, and the public has learned to shop discriminately for its entertainment.

The approaching season presents also certain trade problems, the solution of which does not lie solely in making good pictures. First in this category is the all important matter of sustaining public good-will, and second, in maintaining film attendance as a national habit against an increasing horde of competition opposition and self-made hurdles of bad marketing, of which double-billing, free dishes, gambling games and lotteries are a few.

It is anticipated, for instance, that 34,000,000 people, mostly Americans, will visit the New York World's Fair this summer, but the film industry is conspicuously absent as one of the giant industrial hosts to greet this great throng and then send them back home with some cheering, inspiring and friendly message. Maybe it isn't important. Perhaps films are so much a part of American life that it isn't necessary to cultivate the good-will of present customers and make new ones.

This is just mentioned in passing because of the good-will benefits of the fair exhibits such as accurately compiled statistics on automobiles, radio and television are depending upon. These happen to be organized competitors of films, the last named emerging soon from the potential status.

It is very much the business of VARIETY to record, observe and draw conclusions from such accurately compiled statistics possible within the resources of newspaper reporting.

Any oracular complex is denied. The facts must speak for themselves.

N.Y. ALLIED, OKLA. INDIES VETO IDEA

New York Group Visualizes Abuse of Power Through Such Massing of Resources—Allied Convention June 13-15 Will Foster Idea

OKLA. ORGANIZES

Any buying pool of the independents throughout the country, reported fostered by members of Allied States Assn., will be opposed by at least one of its state units, Allied Theatre Owners of New York, and, it is predicted, probably by others due to the dangers involved. The position of N. Y. Allied, headed by Oscar Brown, is that such a pool should be made clear at the convention of this body at its three-day convention in N. Y. starting Tuesday (23) at which the question of self-regulation, the trade practices platform and other matters will come up for discussion.

Reports are that indie exhibitors members of Allied are circulating a petition calling for a buying combination of 2,500 houses and will seek action in that connection at the national convention of Allied States, headed by Col. H. A. Cole, in Minneapolis (Wednesday), where the matter is expected to be a hot one. It is stated that many of the exhibitors are of as many as 2,500 theatres can be (Continued on page 18)

LOUIS B. MAYER'S PH.D. TODAY (WEDNESDAY)

Louis B. Mayer, accompanied by Howard Strickling, goes from St. John, N. B., to Fredericktown, N. B., today (Wednesday), where he will receive a Doctor of Philosophy Degree upon him.

His brother, Jerry Mayer, came on from Hollywood to be present at the ceremonies. They then return to New York for about a week and depart for Hollywood, where they are due May 25.

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2-Day Delay of Visiting Royalty A Bonanza for Canadian Show Biz

Montreal, May 16. Two-day delay in the arrival of the royal visitors has been a grave blow to theatres in Quebec and Montreal. Schedule as per Ottawa and Montreal was for the royal party to field day for shows in Halifax and Vancouver.

Visitors from the U. S. and the countryside are jamming cities and highways, and first runs and sales capacity due to the influx and holiday spirit.

Closing of theatres in Quebec city, on account of the 10% municipal tax has been postponed.

For the British film, "No Glorious Victory," which is about time in Victoria, Consolidated Theatres is giving doorbells between 4 p.m. to 10 p.m. to patronize the show in procession and return. Several nights, in the red heretofore, are rolling up big grosses.

Montreal has an extra 1,000,000 inhabitants for the occasion of the royal visit which, scheduled for today (16), has been put out to Thursday (18) due to icebergs and fog in the Gulf. The Empress of Australia could have arrived, it is said, as easily on schedule, but overcautionous on the part of the Navy is largely responsible for the delay, and if the time is further delayed or even held to average crossing time in the open Atlantic, she would have had to wait to have reached Quebec by Monday (18).

Early estimates were for \$15,000 to be spent on the occasion of the royal visit. Prices for windows and for the city for the occasion rose scale from \$50 down to as low as \$3, with afternoon tea thrown in on the higher prices.

Theatres everywhere, but especially the first runs, are being made, and are being sold at a low price, and compare well with department stores and other places on that route. Neighborhood houses, whether on or off the route, are also very busy. Theaters are being decorated for all decorations in the city run to well over the \$100,000 mark on the higher prices.

The royal banquet at the Windsor Hotel has a 1750 admittance limit with all invites called to be present at 7 p.m. at latest, after which doors are shut and guests will have to wait for three-quarters of an hour for the arrival of the royal majesties.

Theatres Open All Night
Regina, Sask., May 16. Theatre men here are taking the possibility of operating 24 hours immediately prior to the visit of King George and his party as one means of assisting the city in the case of the huge influx of people. Suggest theatres could keep people amused through the night or they could even sleep if they so desired. More than 30,000 expected here for the day.

Par's Annual Meeting May 20 Will Choose Board of 16

Annual stockholders' meeting of Paramount Pictures, Inc., will be held in the New York City offices May 20. Sixteen directors are to be chosen for a one-year term. Board of directors has nominated Alfred Zukor as president, for Stanton Griffith, J. Frank Freeman, Austin C. Gibson, Neil F. Agnew, George Hicks, Jr., and George C. Kahan, Harvey D. Kohn, A. Conger Woodruff, Duncan G. Harris, John W. East, Earl L. McCook, and L. W. Weist, Maurice Newton and E. V. Richards for the 18th directorial year.

UA Execs Back East

Montreal, May 16. Last of the United Artists executives are sailing east for the Red Battery, company attorney, left Montreal (15), followed today by Charles E. Brown, Jr. Wednesday departers are Murray Silverstone and Mary Pickford.

20th Renews Werker

Montreal, May 16. 20th-Fox gave Alfred Werker a new contract. Initials it with 'Sherlock Holmes,' topped by Basil Rathbone and Nigel Bruce.

To the King's Taste

Regina, Sask., May 16. "What Would the King Eat?" is title of \$1,000 prize cooking contest sponsored by Regina's film equipment show with cross-Canada radio campaign. The local publicity helps.

RKO-Lasky's Tyro Pic Campaigns the Subject Of a \$500,000 Suit

A \$500,000 action by John C. E. Carnevale against RKO Radio Pictures, Inc.; Columbia Broadcasting System, Inc.; Motion Picture Producers & Distributors of America, Inc.; William Wrigley, Jr.; Co.; Jesse L. Lasky and Will Hays, charging the plagiarism of the plaintiff's ideas in the radio program "Galeway to Heaven," which is being broadcast in N. Y. supreme court. The plaintiff claims he devised and copyrighted the scheme under the title of "Screen Pages Inc., Inc. in June, 1938. This scheme called for picture ads placed in their photographs and other information. He submitted it to Hays, who rejected it. He claims that the radio program, "Galeway to Heaven," plagiarized his scheme and that Lasky is given credit as the creator of the idea.

ONE BACK AT METRO FOR TWO PICTURES

Hollywood, May 16. Franchot Tone is going back to pictures and to Metro Pictures for two Metro. Ex-husband of Joan Crawford turned his back on Hollywood last fall to return to his first love, the Group Theatre for their new production "Confessions of a Nazi Spy." Rose closed last week after a successful run.

Par's Outdoor Spurge, 34 Units on Location

Paramount has 34 outdoor locations for the production of the greatest number on the studio's production since the advent of sound. "Ruler of the Sea" leads the list, with six units spotted along the California coast. Six features roll on the Paramount lot next week, beginning with "Dr. Quinn, Proctor, & Martin."

Cowdin Back East

J. Cheever Cowdin, chairman of Universal, who has been on the East Coast with first assistant for nearly two months, started back to New York the latter part of the week.

Studio Contracts

Hollywood, May 16. Republic renewed Roy Webb's contract as still man. Walter Wagner renewed Bob Webb's ticket as casting director. Webb is signed new player part in Law Ayres. Osa Massen inked player deal at Metro. Harold May Howard new acting part. Martin Jackson inked player ticket at Warners. David Buttolph signed for one year as composer and musical director at 20th-Fox. Metro picked Terry Kilburn, model.

ERPI's Round-the-World New Sound Showings

New sound system, which will be handled by distributors of Western Electric theatre equipment, was presented to the Monte Carlo film festival at the Astor Hotel, N. Y., and at the same time in Havana Mexico City, Buenos Aires, Rio de Janeiro, Sao Paulo, Manila, Lima, London, Sydney, Montreal, Singapore and London. Probably the most extensive simultaneous travel showing ever attempted in a film equipment show. The new ERPI equipment is rated adaptable to theatres of any size or type, being designed to care for future advances in sound. According to some, as they are typified by high volume prints which are slated to come from Hollywood in the near future. Via application of new circuit principles, the system's power has been stepped up to more than double the requirements of Academy of Motion Picture Arts and Sciences.

PASADENA QUI VIVE ON "MAZIE" SPY DATE

Hollywood, May 16. Expected demonstrations against the showing of "Confessions of a Nazi Spy" in Pasadena next week are putting police on guard against any anti-Nazi. The town of 30,000, called Nazism and the United States theatre has no objection to the film, threats against showing the picture.

The American Legion is adding in running down agitators and those who have been in the past. Theatre is on guard against demonstrations with anti-Nazi bomb threats and a mask for the house screen.

Two weeks' run of the WB picture in Los Angeles and Hollywood was without any disturbance.

'Communist Propaganda'

Troy, N. Y., May 16. A delegation called to Leo Rosen, manager of WB's Troy, protesting against "Confessions of a Nazi Spy," claiming picture is Communist propaganda. Committee is alleged to have been influenced in its action by a reported criticism of the film which Father Charles E. Coughlin recently made on the radio in the Detroit press is credited with a considerable following in Troy sector, definitely anti-Communist.

Stenching Frank

Dayton, O., May 16. Preview midnight audience last week at "Confessions of a Nazi Spy" were assailed with stench bombs but management attributes it to kids and street matter. The stench bomb was exceedingly demonstrative with blows for Hitler and loud applause for Roosevelt.

Kuhn's Sell

Fritz J. Kuhn, individually and as president of the \$5,000,000 libel action against the United States Supreme court, against Warner Bros. Pictures, Inc., Milton Krims, John Wexley and the United States Supreme court, a "patriotic, loyal American organization," upholding the constitutionality of the laws of the United States, has been libeled in "Confessions of a Nazi Spy."

Kuhn asserts that the film alleges to be a true story based on two trials, one at the Panama Canal zone, the other in the U. S. federal court, and charges that certain persons are engaged in espionage and show individuals connected with the German government trying to undermine American institutions, and that the film is a "patriotic, loyal American organization," upholding the constitutionality of the laws of the United States, has been libeled in "Confessions of a Nazi Spy."

Squawks Against Nat'l Anthem

Squawks from several angles are pouring into headquarters of the Warner circuit here anent the new policy of playing the "Star Spangled Banner" at the conclusion of each day's show. Patrons maintain that it is not unusual to hear the national anthem being played, but they create an uncomfortable self-consciousness which is unpleasant. They object to taking patriotism too much seriously. The "Star Spangled Banner" is being played at the conclusion of each day's show, but the inattentiveness of the audience while the anthem is being played. Many persons walk out of the house, while others continue to play the national anthem in other such activity. Some patriotic organizations feel that the inclusion of the inappropriate playing of the "Star Spangled Banner" is becoming a create disrespect for it, rather than patriotism.

Stage-Managing Royalty

(Continued from page 1) The protocolists have fallen flat. Sharp contrast with the prior attitude of the Roosevelt Administration, which has been publicity-hungry to the point of pestering the press, the radio fraternity and (sometimes) the press. So the grudges are being displayed openly, particularly among the aristocracy of the radio, which is seizing every opportunity to get in nasty digs. They stand the problem of arranging coverage is up in the air at a time when all groups ordinarily would have plans prepared and filed. Radio doesn't know whether it can have microphones at the station to pick up the proceedings exchanged between the visiting British rulers and President Roosevelt. The newswriters are sure that whenever each company can make its own shows or whether the films must be swapped.

British Embassy Blamed The chief beef of the press is aimed at the British Embassy, which has been condescending and, in a sense, chiding toward the scribbles. The protocolists to the garden plot which will be one of the two or three outstanding incidents on the grounds. The newswriters are sure that whenever each company can make its own shows or whether the films must be swapped.

Free Films for Brit. Navy

Broadcast picture theatres are arranging to let in cuts 2,500 sailors and 2,500 Royal Canadian Mounted Police in late this month. Ships are serving as escorts for England's king and queen. First man-of-war is due in N. Y. tomorrow (18).

Only half of complement of naval vessels will be in New York at one time, hence Broadway houses will be open to only 1,250 men at one time.

U. S. Newsreels' Rules For Visiting Royalty

Rigid regulations have been laid down by British government representatives to remove their own newsreel cameramen must comport themselves when England's king and queen are in the country. The newsreel cameramen must wear coats while on duty, must stay a certain distance from the royal party, and can't shoot or issue directions to the royal party. Nor can they instruct their own how to pose.

No traveling photographic shots will be permitted. Newsreel men must remove their cameras and attention when either of the newsreels is being played. Newsreel cameramen, however, regard the regulations as only customary for a nation's executive and not unlike those required for delivery from the Federal.

As a matter of fact, Great Britain's king is known in this country as a royal visitor. The king is being welcomed by the 16-millimeter camera nearly every place he goes.

INDUSTRY'S FAIR FILMS READY IN TWO WEEKS

Film industry expects to have its gift to the New York World's Fair, the feature, "Cavalcade of America," ready for delivery to the United States Building on the Flushing site in about two weeks. Finishing touches and final cutting will be made this week on the Coast. It will be shown there in the U. S. Building auditorium.

Feature, which will be held to 60 minutes' running time, had Cecil B. DeMille in charge of the production.

EDNA BEST'S ROLE

Back from London for Selznick's "Interrace"

London, May 16. Edna Best said Friday (12) to play one of the leading female roles in David O. Selznick's production of "Interrace" in Hollywood. Best, who has been in the leading female role in the original Swedish version of the film, in which she played the character of the Swedish woman, will again have that part in the English version. The production is the last role. She also associates production on the film. William Wyler directs.

Rep Jumps His Claim on Hi Yo, Silver, Buck ones Charges in \$250,000 Suit

By GEORGE E. PHAIB
Los Angeles, May 16. Seabiscuit and Johnstown may be fair-to-middling critics in their dumb way, but there is only one horse in the world, here in Buck, the podger of the strum blonde Silver, generally coupled in the act with the other two.

Buck is suing for \$250,000, claiming Republic studio isn't done right by good old Silver, who is a Pegasus without wings and a member of the Phi Beta Kappa boys fraternity. The studio, Buck declares, has jostled his old college guy, Hi Yo, to the front, and is using it to pull a celluloid buckaroo who calls himself "The Ranger".

Man and boy, Buck told the Federal Court, he has given Silver the old Hi Yo in 115 scenes on the screen, and no varmint has a right to jump his claim. That is where Buck stepped into the argument with Republic's legal sharpshooter, who challenged anybody's exclusive right to Hi Yo. Back in the 15th Century, he contended, there was a "Moosehead" trademark owned by some folks, who had a right to sell something, whoever who had a stableful of Silvers, all of whom responded to Hi Yo, both in Arabic and Spanish.

Buck's boys might savvy Spanish but not Arabic, and he thought he did bewilder a lot of college professors with his scholastic achievement in a dinner at New York a few years ago. At the dinner, Buck testified, the prof agreed that Silver would be more interesting to the sophomore, but that before the sophomore was learned to gulp goldfish.

Now, Buck says, he has decided to keep Silver in the style to which he is accustomed. The court is thinking it over.

SPORTS NAMES TO GOOD FIGHT PIX REPEAL

Washington, May 16. Monotonous hearing of a Senate committee will be enlivened next week by the appearance of Jack Dempsey and other prize fighting figures on legislation to repeal ban on interstate transportation of fights.

Scribes covering hearings before the Interstate Commerce Committee will get a chance to hear Dempsey and at least one other former world champion, Jim Jeffries will appear before the senate committee with Col. J. Reed Kilpatrick, Madison Square Garden Corp. president. The probability is that the bill may be imported for the Thursday (26) and Friday (28) sessions.

The bill is sponsored by Sen. Warren Barbour, New Jersey Republican, and one-time former amateur heavyweight champion in the U. S. and Canada. Transformation of a senate hearing into a verbal prize ring with the Manager and other prime exponents of the manly art on display, expected to pay heavy dividends in publicity for the Barbour measure.

Reorg Myron Selznick Agency's N. Y. Office
Nat Wolf of Myron Selznick, Inc. has arrived in New York to attempt to start Monday (22) at 20th-Fox. Included in the comeback are members of Mack Sennett's Bathing Beauties and Keystone Cast.

Alice Faye and Don Ameche have the top roles.

Here They Come—Back

Hollywood, May 16. Buster Keaton comes back as an actor in "Hollywood Cavalcade," starting next Monday (22) at 20th-Fox. Included in the comeback are members of Mack Sennett's Bathing Beauties and Keystone Cast.

Alice Faye and Don Ameche have the top roles.

Pa. Censorial Vagaries Shown in Revived Films

Philadelphia, May 16. Time in its light can make even censors change their once-liberal minds, William Goldman, of the News theatre here, has discovered. Playbills ready, the News didn't it cannot get okay now on pix which were given seals in past years.

"Back Street" with Irene Dunne was completely nixed by the official c.o. body. There was no explanation of why it was all right several years ago and now is immoral. "Tain" was passed by the Board, but so badly slashed on the re-running that it failed to elicit and it was necessary to re-cut it. "Tain" was run was completed. "Street Scene" is another on which the censors used to be lenient, but now it is not there was nothing worth while left.

Five revivals that have mashed most solidly here are "Scarface," "Tells' Anecdotes," "The Bowery," "Happened One Night" and "Dr. Jekyll and Mr. Hyde."

ANOTHER STIFF PRISON TERM FOR B.O. STICKUP

Pittsburgh, May 16. Found guilty of the holdup of three employees of the Hill Top theatre here in four counts, a 21-year-old charge of robbery and a violation of the firearms act, 23-year-old John Brunner, of nearby Bridgeville, Pa., was sentenced from 10-20 years in the Western Penitentiary here last week.

Brunner's second theatre bandit to draw a stiff sentence locally was on the immediate order of the court who pleaded guilty to holding up five houses within a two-week period, Feb. 8-10.

Although sporadic boxoffice robberies have dropped up late, food and drink believed to have been stopped by long-term prison terms being handed out to bandits.

Ricoletti Slugged
Rochester, N. Y., May 16. Michael Strubella, was slugged and robbed of \$3,500 by three men as he was going home at 10 p.m. last night. Semi-conscious as he was taken to hospital, he was reported to have been knocked out and there were deep head gashes.

Strubella's screams brought neighbors to the scene and the assailants escaped in an automobile, according to witnesses.

GENE RAYMOND'S PIC?

NW News Service
St. Louis, Mo., May 16. Evidence that Jeanette MacDonald is considering a picture with hubby Gene Raymond, when they are together, is being held for a concert date. She sounded out local opinion on the matter.

Musical 'Smalls' Through'

Hollywood, May 16. Metro is restoring a remake of "Smalls" through as an opera for Jeanette MacDonald. Picture was last made in 1933 with Norma Shearer starring.

\$3,500 In Tacoma, May 16

Tacoma, May 16. Jeanette MacDonald would her northwest singing invasion here Thursday (17) night, when standees and extra seats had to be placed in the Temple theatre ("Helmick") which ordinarily seats 1,700. For this engagement it reached nearly 2,000 at \$1.00 to \$2.50 scale. Grossed \$3,600.

Charles L. Wagner, of New York, came here, while Gene Raymond joined Mrs. MacDonald, coming up from Hollywood, where they are turned around.

Other concerts were in Seattle, Portland and Vancouver, B. C., with not an empty seat at any of the four stands.

Fairbanks Sails; His UA Production Very Vague

Douglas Fairbanks and Mrs. Fairbanks (the former Lady Ashley) sailed for Europe yesterday (Thurs.). Fairbanks has not yet gotten away and is five months overdue.

Fairbanks' only comment on his production affairs when he arrived in New York two weeks ago was to the effect that he was "waiting for developments." Now believed that Fairbanks may be through with his proposed schedule of three pictures backed by British and continental money, and his story and production properties may be turned over to other UA producers.

JACKIE COOGAN ECHO IN NEW LAWS

Sacramento, May 16. Legislation introduced by a repetition of the litigation growing out of the efforts of Jackie Coogan to recover from his father a portion of his childhood earnings is before the assembly for action. The measure, by Assemblyman K. H. Redwine, Los Angeles, was given a 'po' pass' recommendation last week by the Assembly Judiciary Codes Committee.

The bill would give the court approval to the father's right to power to set aside one half of the child's earnings in a trust fund or some other form of savings. Under the existing law, the parents are entitled to all the earnings of the child.

Kill Pa. Blue-Bill Philadelphia, May 16

Jumped on immediately after it was introduced, by the press throughout the state, the Wolfenden bill to kill Sunday films in Pennsylvania was denounced in the picking vat by the Senate Law and Order committee (10). Although the measure to repeal the present local option privilege and prevent Sabbath closing altogether was never a serious chance of passing, attacks in the papers and by the film lobby meant certain doom.

Mpls. City Tax Idea

Minneapolis, May 16. Local theaters are threatened with a city admission tax as result of the city commission's tax on theaters for a "luxury" tax to be levied on theaters creating major needs.

The measure, which would include the luxury tax, which would include theatre admissions, the mayor pointed out that city finances are strained to the utmost and additional funds now longer can be raised except by levying a tax on theaters.

Exhibitors here, with business badly off, declare their interests will be hurt by the tax. They also insist they can't afford to shoulder the tax themselves in view of the fact that operating costs now are at a peak while income is at the lowest level in a number of years.

Lesser's 'Town and Ice' To Follow Ben Picture

Hollywood, May 16. Sol Lesser is reading "Everything's on Ice," to roll as soon as he can. The picture, written by the Bob Brown team, currently is in combination with Ernest Lubitsch, who has read the script and has for United Artists this year.

Town, bought the stage play, "Our Town," from the Harriet Beecher Stowe Wilder at a price underdug to be \$75,000. Picture will be made in New York and released by Lubitsch's supervision.

Vic Shapiro Leaves S-I

Hollywood, May 16. Victor M. Shapiro, Selznick-Intolerance Pictures' studio publicity man, has resigned. No successor has been named.

Shapiro succeeded Russell B. Shapiro, who had been the studio's publicity man for several years. He left the Selznick setup to form his own public relations agency.

Plenty of Free Showmanship in N. Y. And at the Fair, According to Levy

By Joe Laurie, Jr.
New York, May 16.

Dear Vic:
I think it was some Scotchman that said, "All good things in life are free." Well, whoever it was that said it didn't do a bad job of saying it. Aggie, Junior and me have been making the rounds of all the free attractions at the Fair and we've got a lot to say about them. We've got a lot to give anything away just tell 'em they are nuts.

We went to the Museum of Natural History and we saw a lot of swell pictures and, of course, they also had a lot that we didn't care for. It's the same as the picture business, because they get plenty of B and C pictures up there too. The place was packed with people and it would take you a week to see everything there, and it's all very interesting stuff too. They got things thousands of years old. I thought sure they'd have a case with radio jokes in it, but I guess they can't take a chance on account of the smell.

Then we went down to the Aquarium and it proved to us that there were a lot of fish that weren't exhibitors and Fair concessionaires. We spent an hour at the Grand Central Station listening to a woman playing the organ and some porters singing spirituals and very good too. The Museum of the City of New York has a lot of stuff that recalls old days in the city like old lamposts, fire engines, boat models and they have a big room full of pictures and maps and sketches from the old days. Aggie and Junior are gonna send 'em one of our pictures; it won't be a bad thing. The New York Library has a lot of paintings, maps and stuff besides books and it's a great spot to sit down and read your paper. The Museum of Modern Art which the Rockefeller just opened is a wonderful place. You can even see a picture show there. They got a library of all the old films and it's a beginning of picture history. I only hope they keep 'em all there and won't let the exchanges get their hands on 'em or else they'll send them to me in Coconara. We certainly have played plenty pictures that we've seen before.

If you're too hot you can stand in the lobby of any picture house and get cooled off. Not only will they cool you off but will give you a pneumo-rail, or free. And you won't wanna spend any dough on a newspaper you can stand at Times Sq. and read the electric light bills on the Times Bldg.

At the place you can see plenty of free stuff, and swell too. The duPont Co. has a fine exhibit, and the Consolidated Edison Co. has one of the best I've ever seen. They show you the very new with all its building, lit up, pictures and the atoms and the atoms all lit up. It's a beautiful sight. The Telephone Bldg. is one of the very new in the city. If you're lucky you can win the number that allows you to phone to anybody in the city. I saw a lot of actors hanging around there. I guess they wanted to call up their agent.

The Goodyear company shows you how to make a tire. The Glassblowers show you how to make a glass. I thought of the gag Fred Allen told about the glassblower that had admitted to making a glass of water. I thought of the percolators.

Now, find you and Flo well and happy and if you get any dough into the boxoffice be sure and deposit it in the bank as I want to see money looks like. California money don't seem able to stand the climate heat here. Best from Aggie, Junior and me. See you.

Chir's Dual-or-Not Debate, an Annual Quandary, Up Again; Twins Look In

Chicago, May 15.

Roy Rogers Wants To Oust His Agents

Hollywood, May 16. Roy Rogers, Republic's western star, has petitioned the L. A. superior court to determine the validity of his three-year contract with the Artists Bureau, Inc.

Rogers wants his contract terminated, but the court of all-star agents, the agents to secure work for him.

'Reno' for Dix

Hollywood, May 16. "Reno," pioneer tale of the West, is the first top-budget starer for Richard Dix under his new one-year contract with RKO.

John Twist is screenplaying original by Ellis S. Joseph. Robert Sisk produces.

Illiana's Jail Rap

Beverly Hills, Cal. May 16. Illiana Laurels, Russian singer and estranged wife of Stan Laurel, was sentenced to five days in jail and fined \$100 on a drunkenness charge. She was released in \$1,000 bail pending an appeal.

Mrs. Laurel was pinched in a Russian cafe after a ruckus when she allegedly insulted guests and demanded that Hitler be imported to put a purge in Hollywood.

Shields' Film Break

Hollywood, May 15. Arthur Shields' new picture, "Players," now in London, gets a featured role in 20th-Fox's "Drums Across the River." He appeared previously in "Plough and the Stars."

MG Taming Eddy Pic

Hollywood, May 16. Metro started four weeks of preliminary recording yesterday (Monday) for "Balaika," starring Nelson Eddy. Piece carries 13 song numbers.

Anatol Frinkin's Russian Cosack picture is the first part of the recording.

Reinhold Schunzler directs the picture.

Frisco Has World's Fairists Also; 'Sexy Bali' Unit Ups Mob to \$16,000

San Francisco, May 16. Theatres here are still taking a beating from the 1939 Golden Gate Exposition. Beggars are still along with the staging of the Ice Carnival of 1939 at Winterland, has sliced grosses considerably. Although the Ice Carnival is still running, the week, Market Street first runs are flooded with holdovers.

There is an unusual big vaudeville show this week in a special presentation entitled "Baldy" at the Green entertainment at the Gate. The show is poor and most of the draw must be credited to the sexy 'Baldy' film show.

Estimates for This Week
Fox (F-W-C): (5,000; 35-55-75) — "Washington Square" (20th) and "The Blonde" (20th) are leading the things pretty much its own this week and indications are for fine grosses. Last week, (20th) (Union Pacific) disappointing at \$10,500.

Golden Gate (RKO) (2,850; 35-55) "Lady and Mob" (20th) and stage revue. This week "Ball" returns on the stage with nude stuff being favorably received. Last week, (20th) for the healthy \$18,000. Last week, (20th) of "Streets" (U) and vaudeville.

Orpheum (F&M) (2,440; 35-55) "East Side Heaven" (20th) and "The Healer" (20th) (34 week). Despite Hal Heider's tie in with a safety film, it went only \$8,800, and it went got only \$7,500.

Paramount (F-W-C) (2,740; 35-55-75) "The Great Conquest" (Rep) and "Women in White" (WB) (2d week). Last week, (20th) (Union Pacific) disappointing in picture of this calibre. Last week, (20th) (Union Pacific) disappointing at \$10,500.

St. Francis (F-W-C) (1,470; 35-55-75) "The Pacific" (20th) and "The Pacific" (20th) (2d week). Last week, (20th) (Union Pacific) disappointing at \$10,500.

Warfield (F-W-C) (2,880; 35-55-75) "Night" (20th) and "The Pacific" (20th) (2d week). Last week, (20th) (Union Pacific) disappointing at \$10,500.

Union Pacific (F-W-C) (2,880; 35-55-75) "Night" (20th) and "The Pacific" (20th) (2d week). Last week, (20th) (Union Pacific) disappointing at \$10,500.

Kildare's 'Beauty' \$7,500. 'Old Kid' \$6,500. Denver. Union Pacific is still going strong in its third week, leading the town. Other local houses are plugging along below average.

Estimates for This Week
Aladdin (Fox) (4,400; 35-55-75) "The Hard Ride" (20th) and "The Hard Ride" (20th) (2d week). Last week, (20th) (Union Pacific) disappointing at \$10,500.

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50G Breach of Promise Suit Against Theatre Mgr.

Wichita, Kans., May 16. Stanley N. Chambers, who recently resigned his position as a Fox theatre executive in Kansas City, Mo., and who formerly managed the Miller here, has been named defendant in a \$50,000 breach of promise suit filed in Sedgewick County district court by June E. Herd of K. C. St. Paul was in district court here because of a large trust fund he has with a Wichita company.

'U.P.' BIG \$13,000. 'HEADS TAIL'

Louisville, May 16. Big noise of the week is "Union Pacific" at the Rialto. Caravan of Union Pacific trains arrived for exhibition. Last week, (20th) (Union Pacific) disappointing at \$10,500.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,500; 10-20-30) "The Pacific" (20th) and "The Pacific" (20th) (2d week). Last week, (20th) (Union Pacific) disappointing at \$10,500.

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WRITERS' \$10,000 AWARD

Other Film Suits in Hollywood and New York

Los Angeles, May 16. Henry Barsha and David Weissman, screen writers, won their \$10,000 award for the Metro picture "The Day After Tomorrow" for their story, "High Power."

Barsha and Weissman's manuscript was rejected and it appeared as "A Day at the Races." Their case against Metro was dismissed by the court in the superior court.

Week 1940 for Film Title
Mrs. Margaret Tuttle also sued for \$100,000 against Metro, Loew's Inc., First National and Warners, charging unwarranted use of her title, "The Unquarred Hour," by Metro in 1937.

Plaintiff claims her story bearing that tag was produced as a sell-out by First National in 1926, and that Metro had no right to use the title.

Plaintiff claims the title was used by First National in 1926, and that Metro had no right to use the title.

20th-Fox's 'Lincoln' Answered
Twentieth Century-Fox Film filed an answer Friday (13) in N. Y. supreme court to the suit against it by Robert E. Sherwood and the Playwrights Production Co., Inc., in which it claims that Sherwood having sold the picture rights to the Korda picture, "Lincoln," to Metro and the Max Gordon Play & Picture Corp., he is not entitled to bring the picture to the screen.

Sherwood is seeking an injunction against the use of the title "Lincoln," or any other title which might be used to bring the picture to the screen. He also seeks an order that the picture be removed from the screen.

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Kildare-Heidt Just Fair \$20,000. 'U.P.' Mild \$17,000; 'Baldy' Mostly Off

'Lucky Night' \$3,700, OK In Lincoln; 'U.P.' 2d Big

Philadelphia, May 16. Without even the weather to blame, grosses here are slumping downward. Product through the midtown houses is strong all the way down to the very bottom. Explanation of what's knocking the business down is not clear. Last week, Market Street first runs are flooded with holdovers.

There is an unusual big vaudeville show this week in a special presentation entitled "Baldy" at the Green entertainment at the Gate. The show is poor and most of the draw must be credited to the sexy 'Baldy' film show.

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'U.P.' NEAT at \$8,000. 2D WEEK IN BUFFALO

Buffalo, May 16. Boxoffice looks weak here during the current season, the majority being suburban houses. The Buffalo, gets the top figure which is \$8,000. Last week, (20th) (Union Pacific) disappointing at \$10,500.

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S.O.S. for More Coi

Hollywood, May 16. Republic under the budget on "S. O. S. for More Coi" production by Armand Schaefer, with John Auer directing.

The picture has been named producer-director of the forthcoming "Hi Parade of 1939."

(Continued on page 14)



sensational star of "Juarez"

tougher than in "Gunga Din"

ACTION
for the theatres of America on **DECORATION DAY!**

HAL ROACH presents

CAPTAIN FURY

starring

BRIAN AHERNE • VICTOR McLAGLEN

with

**JUNE LANG • JOHN CARRADINE • PAUL LUKAS
GEORGE ZUCCO • DOUGLAS DUMBRILLE • VIRGINIA FIELD**

AND A TREMENDOUS SUPPORTING CAST

Directed by **HAL ROACH**

RELEASED THRU UNITED ARTISTS

Released Nationally May 26th... Opening soon Radio City Music Hall

EX-CHAMP

(Continued from page 12)
get work, and trains a promising pugilist young waterweight, Briggs. When the sportsman is killed by laughter and pretends he is an orphan, without any living relatives, he is heartily adopted by his orphan's neglect and takes to drink. He is then brought to his senses by making his prize catch of the week.

The men's ambition carries him too far and he almost goes to prison for appropriating securities to gamble in the market. His father, overlooking his son's heart, sends him to his father's home, where he is taken care of by his father's friends. He comes to his rescue and by throwing his father's championship belt into the water, he saves his son from a knockout, hopes to collect a big prize for his son's victory. Financial defeat. McLaughlin's comedy is a corker (Frawley) loyally comes to McLaughlin and places bets on the kid instead of his opponent.

Choice of Nan Grey, Frawley, Briggs, Marc Lawrence, Hinds and others to support McLaughlin's comedy play plenty to make the story believable. Frawley's comedy play plenty to make the story believable. Frawley's comedy play plenty to make the story believable.

Phil Roisen's direction is spirited and makes the most of the comedy. Well handled. Art work, photography and editing are standard.

Torchy Blane Runs for Mayor

Warner Bros. production and release. Features Glenda Farrell, Barton MacLane, Victor Jory, Bob Cramer, and others. Directed by George Marshall. Running time, 90 minutes.

Latest Torchy Blane exploit is the average for the series. It is crammed with hoke action and skillfully concocted for lower-class duals. It is a bit better than the last strip, it's without a pretense of intelligence or subtlety. It is a bit better than the last strip, it's without a pretense of intelligence or subtlety.

When the can't and a candidate for the political office. The candidate on the assignment herself. Does not make the assignment herself. Does not make the assignment herself.

Ray McCarey's direction has the usual production quality of the Class B pictures, while the cutting is competent. The cinematography, Glenda Farrell rarely makes a title part with assured precision, but much more of the class of Barton MacLane, as the perennially temperamental sailor, is at once a perfect actor. Victor Jory makes a few stock tricks do as the suave mechanic. Barton MacLane is a competent actor. Barton MacLane is a competent actor.

Code of the Secret Service

Hollywood, May 14. Warner Bros. production. Directed by Noel Smith. Screenplay by Leo Klotz and Victor Jory. Based on material supplied by Victor Jory. Starring Victor Jory, Barton MacLane, and others. Running time, 90 minutes.

Reminiscent of the wild and wacky melodramatics of the "Pearl" series, "Code of the Secret Service" will be little more than a series of low-class duals as filler plot. Elemental in theatrics, picture is a series of low-class duals as filler plot. Elemental in theatrics, picture is a series of low-class duals as filler plot.

ring gang who stole treasury bank notes engraving plants. Chase takes the pair into back country of Mexico. The two operate a profitable business through wilds of unbelievable adventures before the plates are recovered.

Plot structure is illogical, dialog is full of cliché and the story is made at comedy. Script goes off the rails in the last act, but the situations for thrill purposes, most of which are ineffectual in their actuality.

CHASING DANGER

With-Fox release and production. Features Victor Jory, Barton MacLane, and others. Directed by George Marshall. Running time, 90 minutes.

Average comic-melodrama only fairly diverting. Built on pseudo-adventure, the story is a series of comic-melodrama only fairly diverting. Built on pseudo-adventure, the story is a series of comic-melodrama only fairly diverting.

Failure of script is somewhat offset by the direction of George Marshall. The direction of George Marshall. The direction of George Marshall.

W. M. Chedworth Steps Out

(AUSTRALIAN-MADE)

Associated Artists production. Features Victor Jory, Barton MacLane, and others. Directed by George Marshall. Running time, 90 minutes.

Ken G. Hall's latest should find high grade in the home field, with the possibility of a British break. Ken G. Hall's latest should find high grade in the home field, with the possibility of a British break.

The Law Comes to Texas

Bill Elliott, Yvonne De Carlo, and others. Directed by George Marshall. Running time, 90 minutes.

Bill Elliott is a new western star who has come to the fore in a perfect manner. He chafes up a perfect score in this saga of lawless days in Texas. He is rugged and rugged and rugged and rugged.

NEW HORIZONS

(RUSSIAN-MADE)

Ankine release of L.M. production. Features Victor Jory, Barton MacLane, and others. Directed by George Marshall. Running time, 90 minutes.

A pitched battle between the desperadoes and state troopers led by John the criminal and lays a heavy hand on the state troopers. A pitched battle between the desperadoes and state troopers led by John the criminal and lays a heavy hand on the state troopers.

FIRST OFFENDERS

Columbia production and release. Features Victor Jory, Barton MacLane, and others. Directed by George Marshall. Running time, 90 minutes.

Low-budget effort in the groove suggested the title. Satisfactory, added starter for duals, but too weak for soloing. Although the story is commonplace, it is reasonably well told, but the picture is shy on marketing.

ENTENTE CORDIALE

(FRENCH MADE)

Paris, May 6. "Entente Cordiale" is a French production. It is a French production. It is a French production.

Writer Albert gets by in the chinch part of the story. The story is a French production. It is a French production. It is a French production.

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(FRENCH MADE)

periences the first flush of proletarian gains.
Maxim, who never before had even been a proletarian, now is a banker, Commissioner of the Treasury, and a member of the Council of Ministers. Maxim, who never before had even been a proletarian, now is a banker, Commissioner of the Treasury, and a member of the Council of Ministers.

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I KILLED THE COUNT

(BRITISH-MADE)
Grand National release of Grifon Productions. Directed by Victor Jory. Screenplay by Victor Jory. Starring Victor Jory, Barton MacLane, and others. Running time, 90 minutes.

Stotland Yard can hardly be fastened at seeing the way it's supposed to be. The picture is a series of low-class duals as filler plot. Elemental in theatrics, picture is a series of low-class duals as filler plot.

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(Issue of May 10, 1939)

VARIETY

TOP MONEY PIX THIS YEAR

Film Story Editors' Liters Over

Anti-Nazi Themes: E.O. Reactions

MG LEADS '38-'39

WB 2D, 20TH 3D

First Week of

1939

P. 8.—And that's not counting "Goodbye Mr. Chips" which opened sensationally yesterday at the Astor, N.Y. and Four Star Theatre, Los Angeles. Other M-G-M TOP MONEY PIX to come!

**SEE UA SELLING
AWAYFROMR.C.
MUSIC HALL**

Complete break between Radio City Music Hall, New York, and United Artists is expected when the '39-40 season starts in August. UA sales department figures to sell away from the Hall and split product between the Rivoli and Globe as soon as remaining pictures are played off by the Hall on the '38-39 commitment.

While both organizations appear outwardly unconcerned, the 'Wuthering Heights' postponement and withdrawal from the Music Hall is said to have led to a determined stand by Murray Silverstone, UA general manager.

Music Hall expects to play a greater number of RKO pictures next season. He looks for a new product; at least four from Warners and an increased number of independent films from Columbia and United Artists. "It is a matter of quality, either, that developments now usually way between RKO-Radio and Samuel Goldwyn Prods. may result in later pictures being good," New York's first-run at the Rialto notes, despite the fact that it is Goldwyn's picture that precipitated the trend. This depends, of course, on whether Goldwyn's picture has relations with UA before the year is out, and also on the success of George J. Schaefer's efforts to tie up the Goldwyns with a series of pictures for RKO distribution.

RKO'S \$388,822 NET FOR FIRST 3 MONTHS

Net profit of RKO Corp. and subsidiaries for the first quarter of 1939, ended April 1, was \$388,822. RKO Trustees' Report of May 11 indicates that this showing occurred after provision was made for all charges, including interest accrual on notes, debentures and extended gold notes of the parent company, but before providing for interest on

This 13-week report compares with a net loss of \$53,205 for the same period in 1938. Reason for first quarter jumping to the black was attributed to better business resulting from output of improved pictures. Company's fixed indebtedness was reduced during the six months' period from July to December by \$610,776 and interests on indebtedness was paid amounting to \$550,228.

Report also indicates RKO Radio Studio is operating on a profitable basis for the first quarter of 1939. \$17,000,000 owed the parent company. This latter obligation will be wiped out after reorganization.

Con. Film's 25c Divvy
The board of directors of Consolidated Film Industries, which handles majority of printing for picture companies in the east, declared a dividend of 25c on the preferred stock at a meeting Monday (15). It is payable July 1 to holders of record June 15.

Roxy Theatre, Inc., declared quarterly dividend of 37½c. per share on outstanding preferred stock last week, thereby maintaining a continuous cash distribution record. Divvy is payable June 1 to stockholders on record May 18.

Par Golf Tournament Tomorrow (Thursday)

Large turnout is looked for tomorrow (Thurs.) for the golf tournament Paramount is holding on the Adolph Zukor estate at New City. N. Y., with Zukor himself heading the list of Parites who will attend.

J. E. McDermott, Par executive who is in charge of all arrangements, declares that reservations for the tournament look above last year's, which was held at the R. (N. Y.) Country Club. G. C. Somers, in charge of the Par New

Instead of a flat sum to cover pla the only cost to those attending t tournament will be \$1 caddy fees a \$1 for luncheon.

FILM BOOKING CHART

1908 information of theatre and film exchange bookers, VARIETY presents a complete and authoritative listing 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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Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T. Min.—Running Time in Minutes
M—Musical C—Comedy CD—Circus W—Western D—Drama M—Musical

[illegible]

ST. LOO, MEXIC LEAD IN NEW BUILDING

St. Louis, May 16

Construction begun on theatre
Maryville, Mo., owned by Clarence
E. Cook; 800-seater.
Harry Pace, West Union, Ia., is
building theatre in Audubon.

Harry Schwartz, Paris, Ky., owner of Opera House, plans another, 50-seater in same town.
The Boulevard Frontage Co.

The Boulevard Frontage Co., St. Louis, which is promoting the \$7,000,000 Hampton Village project in southwest St. Louis, has included a 2,000-seat nabe in the plans.

Fanchon & Marco plans to improve the following houses in St. Louis Amus. Co. chain: Pagea Grand-Florissant, Maffitt and Tiv-

Jack Bouma, manager of Rialto, Pocahontas, Ia., building new 4

The Princess, Harriman, Tenn., destroyed by fire last February at \$50,000 loss will be rebuilt by Princess Amus. Co., Nashville.

Labor Day is the time set for the opening of the new Hippodrome, a 2,200-seater, Herrin, Ill. Being constructed for John Marlow to

Theodore Coleman, Mt. Carmel, Ill., awarded contract for reconstruction of his American recently.

Mexico's 11 New Ones

Mexico City, May 16
Building of 11 cinemas is to
started here and in the provinces
the end of this month, with all to

Three of the provincial houses to be erected by William Oscar J.

kins, an American, who made
black in the sugar biz here. His t
atres, seating from 3,500 to 5,000 ea
are to be in Tampico, Oaxaca C
and Mexico. Yankins, in a re

with Mexican exhibitors, is already building six cinemas in the provinces. They are to open during summer.

Emilio Azcarraza, owner of swank Cine Teatro Alameda here to put up five theatres, from 2,000 to 5,500 seaters, in this city. Fernan

Garcia, who runs a local circuit, to build two 4,000-seaters, one which is to be after the style Grauman's Chinese theatre in Los Angeles. Samuel and Oscar Gra-

Angelenos, Samuel and Oscar Grainger, pioneer cinemamen here, who operate a 14-house circuit, are to erect a 6,000-seater here.

Kaplan Back As Exhib
Los Angeles, May 1
Sam Kaplan is re-entering
hibition in Santa Barbara, remo

ing a store building into a theatre
be opened early in June. A
years ago Kaplan sold his Santa E
bara film house holdings to Wan

Goldman's New 750-Seater
Philadelphia, May 1

William Goldman theatre cir will erect a new 750-seater in Chestnut Hill section of Philly soon. Plans call for wide-space seating parking facilities on the theatre grounds.

grounds, which covers 70,000 square feet. Goldman operates the New Band Box, Terminal and 56th St. Philly and others through eas-

Pennsy: Injunction proceedings against proposed erection of a house in the Airy sector were dismissed

Thursday by Judge Otto R. Herman in Common Pleas court. Frank B. Todd, Jr., resident on an opposite corner, contended an ordinance permitting the project was unconstitutional.

...ing the project was unconstitutional, and that incidental auto parking would be a nuisance. His arguments were dismissed. Abe Sablosky, owner of the Arcadia theatre,

Protection for Labs

Sacramento, May 1
Senate passed Lyons bill, g
film laboratories a lien on all

Measure provides public auction sale, after two-week notice, of

film indebted for process work.

New York

Agents' Suit Threat

(Continued from page 5)

ordered the minority leaders charged that the ballot was not correct, and that each ballot had been numbered so the Guild could check on each individual member voted. The SAG tops denied this and authorized members to tear off the number listed on ballots.

Three extras previously had attempted to enjoin the SAG from obtaining a new election in place of the election held April 16, which was voided because a quorum of 200 did not participate. Their temporary restraining order was dissolved by Superior Judge Emmet Wilson.

In announcing extra would be permitted to vote on the question of remaining in the Guild, the SAG announced:

"You are requested to vote on the most important question ever presented to the Class B membership:

Do the extras wish to remain in the Guild?"

"Enclosed herewith you will find your ballot for the election to be held by 17 members of your Council. The election of April 16, 1939, was invalid for want of a quorum. This election by mail takes its place.

"At the beginning of the ballot you will find this question for your guide: 'Shall the extras remain in the Guild?'

The board of directors has voted that every Class B member in good standing (except Class B Part Players) can do so. No extra is asked to vote on this question and earnestly requests that you do so promptly. Your ballot must be received by the Guild on or before May 19, 1939.

The reason for the board's action is to settle whether or not the extra want to remain in the Guild. The board has no doubt that the extras do want to stay in, but we ask that you take this opportunity to determine the answer by your vote.

Coercion of Extras Charged

From time to time self-appointed savages of the extra have been misled by anonymous letters to the press and by other means how badly the Guild treats the extras and how much better they would treat the extras if given the chance. They

further make the blanket charge that the extras are coerced into staying in the Guild, and would get out if they could.

In 1937, the stars and featured players were ready to risk their careers on a strike largely for the benefit of the extra. Naturally they did not enjoy hearing themselves described as racketeers and exploiters, or to help the extra.

"We think that their willingness to strike should be evidence enough of the genuine desire of the star player to help the extra. We believe that the securing of wage increases and better conditions for extras, the cutting down of the number of persons eligible to compete for extra jobs from approximately 22,500 to 7,500, and the thousands of adjustment checks collected, is a record which speaks for itself. Before Guild shop the average daily wage for all extras was \$9.15. Since Guild shop there have been 924,129 days of employment through Central Casting Corp., for which \$53,922,778 was paid to extras, an average daily wage of \$10.74, showing an average increase of \$1.59. The average yearly earnings of extra players increased approximately 75% in 1937 and approximately 75% in 1938 above the 1936 level. We are confident that through the Standing Committee we shall be able to secure further improvement in our position.

In our opinion, the overwhelming majority of extra players are solidly behind the Guild. This perhaps we can illustrate. It is conceivable that the majority of you prefer some other organization or no organization at all. We want to know.

"The Guild wants the extra only if the extra wants to be in it. If you want the Guild to continue its contract as it applies to extras, if you want the Guild to continue to represent you in your dealings with the producers vote 'Yes.' If you want to be rid of the Guild as it applies to extras vote 'No.'

"If the majority vote 'no' we pledge ourselves to take steps to waive the conditions of our contract with the producers applying to extras, including the Guild shop as it applies to extras, reserving only our jurisdiction over any player who speaks a false play or part or uses a stunt in motion pictures. If a majority vote 'no' you will be free to bargain for

yourself, for your own conditions with no contract and a fresh start.

"Your ballot will be secret as you use by the conditions printed on the enclosed slip. All I - you are requested to vote so that the vote may be an expression of your combined desires.

"Our enemies will probably welcome this opportunity to deal with propaganda against the Guild. The Guild will clearly not campaign for a strike. If you are asked to believe this letter clearly states our position. We want it to be your choice. If you answer, vote 'Yes.' If you want the Guild vote 'Yes.' But if you want your answer, vote 'No.' It is up to you."

Center Deal for Flacks

Major studios managers this week will submit a counter-proposal to the Screen Publicists Guild and renew negotiations with the Script Clerks Union, Screen Reader Guild and Screen Set Designers. The SPG is demanding a minimum of \$150 per week for its members and \$150 per week for senior flacks. Flacks would receive \$60 the first year, \$75 the second and \$150 thereafter. Producers claim there is too big a difference between the two groups, and that the Guild has employed a classified into groups according to the importance of their work.

A general meeting of Society of Motion Picture Film Editors has been ordered for Thursday (18) to elect new officers and a board of directors.

The Central Labor Council is expected to request a representative union for a Hollywood Trades Council, and the matter of the situation with the Central Council is composed of William Zast, business representative of the Studio Carpenters, Joseph Tushy, head of Studio Teamsters, and Al Speede, business representative of the International Brotherhood of Electrical Workers.

The Screen Cartoon Guild is the first industrial craft to be organized in the film industry. The organization is claiming jurisdiction over all employees, clerical workers excepted, in the cartoon department at Metro. A petition for certification has been filed with the NLRB.

GRIFFITH PLANS TO INVADE NEB. SECTOR

Lincoln, May 15.

Griffith Amos Co., formerly identified with Oklahoma, Texas and the southwest in theatre operation, is dickering to come north and into this state in June toward the city of Lincoln.

The hope is to make the most move about \$100,000.

R. E. Griffith is handling the negotiations with the city of Lincoln and will buy the Booth Bros. properties in Nebraska City (7,000 pop.) and Nebraska City (7,000 pop.) and Lincoln (7,000 pop.) and Oscar Johnson in Falls City (7,000 pop.).

The first appearance for the Griffiths on the Nebraska scene. It is the second Oklahoma outfit to come into the hucker state. T. B. Noble's Nebraska Theatres, Inc., having preceded. Other circuits doing business in Nebraska at present are the Westco, Tri-State-Par (A. H. Blank), Central States-Par (Harry Warner), Eastern Circuit, and Lincoln Theatres Corp. (J. H. Cooper).

MG's Orleans' Musical

Hollywood, May 15.

Metro is dusting off 'Old New Orleans' after months of lay production with Ilona Massey in the top role.

Yarn is historical, with music.

Cesar's Billing

Hollywood, May 15.

Arthur Caesar won the nod from the Screen Playwrights' Association for his credit on the picture now in work for Paramount's 'Star Maker.'

Artists' relief he contributed more than 25% of script and is titled to joint credit with Frank Butler and Don Hartman.

Byrd's New 'Tracy'

Hollywood, May 15.

Ralph Byrd plays the part of the third time in Republic's cliffhanger, due to roll June 15, with Robert Montgomery as producer.

Serial is titled 'Dick Tracy and the G-Men' and deals with foreign spies in the U. S.

Pools Opposed

(Continued from page 3)

delivered for a buying pool by the petitioners.

New York stock branch of Allied has been advised of moves for such a combine, it is understood, and has seriously doubted whether such a direction will carry through for various reasons.

Chiefly, the opposition to buying pools combinations himself, Cohen believes the view that not only would such a plan make the market less liquid, but that it would leave the independents wide open to the same charges of buying power and oppression which form the basis of most complaint against the major producers-distributors owning the market.

The fearsome aspect of any buying pool of such proportions is the abuse of power that would go with it. In the opinion of N. Y. Allied's head, he points to the fact that independents are being squeezed out of the market by the power of the pool of opposing producers and chains which unfairly exercise buying or power, yet it is the independents themselves built up a film booking combination of 2,500 houses, their power is considerable. Even so, Cohen, in view of the situation, he believes any discussion concerning such a combine is unwise and that the buying pools were never a smart idea.

A total of 2,500 theatres in this country, representing a considerable number of theatres, and should such a combine be built up, would far outstrip the number of theatres in the country which U. S. suits were brought.

Another danger stressed by Cohen is the likelihood that the combine would be a dispute with a distributor, later getting hurt, he would not doubt be forced to go out and make a legal opposition theatre in order to get his pictures played as he would not doubt be forced to clear his name. The combine, he believes, is the result of buying power, N. Y. Allied's president, Cohen, said what would happen if one exhibitor were a member of a combine of 2,500 houses, but the exhibitor would not doubt stand to lose, just as he does now against producer-chains or large, powerful indie.

Mpls. Convention Plan

Minneapolis, May 16.

Plans now are afoot to organize a national film independent convention at least 2,500 independent exhibitors, the Allied States International convention here June 13-15. Those behind it declare it's a "practical move" to bring down film cost "too excessively high in view of diminishing boxoffice returns."

The hope is to make the most powerful buying circuit in the United States, says W. A. Steffen, president of the independent exhibitor, independent exhibitor in the organization, regardless of his organization affiliation. He says he will be in to join, he declares.

As numerous theatres circulate buy deals for all their houses, Steffen does not believe that distributors can refuse to sell an independent buying circuit, such as it proposed to form here. At any rate, Steffen says, he will be in to join, he declares.

Okla. Indies Organize

Oklahoma City, May 16.

Leaders of the independent circuit working for a buying pool in this state met last week and shelved the idea for the time being, but plan to set up an independent theatre organization, Allied Theatre Owners of Oklahoma, Inc., a national alliance.

Orrville Von Guler, owner of the Roberts, Okla., was elected temporary chairman of the organization, with C. R. Norcross of Sealing, Okla., as secretary, and George W. Smith, head of the Summer Theatre Supply Co., as corresponding sec.

These three are directing a membership drive which will seek to bring 100 theatres into the organization within the next three months.

Another meeting of the organization has been set for June 15, the next 30 days and a general convention has been set for an undecided date in the fall.

Named to the organization committee were Von Guler, Norcross, A. M. Moulder of Sapulpa, John Gray of Enid, Mrs. Juanita B. Berry of Norman, and A. B. Mornard of Shawnee.

Col. H. A. Cole of Alford was present and urged the organization after its decision to affiliate with the group. Due were set at 1c per seat per month beginning June 1.

Loew's Stockholder

Suit Called Off By Consent; Another On

Wilmington, May 16.

Order signed by Circuit W. D. Harrington Monday night (13) dismisses the stockholder action of Edgar F. Stiner, Hans W. Goldstein and Louis Suman against Loew's, Inc., executors and trustees of the Irving Trust Co. in the case of individual defendants. Dismissal was ordered on agreement of counsel, Clarence A. Southerland for complainants and former Senator Daniel Hastings and C. Edward Duffy for defendants.

Complainants had charged the individual defendants had made excessive expenditures to the injury of Loew's stockholders. Former Chancellor Joseph O. Wolcott had ordered a receivership to be issued for the non-resident defendants to appear and had requested 1,000 shares of Loew's stock held by Louis B. Mayer, Nicholas M. Schenck (1,000 each), Arthur M. Loew (500), and executors of the Irving Trust estate, 500 shares.

Attorneys said the chancellor's action was a violation of the law. A very suit here against most of the same defendants brought by Arnold Bernstein, a New York resident, was dismissed individually. The Bernstein action is pending.

The order in the case of Goldstein-Suman action automatically releases the sequestered stock, which is returned to the Irving Trust Co. in full of the same order which directed the subpoenas be issued. Proctor was not required to restore in event the suit was dismissed.

Complainants are bonded to guarantee the owners of the stock by change in market value of the shares. Sequestration order provided the stock could be sold to satisfy any decree under the action.

Defendants besides Loew's, Inc., are: Arthur M. Loew, David Bernstein, J. Robert Rubin, George W. Goldstein, Irving Trust Co., Friedman, John R. Hazen, Al Lichtman, Charles C. Moskowitz, William Partridge, David Warfield, Thomas N. Perkins, Bernard H. Hyman, Sam Katz, Edwin J. Loeb, Norma Stein, Lillian Thau, L. A. Weintraub, Mervyn LeRoy, Hunt Stromberg.

Edwin J. Loeb, Norma Stein, Lillian Thau, L. A. Weintraub, Mervyn LeRoy, Hunt Stromberg, and Bank of America National Trust & Savings Association are defendants also and are executors under the will of Irving Thau.

BUFFALO PALM CHANGE

Far-Sha's 2 to Indies Shifts the First-Run Status

The conversion of three Public-Sea houses in Buffalo to independent operators shortly, under new management, has been announced. The first-run status in that location by distributors of independent pictures will be maintained in Buffalo heretofore has been A. C. Hayman's Lafayette in uptown Buffalo. The change is in control of all other lists.

Production was used by Public-Sea in the Buffalo area, under new management. Lease renewal on this house as well as the Bailey, Buff, and the Yellen, is being handled by the Century, a suburb, was taken by Public-Sea due to demand for higher rental. The Century is in the process of remodeling on the Century, it is understood.

Public-Sea is landlord to Par on the three houses, subsequently made with Nick Dipson of Batavia, N. Y., and the Century, it is understood. Yellen in former years in the Century, it is reported that Hayman, owning the Lafayette, figured in the swing of the Century and the Bailey, Buffalo, plus the North Tonawanda house, he denies that he is in any way interested.

Install A.P.W.

Onlinen Paper Towels

ECONOMY WASHROOM SERVICE

New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

MUSIC HALL
"ONLY ANGELS HAVE WINGS"
Spectacular Stage Productions

ROXY
"PROSE OF WASHINGTON SQUARE"
ALL SEATS 25c TO 50c

"WUTHERING HEIGHTS"
UNITED RIVOLI Broadway
ARTISTS
Dance Shows 9:30 A.M. - MIDNIGHT SHOWS

PARAMOUNT TIMES
HELD OVER 26 WEEK
"UNION PACIFIC"
Starring BARBARA STANWYCK
and JOSE MC KEA
10:15 P.M.
RICHARD HIMBER and Band

THE KID FROM KOKOMO
Starts Friday May 19th
RUEY NEWMAN and ORCH.
STAND
Candette Colbert
KID KID
KID KID
KID KID

Loew's (The)
"THE KID FROM KOKOMO"
Candette Colbert
KID KID
KID KID
KID KID

Capitol
"CALLING DR. KILDARE"
Lloyd Haydon
"It's A Wonderful World"
Candette Colbert - James Stewart

Astor
"Goodbye Mr. Chips"
Robert Donat in
With Greer Garson - Alan M. G. HUI

Baseball So Far No Wow in N. Y.

And Brooklyn Dodgers Seem to Out-Draw New York Yankees Among Fans

Survey conducted by C. E. Hooper, Inc., indicates that listeners in New York have been slow in taking to play-by-play baseball broadcasts. The check was carried on over a period of four days and showed that set owners are much more interested in listening to a running account of the Brooklyn Dodgers at play than in following the doings of the N. Y. Yankees.

The Hooper co-incidental poll extended from 3:50 to 5 p.m. each day. An average of 15% were found to be at home and listening. Of this proportion 17% were listening to the Dodgers' game over WOR, Newark, and 1.5% over WJZ, New York. WABC, CBS New York key, which was covering the Yankees, accounted for 12.5%. Another 12% said they were listening to baseball but didn't know the station. The total of baseball tuner-listeners is 31.9%.

Poll also disclosed that the audience for baseball picks up appreciably during the first innings of the game. The housewives apparently break away from their serial habit in the time to pick up just enough of the game to make conversation around the dinner table.

JACK LATHAM LEAVES HILL

Jack Latham resigned last week as president of the American Cigarette & Cigarette Co., which the A. C. & C. Co. is a subsidiary. He was previously spot time buyer for Young & Rubicam.

Latham had been in the post for about a year, coming over from the advertising department of the American Tobacco Co., of which the A. C. & C. Co. is a subsidiary. He was previously spot time buyer for Young & Rubicam.

Mayor-Spieler Reelected By Charlotte, N. C., Voters

Charlotte, N. C., May 16. Ben Douglas, special announcer for both WBZ and WGB, who handles Golden Gloves boxing broadcasts, Weldon Glover show, Legion baseball, High School basketball and other special features at the stations, has been re-elected mayor of the City of Charlotte for a third consecutive time. Douglas beat his nearest opponent two to one.

Douglas is perhaps the only radio announcer who is chief executive of his city at the same time.

Vallee Shakes Coast

Hollywood, May 16. Another departure from the East from the radio scene is Vallee. He has washed up his picture commitment in "Second Fiddle" at 20th Fox and Sunday night (18) dusts off his 500th consecutive program for Standard Broadcast.

J. Walter Thompson agency will assign another producer to the show as Tony Stanford, its former producer, is remaining here to work on the Kelllogg Circle.

Vallee opens the Hotel Astor Rost (19) season May 23.

Alice Deer Miller and Ludwig Bemelmans will be the guests on this first night (19) (Author, program over WOR-Mutual).

Genesis of Gags

Continuity blueprints for one of the networks has collected quite a catalog of off-color stories for the sole reason of being able to identify the original version when a comic includes a gag that has been put through the sapollo process.

Theory held by this script scrutinizer is that the gag is offensive so long as there is any chance of the listener associating it with the original account.

Colby Chester For Hollywood 'As of Today'

Hollywood, May 16. Colby Chester, former Food board chairman, declines to subscribe to the current notion that so-called Hollywood glamour shows are wearing a little thin and in danger of losing their bankrollers due to the tremendous number of advertisers they do a job of selling they will not be disturbed, Chester comments, however, that this opinion applies 'as of today'.

He says there's no telling what the next three or four months will be as far as he knows there is no change of heart by his company toward Coast programs. If there is a trend away from heavy budget shows by big advertisers he said he had heard nothing about it. However, he amended, radio shows are the individual problems of each sponsor.

San Felice Cigar From New York's World's Fair Out of Crosley Exhibit

W.L.W., Cincinnati, has San Felice Cigar sponsoring a nightly program from the New York World's Fair. It will combine sidewalk interviews with informative and entertainment bits, with the series billed as "This is the Fair, Stanzas we're releasing over the Crosley exhibit's permanent lines to Cincy between 10:15 and 11:00 p.m. each on Saturday and Sunday."

Transamerica Television & Broadcasting, Inc., the New York theatre, for contract and is working two more similar tieups.

Smashes Thea. Equipment In Tif With Broadcaster

Manitowoc, Wis., May 16. Reginald B. Streeter, former announcer of WOMT here, was released by police last Friday (12) after he had agreed to pay Francis Kadow, manager of the Midway theatre, for damages to sound equipment he had smashed in the theatre.

Streeter maintained he had come salary due from Kadow, who also operates WOMT. Opening of the theatre was delayed about half hour because of damage to the equipment.

Penman out, Burton Up

Los Angeles, May 16. Charles Penman departed KJLH and his work of producing the program has been scuttled. Jimmy Burton, chief of announcing staff, moves up as side to Van Newkirk, program director.

Jaime del Valle takes over the director of television programs.

FOR WASHINGTON RADIO PROJECTS

Preparation of Programs and Booking of Station Time Will Be Systematized Under Reorganization Move Now in Process of Working Out

JEALOUSIES

Washington, May 16. Creation of a centralized Federal radio booking service—still under wraps for fear of criticism about a 'propaganda mission' in the U. S.—in progress, within a few days, President Roosevelt is establishing a single outfit which will supervise both preparation of programs and booking of time (on a gratis basis) from existing stations.

Second move toward this objective was taken last week when, using power conferred by Congress in the National Reorganization Act, the Chief Executive shifted the U. S. Radio Service—now being studied by the Federal Emergency Security Agency, First taken last fall when the National Emergency Council, abolished last week simultaneous with the transfer of its functions to various outlays—was made the 'clearing house' for Government-owned stations.

Because of interdepartmental feuds and personal sensitivity, the President did not indicate clearly the nature of the Radio Service, which will in turn be one of the subdivisions of the new Security Agency. Though the production unit will make it apparent the tall will have the dog and the Radio Service in the shape will exercise supervision over programs—such as 'Americans All—Immigrants All' and 'What Price Peace'—and the multiple demand of the Interior Department's press gang. (Great jealousy between LD's press-radio cell and the Office of Education.)

First Step Last Fall Since last fall, when the initial step was made, the N.E.C. has been trying to bring order out of kingly chaos. By pointing out that time on the air was ill tied, the New Deal unit has cleared up to a considerable extent the multiple demand for the same microphone spot. And also has put over the idea that copy mix instructions.

The N.E.C., which it parented the recently-launched die series led by the Federal Emergency Council, has some of the government ministries. Like Agriculture Department's Farm and Home Hour. Resistance to any centralized control has been evinced by some of the agencies involved. Like the Federal Housing Administration, which has lagged behind in what programs and programs, how much cash it pays, how many stations it does buy, and how many hours it has to pay for. Agricut admittedly puts on the best of the regular government shows and, besides, the NBC or CBS has a strong position at present to rebut any meddler.

But now, on though, the various outfits like the Works Progress Administration and the Housing Administration, are being asked to O.K. from the Radio Service before either spending money for recording or producing the program for the time. And the Office of Education, which has been enthusiastic in its own dramatic educational shows, will have a seminar in the values of showmanship and audience appeal.

With Congress pulling the purse-

N.A.B. Intervenes in Move to Get \$15,000 Verdict on Jolson Ad Lib Reversed; See Bad Precedent

Glenn Snyder's Angle

Glenn Snyder, WLS, Chicago, while on a visit to New York last week, remarked that he didn't think he would attend the July convention of the National Association of Broadcasters in Atlantic City because the industry seems to have run out of crime.

He'll change his mind, he added, if in the meantime someone revives one of the old issues and hypnos it into something even resembling a crisis.

Hays May Talk At NAB Confab; Stahlman Set

Atlantic City convention of the National Association of Broadcasters in July will probably be addressed by W.P.A. Latham has speaking dates in San Francisco which, at the moment, conflict with his duties as anxious to address the broadcasters, and the letter to have him. Both industries are now working with the theme of 'self-regulation' as an alternative to having the government do it.

James G. Stahlman, publisher of the Nashville Banner, who has been quite sympathetic to the industry he once didn't, is also to address the NAB on more or less the same subject, but from a different, via a newspaper publisher's viewpoint. He sees a new attack on private enterprise imminent in radio regulation carried to some of the suggested extremes.

A delicate question arises in connection with the speeches Hays may and Stahlman definitely will make. It has been proposed that each of two talks, one for transmission to the public via radio, the other an off-the-record talk to delegates only. Whether the press would be admitted, or excluded, in the latter case is undecided apparently. Nor is it finally decided to adopt this principle, since there is some fear that the press will criticize any 'collusion', or see something mysterious or conspiratorial. As between a desire to encourage utmost frankness from the speakers and getting a double press by interviewing reporters with the show-up, popular you mustn't let limitation, the NAB council is uncertain.

Kids Late for School With Teacher's Permission; Reason: Radio Program

The Family Man' morning script sustainer on the NBC red (WEAF), has been so successful that each 30,000 postal cards carrying a 'Mother's Day' inscription. Letter is titled 'What Is a Mother?'

Teacher from Hamilton, Tex., wrote a note to the school principal, she might distribute among the school children of the town, expressed the hope that the pupils are permitted to stay home (6:30-8:45) until the broadcast is over. That gets 'em a little late for the opening bell but it's all right with her.

Less cash for both script-writing and recording. The Radio Service is supposed to stretch the available appropriations to their maximum length.

Philadelphia, May 16. National Association of Broadcasters intervened last Wednesday (10) to have set aside the \$15,000 damage verdict of last October against NBC for the now-famous ad-lib remark by Al Jolson. It appeared through Attorney General William A. Schneider, to the Pennsy Supreme Court, meaning here, to reverse the decision rendered in favor of the Summit Hotel, Uniontown, Pa. The court took the appeal upon consideration.

Jolson's disparaging crack, which made while interviewing Sam Panter, Jr., U. S. Open golf champ, on the radio. Immediately after the hotel to be a strict as possible from the remark, Jolson apologized and explained it was meant only as a joke. Hotel sued, nevertheless.

NAB said it was intervening because it felt the verdict in favor of the hotel to be a strict as possible from the remark, Jolson apologized and explained it was meant only as a joke. Hotel sued, nevertheless.

Schneider told the court that this decision would be a bad precedent for where a network has been held responsible for an ad-lib remark made by an employee of the broadcasting company.

KECKEY TOPS NEW NBC GROUP

Kenneth Dyke has become director of national sales promotion following a reorganization by NBC of its sales promotion staff. Dyke is working together under Dyke's authority are the sales promotion, research and sales control divisions. Last setup has to do with sales presentations. Previous to this realignment research and sales control was kept under the wing of the v.p. in charge of sales, while sales promotion was under the wing of the publicity division. Dyke's prior title was eastern sales manager.

SOCOANY AFTER NEWS

Interested in Six Five-Minute Spots Every Day But Sunday

Socoany is following the steps of Exco in tying up the news periods of stations within its market range. Under the new Socoany plan, six five-minute broadcasts a day every day but Sunday when the schedule goes to three a day. The campaigns will run through September.

Station list consists of WOKO, Albany; WPBL, Syracuse; WBNB, Buffalo; WJZ, Newark; WMMF, Pittsburgh; WCAU, Pittsburgh; and others.

Wurlitzer in 10 Towns

Schwimmer & Scott agency has secured the Wurlitzer spot programs to 10 cities in the New York area, and switched the shows on WGAN, Cleveland, from three-a-week daytime to four-a-week at night.

Has just played a new play of seven-week after the play-by-play program on WGAN, Cleveland, from three-a-week daytime to four-a-week at night.

TELEVISION MARKS TIME IN ENGLAND: THEATRE, FILM RADIO SALES MEN MET

Ballyhoo of New York World's Fair Seen Over-shadowing British Television Prestige—Commercial Interests Held Off by Postmaster-General

London, May 9. International tension permitting, television is likely to move ahead on this side. Action is expected from General Post Office, motivated by trade and other interests, themselves in turn in part actuated by anxiety not to let American concerns jump ahead as outcome of television publicity at the World's Fair.

Three groups of interests are waiting to discuss situation with Postmaster-General, but have been stalled off by him until such time as the government-appointed Television Advisory Committee, which gives BBC cues, had furnished him with a detailed report on where telecasts have gotten. That report is about to be placed in his hands, meaning that the parleys are not now far off.

Parties waiting word from Major

Tryon—that's the P.M.G.—are Theatre Managers' Association, Radio Manufacturers Association, and the picture trade as represented by a joint committee of Kinematograph Renters Society, distributors, Cinematograph Exhibitors Association, Legits are displeased on several accounts, including the BBC practice of broadcasting Sunday plays when theatres are prevented from opening by law; they also fear big screen re-diffusions in cinemas may be harmful to variety biz.

Film interests have a widely different interest, and are out to prevent free use of films in telecasts as well as to take up legalizing the problem of a presenting rediffused programs of topical items. So long as all BBC programs go to the home receivers, sponsors of big screen see little likelihood of development, especially as BBC limitation of BBC sources, financial and technical, set a modest standard of presentation beyond which the above cannot go. Film trade holds, therefore, it should be permitted either to establish its own independent transmitters complete with its own camera units et al, so as to give national and sporting events the coverage they deserve, or else state of rights of rediffusion of BBC programs should be on an agreed economic basis.

Third group, the manufacturers, are on a different tack still. They are impatient to have BBC service extended throughout the United Kingdom and will press for a verdict on their offer to finance erection of stations in the islands of Bermuda, which will take London programs either by relay stations or by cable. If they get that, they will be in the north, at Manchester.

MILESTONE

Reinhart the Great, One of 'Variety's' New of Television

Robert (the Great) Reinhart, Harvard-trained magician and fugitive from Vauxtry's staff, will be master of ceremonies tonight (Wednesday) on NBC's television program directed by Tim Riley and a departure (already) from NBC's television tradition. Reinhart is a departure from Vauxtry's staff, will be master of ceremonies tonight (Wednesday) on NBC's television program directed by Tim Riley and a departure (already) from NBC's television tradition. Reinhart is a departure from Vauxtry's staff, will be master of ceremonies tonight (Wednesday) on NBC's television program directed by Tim Riley and a departure (already) from NBC's television tradition.

Helping Reinhart will be the Three Smoothies, Hal Sherman, Martha Sleeper, Ned Weaver and Burford Hampden.

Turner, currently on

WMCA, N.Y., with a sponsored fashion program will do a fashion show of new telecasts. Outstanding on the telecast will be gowns and accessories trimmed in ostrich feathers to note the effect of disheveled materials in transmission of pictures.

Washington, May 16.

Portmanteau of any standards for television was universally expected this week at the three-man FCC committee concluded talks with equipment manufacturers and experienced visual broadcast men. Report already is being whipped into shape with June 1 as the goal.

Predecessor's sentiment voiced to the group headed by Commissioner T. A. M. Craven was against any such standards. Craven has a tendency to freeze picture transmission and check progress, although the Radio Manufacturers Association has been applying strong pressure to have a foundation laid through the medium of basic operating requirements. Probable the Commish panel will put the industry on the back and suggest that standards be adopted voluntarily while urging a policy under which the level of performance must be judged by the advances without the necessity of holding hearings. Unlikely the committee will take any public testimony or hold any round-table talks, now that every principal in the industry has been called into individual conference.

Aside from the often-repeated apprehension that the public may be misled, or that monopoly may be encouraged, members of the committee have indicated they feel there are other factors which make delay in standardizing television desirable. Such as program methods, unsolved problems of man-made interference, patents and cost of receivers. Even though their legal jurisdiction is not broad enough to touch some of the aspects, the regulators feel the public interest, convenience, and necessity angle requires the Commish to take cognizance of these other problems.

The talks wound up this week when Zenith executives visited the FCC to urge against any action which would set up a single system as the pattern for the future. Last week Don Lee executives, defending the RMA standards, but agreeing the time has not arrived for adopting rigid policy, talked with the committee.

Mutual's Baseball Quiz

"Hit That Ball," new quiz show on baseball, began airing last Friday (12) over Mutual at a quarter, 12:30-minute slot bringing terms of players, umpires, sports scribes, etc., for questions-and-answer quiz. Star Louisa conducts.

Recent session brought National League's players and umpires to the fore.

Eddie Peck, KUJ, Walla Walla, announced, escaped injury when the car in which he was riding with a friend was in collision with another. Driver of the other car was killed.

TELEFILM CORP. VAGUE

Firm Files in Albany—Who and What Not Revealed

Albany, June 16. Telefilm Corp. of America has been chartered to develop motion picture, television and broadcasting projects with principal offices in New York. Capital stock is 100 shares, no par value.

Milton H. Greenwald is the filing officer.

Greenwald declined Monday (15) to disclose who were the principals in this proposed enterprise other than they came from the film business. He stated that the corporation would be chiefly devoted to film production for television.

General Foods Assured

Fri. 9-10 for Kate Smith

After One Flop Promise

Columbia's assignment of the Friday 9 to 10 p.m. spot to General Foods for the Kate Smith show this fall caused a slight brightening of sentiment among other CBS accounts that now have an option on the first opening evening hour, but the network's explanation of how it all happened, proved satisfactory all around. The others in line for such vacancy were Colgate-Palmolive-Peet, American Tobacco Co., and Texaco.

Some months ago the Ward Wheelock agency had suggested Campbell Soup advised CBS by phone that it was not picking up its option on the Friday evening hour. An exec in the network's sales department immediately advised General Foods of the opening and the latter put through an order. Shortly afterwards Wheelock recinded his oral notice and General Foods found itself in the embarrassing position of not being able to deliver something that it had sold.

General Foods burned over the withdrawal but was talked out of instituting any reprisals. This time when Wheelock cancelled CBS made sure that the thing was not done and then quickly informed General Foods that the spot was available. Texaco will decide on a hunch whether it will remain on CBS for the summer or take a 13-week vacation.

ROE Finaimora's Conclusion

Seattle, May 16. Otto E. Renninger, radio technician for KOA, suffered a brain concussion when heavy box fell on his white steed at the control board. In the hospital.

Equity Repeats Jurisdiction Claim To Television

At Monday's (15) meeting of the Associated Actors and Artists of America, Equity reaffirmed its claim to jurisdiction in the field of television. Fought out that recently around 100 players appeared in telecasts, 90% of them being members of Equity. American Federation of Radio Artists union is on record not claiming television and may later call for a three-way jurisdiction eventually, with AFRA and the Screen Actors Guild being forced to work out the problem between them. Believed the issue will not be settled in the near future because of the embryonic status of video.

However it is not unlikely that AFRA and the others will interpose claims later. During recent discussions it was indicated that television may later call for a three-way jurisdiction eventually, with AFRA and the Screen Actors Guild being forced to work out the problem between them. Believed the issue will not be settled in the near future because of the embryonic status of video.

Paul Morency Elected

Boston, May 16. Paul Morency, manager of WJTB Hartford, was elected director of New England Division of the National Association of Broadcasters at a meeting here May 11 in the Yankee Network studios.

He succeeds John Shepard, dir. president of Yankee and Colonial Networks, who declined re-nomination to the office.

Fallon Lewis last week began a Friday night 15-minute comment record over WOR-Mutual, his first regular entry into New York.

IN BALTIMORE
ITS.

MINIMUM REPRESENTATIVES
EDWARD PETER & CO.

ON THE NBC RED NETWORK

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and for the further protection of its radio sponsors, motion picture licensees, comic strip licensees, and also those licensees manufacturing and distributing the many articles of LONE RANGER merchandise, we issue the following notice:

WARNING IS HEREBY GIVEN THAT

FIRM OR CORPORATION,

who shall in any manner whatsoever, directly or indirectly, use or permit to be used the title, the characters, or names of any characters, appearing in THE LONE RANGER radio, motion picture, or comic strip adventure serials, entitled "THE LONE RANGER," or

who use cause or permit

ANY IMPERSONATIONS

of the characters included in the dialog of the said "THE LONE RANGER," including Tonto and Silver, who shall in any manner use commercially THE LONE RANGER's distinctive call, "Hi-Yo Silver!"

And any person who in any manner impersonates THE LONE RANGER or any of the surrounding characters

WITHOUT

SPECIAL PERMISSION

of the undersigned, the copyright proprietor, will be prosecuted to the fullest extent of the law.

This warning is directed against and includes so-called impersonal appearances of spurious LONE RANGERS and/or any masked persons impersonating THE LONE RANGER and/or Tonto.

THE LONE RANGER, INC.

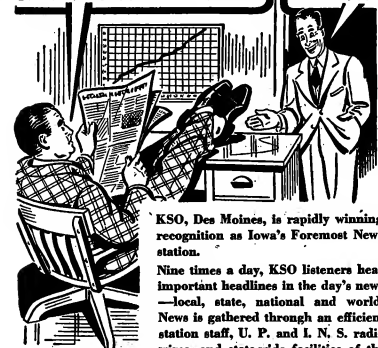
By: Geo. W. Trendle

President

This notice appearing in current issues of Photoplay—Broadcasting—Variety—Economist—Advertising Age—Billboard—Society Weekly—Radio Daily—Variety

WBNS
ALL YOU NEED IN
CENTRAL OHIO
5000 WATTS DAY
JOHN BLAIR & CO. 1000 NIGHT

Iowa's foremost news station? What's that? **KSO of course!**



KSO, Des Moines, is rapidly winning recognition as Iowa's Foremost News station.

Nine times a day, KSO listeners hear important headlines in the day's news—local, state, national and world. News is gathered through an efficient station staff, U. P. and I. N. S. radio wires, and state-wide facilities of the Des Moines Register and Tribune.

What does this complete news service mean to you? It means a large and loyal audience which depends on KSO regularly for news as well as a complete schedule of excellent programming.

KSO gives you a ready-built audience among the more than 1,000,000 people who live in Iowa's largest single marketing area—at a rate you're sure to find attractive.

DES MOINES—NBC Bn-MBS—1430 KHz.

5000 WATTS D.A. • 1000 WATTS HART

Represented by THE KATZ AGENCY

KSO
PROGRAMMED for maximum AUDIENCE in a major MARKET at minimum RATE

Televish 'School' Sued by Scout For Students

Dallas, May 16. Seeking \$2,664 damages, R. S. Sims, Dallas, brought suit against the First National Television Co., of Kansas City, in court here. Sims claims he was hired as divisional manager for the company, to put on 15 five-minute programs over KRLD here. He said he got 108 prospective pupils to take a course in television offered by the company after signing a contract with Charles C. Shea, San Antonio, traveling representative of the firm.

Sims alleges his contract was breached.

CEDRIC ADAMS ABOARD ROYAL TRAIN FOR WCCO

St. Paul, May 16. One of the very few—if not the only radio station in America—to have a news commentator aboard the special train attending the British royal family on their trip through Canada, WCCO is receiving two releases daily from Cedric Adams, who is on double duty for the station and the Minneapolis Star, for whom he conducts a daily column.

The 1,400-mile trip from Montreal to Windsor will take 10 days, and on Adams' return to Minneapolis on Wednesday (24), there will be a special "Welcome Back" broadcast in which he will give his impressions of the Royal party and the hegira.

Herbert Rice, of WGR, Buffalo, will represent the Mutual network on the special train accompanying the private train of King George and Queen Elizabeth. WOL, Mutual outlet in Washington, will feed the ceremonies in the Capitol to the network, with several staff members from WBAF, Baltimore outlet on hand to assist.

Sarnoff Doing Repeat Date Before FCC

Washington, May 16. After a six months' absence, David Sarnoff will reappear before the FCC to be cross-examined on testimony given at the monetary hearings last Nov. 14.

RCA prexy will be accompanied by Marks Levine, manager of the concert division of NBC, when the Commission reopens its infernal monopoly investigation tomorrow (17). Levine will substitute for George Engels, v.p., and managing director of the NBC Artists Service Department, who was excused from testifying when taken ill at the hearings last fall.

TELEVISION PRESS ROOM

NBC Will Soon Open Room for Newspapermen to View Programs

NBC will shortly have a press room for television critics. Frank Mullin, RCA v.p., set the wheels in motion last week.

With sets extremely scarce curious journalists have been seriously handicapped in not having conveniently located sets. Some have been going to World's Fair, 10 miles away.

BBC Asks Television Set-Owners What They Think; Replies 90% Favorable

London, May 9. Result of BBC's—and the world's—first questionnaire on television among set-owners suggests BBC is working on satisfactory lines. Present policy and programs got applause from up to 80% of the returns analyzed. Some feared, however, that folks as yet have no true opinions or critical standards and consequently are misled to give the answers they think BBC expects.

Thus plays and variety direct from

Shades of Vaudeville

Charlotte, N. C., May 16. "What would you do if you came home one night to find your wife in the arms of Morpheus?" asked Lee Kirby, WFLB announcer, in his Man on the Street Question and Answer Show.

"Huh?" replied a burly passer-by. "I'd shoot the yellow dog dead!"

ANNENBERG ACTIONS DROPPED IN PHILLY

Philadelphia, May 16. Civil libel suits filed against WFLB and Samuel R. Rosenbaum, its president, last October by M. L. Annenberg, publisher of the Philly Inquirer, were withdrawn last Thursday (11). Counter-suit by Albert M. Greenfield, one of the principal owners of WFLB, against Annenberg were not dropped at the same time.

Suits resulted from several radio speeches made during the height of the gubernatorial campaign last fall. One speech was by Greenfield on Sept. 15, in which he attacked Annenberg and his participation in the James-for-Governor campaign. The other was by Senator Guffey on Oct. 6 over WFLB, and a state-wide chain.

the theatre, newreels, topical magazine and light entertainment, all regular program features, are approved by practically all; practice of running studio plays to 80 minutes playing time, which is being done more frequently, gets endorsement from 80%; more than half say present program length (1½-2 hours nightly) is satisfactory; women announcers get an overwhelming vote over men, and it should be noted BBC has no male television announcers at this time.

Results are derived from first

NBC-RCA Taking the Rap So Far In Television Program Trail-Blazing

By BOB LANDRY

The production problems facing television are appalling in their complexity and costliness. NBC-RCA is carrying the load alone right now. In July Columbia will begin telecasts and DuMont, from Pasaic, N. J., is readying a schedule. But for the present, RCA-NBC is leading with its chin. This was particularly apparent last Friday (15) when the evening hour (9-9 p. m.) was turned out to be a hedge-podge of grab items against which the deadly cry, "boredom," could be raised.

Lack of film handicaps further. Companies wont sell to television. There was an educational from France and an industrial (advertising) to pad out.

But it is quite fair to judge television programs at this moment by the standards of professionalism? Naturally RCA-NBC asks for, and rather expects, six months or more tolerance. Each new day means new problem without precedent and some sort of budgetary control is imperative. It was a near-miracle making the promised April 30 start date. And every time the show goes on at all it's still in the near-miracle class. Nevertheless people will form and express opinions and

critics will certainly reach print. Which goes back to last Friday's vaudeville parade which consisted of

Dorothy Gish, as mistress of ceremonies. She televised badly and could scarcely have been identified without verbal aid. Helen Morgan, here, oddly, the teletron suddenly became much more revealing. It was possible to recognize the features. This tended to suggest that television, like films, may bring about oddities of "camera faces." Miss Morgan was stand-out in this regard.

Three Weiss Bros. were lost in the medium shot and handicapped by the skimpy organ music NBC provided.

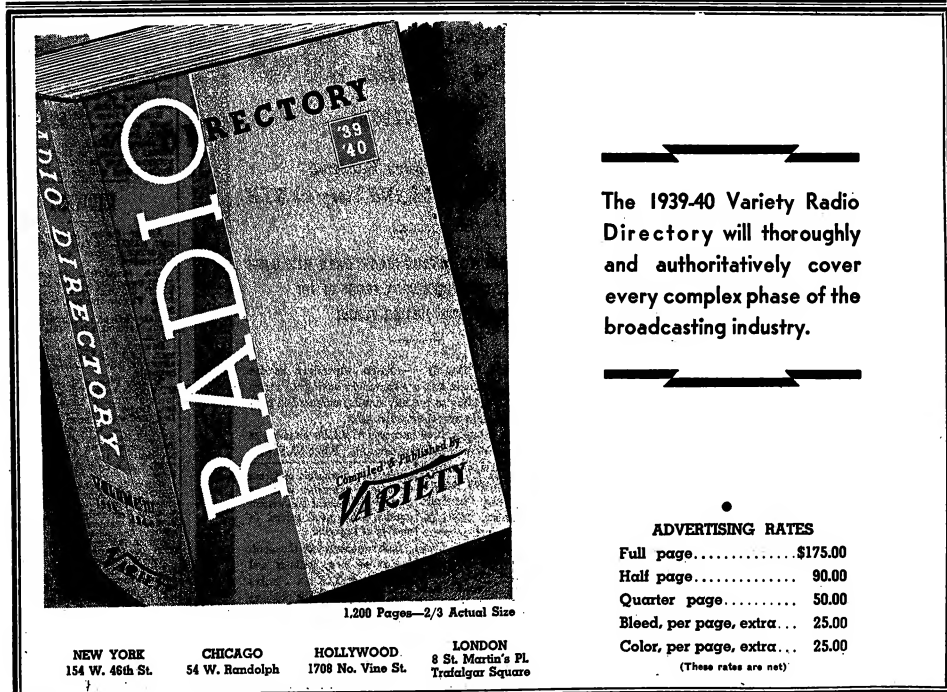
Paul Remos and his two midgets came through fairly well and indicated aerobic possibilities. The dumb act will be useful to the new medium. It would appear. Whole vaudeville bits televised, however, no further back than the second set of lines may eventuate. The intimate touch is required throughout, and when it fails television fails.

Aldo, the fencer, working first with a woman partner and later with another man, and in both cases without masks, his Italian demonstrated further athletic possibilities for the lioncoppo. Some sense of the excitement and speed of the sport came through. It was clear that Aldo was a master foilman. The kill was pretty awkwardly staged.

Jean Muir, assisted by three supposed players, did an old Lewis & Gordon vaudeville play, The Red Hat. It last served in 1929 as a vehicle for Madge Kennedy. It made pretty creaky entertainment and the other women did some mugging that was less her fault than it was the director's. Fortunately these milks them. They will not live to embarrass anybody. The future fans will not know just how bad some of the early programs were.

Studebaker on WFLC

Chicago, May 16. Studebaker (local) has signaturred for daily 15-minute news broadcast ride on WFLC, Chicago. Set through the Schwimmer & Scott agency.



1939-40 Variety Radio Directory will thoroughly and authoritatively cover every complex phase of the broadcasting industry.

NEW YORK
154 W. 46th St.

CHICAGO
54 W. Randolph

HOLLYWOOD
1709 No. Vine St.

LONDON
8 St. Martin's Pl.
Trafalgar Square

1,200 Pages—2/3 Actual Size

ADVERTISING RATES

Full page.....	\$175.00
Half page.....	90.00
Quarter page.....	50.00
Bleed, per page, extra.....	25.00
Color, per page, extra.....	25.00

(These rates are net)

Background Buzz

SOUTH

Hal James, Compton Agency exec in charge of Ivory Soap baseball broadcasts, visiting in Oklahoma.

Porter Rendell, KGKO newscaster, to emcee East Texas Old Fiddlers Reunion at Athens, Texas, May 26.

Byron Gyle on production staff of KGNC, Amarillo, Texas, following return from Hollywood.

Tom Ward, Bill Young, Waldor McVeer and Ronald Leath have formed the Roland Leath outfit for new series of broadcasts on WBAF, Fort Worth.

Henry Durre, WWL, New Orleans, special events man, laid up for several days following automobile accident.

Glen Williams assigned to base ball play-by-play broadcasts carried by KRCO, El Paso, Okla.

Howard Cole has been added to the KCRG, Enid, Okla., staff as a newsmen.

Wayne Dunlap and Red Wood, ward, tenors, soloists on Variety in Rhythm program over WBAF, Fort Worth.

Bob Calen, character actor with WBAF, Fort Worth, has gone to Hayward, Cal., to participate in summer odyssey.

John Rogers on announcing staff of KOMA, Oklahoma City. He was formerly with KFPW, Fort Smith, Ark., and KYVO, Tulsa, Okla.

Meador Lowrey, formerly program director at WHAS, Louisville, has been added to the staff of KLLD, Dallas, as announcer.

Bradford Furniture renewed daily

period of Trans-Radio news on WWSB, New Orleans.

WWSB, New Orleans, business better in 1939 than the same period in 1938, Harold Whelehan, General Manager of the station reports.

James E. Edmonds, writer of books on travel, has joined the staff of WWL, New Orleans, to present commentary on current events. Un-sponsored.

An exclusive interview with Anastasio Somoza, President of Nicaragua, was snared by WWL's Special Events Director, Henry Durre, from the President's suite in the Roosevelt hotel, New Orleans.

Bill Hix, former Atlanta, Ga., newspaper advertising man, has joined WSPA, Spartanburg, S. C., as commercial manager. Earle Caton, formerly of WSOB, Charleston, N. C., has joined WSPA announcing staff.

Roy Parks has replaced Jack Thurston, resigned, as musical director of WQAM, Miami.

Gaines Baton has joined the announcing staff of WWSB, New Orleans.

Irving Vidovavich, staff director at WWL, New Orleans, is using crutches after trying to show his five-year-old boy the proper way to climb a fence.

Eloise Conley new staff of WWSB, New Orleans.

Bill Hamilton, production manager at WYFL, Richmond, doing double duty on new electrical organ.

Brando Allen newest addition to WWSB Atlanta staff, succeeding to spot left vacant by John Tillman, who has gone with KGE in N. Y.

W. C. Lukenski, jr., KOMA, Oklahoma City, program director, recovering from attack of flu and back on job.

Bobby Peters and his Orchestra have replaced Nick Stuart aggregation on Texas State Network.

Velma Boyce, of WFAA, Dallas, back after three weeks absence, following operation for appendicitis.

Marie Green, KOMA, also back on the job after appendicitis.

Ed Park, Chicago rep. for Texas State Network, visiting in Fort Worth.

EAST

Beckley Smith, newscaster at WJAS, Pittsburgh, is back on the job again after a two-week hospital stretch.

Dita Maurice Spilting, director of music at KDKA, after stage of stomach.

Vera Meding, of WCAE, Pittsburgh, office staff, has set June 1 for her marriage to Cyril Winslow.

Studio romance culminated in an engagement announcement at WIP, Philly, last week for Byron Seam, sports gambler, and Anne Fitzpatrick, secretary in the press department.

Mitt Laughlin, manager of WHAT, Philly in Havard, with his bride and foster-mother, Mrs. Emily S. Kearney, mother of George Kearney, Philly leader's son.

Sam Serota named p. of WHAT, Philly. Has been writing continuity and announcing at the outlet for eight years.

Bob Elmer, baseball statistician for Bill Dyer, sports speller on WCAU, Philly, has resigned to go into the contracting business in Florida.

New transmitter he erected shortly by WJBG, Philadelphia. Ground will be broken this month.

Patulet was recently over by Phil Hannon, operator of WHOM, Jersey City, to temporary up of WTKY, Trenton.

Florence Ballou of WICC exec

ADVERTISING FEDERATION OF AMERICA

Waldorf Astoria, New York, June 18-22, 1939

CONVENTION TIME TABLE

Sunday, June 18—

Registration at Waldorf-Astoria.

Post-breakfast meeting of council on Women's Advertising Club.

Afternoon: meeting at Court of Honor. Waldorf's Fair, to observe Advertising Federation's 10th anniversary.

Cathedral Church, New York, Mass. by Lincoln Nebraska.

Evening: dinner from 4 to 6 at the Waldorf-Astoria.

Evening: free-lance.

Monday, June 19—

Morning: departmental and national group meetings. Newspaper Advertising Executive and Public Utilities Advertising Executive.

Afternoon: meeting of National Association of Broadcasters.

Evening: annual banquet and ball, one speaker.

Tuesday, June 20—

Morning: national group meetings. Industrial Advertising Conference (sponsored by NIAA, ABB).

Afternoon: meeting of National Association of Broadcasters.

Evening: Alpha Delta Sigma members will give dinner initiating Lovett Thomas as honorary professional member.

Entertainment, party—plans met yet finally completed—Waldorf-Astoria.

Wednesday, June 21—

Morning: Public Relations Conference; about three speakers; Chester Lang.

Afternoon: meeting of the AFA program committee to discuss and adopt a National Groups and Departmental conference meeting.

Evening: meeting of the National Association of Broadcasters.

Thursday, June 22—

Morning: meeting of the National Association of Broadcasters.

Afternoon: meeting of the National Association of Broadcasters.

Evening: meeting of the National Association of Broadcasters.

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office calls May 19 for month in Europe.

George Wetmore, until lat-ly do-bridge an institutional firm, RGC, Edgington, moves to WZ-L, New Haven, for similar stint.

Dick Carlson back a WELI an-

nouncing staff after spell of milk work in Waterville, Me.

Bill Beal, head of KDKA, Pitts-

burgh, moves to WZ-L, New Haven, for similar stint.

Cynthia Cate have set July 1.

Winnie Lee and Thelma Woods

are back on the WCAE, Pitts-

burgh, after a long absence.

H. L. Elmer, Sr., former chief

engineer at WCAE, Pittsburgh,

in Smoky City for several weeks

from his home in Marshfield, Mass.,

to attend wedding of his son, Gifford,

also a WCAE engineer, to Lorraine

Higgins, William Penn hotel's

cigar

club.

Bea Smith is a new announcer at

WABY, Albany.

Dick Bachman, formerly in the

outdoor advertising biz, has just

joined W. E. B. Co., chief engineer,

and agency in Pittsburgh.

Bill Beal, head of KDKA, Pitts-

burgh, moves to WZ-L, New

Inside Stuff—Radio

Two new links have been forged to the Don Lee chain, raising the Coast's network total to 31. Supplemental stations in the Sacramento valley are KVCV, Redding, and KHSI, Chico.

Insider, weekly on international affairs, is published and edited by Johannes Steel, WMCA radio commentator and former newspaper columnist, and Charles Hodges. New weekly's editorial matter extends beyond range of Steel's air comment.

George Mayer, an engineer with WMCA, N. Y., has been signed by General Mills to the play-by-play spots of ball games of the Norfolk Club, Va., of the Piedmont League. He was never on the air for WMCA and is said to have collared the job without any training.

South Carolina newspaper's libel bill barring damage suits on "honest mistakes" was narrowly defeated in state legislature. Although measure contained no radio clause, spatch backers included Rep. Virgil V. Evans, owner-operator of WSPA, Spartanburg, S. C.

Elliot Roosevelt brought up some of his Texas State Network execs for a meeting in New York last week. It had to do with the operations of a regional network, of which Fritz Penton is manager.

The others present at the huddle were Benton Ferguson, manager of sales promotion, and Steve Wilhelm, production director.

NAN WYNN WITH KEMP

Smoothies, From Griffin Show, Also Singing From Waldorf-Astoria

Nan Wynn replaces Maxine Gray with the Hal Kemp orchestra Friday (19) at the Waldorf-Astoria hotel, N. Y. Miss Wynn started with Kemp on his Griffin show commercial two weeks ago. Miss Gray's plans aren't known.

Three Smoothies, also with Kemp on the commercial, will do sustaining-broadcasts with the band from the Waldorf starting Monday (22), but will not sing at the Room as an act. Both Miss Wynn and the Smoothies go out on Kemp's theatre and one-nighter tour starting June 2.

Ala! No Job No Mo'

Hollywood, May 9.

Resignation of Greg Dickson, head of Walt Disney's local publicity staff, resulted in the abolition of that post. Hal Horne will direct activities from his New York office with Hollywood department supplying copy.

Writers Convention Seriously Ponders Broadcasting Technique for 1st Time

For the first time since the organization's inception, the League of American Writers will conduct a symposium on radio at its annual meeting June 2-4 in New York. Lewis Titterton of NBC, Max Wiley of CBS, and Mitchell Benson of Mutual, will address the sessions, with an expected attendance of more than 500 writers.

Hans von Kaltenborn, CBS foreign news commentator, will be chairman of the meeting, with Alfred Wallenstein of WOR talking on the use of music with radio drama, and William Robson of the Columbia Workshop, explaining experimental plays. Plans are also under way for the June 3 broadcast of Arch Oboler's "Play," a weekly dramatic sustainer over NBC red, to be piped into the

meeting. Session will be held in the New School of Social Research, N.Y. Regular session of the League meeting will open June 2 at Carnegie Hall, N.Y. Speakers at the other symposia will include Sherwood Anderson and Lillian Hellman, drama; Stephen Vincent Benet and Archibald MacLeish, poetry; John Steinbeck and Erskine Caldwell, the novelist; and Joseph Wood Krutch, Van Wyck Brook and Malcolm Cowley, criticism.

Metro-Goldwyn-Mayer has bought an aggregate of 90 spot announcements for this week on WMCA, WJWV, WRNY, and WQXR, N. Y., to advertise its Goodbye Mr. Chips! film which opened at the Astor theatre, N. Y., Monday (15). Donahue & Co. agent.

DIZZY WATER AIR BAN HAS BLESSING

Washington, May 16.

Administration blessing was placed on legislation banning radio advertising of alcoholic beverages when Chairman Doughter, Democrat, N. C., last week introduced an amendment to the Federal Alcohol Administration Act of 1935 preventing broadcasters from ballyhooing "any" type of friskifying drinks.

Legislation would curb sponsor as well as radio stations. Unlawful for "any person...to broadcast or cause to be broadcast, directly or indirectly, by means of radio, any advertisement of an alcoholic beverage, nor shall any such person or any person for, or in their behalf, pay for sponsor, directly or indirectly, any radio program or be mentioned in any radio advertisement if either the use of a trade name or otherwise, reference is made to the fact that such person is engaged in the manufacture, sale, or other distribution of any alcoholic beverage."

New proposal falls in line with what the FAA was trying to do last year, with Administration support. Differs from the Senate ban on radio advertising of ditty-water, offered by Senator James E. Murray, Montana Democrat, because it would not amend the Communications act but would be scrambling with other restrictions on liquor distribution.

CAVALCADE OF LADIES TEED OFF BY MRS. F.D.R.

Federal Theatre Radio Division and the Women's Activities Dept. of NBC have collaborated on turning out a program to aid the lives of pioneer American women in various fields. Tagged "Women in the Making of America," it'll start a 13-week stretch in a 2-2:30 p.m. slot on NBC Blue Friday (16). Mrs. Eleanor Roosevelt, pres'r wife, will guest on the initiator. This is separately labeled "Cavalcade of American Women."

Directed by Harry A. MacFadden of NBC, the program will include the Madrigal Singers in arrangements of early American songs. Mrs. Eva von Baur Hansi, who generated the idea of the series, will do short interviews with important feminine personalities at the conclusion of each airing.

Harry Marble Promoted

Philadelphia, May 16. Harry Marble was promoted last week from the gab staff of WCAU to assistant program director. He replaced Norris West, who resigned to become assistant manager of the Philly Orchestra.

Fred Marshall, of WPRO, Providence, R. I., will take over Marble's spot on the spiel crew.

Reid Murdoch & Co. (Monarch Foods), through Rogers & Smith, Chicago, signed with KFRC, San Francisco, for 30 100-word announcements weekly for one year.

IF WLW'S COVERAGE WERE LIMITED TO



AVERAGE COST PER LISTENER WOULD BE LESS THAN HALF OF THAT OF THE 10 DOMINANT LOCAL STATIONS COMBINED!

1. COLUMBUS
2. FORT WAYNE
3. INDIANAPOLIS
4. LOUISVILLE
5. CHARLESTON
6. DAYTON
7. LEXINGTON
8. MUNCIE
9. KOKOMO
10. NEWARK, O.
11. SPRINGFIELD, O.
12. LIMA, O.
13. CINCINNATI

AVERAGE AUDIENCE tuned to WLW from 8:30 A.M. to 10:30 P.M. Monday through Friday is 111.8% GREATER than, or TWICE that of the ten dominant local stations in the 13 markets surveyed by Ross Federal Research Corporation and the Alberta Burke Marketing and Research Company*.

EVEN THIS DISPARITY is based on the unfactual assumption that WLW's coverage is confined to the city limits of these 13 cities. These comparisons completely ignore WLW's almost complete dominance in the small town and rural areas.

IF YOU WOULD KNOW THE WHOLE STORY PLEASE WRITE WLW, OR TRANSMERICAN BROADCASTING AND TELEVISION, NEW YORK

Ask for "MORE FACTS AND FIGURES ON WHY I SHOULD BUY

THE NATION'S STATION."

*During week of March 22 through March 28, 1939, Ross Federal Research Corporation made 118,520 telephone calls in 12 markets: Columbus, Fort Wayne, Indianapolis, Louisville, Charleston, Dayton, Lexington, Muncie, Kokomo, Newark, O., Springfield, O., Lima, O.

In Cincinnati, the 13th market, Alberta Burke Marketing and Research made 21,283 calls, 14,947 of which were completed.

See the Crosley Building at the New York World's Fair

From the Production Centres

IN NEW YORK

Joe L. Grumbach's latest statement of Miller tale concerning latter's lease of Grumbach recording studios may give trade idea he (Grumbach) is withdrawing from his own production activities—he goes on... Stopping of the Philip Morris-sponsored "Guess Where" quiz is called poetic revenge by the boys who alleged it lifted NBC's "Name the Place" idea... coy letter sent out by casting director of an industrial film firm soliciting radio actors to buy tickets to an opera performance promoted by the casting director's father brought forth an assortment of replies... especially from those who never got away from the casting director... "Wading Present," dramatic sketch by Arch Oboler, will be used on tonight's (Wednesday) Texaco program... during Linda Lee's illness, Hilgierde is substiting on the Robespierre series... Knute Erickson back from his Brattleboro (Vt.) hideaway... transfer of the Benchley, Vallee and Al Pearce shows to the Coast has cut down the available dramatic spots... Tom McIntyre, who recently wound up scripting stints on the Phil Baker and Warden Lawes shows, writing skills for the "Streets of Paris" legit revue... those long summer weekends already hitting radio... Mary Martin ("Early Belongs to Tuesday" guests May 24 on the "39 Men and a Girl" show). She also has a picture deal in the works... Edmund O'Brien and Caroline Manson do the leads on next Saturday's (30th) Arch Oboler stanzas... Martin Gabel is to head guests in the legit production of "Merchant of Venice" for the fall to do anything but the "Big Sister" oboler... the Bob Fosse (Alceas Frost) have called off their trip to Sweden and will go to New Hampshire for three weeks in June-July... Helen Lewis will be on next Monday's (22nd) "Cavalcade of America's" program.

Donald Peterson, indie producer, has a sideline. Claims to have started an alibi bureau in which tailored excuses for business, social and professional purposes can be secured.

IN CHICAGO

NBC is launching three new script shows. One, Sunday daytime half hour, is "Waterloo Junction" with Vince Travels the topper... Betty Windsor heads another half hour Friday evening called "1,001 Wives"... Sandra Michaels authored "Affairs of Anthony," which will take time now held by "Don Winslow of the Navy." Same show did a 13-week ride before on NBC... Ted McMurray handed the production assignment for "Rhindia," new Corn-Kix show... Bob Elson's WGN Sunday baseball excursion for mid-west fans meeting terrific response at \$4.95 a head for ball game, book-end, dinner and baseball movie pictures... Bob Hart vacationing early from his WBBM-Columbia production duties... Glenn Goodwin added to the cast of "Midstream," new Post (Procter & Gamble) show... Wednesday (17) Virginia Payne celebrates 1,500th performance on the "Ma Perkins" program. She and Charlie Kiplinger are the only remaining members of the original cast, but Kiplinger hasn't reached the 1,500th performance total, due to fact he's been written out from time to time.

IN HOLLYWOOD

Glenhath Taylor, producer of Silver Theatre, last week passed his 17th year in radio on his 35th natal day... Don Quinn, gag conceiver for Fibber McGee and Molly, took a header and cracked his HUMERUS bone... Gale Page and Dorothy Page, to kin, renewing acquaintanceship at NBC after working together for years in Chicago... Murray Bolin, producer of Jello-her, carries his short wave set with him wherever he goes. Freeman Gosden (Amos) also plenty short-wave minded... Harry Acherman, Young & Rubicam producer, soon going off the deep end with Mary Schipp, air performer... another romantic item in the Y & R office concerns Adrian Smith, headman on the Screen Guild Show, and Adrienne Ames... Dick Powell will pass his summer hiatus in Hawaii... Raymond Paige is 39 this week... Edgar Bergen and the Patting bewinged heires are seen together jobs... When Fay Gray isn't batoning on "Big Town" he's scanning blue prints for a make in North Hollywood... Claire Trevor is a notorious baby-talker... Gill and Denning's new character for Joe E. Brown is "Melisious if Precious"... Kitty Laughing Lady O'Neil was formerly head librett on a Chicago Nitty Club program... Wilbur Hatch has organized a softball team composed of radio musicians... Charlie Yanda makes all his social calls in a station wagon... Carroll Carroll, scripser of Kraft Music Hall, and Bob Burns are betting at those home that long legged bird will make his first stop... Bob Cowell, scripser on Kellogg Circle, is a sucker for comics. They're all funny and he lets go from way down there... Danny Danker will go in for violent exercise on his vacash. Fishing... John Whedon, Circle writer, found enough idle time on his hands to hammer out yarns for Colliers and Cosmopolitan... No one gets around

Court Reverses \$56,420 Jury Decision Against McCann-Erickson Agency

Federal Judge Mortimer W. Byers on Thursday (11) reversed an award of \$56,420 granted by a jury on April 28 to Leora Solow, in her \$100,000 lawsuit of contract action against McCann-Erickson, Inc., and ordered a new trial. The judge declared in an opinion that he felt the jury had been misled, and that the plaintiff's idea to exploit cigars had not been used. Byers declared, "It is now apparent to the court that the verdict rendered for the plaintiff is not supported by the evidence in the plaintiff's own case."

Action is based on an oral agreement whereby the plaintiff was to receive 5% of all advertising secured by the agency, if her idea was acceptable to tobacco manufacturers. She claimed that as a result of her idea the Axton-Fisher Tobacco Co. spent \$1,124,117 in exploiting Twink brand ciggies.

BILL LASTRAPES TO WWL

New Orleans, May 16. Bill Lastapes, who quit spilling over WSMB to become secretary to Clark Salmon, managing editor of Item-Tribune as well as radio editor of sheet, has resigned to return to radio. He joined announcing staff at WWL, replacing Louis Ricau who resigned to join WLSL. Nashville. Gus Koorie has his old job as radio editor on the Item-Tribune again.

like Mutual's gossipier, George Fletcher. Makes as many as a dozen spots in a night... Bob Hope reached too far for a gag and pulled a tendon... Jack Benny doubly miffed by birthdays, Younger's and fra's (Mary Livingstone) five days apart... Y & R's apologist Franklin Delano doubling up this summer... honeymoon and vacation... Cal Kuhl drag around a 60-foot extension on his serphones while producing Kellogg Circle and Chase & Sanborn. Covers more mileage than any other director... Jimmy Wallington gave Martha Mears her first radio break and now she's really moving... David Brodman is the most musically looking poulton figure in Coast radio. Barbara Jo Allen of Signal Carnival and Isobel Randolph of Fibber McGee got parts in "The Women at Metro"... Claire Olmstead taking his sabbatical in the Canadian wilds... Carlton Morse referred to in the dailies as 'the very vocal'.

IN SAN FRANCISCO

Arthur W. Stowe, radio way-back-when (Horse Heid, Pat Barnes Northwestern yep, General Mills, etc.) new KSF production manager here... Humphrey Berris's Brazilian from Prison Pair to CBS Saturday... Violinist Betty Marino Yoder of "Good Morning Tonite" orchestra at KFO and her own string quintet at KYA hospitalizing for major operation... Richard Douglas and Don McLaughlin, producing next week shifting from press, where Dave McNutt replaces him. Bob Bishop joins the station's soundicians, succeeding Don Fleming who has taken over with his father's business... Margaret Cuthbert, director of women's activities for NBC, out from New York last week to produce several network broadcasts in connection with the General Federation of Women's Clubs annual meeting... Douglas Douglas and Don McLaughlin, playing the leads in the Sperry Flury Company's daily serial, "Dangerous Road," over the Coast NBC-Red web, head for Hollywood and New York, respectively, after the ship... James May 26... about McDermott, KSF actress, picked leading role in the San Juan Bautista pageant, set for June 25 at the historic old mission. Program director J. C. Morgan of KSF is producing and directing the pageant for the fourth consecutive year... Baritone Donald Dickson in town last week from Hollywood to sing at Bohemian Club. Also was televised at the RCA exhibit on Treasure Island and answered questions on a vox pop broadcast from the expo.

Radio Daffodils

New York City—McKesson & Robbins' Calox toothpowder on its early morning, "Joyce Jones," "Silent Interests," has been a flop. Advertising pecuniaries: "No other program offers you free seeds for Hollywood star pretinies."

Cincinnati—WLW's "Top of the Morning" program originated in the barnyard of the Byron Krollman farm, near here. Show was viewed by 1,000 of residents, many of whom were on hand at 5 a.m., 45 minutes before air time.

Gag stunt was a milking contest between Lela Harkness, harmonica comic, and Lela Jim Day, tall story teller from Shawnee, Okla. Harkness won by escaping attention of judges in emptying milk from a hot water bottle concealed in his coat.

Indianapolis—Miss Blanche Young, radio director for the public schools, has launched over WFPM a series called "Teachers Are People."

Minneapolis—"Sheriff for a day" was the honor conferred upon Russ Winnie, "Sidewalk Reporter" on WTMJ when he took his daily program, "The Sheriff's Office," to Wausau, Wis., for the annual White Bass Festival last week.

WALTER WILLIAMS OUT OF WBNO, NEW O.

New Orleans, May 16.

Latent gnatless resignation at WBNO givulves Walter Williams, sales manager. Makes the third out of three content weeks and since the present operators took over from the Coliseum Place Baptist Church. Ormond O. Black quit as station manager after a two-week stay. Black succeeded Ed "Doc" Musso who managed the outfit for years before the change in ownership.

More Grop Theatrical Adaptations Set For Swansdown Program

Ted Collins has bought three more group theatre radio adaptations for use on the Kate Smith Swansdown show. First will be aired on tomorrow (Thursday's), broadcast, starring Frances Farmer and Luther Adler in an adaptation of Sidney Kingsley's "Men in White." Title of Sarah Bernhardt by Clifford Odets, with Stella Adler and Marie Carovsky in the leads; and Odets' "Golden Boy" also with Frances Farmer will follow on successive weeks. Group theatre players have already done two shows on the program, using "Rocket to the Moon" and "Awake and Sing." Don Sharp adapted both, and will to the above three. He also did the "Hot Mikado," which drew a repeat shot last week after being done in April.

Sheriff's Show to MBS

New Haven, May 16. "First Offender," large correctional drama series conducted by Sheriff J. Edward Smith, May (15) expanded from Connecticut to Mutual network as summer sustainer. WICC continues to originate, with Mack Parker producing.

Anti-crime element, which began on WBLD six years ago and later moved to WICC, inspired recent Columbia film feature, "First Offenders." Six men built a large audience and a large membership for the first Offender club, but beyond nominal network retainer has no commercial revenue from show.

Courtesy Savage, Radio Writers Guild vice-president and the organization's local rep, is in Santa Fe, N. M., on vacation. Not due back for several weeks.



Do you never want to SEE anything?

Are you going ostrich on YOURSELF, stubbing one toe fretfully in the sand, wondering where your next sale's coming from? Doesn't it mean ANYTHING to you that a sponsor who had used everything BUT radio, tried WOR evening-time and now uses only WOR with GREATER results than ever before? And that another sponsor recently made 9 evening-time program mentions on WOR and hurried home

with 18,723 letters asking for the leaflet be offered. If (1) you're an advertiser or (2) an agent or (3) a time-buyer, it will pay YOU to find out quick what this greater-New York station has done (is doing) and WHAT it might do for YOU. Our address is—WOR, 1440 Broadway in New York City. We are also equipped to run call from: BOSTON, 80 Federal Street; CHICAGO, Tribune Tower; SAN FRANCISCO, Russ Building.

Government Radio Fully Endorsed

Parliamentary Committee Applauds CBC's Actions and Policies—Television Clause

Montreal, May 16. Parliamentary Radio Committee which was appointed to survey the government's radio activities, last week handed down a clean bill of health for the Canadian Broadcasting Corp. and gave blanket approval to the policies of the CBC. Most important of the committee recommendations concerned a proposed upward revision of license fees for privately-owned radio stations on a wattage basis in proportion to the population served. Rumor that license fee of \$1 per watt of station power per annum would be exacted was not confirmed, but understanding is that smaller stations might pay a fee of approximately that amount. Currently private radio stations in Canada pay a flat sum of

\$50 per annum regardless of power. Parliamentary Radio Committee has said that no such revision works should be sold for broadcasting opinions on current affairs. Another point is that political broadcasts in federal or provincial elections should be on a basis only and that more time should be made available for political broadcasts of this nature and equally divided among all parties.

The Radio Committee handed the CBC a pat on the back for its 'pilot station' and a further attack on revenue sources of private stations was foreshadowed in the remarks that the committee believes "that increased revenue should result from improved coverage and service" for the Corporation.

Set Tax Check-Up

Dealers will in future be obliged to report monthly to the Department of Transport the names and addresses of all purchasers of sets, including the date of each sale, according to the recommendations of the Committee. This is an effort to stop use of radio receiving sets unless the annual license fee is paid. Under estimates show that there are over 500,000 radio sets in use in Canada on which the annual \$2.50 license fee is paid. There is already a regulation which imposes on the dealer the obligation of ascertaining that a purchaser has a license before he can sell a radio set. Through the new regulation dealers will be obliged of this responsibility, placing on Government collectors the burden of getting the license fee.

The Radio Committee applauded the plans for additional national coverage by the CBC through use of powerful new transmitters in the Prairie and Maritime Provinces. Approval was also expressed for plans of the CBC to concentrate on a greater number of programs for rural listeners. Reference was made to the decision of the Corporation to maintain but not to increase the present ratio of commercial to sustaining network programmes.

In regard to television and facsimile broadcasting the policy of the Government is not to transfer any part of the public domain to private interests. The Government will probably undertake "experiments in facsimile broadcasting shortly."

The Committee report refers to the 'better understanding between private stations and the Corporation' recently attained, an impression which prevails mostly because the private stations did not appear before the Parliamentary Committee to air their grievances when they had the chance.

There is a better understanding between private stations and the Corporation, but not in the agreement by the Committee. Private stations understand better than they do that government policies are entirely directed towards curtailing their activities in both the commercial and entertainment field.

London Calling

London, May 7. Charles Cechran's 'Night Light', the Trocadero cabaret show, will be televising May 17.

Normandy goes renewal of time for *Hitlers and Monkey Brand*. The shows are produced by J. Walter Thompson Co. radio department.

Radio version of Cavalcanti's documentary film, *The Nations of the World*, a G. P. O. film unit for the Ministry of Health, will be broadcast in concert with Ralph Richardson narrating.

Buckers (performers who entertain theatre queues) are being given a wider audience in the new *Monkey Brand* broadcasts from Luxembourg and Normandy which started May 7. Tommy Handley introduces them and adds some of his own humor. Three of these 'Jokers,' as they call themselves, will go on the air each Sunday.

Electrolux began May 1 series of quarter hour concerts covering two months' Radio Normandy campaign. W. S. Crawford, Ltd. placed contract with IBC.

Modern musical comedy version of Shakespeare's 'As You Like It' will be broadcast by BBC under the title *Mad as the Road*, or *What's New York?* Version was written by D. P. Aiken, and will have Patrick Wadsworth and Patricia Burke in the romantic leads.

Genesee, Ltd., has contracted a further 52 weeks on Normandy. Arrangements made through Mather & Crowley.

De Beuker Charities star interviews continued on Normandy. Sylvia Threlkirk's first television appearance will be in the play *Sun Up*, May 14.

Dorland Agency contracted with IBC for additional series of long running radio forecasts on Normandy on behalf of Cursons.

Gilbert Salsbery, director of television programs to Columbia Broadcasting Co., is now in London to televisionize his forecasts on Normandy on behalf of Cursons.

Professional football clubs have agreed to support their games being televised; question of same facilities for prize fights is being discussed over at British B. ing Board of Control annual meeting June 10.

Metas products signed Jack Hulbert and Cicely Courtneidge, assisted by Rhythm Brothers, Lew Stone and orchestra, for 13 half-hour broadcasts on Radio Luxembourg.

Mutual Feeds Programs

To Boston for Shortwave Beginning June 1, station WJAX, Boston, will short-wave all Mutual Network 10 a.m. to noon Mondays through Saturdays to Europe and South America.

Spot Carer of All-Chain's Cart includes Dorothy Lowell, Lawson Williams, Helaine Freeman and George Baker.

Marshing to Europe

Major John H. Marshing of the International Short Wave Division of NBC called for Europe last Saturday (13). Marshing is chief of the German section and supervises all German language short-wave broadcasts to this country.

He is expected back in New York next fall.

Alternates on CKAC Show

Montreal, May 16. New customer on station CKAC has eight members of the alternate on program called *Le Monde Aujourd'hui* ('World Today'), giving news analysis and explanations on current events but without opinions. Spielers are Yves Bourassa, program director of CKAC, Louis Morissette, publicity chief; Flavien Daniel, traffic manager; Henri Lalonde, author; Roger Beaulieu, Ferdinand Blondi, musical director; Marcel Paire and Roy Malouin.

AFRA-WLW Sign Pact

Meanwhile Actors Union Proposes to Raise Dues If Locals Sanction

FIGHTING NEW MOVE

Oppose Kansas City Station New Site for Lawrence Station

Kansas City, May 16. Application of Station WREN for removal from Lawrence, Kansas, to Kansas City, Mo., comes before the FCC for hearing May 23. Appeal is receiving the unfavorable opinion of the five stations on the Missouri side and one on the Kansas side of the metropolitan area.

Present area is served by CBS via KMBC, NBC red via WDAF and the Mutual net via WEB, while the KCBC is heard during daylight hours.

Most point, as pertaining to local interest, will appear to hinge upon importance of giving NBC blue programs a metropolitan outlet. Net's nearest outlet is new WREN, 50 miles west of Kansas City, whose signal is lightly received in the two Kansas cities.

Opposition is pointing out it's scarcely necessary to bring another station in to provide NBC blue outlet as KCMO with its new allotment of 1,000 watts is available to serve as is WEB.

Stanco Checks Radio by All Known Methods

McCann-Erickson agency, New York, this week placed order to extend the Stanco-sponsored transcriptions. The *Clover of All Stars*, to six additional stations nationally: WOR, New York; WLS, Chicago; WFL, Philadelphia; WZL, Baltimore; WLW, Cincinnati; WQAR, Omaha; WCAE, Pittsburgh; and WJIS, Washington. Program has been heard since February on WJIS, Detroit; WMBD, Peoria; KFBC, Sacramento. Program is also on a 'test' basis, but will extend some weeks beyond the original period to permit final tabulation of check-up results.

Blair's script is alternating plugs between Phil Mottel and Nuto. Meanwhile another Stanco brand, Daggett & Ramsdell, is continuing simultaneously to test *Meet Miss Julia* on a eight-station list. Helga Lund, former Seattle radio, is writing both series under supervision of radio director Stuart Ludlum. Recordings pressed at World.

Stanco is making an exceptionally careful survey of public reaction to the two dramatic series before arriving at its final plans. In addition to special Crousey surveys many local opinion on entertainment popularity basis there is a contest currently in progress to elicit fan mail and a definite radio listening radio contact is being made with the data of the Nielsen market survey service. Various other tests, including sponsor identification tests, are being weighed.

Spot Carer of All-Chain's Cart includes Dorothy Lowell, Lawson Williams, Helaine Freeman and George Baker.

American Federation of Radio Artists signed a contract effective Sunday (14) with station WLW, establishing a federation shop for actors, singers, announcers and sound effects men. Union officials stated it was the most favorable deal yet obtained from a station and that it calls for raises up to 50% in some classifications.

Will be in effect until 1940 and calls for arbitration of all disputes. Negotiations for contracts with four other local broadcasters are in progress. Mrs. Emily Holt, national executive-secretary of the union, signed the New York last night (Monday).

Proposal to boost the national dues in AFRA has been approved by the national board and referred to the local chapters for action. Tentative new scale raises the minimum annual dues from \$12 to \$24 and carries the boost all the way through the various brackets. Maximum annual dues are still \$100, but that figure is based on lower annual earnings. Initiation fee remains \$25-\$50. If approved by the locals, the new scale will be retroactive as of May 1.

JOSEPH RINES And His ORCHESTRA

Hotel St. Regis
Viennese Room
2nd Consecutive Year
NBC-THREE WEEKLY
WM. MORRIS AGENCY

Another Rave!
"Allen Prescott's 'Don't Forget' series raises sponsorship. He is a mimic type master."

NEW YORK DAILY NEWS
"DON'T FORGET"
ALLEN PRESCOTT
Fridays, 8:30-9 P.M., WJZ

NAN WYNN
ON
"TIME TO SHINE"
Tuesdays 10 P.M., EDS
CBS Network
Mgt.: Columbia Artists, Inc.

Everything NEW but the
Shazany in Show

PAUL WHITEMAN

And His
ALL-AMERICAN
BAND

Time In "T. W."
CHRISTENSEN
PROGRAM
Coast-to-Coast
Wed., 8:30 P.M.
E.D.S.



Executive
Director
ARTISTS
Management
17 E. 42nd St.
N. Y. C.
MU 5-1888

TO COVER GREAT BRITAIN
YOU MUST USE

RADIO NORMANDY
Full Particulars Air-True-T
Talent from
INTERNATIONAL
BROADCASTING
COMPANY LTD.
35 PORTER PLACE,
LONDON, W.C.

WBAL
means business
in Baltimore

570 KC NBC
RE-BROADCAST
WSYR

The highways of Central New York are
filled with cars bound for World's Fair
—most of them with radios.

HERE'S A BONUS MARKET FOR
YOU—IF YOU USE WSYR!

SYRACUSE
NEW YORK

NBC Charts Course of 23 Five-Yearers; Weekly Billings Have Upped 84 1/2%

Figures prepared by NBC disclose that 23 advertisers that have used its links for five or more years continue to have increased their weekly expenditures by 84 1/2% since they started with NBC facilities. Five other clients that have maintained the same allances for four years without break have lifted their NBC outlay by 320%.

Taking the 28 customers as a whole, their average weekly billing from the starting dates to April, 1939, has gone from \$21,555 to \$66,610, or a 210% increase. The average weekly billings for the five-year-or-more clients has jumped from \$57,089 to \$151,638, or 84 1/2%.

The accounts involved in this breakdown are as follows:

American Home Products Co.
American Tobacco Co.
Bristol-Myers Co.
Carrington Co.
Cities Service
Cummer Products.
(Mulle Shaving Cream.)
Firestone Tire & Rubber Co.
F. W. Fitch Co.
General Foods Corp.
(Maxwell House Coffee.)
(La France Soap Flakes.)
General Mills
Andrew Jergens.
S. C. Johnson & Co.
Kellogg Co.
Lady Esther Co.
Miles Laboratories, Inc.
(Alka-Seltzer.)
Phillip Morris.
National Dairy.
(Kraft-Panama Cheese.)
(Sealtite.)
Pacific Coast Borax Co.
Pepsodent.
Pillsbury Flour Mills Co.
Princess Pot.
Procter & Gamble.
Richfield Oil Co.
Standard Brands.
(Royal Baking Powder.)
Standard Oil of Cal.
Sterling Products.
(Dr. Lyons Toothpowder.)
Sun Oil Co.
Welch Grape Juice Co.

JACK ADAMS TO TEXAS WEB

John T. (Jack) Adams has resigned as radio director of the Erwin, Wasey agency to become executive vice-president of the Texas State Network. The resignation becomes effective June 15 and he will leave New York at that time to make his headquarters in Fort Worth.

Before joining Erwin-Wasey a couple years ago Adams was in program producing business for himself and had been connected with various broadcasting projects.

WHK'S SAFETY GESTURE

High School Contest Has National Tie-In Angles

Cleveland, May 16.

National radio script contest on traffic safety, originated by Larry Roller, educational director of WHK, was won by Alvin Hurwitz, Glenview high school senior, whose winning script is being aired over Mutual network Saturday (20). Victory broadcast is to be staged by school's dramatic club in Public Music Hall before 400 specially invited city execs and educators.

Youngster who won over student-contestants in 5,000 high schools in United States, Hawaii and Canada, is receiving \$100 gold watch while his award is to be made before Mike by Roller and Russell Singer, pres. of American Automobile Association which adopted and sponsored the national stunt. John Studebaker, U. S. commissioner of education, is having his speech made in Washington, D. C., cut into program.

Novelty of Hurwitz's script was that he wrote it backward, beginning with auto-killing of an old lady and working back through what was in the minds of guilty ones.

Add: Fan Mail

Alice Frost and Martin Gabel, leads of the 'Big Sister' series, received a letter several weeks ago from a fan in Birmingham, saying he was naming his new twins Alice Frost Freedman and Martin Gabel Freedman.

Few days after answering the letter they received a second missive this time from the mother, explaining that the expected twins aren't due until August. However, the writer explains that the doc has promised there will positively be twins. What's more he predicts a boy and a girl. Miss Frost and Gabel are assured the choice of names will stick.

Rheingold Beer (Liebmann Brewery) has bought the rights to 'Calling All Cars' for its southern campaign. The agency is Lord & Thomas and the stations are WJMD, Frederick, Md.; WSAI, Salisbury, WTBG, Cumberland; WWSA, Harrisonburg, Va.; WTAR, Norfolk; WSCB, Charleston; WIOD, Miami; WMBG, Richmond, and WJEL, Hagerstown.

KCMO's Big Night

Kansas City, May 16.

Station KCMO celebrated its jump to 1,000 watts and 1450 kilocycles with a special broadcast from the Little Theatre of Municipal auditorium last week. Actual switch from 100 to 1,000 watts was made few days previous without public announcement, partly for testing purposes. Program and party in the Little Theatre served as formal announcement to employees of the station. Crown Drug company officials and store managers and friends of both organizations. Station is prepared by Tom Evans, Crown Drug partner.

Lord & Thomas are contracted for an additional year with Normandy for Pepsodent Tooth Paste.

Sharp Questioning by Fred Thompson Focuses Attention on Newspaper Bid

Washington, May 16.

Policy-establishing case on the troublesome matter of press ownership is in the mill. Vehicle for pronouncement of the FCC attitude toward mixing linotypes and modulators is the application for permission to shift control of WJBL, Decatur, Ill., to Deatur newspapers.

Although only a book-keeping transaction, the Commish indicated last week that a final pronouncement will be embodied in the decision on this application. (Present owner of the transmitter is Charles R. Cook, who also bosses the town's wood pulp media.) Additional time was granted for oral argument, so the social and economic aspects could be thoroughly weighed, while many indicative questions were heaved at the barristers. Attention was attracted to the sharp inter-

rogatories by Commissioner Fred Thompson, newcomer on the air-wave police force and a veteran publisher, who reputedly promised President Roosevelt he would be dead to any piecea from his former associates in the journalistic fraternity.

Canadian Fur Trappers of New York has bought six and a quarter hours weekly on WNEW, N. Y., to grab fur storage trade. Split into 11 quarter hours on Make-Believe Ballroom, 10 minutes of recorded music m.c.'d by Sam Brown at noon five days weekly; five 10-minute shots on Music Hall program; 40 spot announcements weekly on Milkman's Matinee; 30 minutes recorded music Sunday; and five quarter hours weekly with Rosalind Sherman's interviews.

CORRECTION...

In a recent advertisement inserted by WLW the following statement was made . . .

"WLW so dominates this territory that day in and day out during the entire week studied 48.3% of all radio homes were tuned to WLW."

In this same advertisement Louisville, Ky., was listed as one of the cities included in the "territory" and readers might quite naturally assume, in the light of the unqualified statement quoted above, that this percentage represented the WLW coverage in Louisville and in all of the cities listed in the ad.

LET'S LOOK AT WLW'S OWN FIGURES

(We quote from their "Analysis") WEEK DAYS

	WLW % of Listening Audience	Leading Local Station % of Listening Audience (WHAS)	Local NBC Station % of Listening Audience (WAVE)
CINCINNATI	53.6%	?	?
LOUISVILLE	11.4%	52.3%	21.8%

We feel it our duty to call attention to these figures which will correct any impression that may have been conveyed to purchasers of radio time that adequate coverage of Louisville or of the area surrounding Louisville can be delivered by any station other than . . .

WHAS is owned and operated by the Courier-Journal and the Louisville Times. Represented nationally by Edward Petry & Company.

WHAS

CBS BASIC STATION—50,000 WATTS—820 Kilocycles

Shotwell Idea N. G. to A. F. M.

American Federation of Musicians is bitterly opposed to the granting of a secondary copyright to the manufacturers of phonograph records as recommended by the Shotwell Committee. The A. F. M. feels that the law is to extend any such right it should go to the interpretive artist. It sees no need of inserting this provision into the law, since the manufacturer can be protected in other ways.

That Musical Get-out-of-the-Way At Fair Called Copyright Violation

Mechanical rights bureau of the Music Publishers Protective Association is wrestling with a legal pose which involves the use of 'Sidekicks of New York' in the siren system of the electric strollers on the grounds of the N. Y. World's Fair. Harry Fox, head of the bureau, feels that the use comes within the purview of the copyright law, but he hasn't decided just how the recorded right can be applied to the mechanism.

Problem was tossed into Fox's lap by Max Meyer, owner of the copyright on 'Sidekicks.' Meyer advised Fox that since the time is being expressed by a commercial enterprise there ought to be some way for him to collect a royalty. Meyer also stated that while the number has become closely and importantly identified with the showmanship of the Fair it himself sees signs of profiting from it unless it is from such special uses as the siren on the strollers.

The strollers are operated by the American Railway Express Co., and the warning horn is a sign of the several bars of 'Sidekicks of New York.'

PERFORMING RIGHTS HUDDLE IN LONDON

International Confederation of Performing Rights Societies will hold its annual convention in London during September. The exact date will be set by the confederation's executive committee. The convention had been scheduled for July, but was called off sine die when Nazi seizure of Czechoslovakia made war look imminent.

UTAH BOOKINGS

Many Changes Ready for Summer Season

Salt Lake City, May 16. Larry Kent's band, after opening assignment May 27 at Hotel Utah's Starlite Gardens, swank all fresco joint, with Wally Wilton's home-town clefters extending their charm at hostelry's beer-pretzelery. Rendezvous at Braden's restaurant, then at the Hotel Utah Empire room, moves to Pinescent Inn, canyon record. Destination Day, the Carter's into same spot for five days commencing May 25.

Jimmy Walsh repeats 1936 assignment at Ballast, benefit concert. Jerry Jones, who bats his own band, will utter his Rainbow Randevu with his band to Lagoon, suburban canoe beach and amusement park.

Paul Stephens, who recently acquired the Brass Rail, downtown cove, will front his own Dickinson outfit. S. M. Covey, who operates Covey's, comes out of the largest of the American Contraband practice of importing name bands for one nighters, replacing his regular band, Adolph Brox and his music.

Benefit for 'Red' Long

New Orleans, May 16. Arrangements are being made to put off a benefit performance for 'Red' Long, musician, who has been placed in this territory for 30 years out of a long series of stays in the DiBert hospital. Show will include George Olsen and the show boys at the Roosevelt hotel and members of WWL's music and program staff. During Videovision will baton the station's contribution to the event, but Audrey Charles, Bernice Carter and Banville Sisters Trio will be among the vocalists.

Bert Block Drops Baton To Manage Dick Stable

Pittsburgh, May 16. Bert Block, band leader whose 'Bell Music' was heard on the Green's a year ago, has dropped the baton to become personal manager for Dick Stable's band. Later playing rock of college days around here before stepping into the limelight. Famous tour this week for a run with his wife, Gracie Barrie. Block's outfit disbanded and into the limelight personnel has caught on with other acts.

Evelyn Oakes, who joined Stable's band as vocalist when Paula Kelly left to go with Al Donahue, is back with Bunty Berigan.

Out-of-Court Settlement Ends Eitner-Feist Suit Against Film Company

Suit of the late Edgar F. Eitner and the estate of Leo Feist against Metro-Goldwyn-Mayer Pictures Corp. for \$68,500 in connection with the sale of the Feist catalog was settled last week. Monday, May 15, was about to start before N. Y. supreme court Justice Landau. Wager was \$100,000 and had put a counterclaim of \$128,000 on the purchasing price of \$400,000. The deduction of the settlement was \$41,000.

Action was to recover \$68,500 which was still owed by the company under contract. In its defense MGM claimed that it found that certain rights had been sold by the authors to the transfer agreement did not exist, but that the exclusive picture rights to 'Kid Boot' and 'Rio Rita' and the renewal rights to certain popular songs were sold. The company guaranteed all accounts receivable and these were adjusted in the settlement figure.

SIR LOUIS STERLING STEPS OUT OF E.N.I.

London, May 16. Financial circles were surprised last week to learn that Sir Louis Sterling, who had been managing director of E.N.I. since 1928, had resigned. He had been managing director of E.N.I. since 1928, had resigned. He had been managing director of E.N.I. since 1928, had resigned.

SHAW TOOTING AGAIN, MAESTRO RECOVERED. Los Angeles, May 16. Artie Shaw has completely recovered from a serious throat infection and picks up his horn again with the opening of the Parker tomorrow night (Wed.). He goes back on his Old Gold air show next Sunday (Fri.). Donnelly may hold him for additional four or six weeks. Original date called for six weeks. Band has been doing terrific and making the absence of its head and front man.

Marion Dugan Replaces Bea Wain With Clinton

Marion Dugan, singer, who has pinch hit for Bea Wain in the past when she left her job on vacation, will replace Miss Wain with Larry Clinton's orchestra when it opens at the Park Center hotel, N. Y., tonight (Wednesday). Miss Wain is being offered for theatre and radio on her own and will make her own recordings.

No dates lined up for Miss Wain. She left her job with Clinton when the latter pulled out to work for Eli Oberstein's new outfit.

Sax Shurred

Cincinnati, May 16. A dozen full-year scholarships in saxophone and percussion for high school grads from 16 to 25 years is being offered jointly by WLW and the Cincinnati College of Music. Courses start Sept. 11 and contests for the title will be conducted from June 1 to July 1 by WLW and other stations in the Mutual network.

Invite Mills to Speak as New Spill At ASCAP Introduced; Frohlich Says Tactics Will Cost Radio Com

JACK HARRIS ON WIZ London Band Set for Four Programs

Jack Harris orchestra is doing four special broadcasts from London on successive Saturdays. Comes through at 8 p.m. over WJZ, New York and the NBC web. Programs are being watched with interest by American publishers.

Harris who, may visit America later in season was booked in a Broadway deal between the William Morris agency here, Foster in London and the NBC network.

Propose E. H. Morris Have ASCAP Berth

Edwin H. (Buddy) Morris, who resigned several weeks ago as general manager of the Warner Bros. music combine, has been proposed for a post in the American Society of Composers, Authors and Publishers. But the pub. meet. has been extensively paying his salary. Assignment suggested would be that of managing the availability ratings of the publishers.

At the time of his resignation from Warner, Morris was chairman of the availability committee. As classifier he would be totally responsible to the members of this committee and his ratings would have to be accepted as devoid of personal or political preference. The proposal was discussed at length during a special meeting of the publisher's faction on the ASCAP board Monday (15), and it is understood that John G. Payne, ASCAP general manager, has promised to ferret out on the proposition.

Morris is meanwhile working on a publishing house affiliation of his own which he expects to announce within the next two weeks.

OLD 'CASEY JONES' TUNE LICENSED FOR \$5,000

What rates among the top prices paid by film companies for the use of old tunes is the \$5,000 that Paramount agreed to give Shapiro, Bernstein & Co. o. 'Casey Jones' tune, which was used in the film. The producer to use 'Casey Jones' as the title of a film produced by the company for the use of the musical number. Irving Berlin, Inc., has collected as high as \$10,000 for the synchronization of use of 'Mammy.'

Shapiro, Bernstein & Co. and Berlin also agreed as high royalty collectors with Century's distribution. The Washington Square. The numbers used were \$10,000 the producer paid a total of \$15,000 in sync royalties. Shapiro-Bernstein was \$4,000 for the tune. The sync was \$1,000. The right to use 'Mammy' cost \$4,500.

Other song titles which Shapiro-Bernstein has sold for picture uses are 'The Last Round Up,' 'Wagon Wheel,' and 'The Old Time Song.' The first two were bought by Paramount and the last by Republic Pictures.

Mark Warnow's Luncheon

Mark Warnow, currently bantoning in the Lucky Strike Parade orchestra, will turn a luncheon for composers and publishers at the Park Hotel on May 20. He will be asked to thank scribers and pubs for turning out his tunes that have made the tune one of the only ones ever filed in published form. Others were manuscripts.

While E. C. Mills, of the American Society of Composers, Authors and Publishers, was on his way to Florida to meet with the ASCAP board meeting of the National Association of Broadcasters, two bills antagonistic to the ASCAP board introduced in that state's legislature. Mills had been invited to make the talk. One measure seeks to repeal sections of the present anti-ASCAP act which were declared unconstitutional, while the other bill provides and substitute its own set of penalties for convicted copyright infringers, while the other bill provides that licensing agencies such as ASCAP be compelled to file a list of all copyrighted tunes with the secretary of state. The latter measure is of the same species of anti-legislation as the one now in effect in Montana and Washington State.

Still another bill involving copyright was introduced at the same time. The third measure is directed at the National Association of Performing Artists, and would divert the phonograph record of protection from the ASCAP board to the state board. Neither the measure nor the interpretive artist of the record is the record. Mills Frohlich, of ASCAP counsel, said that he regarded the latest legislation as a desperate move to overcome the defeats that the anti-legislation in Florida have in recent months suffered. He said that he was aware of the fact that the broadcasters proposed to go on using this legislation as a bargaining point in their fight with the ASCAP board. Frohlich added, but a new contract with the ASCAP board. Frohlich added, but a new contract with the ASCAP board. Frohlich added, but a new contract with the ASCAP board.

St. L. Reefer Peddler To Musicians Given 3 Years in Leavenworth

St. Louis, May 16. William Berne, 28, a St. Louis peddler whose beat cities were toolers in swing bands playing here and in St. Louis, was sentenced to three years in Leavenworth last week by U. S. District Judge Fred L. Wynn. Berne, St. Louis, when he pleaded guilty to a charge of violating the Harrison Narcotics Act, was sentenced to three years in Leavenworth. In a Dupo, Ill., nitery, admitted to Judge Wynn that he grew, cured and sold the weed, making two purchases for \$4 each.

RADIO FROWNS ON 'HON. MR. SO-AND-SO' LYRICS

Hollywood, May 16. Although Sam Coslow's torcher, 'I'm Love With The Honorable Mr. So and So,' was played for the Metro picture 'Society Lawyer,' but network have ordered the lyrics cleaned up. Artie Shaw's record with the verbosized dialogue proved a flat sell-out after word of the lyrics.

ELLINGTON'S SON'S BAND
Mercer Ellington, 18-year old son of Duke, took an exam for a local 802 the A.P. and made the grade. He'll head a small unit for club dates, etc., around New York.

Phil Ohman and Foster Carlisle clefted 'Laysia Rois the Rio Grande.'

Inside Stuff—Music

Ignace Jan Paderewski, now in his 79th year, is just finishing a concert tour of this country. The Etude, music mag dated May, 1899, or exactly 40 years ago, has dug up an interview with the pianist, who remarked at that time that with thirty years he is finding it increasingly difficult to warm up his fingers before a concert. At that time he expressed great doubts as to the length of his durability due to advancing age.

Peeved because she didn't allegedly show up at rehearsals, etc., Billy Rose left (Miss) Dana Sussner's name off the official program listing at his N. Y. World's Fair Aqueduct. Rose, who also died of some of the lying with which he wanted Miss Sussner presented in as former years when they collabed at Fort Worth and Cleveland expos, but she was preoccupied otherwise.

Jack Mills has acquired the score of N. T. G.'s Congress of Beauty competition at the N. Y. World's Fair and the new show at the Paradise, Broadway nitery. While on the Coast recently Mills got the score of Will Morrisey's new production, "The Big Show," with Irving Actman and George R. Brown as the co-writers.

Francis Gilbert, counsel for publishers in the suit against Electrical Research Products, Inc., learned last week that under the decision made by Federal Judge John C. Knox his clients may collect but 25% of the \$170,000 they asked for clarification of the court's written finding and he was told that he would be able only to claim fees due on synchronized music which is in the public domain abroad.

The exact amount due to be determined by a special master who is yet to be designated by Judge Knox. Julian T. Ablett, appearing as counsel for ERPI and associated film producers, asked the court to instruct the jury that he is not to consider this public domain matter. The publishers concerned had brought two causes of action. The first was disallowed, while the second, on which the pubs got a favorable nod, was estimated to amount to \$95,000 in damages. Gilbert is considering an appeal from the court's limitation of recovery on the second cause of action.

Heads of the Music Publishers Protective Association and the Songwriters Protective Association and their respective counsel were slated to meet last night (Tuesday) for a preliminary discussion of the terms of a uniform writing contract which this publishing domain matter. The publishers concerned had brought two causes of action. The first was disallowed, while the second, on which the pubs got a favorable nod, was estimated to amount to \$95,000 in damages. Gilbert is considering an appeal from the court's limitation of recovery on the second cause of action.

The conferences at which the meeting were to be Walter G. Douglas, MPPA chairman; Irving Caesar, SPA prez; A. M. Wattenberg, MPPA counsel, and John Schulman, SPA counsel.

Bill pending before the Canadian House of Commons would amend the Dominion's copyright law so that there would be a set scale of royalty compensation for copyright owners. Measure, which had its first reading before the Legislature May 8, provides that the royalty be at least 5% of the record's retail price, or a minimum of 1c, and a maximum of 5c, per record. Under the present law the record selling for 30c, would have to give the copyright owner at least 15c. The prevailing rate in this country is 15c.

Royalties totaling \$101,000 have been collected from the three major phonograph companies by Harry Fox, agent and trustee, during the current quarter. Amount covers all publishing houses excepting K. B. Marks and the Red-Bellows group and is believed to represent the biggest net payoff on phonograph discs for any one quarter since 1925. RCA's share of the royalty payment came to \$55,000. Decca Record Co. figured for \$38,000, while the American Record Corp. combine turned in \$18,000.

First two numbers cut by Kenny Baker for Victor under a contract signed two months ago are "Moon and I" and "Wandering Minstrel"; sung by him in Universal's "Mikado." Records will be released next week. A third of the numbers was held back because Baker's contract with Mervyn LeRoy, who produced the film, forbade his recording the tunes within a set time. Called for release from Gramophone Co., England, and Gilbert and Sullivan interests also.

New York State Alcoholic Beverage Control Board has okayed Muzak's new "Liquor Service" net to liquor advertisers. Separate from Muzak's normal wired entertainment, the Sponsored net reaches only bars and grills.

Federal Alcoholic Administration had previously okayed the setup.

Started in Kansas City

Bookers Scram Town

Band booking Frederick Bros. Music Corporation will shift its Kansas City offices, where it got started six years ago, to Chicago, effective May 22. Shift is being made because so many of the Frederick Bros. outfits have been and are working in the Chi area.

L. A. Frederick will head the Chicago office; Roy F. Johnson, Cleveland setup; and B. W. Frederick the New York branch.

Ellington Set Into July

Duke Ellington orchestra is set until late July. Scheduled for week of May 26 at Loew's State, N. Y.; week June 2 Flatbush theatre, Bklyn.; June 11 World's Fair, N. Y.; opening June 15 opening Grand Terrace, Chicago, for four weeks; July 30 opening Ritz-Carlton, Boston, for two and half weeks with wires. Latter end is an ice-breaker at the Ritz for Wm. Morris agency which handles Ellington. Woody Herman, Benny Goodman, Hal Kemp and Artie Shaw are booked for the Ritz this summer also.

Ellington got in from a European concert tour, Thursday (11) playing several one-nighters since.

John Gart is auditioning a new band combination for NBC. It consists of electric organ, Spanish guitar, trumpet and clarinet. Gart has the "Electric Rhythm Maker" program on the same network.

Band Bookings

Benny Goodman, May 19, Palace, Columbus; May 28, Fort Wayne, both N. Y. last weeks; June 14, Ritz-Carlton hotel, Boston, two weeks; Strand, N. Y., last week in July, three weeks. Bobby Hackett, May 18-20, Roxy, 26, R. B. Auburndale, Mass.; May 21, Famous Door, N. Y., one night; May 28, four weeks in New York, in New England, every Tuesday and Saturday at State B, Boston.

Russ Morgan, week July 23, Cedar Point, Ohio.

Loi Breeze, June 2, Legion Hall, Bismarck, Minn.; June 8, Congress Military Academy, St. Paul, Minn.; 13, Oil City High School, Franklin, Pa.; 18, Congress Hotel, Chicago.

Woody Herman, Hamma's Mill, Dollar Pier, A. C., June 30.

Mal Mallett, June 6, Peekskill Military Academy, Peekskill, N. Y.; 10, Sheffield, Mass.

Hal Kemp, June 5, Johns Hopkins U., Baltimore, 10, U. of Virginia.

Pluggers in London

Favor Arrangement Fee For Name Air Bands

London, May 9. Despite pact signed between music publishers and British Broadcasting Corp. that no fees be paid to bands for booking, some 10 song pluggers recently met privately to discuss the whole situation. Pluggers claim that name bands should receive some remuneration, in form of "arrangement fees," for air work. This is in consideration of the smallness of the BBC fees.

Pluggers intend to form their own union, and will appoint one of their members as head, with object of stressing to the BBC that objection of some extra money to band leaders, or as an alternative, the BBC raise their fees for some of the more important bands.

PLAN NEGRO BALLROOM

Promoters Would Use Defunct Harlem Casino in Pittsburgh

Pittsburgh, May 18. Group of Pittsburgh showmen and dance promoters plotting a big colored ballroom here, have been contacted after the well-known Savoy in Harlem. Would move into Harbison Casino, a nitery in the Negro district, which folded suddenly couple of weeks ago after taking 1 on the chin for two seasons.

Not known who's behind the venture, but understood that booking offices have already been contacted with an eye to bringing top-flight septa bands here for one-night and week stands in the fall.

Colored shindigs have been consistent money-makers in Pittsburgh, but they've only been sporadic so far and nobody's ever tried them on a permanent basis.

On the Upbeat

Ran Wilde and Val Olson orchestras were added to the William Morris agency band list last week, and another is being formed to be headed by an unknown singer.

Wilde and Olson intend to work with the former given his first Morris date at the Sir Francis Drake Hotel, S. F., opening May 29.

Third outfit to be led by Larry Sothorn, singer of the Crosby-Todd type. He was unlettered by Willard Alexander on the latter's recent soloism in "The Big Show," and was signed for a year by American Record for its Vocalion label. It was given to Vocalion because Todd is on Victor and Crosby's on Decca wax. Bob Zarke orchestra is now being formed. He left Bob Crosby and is now in New York. He's also with Morris.

Agency is taking offices on the same floor in the RKO Bldg., Radio City, now occupied by a law firm, to house its band dept. Shift will be made in about a month. Morris Agency now has 30 bands.

New band headed by Johnny Morris, former drummer with Vinny's, is being signed for a week last week by Consolidated Radio Artists. Morris left Lopez several weeks ago. Contract was effective immediately, agency booking the band into Nick's, Greenwich Village, N. Y., Monday night (15) for a one-night pickup.

Basil Fowles orchestra has been signed for a four-year term by Rockwell General Amusement.

Frankie Darro, juke pianist, is currently forming a band on the Coast to baton between films.

Burton Lane, songwriter, who's latest is "Ladies in Love" from the Gene Krupa picture, "Some Like It Hot," is gathering an orchestra.

Claire Martin, vocalist formerly with Russ Morgan, now with Bobby Hackett.

Music Corporation of America representing Tito's Swingette for eight weeks in the band picture. Tito opened at the Trocadero, L. A., May 11.

Yacht Club, 52d St., New York, spot going to make another try. Operators have been sounding out prices on name bands.

Woody Herman orchestra has been signed for the week of June 17 at either the Princeton or Aragon Ballroom, Chicago.

Walter Liberson, Milwaukee pianist who is scheduled to appear with the Chicago symph next fall, after two months at the Hotel Flaminio's Red Room in Milwaukee, signed last week with Jay Mills, then at the Empire Room of the Hotel Schroeder.

der. Liberson started with Mills' band Monday (15) when the crew opened at the Hotel Lowry, St. Paul.

Cuban Village at the World Fair, N. Y., gets an WNEW. N. Y., wire tomorrow (Thursday). Continues once weekly thereafter.

Larry Glendon and Glenn Miller orchestras open at the Park Central Hotel, N. Y., and Glen Island Casino, N. Y., respectively, tonight (Wednesday).

Summy Kaye is the band of the week on WOR, N. Y.'s "Show of the Week" program this Sunday (21). Outfit opens at Strand, N. Y., June 2.

Goldman Band concerts on the Mall, Central Park, N. Y., resume July 9.

Steel Pier, A. C. has Tommy Dorsey for May 28; George Hall, 29; Horace Heidt, 30. Rudy Vallee band and company is down for both Labor Day and July 4 week-ends.

McFarland Twins' booked into William Penn Hotel's Chatterbox, Pittsburgh, for five days only, May 28-30 inclusive, filling in between Bernie Cummins' closing and Joe Reichman's opening. Filled by M.C.A. Managed by Paul Kapp.

Billy Catstone Foe, Catstone, Johnny Fritz, Harry Maudslayi, DeLaRosa of Pittsburgh into Continental Bar for indefinite engagement, succeeding the Four Versailles.

Benny Berger band, with Wendy Bishop and Danny Richards, checks in at Kenwood Park, Pittsburgh, today (17) for a two-week run.

Jack McLean in May 29 to open outdoor summer dancing at Bill Green's Terraced Gardens, Pittsburgh. Paul Barton outfit stays on at Green's inside Casino until then.

Neat Washley, formerly with Don Berman, is back. Neat Washley's ensemble outfit of Pittsburgh and is being booked by Joe Hiller for nitery in tri-state area.

Ramona and Her Men of Music, currently at Benny the Bum's, is going into the Surf Club, Virginia Beach, on June 15 for one week.

Amer. Record Co. Shifts Exec. Offices to Bridgeport

American Record Corp. will move its executive sales and advertising offices to Bridgeport, Conn., next week. The artist and repertoire departments will remain in New York.

Bridgeport plant is being modernized and new equipment is being installed.

Edward B. Marks Music Corporation

INTER-OFFICE CORRESPONDENCE

DATE 5/15/39

TO FRANK HENNINGS

FROM EDWARD B. MARKS

Dear Frank -

Have just seen "the list" and notice to my delight that "NIGHT MUST FALL" finished second with 28 majors. If you can lift a tune that high in your third week as our General Professional Manager, the future certainly looks rosy.

I am confident that you are going to achieve even bigger things with Abner Silver's ballad "YOU ARE MY DREAM", as well as with "WILLIE, WILLIE, WILL YAY" by the writers of "Umbrella Men", and the other new songs you have chosen.

More power to you!

Edward B. Marks

Disc Reviews

(Only the unusual reviewed henceforth. Including the unusually, bad.)

Glee Gray and Deca have given Hoagy Carmichael's distinction rarely accorded a contemporaneous pop songsmith, with a complete Album of his tunes waxed by the Casa Loma orchestra. The composer, Louis Armstrong (vocally and trumpetfully), Murray McInerney (sax soloist), Grady Watts (trumpet), Pee Wee Hunt, Kenny Barger, the Merry Macs and Sonny Dunham (trumpet) are among the individual features in the course of Deca 2384 to No. 2398. Album No. 43 encompasses six dates from 1932 and is coupled as follows: "Wasboard Blues—Little Old Lady" Rodkin' Chair—Lazyness; "Star Dust—'One Morning in May'; "Moon Cooon Shuffle; The Glen Gray technique is sweet-hot and runs the gamut from moderated live to unadorned bounce.

John Crawford, Frances Langford and Dick Powell, on Victor and Deca waxings, have name value for those who like their vocalists with a little Hollywood start-out. But most disappointing will be Max Crumley's Victor 28205 versions of "It's All So New to Me" (Joe Folles' excerpt) and "The Honorable Mr. So-and-So" (another Metro film song, out of Society Lawyer). And despite the yeoman and superlative belting by Nat King Cole, can't demagogue the waning uncertainty of the Metro star's vocal weaknesses. First number is from a Crawford film, but her vocalization in the picture wound up on the cutting room floor which gives an idea. This is probably a disk replica of the sound-

track. Harry Sonkin's orchestra adds both Frances Langford, "I Tears from My Inkwell—Pool for Love," and Dick Powell with his couplet, "Mr. and Mrs. America—In a Moment of Weakness." Later two out of four are W.F.s. Naughty But Nice. Respectively Deca 2388 and 2389, and of course their waxing skill is explained by their basic vocal talent, even exceeding Hellyeah's.

But Kemp has been plugging "Chesnut Tree" and "Three Little Fishes," latter by Saxie Dowell, out of the Kemps, and both novelties are expertly waxed in the best Kemp style on Victor 28204. The rotund record specialist and author of "Flaher" handles the latter vocally, while "Chesnut Tree," evolved from an ancient school doxology, is chorally vocalized.

Stimney Rags, alumnus of Kemp, and a disciple of that maestro, himself now a radio maestro (titled How show) and Victor artist, "Boss Enchantment," with the maestro vocalizing, are standard demagogation.

Harry James gives out deftly on Brunswick 8577 with the rhythmic "Taint What You Do" and his own two o'clock vocal. His horn is forthright and the foxtrology compelling. Jack Paine's vocals are a Gene Krupa, another Benny Goodman alumnus, like James, is a rougher. The west has been kicking "The Madam Swings" and "Quiet and Roll 'Em" is seafood for the alligator.

Clarence Price Trio (Billy Moore, guitar, Ben Brown, bass and Profit, piano) have an interesting rhythmic couplet on Br. 8541 with "Tea for

Baseball System

Benny Goodman has been after Floyd Smith, electric guitarist with the Andy Kirk orchestra, on the bandstand for some time and Joe Glaser, Kirk's manager, haven't been able to reach terms. Goodman has offered a \$5,000 fee to be paid partly in a lump sum, the remainder forked over weekly.

Two's and There'll Be Some Changes Made. Very boogie-woogie.

Quietest of the Hot Club of France is the classic on Victor 28204, "Viper's Dream" and "Minor's Swing," the latter has offered a \$5,000 fee, three guitars and string bass combination. It's very live and notable especially with Stephane Grappelly and the Django Reinhardt handling those instruments. Joseph Reinhardt and Eugene Vess are the other two.

Ray Noble's own HMV records ("Swing is an Original by Grappelly and Noble") are the most connected. The "Swing" is an original by Grappelly and Noble. The "Swing" is an original by Grappelly and Noble. The "Swing" is an original by Grappelly and Noble.

Benny Meroff Reopens

Olympic Casino, N. J.

Benny Meroff will get a radio building starting May 27, five months after he closed the Capitol Club, Park Irvington, N. J. When Mutual (C.O.R) wires weekly with the date, Meroff is one-stopping to the Jersey state.

Meroff's band, now with Music Corp. of America, is being personally managed by Les Reis, performer who split with Artie Dunn in Australia several months ago.

N. Y. or S. F.

(Continued from page 1)

attractive, but the New York section is equally hefty.

The west has an advantage over the east. Years of publicity on stage, screen, books and magazines paid for the average westerner. The tough town, unfriendly, cruel, heartless, feasting with sharpeners and roughies. The west has been kicking for hospitality—and Frisco is west.

New York's Hotel Astor, hasn't helped much. A prominent hotelier writes for rates, and they immediately send him same with an enclosed and ominous warning: "We are of self-styled hotel porters, information men, and baggage men. We are tired by 'unpleasant' hotels to tell tomorrow the hotel of their destination is full, then direct. We are tired by 'unpleasant' hotels to tell tomorrow the hotel of their destination is full, then direct. We are tired by 'unpleasant' hotels to tell tomorrow the hotel of their destination is full, then direct.

But info indicates New York hasn't much to fear from Frisco, and with the largest population to draw from, is a clinch to be the 1939 World's Fair.

Depending on where the fairgoers come from the New York trip is going to average somewhere between \$10 and \$200, a lot of the former and few of the latter. Burying Riverside Drive, a stroll up Rig and down Park, a peek at the window peeping, the G.C. and Penny railway stations, aquarium, Green Village, and Central Park will figure in touristy. Radio City's magnitude, palaces of amusement, and tours will be at least a 2 to 1 favorite over the Statue of Liberty, even with Liberty being sold as long as it is now.

Most highwayfairers will start the show by entering New York via the Holland Tunnel and wind up by going out over the George Washington bridge, or vice versa.

Road departments seem to be in conspiracy against Grover Whalen, because many of the channels for motorist into the city, especially through New Jersey, are unmercifully torn up. Steering wheelers will be dirty the first few weeks of the fair dodging roadway obstructions, and making connections when the four-lanes bottleneck heavy traffic into two.

Even New York isn't doing a bad job of roadway strip-teasing. Such avenue has all the appearance of a street on the old frontier. Robbed of the "U" it appears at this time as a composite badly warped boardwalk, the morning after an aerial bombardment, and a \$5,000 coin mine.

Network Plugs, 8 A.M. to 1 A.M.

Following is a tally of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday. Figures are in dollars accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, 1 legit, all others are pop.

TITLE	PUBLISHER	TOTAL
And the Angels Sing	BVC	59
Don't Worry About Me	BVC	59
Three Little Fishes	Santly	38
Lord, Lord, Lord	Paramount	38
Lady in Love with You	Paramount	38
Heavenly Waltz	Remick	31
Beaumont Newhall	Shapiro	31
Must Must Fall	Marks	31
Little Skipper	Feist	30
Begin the Begonia Could Speak	Robbins	29
Washington Square	Robbins	29
Washington	Crawford	29
Little Sir Echo	Robbins	29
That Silly Old Gentleman	Santly	23
Swing of Sunbeams	East Side of Heaven	23
How Strange	Feist	21
East Side of Heaven	Santly	21
Tea Love You	Wimark	21
Moon Is a Silver Dollar	Robbins	21
Begin the Begonia	Robbins	21
You Grow Sweeter as the Years Roll By	Wimark	17
At the End of the Day	Spiet	16
Beer! Beer! Polka	Robbins	15
Deep Purple	Robbins	15
Snug as a Bug in a Rug	Paramount	14
How Warm It Is the Weather	ABC	13
Chesnut Tree	Shapiro	13
Three Little Fishes	Shapiro	13
Gotta Get Some Shut-eye	Berlin	13
How Warm It Is the Weather	ABC	13
Hang Heart on Hickory Limb	Santly	12
Step Up and Shake My Hand	Famous	12
How Warm It Is the Weather	ABC	12
Frannie Boy	Chappell	12
We've Come a Long Way Together	Feist	11

Inside Stuff—Bands

New York local 802 of the American Federation of Musicians threw a scare into bandleader Tommy Dorsey recently by informing him that he owed the local \$35,000 in back salaries for standby musicians. Dorsey's band was supposed to have been composed of all 802 men but the local claimed that Howard Smith and Yank Lawson, piano and trumpet respectively were not 802 men, according to their files. Smith's been with Dorsey two and a half years and Lawson a little less.

Francis Checkoff proved that Smith's first name is Harold and Lawson's name should be spelled Lawson. File check under the correct tags proved to local officials the men always had been 802. A \$35,000 sigh of relief came from the Dorsey headquarters.

Richard Jones, personal valet to Duke Ellington, wound up in a German court for four hours last week on charges of vagary change of spy activities was investigated. Ellington recently returned from a European tour. Jones was grabbed while traversing Germany from The Hague to Malmoe, Switzerland, in a car owned by one of the Reuters, which agency booked the band's tour. He was in charge of baggage and some instruments, while the rest of the outfit was transported by bus.

On the opening date of New York's new theatre, the Ellington crew gave its concert in a bombproof theatre. It's the new National Theatre de Chaillet, stage of which is 100 feet underground.

With Kay Kyser's exit from the Madhattan Room of the Pennsylvania Hotel, N.Y., Saturday (13) the room was shuttered entirely. Art Shaw is set for the Penn, opening in October, but he will come into what is now the Cafe Rouge which will be made over. Tommy Dorsey comes into the Roof for the summer May 25.

Madhattan Room was always a covered spot by name bands waiting location dates in New York City. It was the younger trade as served as a local springboard for such bands as Hal Kemp, Benny Goodman, Kyser, and others.

Tommy Ryan, guitarist, soloist and focal point of the Three Barons trio with Sammy Kaye's orchestra, has been on the sidelines for the past five weeks with a missing voice. Doctors who have examined him label it a form of laryngitis that at this time, clear up, but nothing can be done till it does.

This place is being taken by Clyde Burke since he was ordered to rest. Kaye goes into the Essex House, N. Y., May 25.

New gag being used by song pluggers has them sending professional copies of new songs such as "Hot Pretzels" used as wrapping paper for a few twisters. "Chew, Chew, Chew" was mailed out attached to a large sheet of pink bubble gum and "Chew, Chew, Chew" was mailed out attached to a large sheet of pink bubble gum and "Chew, Chew, Chew" was mailed out attached to a large sheet of pink bubble gum.

It cost Larry Clinton plenty to break away from Victor Records to go with Eli Oberstein's new platter scrap. That happened several months ago and Clinton hasn't made any more records since.

In the meantime his tune, "Our Love" climbed into the best seller class of music and records, and Clinton hasn't been able to get it on wax. Tommy Dorsey cut it for Victor in place of Clinton.

A HIT!

"IF I HAD MY WAY"

by Harry Woods and Lou Gold with the Unions—day recording
Ding Crosby (thru)—Kate Smith (Victory)—Gerry (Decca)
Harry Woods and Lou Gold
New Jimmy Dukey Swing Fox Trot Arr.

Two new great Spod Murphy Orch. Arr.

"RED WING"

"SIDEWALKS OF NEW YORK"

Joe Howard's officially licensed song
"MEET ME AT THE NEW YORK WORLD'S FAIR"
with a New Jimmy Dukey Orch. Arr.

PAULL-PIONEER MUSIC CORP.

Max Mayer, Pres. 1607 B'way, New York Ben Edwards, Mgr.

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SATURDAY, MAY 13

PENNY SERENADE

SATURDAY, MAY 20

CHESNUT TREE

SATURDAY, MAY 27

GUILDHALL

(STAY IN MY ARMS)

the greatest sensation in 20 years

Sole American Agents

SHAPIRO, BERNSTEIN & CO., INC.

RKO Bldg., New York

Fischer's 'Folies' Lights Up Chinese Stage, H'wood, Policy Seen Assured

Hollywood, May 16. Lifeless since the last Sid Grauman prodig four years ago, the Chinese theatre again battles with femininity and spectacle. Experiment by Fox-Walt Court for a new kind of show, with the credit going to Clifford A. Fischer for his current edition of "Folies Bergeres." Continental revue was pre-empted Friday night (12) to a heavy hour and 30 minutes was expansively received and is expected to build through word-of-mouth. Weekend was a complete sellout and heavy advertised.

Semi-nudity threatens to become an issue hereabouts if the showgirls permitted to compete for the crowd of untold numbers. Censors have been pretty strict since the fan dance took root and it remains to be seen whether this extravaganza falls in the category of art. Earl Carroll was an interested spectator on opening night. So were other floor show entrepreneurs.

Fox-WC plans a 10-week run and is expected to follow it either with a Shubert review from the Frisco Palace or another big attraction, also being groomed for Treasure Island. Success of current dealer will stamp the theatre's policy for the next months. Fox is going three shows daily during the week and an added midnight matinee on Saturdays. Night tariff runs to \$1.10, with the matinee sold up to 80c. Seats are reserved for all shows.

Screen, which has flashed all the Hollywood coloration in the assortment of shorts that preceded the main event.

Continental Review is heading for a \$20,000 week, with \$11,000 grossed the first three days. Stage policy increased the show personnel by 50 with 21 musicians, 10 stagehands, 12 in boxoffice and additional phone girls and usherettes.

**ELEANOR POWELL'S
NEW SUPPORTING BILL**

Pittsburgh, May 16. Unit which has worked intact with Eleanor Powell since her Lory's Stage engagement will be dissolved in Cleveland this week and WPB-billed supporting show, starring Stanley (19) with her. Andy Jones' Melodians, who accompanied Powell at Rock, stock and other acts for local engagement will include former Oldfield and Haddad Sisters and Picchianti troupe.

Stanley, WPB deluxer, returned last week, with a new Shubert current headliner, after three weeks of straight pig, first break in house's presentation policy since March, 1937. Nothing set yet to follow Miss Powell, with efforts being made to close deal with Ritz Bros for week of May 26.

Macs Get N. Y. Par's Quickest Rebooking

After their opening show at the New York Paramount on Wednesday (10), the Merry Macs, harmonizing quartet, were immediately set for a subsequent date. The show officials aver it's the theatre's quickest rebooking.

One-night-stands it to the Coast for a picture when the Fred Allen show, on which they're weekly feature, goes off the air late in June.

Onyx Title Case Delayed

Settlement of the Onyx vs. Onyx case is still up in the air due to the absence of Justice Lauer from New York supreme court. The case has been adjourned several times and is now calendared for the end of this week before another arbiter. Original Onyx has asked that the new Onyx be added to the use of the name in addition to its request for an injunction. Former opened May 12, using the name, though the courts had not cleared it.

Joe Hellock, operator of the new Onyx, has been asked to produce evidence in seeking to prove his prior right to the title. Both clubs are asking injunction to restrain the other's use of the tag.

Singer's Death 'Natural' Foul Play Theory Out

New Orleans, May 16. Mystery which at first pointed to the death of Gordon Miller, 25-year-old niter singer, was believed to have been caused by a heart ailment, verdict of death from heart failure.

Miller was found in an empty boxcar, with a coroner's jury, a night watchman attracted by his groans. Police had no hint of foul play, but could find no evidence to substantiate this.

MUSICIAN UNION HITS NITER NUTTERY

Pittsburgh, May 16. Lou Passarello, operator of one of the town's leading night spots, New Penn, has been placed on the unfair list by Musicians' Union, which has been penalized for not being paying below the scale to union musicians. Al. Fremont's band, booked to open Saturday (15), was notified by the union that the job was out and Consolidated Radio Actors, which was serviced the New Penn for last two years, was told by Claire Meeder, head of local union, to cancel all existing band contracts with the niter. The American Federation of Actors has joined musician's local too, and pulled all member performers.

Passarello's place went on unfair list with closing of Emerson Gill band Friday (12). Gill previously had been penalized for not being engaged in July but that contract has been scrapped too.

Understand trouble dates back to last fall when Ken Francis crew, a local band, went into the New Penn for several weeks under scale. Recently, it's reported, a couple of the Francis men squawked, with subsequent heavy fines to the maestro and his personnel and the ban for Passarello. Letter was in trouble with union once before and paid a fine of \$1,300.

New Penn intends to keep going for time being with non-union orchestras. Expected that Passarello will appeal ruling of Local 60.

MILLS BROS. SLATED FOR AUSTRALIAN TOUR

Mills Bros. now in England on a vaude tour, leave there the end of August and head for Australia, where they open a 20-week tour either in Sydney or Melbourne Oct. 1. The tour will be broadcast on radio three times weekly according to Rockwell General Amusement, which is handling the tour.

Leslie MacDonald, of the Rockwell London office, who arranged the tour, said he expects the tour to start on an April 7, then returns to London.

John Steinberg's Frisco Eatery, Out of Bevhills

Hollywood, May 16. John Steinberg has pulled out of the Bevhills Victor Frisco cafe to operate an eatery at the Frisco exp. His partner, Walter Guzzardi, bought out his share.

Jones as 'Herbert'

Hollywood, May 16. Allan Jones plays the lead in Paramount's high-budget musical, "John Herbert," slated to start in June.

Currently Jones is working in "The Sign of the Cross" and will headline yesterday (Mon.) with Fred MacMurray and Madeline Carroll.

William (Dad) Winkler opened his redecorated White House club, Appleton, Wis., last week, with Hal Rosson's orchestra, plus Boots and Her Buddies.

Pierce-Harris Booked For Dates in London

Pierce and Harris, who returned here last week from Florida, will leave 21 for London and go into the Savoy hotel there early in July for four weeks.

Follow that with vaudeville dates and are then set for a Charles Cochran revue.

TOWER, K. C., RETURNS TO TEMPORARY VAUDE

Kansas City, May 16. An in-and-outier for most several months, vaude returns to the Tower temporarily this week. Current show, headed by Broad Twins, will be followed by Count Berni Vici and Ted Lewis units in successive weeks, with Bob Crosby, orchestra and Phil Spitalino's all-girl crew set for June.

Dean, a quality films is responsible for return to flesh here, since two other Fox houses, the Esquire and the Elks, have been booked with all films available from company's resources, 20th-Fox, Universal and Republic, in a priority basis.

For the Ted Lewis unit 55c top bill prevail, but 40c prevails for the other shows. Lou Cox, Fox city manager, is contemplating other dates to open this lineup. Show will revert to straight film, however, when draw films are available.

Kitty Williams' Cafe OK Revoked in M'w'kee

Milwaukee, May 16. Katie B. Miller, who as Kitty Williams, was 'queen' of Milwaukee's night life years ago, has been told her cafe was closed for a week. The cafe was wide open, was notified Thursday (11) that her chance for a comeback, granted four years ago, was at an end.

After an avalanche of evidence last week presented by police, officers were unanimous in voting for revocation of her niter license, first issued to her in June, 1935, when her plea won over protests of the police department. Because of her previous record of convictions for operating notorious houses.

Miss Miller will be 79 in November.

M'w'kee Vaude Opens

Milwaukee, May 16. Al Cooper, with his son, Al, Jr., is opening a new show at the M'w'kee here, inaugurated a vaude Friday (12). In for a week is Earl Thayer's "The Glorious."

This Friday, Cooper brings in Will Osborne's orchestra, also for a week.

•15 YEARS AGO•

(FROM VARIETY)

The Keith circuit barred songs done on the radio. Tunes were so well accepted through the airwaves that the circuit decided that they had no appeal for players.

England preparing for a big variety boom.

McIntyre and Heath celebrated 50th anniversary of their first show, Wednesday at the New York City.

The Ohio supreme court issued a decision banning showing of Sunday pictures throughout the state. Pictures were classed as 'theatrical performances,' therefore banned on the Sabbath.

The Janneys held over at the Hixson N. Y. hotel for a lot of laughs with his droll stories at the 8th Ave.

Max Murray's next production for Metro was slated to be "The Merry Widow" with her husband, Robert Z. Leonard, directing.

Legit down. London's anticipated boom, with the advent of the British Empire Exposition, didn't materialize. Legit was hit by worst in history of London legit. Broadway and C. likewise very poor.

Joe Laurie, Jr., only redeeming feature of "Plain Jane," which opened in the New Amsterdam on Broadway.

Walton Roof, Benny the Bum's Among 20 Top Philly Cafes Cited by Rum Bd.

Velez, Lopez, Chotz To Open at Chi's

Chicago, May 16. Luigi Velez heads new show on Friday (19), with Vincent Lopez's orchestra leading the show. Benny the Bum, Chotz is also on the bill.

Romo Vincent will r. e. The Knight of the Sun, and Benny the Bum, the Hutton, Lopez vocalist, round out the card.

POOR BIZ FOLDS BILLY ROSE'S CASA

A casualty of the what's-happened-to-Broadway cry, Billy Rose's Casa Manana show, which folds this weekend after poor business, from the start, has been the costliest cabaret-theatre entertainment, patterned as a cavalcade of acts, business, with James Barton starred (later Willie and Eugene Howard were added), the show was a flop. With the owner, who caught on with the world's Fair, went to general mid-week, the slipshod policy.

Rose revived the all-day policy with a special eye for the Fair visitors, who have yet to materialize and judging by the bull's he's doing at his Aqueduct at the Fair-ground, the showman is wondering whether the expo won't affect Broadway all summer.

He's vague, for that reason, whether he'll reopen June 15, if at all, for the summer. Rose will be guided primarily by the trends of the crowds, once they start coming in. There's a disposition now to wonder whether, after seeing the Fair, most of them won't be too tired to do any night-clubbing or to go to the theatre.

Meantime, the new Alex Finn management, with Joe Moss, at the turntable, International Casino, another big league Broadway cabaret-theatre, plans to open on Sunday and Monday next (21-22) with a double premiere. New Georgia Lue will star Harry Richmond and Milton Berle, with Ranny Wexler's music.

ORSON WELLES BOOKED FOR WK. AT CHI PALACE

Chicago, May 16. Orson Welles goes into the Palace here week of June 9. Will do a radio sketch and carry a company of 12.

Welles will get a guarantee and \$0-50 over a certain figure.

Chiff Fischer Sets New Show for S. F.

San Francisco, May 16. Clifford A. Fischer has set up in Europe, a new series of acts that will be the nucleus of a show to blow either here or on Treasure Island, site of the Golden Gate International Exposition, on July 15, according to an announcement made by Fischer before he left for Hollywood last week, where he said "Beregere" is currently playing at the Theatre.

"Folies Bergeres" played to more than 500,000 during its nine weeks at the California Auditorium on "Treasure Island."

\$15,000 Niter Blaze

Oakland, May 16. The Caliente, local night club, was swept by flames that threatened the entire building. Before the fire was put under control three alarms were turned in.

Damage, estimated at \$15,000 by the operator, Frank Levrone.

Philadelphia, May 16. Climax to the litterer operators here came this week with citation for license revocation of every house in the city.

Twenty were named in all.

In all cases the citations were for alleged charges of sales on Sunday, charges principally are selling after hours and providing entertainment after hours.

Spots named are Jack Lynch's Walton Roof, Benny the Bum's, 1523 Locust Street, Red Street, Rialto, Century Tavern, Latimer Club, Little Ratskeller, Adelphi hotel, Streets of Paris, 1201 Locust Street, Cadillac Tavern, McGee's Club, 15, Rensdowne, Stamp-on-the-Delaware and Rensdowne.

Citations against Benny the Bum's are among the most serious. They are alleged charges of sales on Sunday, providing entertainment after hours, permitting operation of slot machines and providing liquor on Sunday.

Little Ratskeller was cited for alleged selling liquor on Sunday after hours. Streets of Paris, sales to minors and providing entertainment after hours. Little Ratskeller, permitting immoral entertainment.

Most of the charges is greatly increased for most of those named by the fact that this makes them more serious. The fact that they were let off with suspensions which they were allowed to keep by paying fines and suspensions for a week was supposed to be lifted.

3 Clubs Cited Mixed

Cleveland, May 16. Three so-called private niteries have come under the eye of the state's liquor board. They have been charged with breaking their niteries and providing entertainment after hours.

Irquois Club, a fave hangout for sportsmen, operated by Charlie O'Connor, was cited for breaking its three scores, for peddling rum on Sunday, not being a bonafide private club, and providing entertainment in applying for its permit. Three-Two Club and 2500 Club were warned for similar violations.

Rest of the night spots are suffering from the filters since state investigators have knocked off nearly 50 bistros since Christmas. Nine cases heard last week had their licenses suspended for a week. The cases were observed more as a result of the fact that joints that ran nearby after-curfew.

W. Negation Madison, Wis. May 16.

The state senate killed the Paulsen bill, which would have given opponents had succeeded in attaching to it a "dripping wet amendment."

The bill had provided for a statewide am. closing. Present law provides for am. closing according to 1 a.m. and 8 a.m., though beer may be sold at any hour.

The bill was introduced by Democrat, introduced an amendment for statewide closing between 2 a.m. and 6 a.m. and permitting the sale of beer at all hours that night clubs were open. After this was amended by setting am. closing at 12 a.m., the bill was passed by a vote of 17 to 12.

Raze Frisco Curfew

Local night clubs have been given permission to remain open and sell beer at any hour, according to a notice served by Police Chief William J. Quinn. Because of rules that required the closing of night clubs, the chief warned operators, however, that he will not tolerate drinking or entertainment of any kind.

Meantime, many spots continue to close. Drop in business is said to be between 25% and 40%.

Take Over S. F. Cafe

San Francisco, May 16. Don Burger, manager of the Hotel Sir Francis Drake here, has taken over the cafe and lounge at the Treasure Island, site of the exposition.

In with Burger are Louis Lurie, C. M. Hilton, and J. W. Brown.

TMAT Men Replace Femmes At Fair Shows, Speeding Up Sales; Means No Picketing

While campaigning for the Theatrical Managers, Actors and Treasurers forthcoming election (June 8) reached a bitter stage in partisanship, it developed that the union has won recognition at the World's Fair. Previous failure to place ticket sellers on the grounds was made an issue by the opposition to the administration, an omission which was termed "unforgivable."

Several major concessions have now put on male ticket sellers or treasurers, first to replace inexperienced girls being the Aqueduct, Globe Theatre in Merril England and the Palace, all having reserved seat sections. Before the changes were made, the management noted the slow work with which ticket lines were handled by girls.

Stated that TMAT expected to have between 40 and 50 new placements of members at the Fair within the next week or two. There were 12 sellers placed by the union at the Aqueduct. In addition to such jobs, other members are being tried as supervisors over girl ticket sellers. Permanency of the jobs and increased work may depend on additional efficiency of the girls.

No Picketing Now
Recognition of TMAT and employment of some members definitely disposes of any chance of picketing. The union does not expect to place in ticket booths in a majority of spots at the Fair but prefers to spot TMAT in superior locations. It is set for \$40 weekly by contract. No closed shop is being sought and it's the union's policy to place as many as possible at the ticket selling work even if requested.

It also claimed that the union's own committee was able to make favor-

(Continued on page 44)

WINCHELL SQUARES SELF ON "PORTRAIT"

No legal action is expected on the part of the "Family Portrait" management over the unintentional dip made by Walter Winchell, who reported the show closed in his broadcast of May 7. Show, which is at the Morocco, N. Y., was favorably mentioned in Winchell's Mirror column twice during the week, the squabblers being apparently satisfactory to the show's management.

One of his columns referred to "Portrait" having again been marked among the local dramas' and that line immediately went into the show's daily ad. "Portrait" column referred to the attraction as a hit, although its grosses have been under modest.

Further retraction was made by the proprietor in last Sunday's (13) broadcast.

Scribe did not single out "Portrait," but mentioned it among five shows forced off after the first week of the World's Fair.

Deal is on for "Family Portrait" to tour under Theatre Guild's sponsorship in the fall. Lee Shubert would like to remain in the Broadway tour is tentatively set, with Judith Anderson and most of the present company to remain.

Chaplin Crawford, presenter of the show, is trying to run up several plays for next fall, with the idea of securing them at a \$2 per Broadway as individual shows. She would use stars, including Miss Anderson and Miss Webster.

To Attend Philly Meet
Philadelphia, May 16.
Frank Gilmore, president of the associated Actors and Artists of America, and Luise Slisker, executive of the Dramatic Guild, will attend a meeting here Friday (16) of Philadelphia Theatre, Inc., new local group.

DELMAR-BESTRY REVUE

For Tiny Beebe at 1st Top-Curtain at 9:30

Harry Delmar and Harry Bestry have partnered to do an intimate revue in the fall under the title "Strictly From Hanger." Lester Lee will provide music. Dan Shapiro and Jerry Seelen the book. It will go into rehearsal in late July for a Sept. 1 opening. Will be priced at \$1.10.

Idea is to use unknowns and spot them in a small house such as the Mercury or Provincetown. Show will start at 9:30 p.m. and run 90 minutes. Usual eight performances weekly.

CLEAR PATH FOR REFUGEE REVUE

Refugee artists from Vienna who have been rounding out a revue in English, adapted from the original showing abroad, expect to present it on Broadway in about six weeks. The new venture will be formally formed into the Refugee Group, Inc., is reported assured of backing from several sources.

Equity has rated the group as a foreign unit. Players will not be required to pay initiation fees, but debts of \$150 per month will be payable. Understood that other stage unions have been asked to make concessions favoring the refugees.

BYRON, EQUITY PREZ, IN COAST HOSPITAL

Arthur Byron, president of Equity, has been ill on the Coast for several weeks, being under treatment at the Hollywood hospital. Understood he will be under the care of physicians for at least three months. Byron went West partially for the purpose of touring having again been marked among the local dramas' and that line immediately went into the show's daily ad. "Portrait" column referred to the attraction as a hit, although its grosses have been under modest.

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FAIR'S EFFECT ON SHOWING CAUSES

Difference of Opinion Among Showmen on Actual Reason for Letdown—Some Shows Cutting Salaries to Meet Lag

NO INFUX YET

The disastrous drop in business on Broadway, which ushered in May and the New York World's Fair, reached in the managers' reducing salaries in at least half a dozen attractions. According to such moves, the regulations are that the shows must continue another two weeks. Salary cuts will continue thereafter should the shows hold out for the upturn expected in June.

Slump conditions have inspired difference of opinion over the causes. Though the Fair is unquestionably the biggest combined show ever staged, it cannot alone be charged with having denied legit attendance, despite the fact that it is opposition to virtually every form of amusement offered in the metropolis. Those who watch ticket sales trends believe there is a general opinion.

Fair Also Off

It's pointing out Broadway is not currently getting crowds as usual, also that there seems to be a drop in the biggest crowd since the opening day of the Main Stem. Fair itself has been running away behind last year's attendance figures, but it opened too early. Daily average last week was put around 30,750, but that figure included 45,000 employees and the indicated average therefore was 30,000. Weather had something to do with the lagging turnstiles, but more pertinent is the decreased number of out-of-town. Saturday's (13) rain kept down attendance at the Fair and benefited show business, to the relief of theatres.

Sunday (14) was sunny and cool, attendance at the Fair jumping to 30,750, the biggest crowd since the opening day. Tickets deposited in the turnstile boxes included \$270,000 in employees' concessions, salaries and press, so the indicated paid total was 248,875.

While some showmen are hopeful, there are those who are not optimistic over the chances of theatres during the summer. Their opinions are based on the adverse effect attending other fairs in other cities, theatres taking it on the chin for the first six weeks and longer. Agencies booking trips here for the Fair have been queried for estimates of the number of people attending.

(Continued on page 44)

Most of Ticket Agency Violations Hardly Talks of Code Failure Discounted

Turkish Static

Tourist agency booked a party of 37 visitors from Turkey at the Imperial theatre, N. Y., to see "Leave It to Me" one night last week. Fellow in charge said the Turks seemed to enjoy the show, but it was doubtful whether the balance of the audience did, because the party had an interpreter for who was quite valuable in telling the visitors what went on.

There were many number of shushes and finally someone called out: "Shut up." An annoyed woman was the objector.

'AMERICAN WAY' TO DECLARE DIVIDEND

The "American Way," at the Center, Radio City, though only completing its fourth month is virtually making a profit. Season's most costly production represents an outlay of \$255,000, but chances of it being a financial success were not entirely considered by those who supplied the backing. Sam H. Harris and Gordon, who produced "Way" and George S. Kaufman and Moss Hart, its authors, are said to have the principal interest but it is understood 15 persons in all invested in the show.

"Way" was backed in an unusual manner, men of means in New York and other points being asked to invest. They were told they would though the spectacle-drama did not click it was a patriotic duty. The investors were recently advised that around June 1 "Way" should have earned close to \$400,000, and indications are that all will receive a dividend.

Operative profit of the show is approximately \$100,000 and the managerial end of the picture rights added another \$100,000 to the actual profit, which accounts for the solid financial condition of the attraction. "Way" averaged close to \$400,000 weekly for the first two months or so. Attendance has been affected recently along branch lines of Equity taking advantage of the current unfavorable publicity concerning conduct of AFA office here. But a surer indication exists and that if it did it would be to be settled by the Four A's.

Engagement is expected to extend through summer and into next season with a \$1,000,000 gross anticipated.

A session which consumed the entire afternoon Friday (12) was held in the offices of the League of New York Theatres, 18 ticket brokers making explanations of indicated transgressions of the ticket code rules. Opinion was that 75% of the answers were satisfactory to the extent that willful violations were not made, indicating the code has been adhered to more generally than supposed.

Although at this period of the season few tickets can be sold by agencies at high prices, a number of instances where gyping was practiced were brought up. Most sites at more than the code maximum of 75c per ticket. Some were made by the City agency, which did not sign the code. Agency has quarters in the Hotel Commodore. It is operated by proprietors of that call, which usually draws a class of spenders, including visiting Hollywood stars. Only two sales at excess rates were made by the Acme agency, according to the tickets examined. Acme did not sign the code either, and its contention that the code and Equities were in restraint of trade, by enforcing the code were not upheld.

Acme's counsel did not file a brief in answer to the referee's report, and supreme court Justice Samuel Hotelstad approved it, giving the opinion that the code is legally okay. The referee's opinion was that the code is self-restraint should be encouraged by the law. The judge commended the referee's opinion of the agency that it offers a unique service.

(Continued on page 46)

Jos. Hyman Seriously Injured in Auto Crash; Two Companions Hurt

Three young showmen were badly injured when a car skidded on Saturday's (13) rain over an embankment near. Poughkeepsie, N. Y. Said to be in the most serious condition is Joseph Hyman, who produced a show on Broadway last season and who is business manager for Moss Hart, playwright. Several ribs were fractured and a spinal injury disclosed. Hyman recovered consciousness Monday (15) after an emergency operation in Vassar hospital. Poughkeepsie, William Haberstein, who produced "Portrait" taken to hospital, Jacob in Poughkeepsie and the other the Memorial Hospital.

The trio were seeking a farm which Hyman intended taking over from Bernard H. Windsor, N. Y. His companions having an interest in the venture. Hyman was also associated with Bernard Hart, who was placed in the Sunday night showings of Elsie Allen at the Music Box during the winter.

Ansted Reelects Prez Of N.Y. Stagehand Union

Local No. 1, New York stagehands union, elected Ansted as president for the second term at the annual election Sunday (14). Louis Green, N.Y. stagehand, was placed placing Soli Pernick, while John C. McDowell and John J. Garvey were elected secretary and treasurer respectively.

Pernick contested for one of the top jobs in the union. He was placed second by Frank Dwyer, who was re-elected. James J. Edwards, N.Y. stagehand, was placed on the relief committee and Edward J. Mordimer is again sergeant-at-

Equity Fights For Control of Frisco Fair's 'Ziegfeld Follies;' AFA Opposed

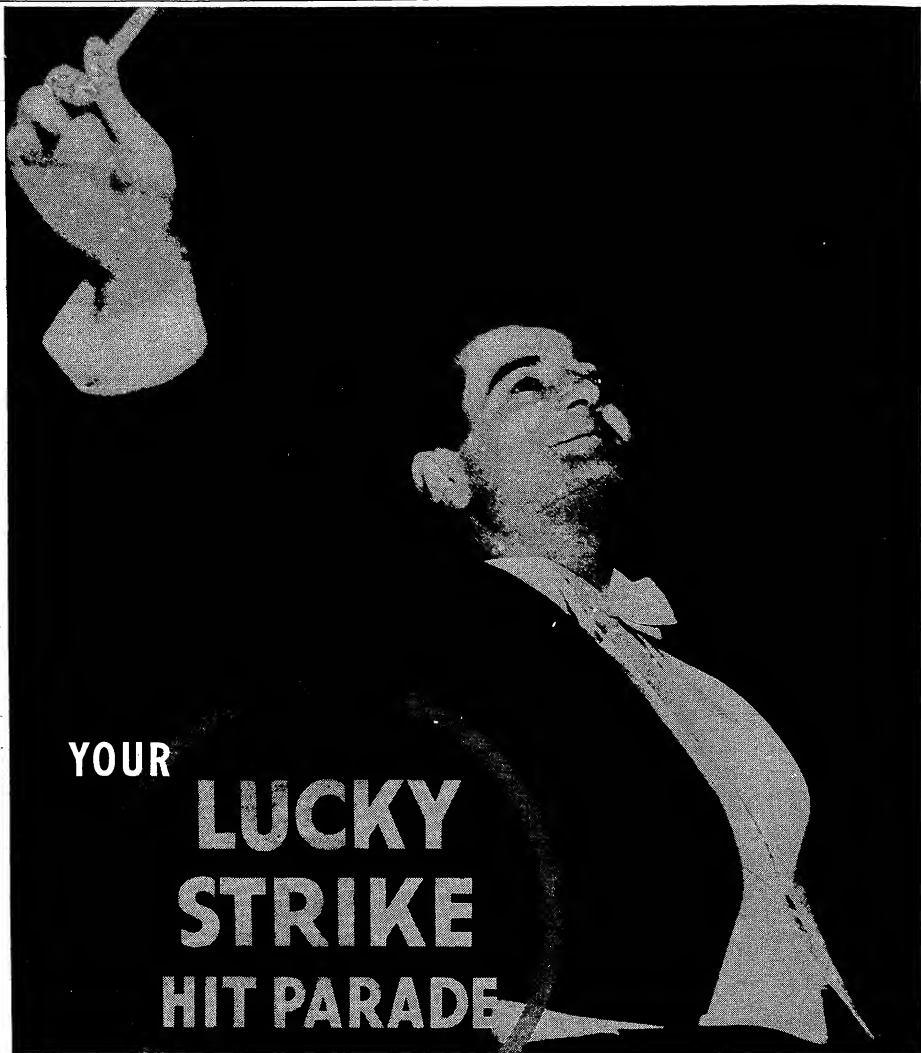
San Francisco, May 16.
Equity made the first move for control of 'Ziegfeld Follies of 1939,' which opens at the Golden Gate International Exposition Friday, May 19 when Ted Hale, local representative for Equity, told members of the cast that he would not allow the show to play here unless it was presented daily playing a total of 16 hours a day, seven times a week, which would be well within Equity weekly requirements, according to Hale.

Rates for chorus girls in 'Follies' would be increased from the AFA minimum of \$35 to \$45 a week under Equity. San Francisco Exposition, which is backing the show, already has a closed AFA show and according to an expo executive in the city, no AFA jurisdiction would be around 10%.

Hale states that as far as he is concerned no conflict of jurisdiction exists and that if it did it would be to be settled by the Four A's.

AFA chiefs here for investigation in operations of the local AFA branch since Equity is taking advantage of the current unfavorable publicity concerning conduct of AFA office here. But a surer indication exists and that if it did it would be to be settled by the Four A's.

Alfred T. Smith, former union president of AFA here, charging interference with AFA jurisdiction, with seating control of local office, will be held here this week in Superior Court.



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LUCKY
STRIKE
HIT PARADE**

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MARK WARNOW

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MARK WARNOW
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48 PAGES

MOVIE FILMS

Uncommercial, Yet Strictly Ad Pix OK for Television, for Time Being

Industrial motion pictures will be prominent among the types of entertainment broadcast over New York television. Although such films are frankly propaganda and often replete with trademarks and direct advertising, they will not apparently be classified as advertising and thus not contrary to the Federal Communications Commission's rules. It is commonly believed in the advertising trade that so long as time and facilities are not sold, television is not being commercialized.

Business film assumes importance because other entertainment spots. Is being the television promoters by the film industry. Film means, represent a considerable loss to RCA-NBC at present. Certain shorts have been played over and over in the last three weeks on the daytime transmissions intended to service the department and radio stores where television sets are on sale. Monotony of the constant repetition has occasioned some adverse comment.

Meantime another possible source of television programs is getting attention in New York. This is the press agent stunt in which some commercial enterprises will agree to stand the production expense with RCA-NBC to provide the iconoscope and engineering setup gratis. Various promotion departments are giving this thought. McCutcheon's store on Fifth Avenue is reported as one of them.

Several advertising agencies have investigated television just by way of having some notes in their files. They are inclined to regard television script-writing as representing quite a departure from radio. Everybody is appalled by the cost element, and the years of probable agony with staging, lighting, makeup, memorizing and casting.

Visiting Royalty Hurt Mpls. B.O. by Pulling 15 Trainloads to Canada

Minneapolis, May 23. Visit of the King and Queen of England to Winnipeg and Port Arthur, Canada, is pulling enough people from here and the royal couple actually to affect the local show biz adversely. Three railroads have sold enough tickets to the two towns, more than 300 million dollars to all 15 special trains. In addition, it is estimated that thousands are en route to Canada by Greyhound, Greyhound and Mayor George B. Leach were among those who took the trip.

Winnipeg and Port Arthur ran large display ads in the newspapers here, plugging the Majes-

Trouping Pedagog

Philadelphia, May 23. Frank Hall, m.c. and warbler at the Anchorage here, while playing a theatre date was greeted by a kid's shout from the audience: "That ain't Frank Hall; that's Mr. Colker, our English teacher."

Kid was correct. Hall doubles during the day as a junior high school pedagog under his right name, Colker. He covered the embarrassing theatre situation by correcting the sharp-sighted lad: "Well, 'Ain't ain't a proper word."

'Big Show Biz Union, Pet 4A's Idea, Set to Go

Actual move to carry out the long-planned "one big union" idea have at last been undertaken by the Associated Actors and Artists of America, parent union of all show business performers. Representatives of the various member unions have begun meetings to work out the proposed setup. Those participating include Mrs. Florence Marston (Screen Actors Guild), Leo Fisher (American Federation of Musical Artists), Philip Loeb (Equity), Mrs. Emily Holt (American Federation of Radio Artists) and Jennie Haff, attorney.

Spokesmen for the various unions are to submit data about their organizations to the committee today (Wednesday). Facts will include complete membership lists, dues scales, established financial statements, budgets, etc. Committee will study the mass of data and try to work out a satisfactory basis for lining up the different groups into a more compact organization.

While it is not planned to do away with the identity of the various member bodies entirely, the aim is to carry out the "one big union" idea on a practical basis. Intention is to have a single membership card and

(Continued on page 38)

Kate Smith's 'Command'

Kate Smith will sing before the King and Queen of England at the White House on June 8. Honor will make that singer and Ted Collins will bring her back into the Swansdown radio program from Washington that night.

Mrs. Roosevelt also invited Lawrence Tibbett and Marion Anderson to her party.

SALES CRIPPS DISAPPOINTING

Sponsors and Agencies Feel the Hollywood Pattern Worn Pretty Thin, by Now—Less Costly Programs Have Shown Up Better on the C.A.B.

SOME BIG FLIVS

Hollywood, May 23. Passing of several Hollywood glamour shows by next fall is being freely predicted in agency and network circles. That the top color picture units has not been justified by the sales charts is said to be the chief spurring argument for a continuance. That there always will be some programs with film personalities is readily conceded, but such a production play as Hollywood has been given in the past few years will take an alarming lapse with the advent of a new season come Fall.

Sponsors and agency execs are generally agreed that the Hollywood pattern of radio shows has been worn pretty thin and that it's no longer a novelty to have a film somebody on the program. And the coin paid out is said to be way out of line in comparison to the payoff to ether and stage headliners. Hollywood blowdown falls in line with a definite trend by advertisers to cut down high production costs. It is pointed out that many of the programs costing well under \$10,000 exclusive of time have made a better showing in the survey of the Co-operative Analysis of Broadcasting than the expensive colossals.

It will not surprise if both Texaco Star Theater and Kellogg's Circle went away from here after current engagements in the fall again. While will go off for the summer but has not decided whether it will start again in the fall again. The expensive setup. The Circle has been a thorn in many sides since it bowed out and is charged by some with much responsibility for the anti-Hollywood (Continued on page 38)

SIR HARRY LAUDER'S FILM DICKER: RADIO

Sir Harry Lauder will come to America in a variety of capacities, some radio bookings and a concert tour. This will be his first visit over here. He will spend the summer on the season, dependent on the radio negotiations particularly.

The 88-year old comedian is dictating the picture deal with Samuel Goldwyn through the William Morris agency which is also lining up a 13-week radio program for him on Sunday nights. Agency does not deny that it will sponsor another farewell American appearance for Lauder.

'39-40 Selling Stalls; Avers Distribs Ballyhoo New Product Too Early

Fair's S. A. Angle

An unofficial 'attraction' at the New World's Fair has the exhibitors and show bunnies amused and wondering when those very refined gendarmes are gonna get wise.

The gala have been making a pitch all their own—and not confining it to the midway either.

Class Restaurants Big at N. Y. Fair; Frisco's \$2,250,000

The chi-chi nationalistic buildings along the Coast of Nations—i.e., those with restaurant facilities attached—are doing embarrassingly landlodge business. It's awkward because these nationalistic pavilions are intended for goodwill get-togethers, not turnaway eateries, and it's become a problem to refuse some who may be visitors from abroad, on modest budgets, and yet find themselves barred out.

The pavilions and capitalists true to their clan, have had a bonanza of late. That they're on the take's not as much a problem as the fact that the crowds are failing in despite the very fancy tariffs being charged. One idea of a check at the French Pavilion for colony people was \$10—strictly 18 cent restaurant or 21 Club prices.

There's no question about the vast distraction of the Flushing Meadows and how much it has drained the spending propensities of the element which keeps Broadway and the fashionable elite side silties, theatres, etc., going.

The cafe society bunch has been playing the foreign pavilions for example, now books dinner parties fully a week in advance.

As for show biz in general, until the expected indoor adventures, the 'Fair's put the whole town on the (Continued on page 18)

Film's 80% Vaude Cast

Hollywood, May 23. Cost of Metro's 'Babes in Arms' is 80% ex-vaude. Among the two-day players are Irene Francis, Harry Fox, Pat Kent, Margaret Young, Patsy Moran, Mervyn Edwards, George McKay, Lila Tyler, Bruce Denmar, Henry Rockmore and Lila Ellis.

Mickey Rooney and Judy Garland are co-starring.

Although the approach of the distributors in selling the 1939-40 product has been less aggressive than in the past, on the buying side the tendency again is to stall. In sales quarters where the going is no faster than last spring, or even slower, this being true of some companies, apprehension is felt that it's getting to be a habit of too many exhibitors to take their time in lining up product.

On the other hand, in the exhibition field—and among buyers, they thrug the shoulders in an attitude of being in no hurry, and suggest that possibly it's become too much of a habit on the part of distributors to try to sell film too early. Of late years this has been true, with concessions gradually moved up to the point where coming season's programs have been announced before the movie is off the ground. Exhibitors have had six months of product under contracts still to play when they've been asked to sign up for another year's output. In this connection distribs have borrowed technique from apartment landlords who have the latter bested on starting earlier.

The tendency to hold early conventions has been inspired very often by the efforts of one company to steal a march on another by getting a convention earlier than the year before. Result has finally been that companies have started playing sales powwows in March to announce a full year's program that won't start releasing until June 15 or Sept. 1. Companies vary in starting their seasons but they range ordinarily between these dates.

Not only have the distributors officially announced their coming year's output at convention-time in (Continued on page 2)

Newlywed Haywards (L. Lupino) May Co-Star In 'Brighton' on B'way

Louis Hayward and Ida Lupino may appear on Broadway next fall in Gilbert Miller's production of "Brighton Rock." Pair are currently honeymooning in New York and will return to the Coast for picture work during the summer, but sure on coming back east in the fall.

Miller depends largely on whether Sidney Howard comes to the adaptation of the novel or whether he will. Miller has announced the play will be a two-act affair. It may be too busy with preparations for "Brighton Rock" to have time for the "Brighton" script. If the deal falls through, Miller will stand debut for Miss Lupino, who has previously appeared only in films. Hayward was in tiff before going to Broadway, appearing both on Broadway and in London.

N. Y. to L. A.

Edna Best.	Lou Smith.
May B. Mayer.	Howard Strickling.
Joe Nolan.	Gene Towne.
Mrs. Hal Roach.	Vera Zorina.

THE BOX OFFICE

Arbitration Structure Under Trade Practices Code Ready for Exhibs

The structure of arbitration procedure and the exact manner in which it will function as a part of the trade practices code will be completed by tonight (Wed.) or at the latest, by the end of the week, according to indications following several meetings between distributor representatives and their attorneys. Another session scheduled for today (Wed.) is expected to put the final touches to the machinery under which distributor-exhibitor disputes will be decided, according to William F. Rodgers, spokesman for the distributors.

If complete agreement is reached at today's session of distributor heads and counsel, Rodgers stated the details of the method of arbitration to be pursued under the trade practices part will be put into proper written form and forwarded without delay to the various leading national and state exhibitor bodies which have figured in the lengthy self-regulation negotiations. The official form covering arbitration might require 100 or so in preparation before submission to the theatre owner associations, headed by the Motion Picture Theatre Owners of America and Allied States Assn.

Until the lawyers, together with the distributors, have agreed upon the final wording, either today (Wed.) or by the end of the week, the nature of the machinery governing arbitration will not be released to the trades or others.

However, in a series of conferences, held in consultation with various of the distributor heads, some huddling at times at exchanges with others have been at different meetings. Distributors who have figured include Richard Seidman, Harry Gold, Ned Depinet and Harry Gold. Last mentioned appeared at a meeting Monday (22) to discuss the adoption of United Artists concerning non-participation due to its peculiar position in the district. However, expected, however, that UA will grant most requests of the code adopted to its accounts on signing contracts since it will be selling at a disadvantage if not so. However, so far as cancellations are present policy of permitting no, exclusive since it sells pictures on an individual basis. It is believed, Company never has exacted a more charge, does not force shorts and has no theatres.

Silverstone Accomps Carr Back to England

Edward T. Carr, co-director of British sales for United Artists, sails for England May 25, accompanied by Murray Silverstone, general manager. Both will address sales forces at the conclusion to be called at the end of July.

U.A.'s English organization will have an extensive expansion program in the near future, with the same men employed in the U.S. Some time ago Carr was in England, leading campaigns in key cities. "Stagecoach" will be the first picture to get benefit of the big push.

Standardized Recording At Studios Aim of Acad

Standardized recording at all major studios is the plan of the Academy Research Council. Object is to eliminate necessity of negotiating projection equipment for each company's output.

Eight Hollywood plants are making tests under a committee composed of Bernard B. Brown, Universal; Douglas Shearer, Metro; John Livadary, Columbia; Parcelot Ederly, Paramount; John Aalberg, RKO; E. J. Hansen, 20th-Fox; Thomas Moulton, United Artists; and Major Nathan Levinson, Warner.

Cause and Effect

Spokane, May 23. Boxoffice fell off on the last day of 'Alexander Graham Bell' at the Fox. Phone company had announced rate raises that day.

Sharp March B.O. Drop Reflected In U.S. Tax Take

Washington, May 23. Violent reaction in the amusement business during March was reflected last week in latest Treasury Department tax figures. As result of unseasonal dip, the government's take from the 10% admissions levy was down nearly \$25,000 under the prior month. Tax applies only on admission prices of over 40c.

The April collection, based on March patronage, added to the lowest level for the month since 1936, halting the first upward trend in tax-giving. Total paid into the federal exchequer was \$1,384,721. This figure was \$1,412,000 under the \$1,796,721 paid in 1937. Only \$222,755 smaller than the March haul.

As a result of the skidding, the yield for this calendar year is back even behind the comparable portion of 1937. Only \$18,000 under the first four months, compared with \$8,37,647 in the same stretch in 1938 and \$18,000 in 1937. Only \$222,755 smaller than the March haul.

Pickford-Fairbanks, Chaplin-Korda's UA Holdings Not for Sale

Holdings of Mary Pickford, Douglas Fairbanks, Sr., Charles Chaplin and Alexander Korda in the United Artists Corp. are not for sale, according to Pickford's statement on her arrival from London on Saturday (23). "The Buddy Rogers" (Mary Pickford) is sailing for the four-week tour of Europe on May 31.

Mrs Pickford emphatically stated she has no intention of disposing of her UA interests and feels she is an integral part of the motion picture industry. She has a lease up to 1941, which would compensate her for selling out. She answered rumors of interest in the picture plant, pointing out the five partners are more solidly together than ever behind the company and all its producers, financiers and story tentatively lined up.

Mrs Pickford is considering going into production this year, and story tentatively lined up. Reginald H. Denham, formerly Goldwyn, in renaming the United Artists studio last week, Mrs Pickford states that the picture plant, ground buildings and permanent equipment is the property of Fairbanks and herself. Goldwyn has a lease up to 1941, with a five-year renewal option and the only thing he controls is his own picture. He has no picture equipment. According to terms of his lease both she and Fairbanks have the option to purchase back one week to permit writing reviews. New getaway date is May 29.

CAVALCADE HALTS

Hollywood, May 23. Start of 'Fallout', the former 'Hollywood Cavalcade', the \$2,000,000 technical unit of the film industry, at 20th-Fox, was set back one week to permit writing reviews. New getaway date is May 29.

INDIES CONTROL 72% OF GROSS

Independent Chains Gross 28%—Remaining 40% Comes From the Simon-pure Indie Owned or Operated Theatres—The Indies, Chain or Individual, Thus Account for 68% of the B.O.

BIG GROWTH IN 5 YRS.

Growth of independent circuit operations in America during the last five years, which witnessed virtual doubling the number of indie chain houses, placed the independent theatre operator more than even in command of the U. S. boxoffice. Development of the independent circuit has far outdistanced any expansion on the part of affiliated chains since 1933. Late in 1933, there were 1,988 film houses operated by some 233 circuits, while at the present time there are about 3,840 theatres in the independent chain setup covered by about 381 circuits.

In the same period of time, the affiliated circuits controlled by production companies, which numbered almost at a standstill at around 2,350 houses. This varies little from the 1933 figure of 2,200. The growth of the major affiliates represented. It is supposed to include all Paramount, United Artists and Warner.

Late in 1933, there were actually fewer houses under the chain, although the reason of the increase in overseas and legal tangles of that era.

Gross business by major affiliate houses today is figured as amounting to about 32% of the nation's cinema business, while that done by independent circuit houses is about 28%. The remaining 40% represents the boxoffice gross take at independently owned or operated theatres.

This leaves the independents dominantly charged with the boxoffice, with 88% covering all types of indie operations and 32% by affiliated circuits. Some statisticians in the trade estimate that gross business by independent circuits will run about 30% and that the affiliated take will be under 30%. In either case, the 68% figure for independents holds only on about the same basis.

Comparative Seating Breakdown of theatres and seating capacity plainly reveals the deluxe operations and higher-classed houses on both affiliated and independent circuits. The average boxoffice of indie, based on a recent count showing the nation's film houses seating 1,000,000 seats, of 11,055,000, 2,440,000 seats. The average circuit representative capacity of about 3,000,000, while independently operated houses approximately 6,000 houses are both affiliated and independent circuits or a ratio of six circuit theatres to every 10 individually owned theatres.

Survey of theatre operations undertaken by one organization in the trade revealed that the average circuit house, whether affiliated or indie, was likely to display more showmanship day after day than the independent circuit. However, ever, their check indicated that where a number of circuit houses were located in the same neighborhood, one community, there often was a tendency to display routine showmanship.

More Pictures Than Ever Before Should Double UA's World-Wide Gross, Silverstone Details Plans

Sears' 'Juarez' Poll

Grad Sears, Warner Bros. general sales chief, pulled an unusual stunt with 'Juarez' by polling leading exhibitors as to whether or not the film should be held back until the fall, or sent out pronto.

In view of the better-than-80% demands for immediate marketing, June 10 has been set as the release date.

While Warners, as company policy, is averse to balking back product for any reason such as a more propitious season or weather break, the nature of the Paul-Henre-Davis film theme was a puzzle to the WB sales exec, hence the poll.

Shot in the Arm For B'way Will Be Pre-Releases

Despite the static boxoffice condition of Broadway, all theatres are pointing to July-August-September for a major upsurge in ticket pre-releases as the bait. The lethargy parallels the situation in Chicago during the 1938 expo, when business the first couple of months was poor. Then it picked up with the mass modulus operation of the big league product that the hinterland could see for weeks back home, plus stronger stage attractions.

The big crystal-ball act that's puzzling showmen, however, is whether or not they'll be so tired out as not to take in Chicago. It's admitted that the 1200-seat capacity of the World's Fair dwarfs anything else in Chicago, Texas or Florida.

But in favor of it all is the fact that Broadway is a 'must' lure, and nobody coming to New York conceivably would pass up the Main Drag, no matter how fatigued.

Charles Munro In N. Y. for 6 Weeks On Aussie Film Buys

Charles Munro, managing director of Hoyt Theatre Circuit of Australia, controlled by National Theatre Corp. (20th-Fox) of the U.S., is in New York from the Coast. Trip is for usual product deals for Hoyt with United Artists, Warners, 20th-Fox, RKO and for conferences with the producers of National Pictures. Executive is remaining in New York for six weeks before sailing home.

Dan Carroll also is in New York, head of the Birch-Carroll-Cox circuit and manager of the Prince Edward theatre, Sydney. He is due in New York from the Coast today (Wednesday) in connection with the distribution-exhibition problem in New South Wales. He also will look after deals for his interests.

Henry Paramount's manager for the Philippines, also is scheduled to arrive in N. Y. today.

JOE ENGEL JOINS SHERMAN

Hollywood, May 23. Harry Sherman Productions has signed Joseph Engel as production manager.

Veteran studio head's last berth was in general management of Howard Hughes Productions.

Mrs. Wallie (Louise Fazenda) and their two children accompanied.

Returning to New York on Saturday (20) after the sales convention held on the C.-ast, Murray Silverstone, general manager of United Artists, stated UA expects to double its world-wide gross business this coming year. Primary reason is the greater quantity of pictures the company had to sell than in previous seasons. Program will be held flexible, and although a minimum of 28 pictures will be distributed, there may finally be more than 32, inasmuch as a number of deals with producers other than the 11 already signed up at the fair.

Following statement of Edward T. Carr, British sales representative, Silverstone averred latter has no intention of leaving UA and will stay in the organization. Carr's contract is a "continuation agreement" renewable from time to time by mutual consent, revokable only by advance written notice by either party. Silverstone intimated that negotiation adjustments in Carr's contracts have been granted the latter.

Regarding company producers' 'profit-sharing' plan, designed by Silverstone to encourage the production of more and better pictures, their individual producers by rebating distribution costs as grosses in excess of time by time. Silverstone stated producers have already begun to share in benefits of the plan. Company has shared in this amount was not revealed. Silverstone's one guess that Chaplin will benefit from the situation, as he is 15% on his forthcoming 'Dictator' because of volume of gross business expected.

Chaplin is spending \$5,000,000 on 'The Dictator'; has completed all cast tests and start shooting in two weeks, with picture to be ready for delivery in October. He is also (Continued on page 10)

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Point for the Majors in U. S. Suit

lar affiliated theatre nominally selects. Further, the affiliated theatre

Tomorrow (Thurs.) Is the Day for N. Y. Allied's Open Forum to Air Pix Seeks

With tomorrow (Thurs.) set aside for the purpose of holding an open forum on anything concerning the industry that is brought up on the floor, Max A. Cohen, president of Allied Theatre Owners of New York, has been informed many film leaders will attend the final day of the convention in N. Y. and hopes that constructive progress may be the result. The convention opened yesterday (Tues.) at the Hotel Astor, N. Y., continues through today (Wed.), and winds up tomorrow night (Thurs.).

In proposing an open discussion of trade problems, with no holds barred and everyone welcome, Cohen stated in advance that N. Y. Allied is doing this not because it has any axe to grind or is gunning for anyone, but because it believes the film industry is a big one and everything should be done to keep that way. "I don't see any impression may prevail that he wants to do any sneering at the open forum, the aggressive Allied leader said that he will not even make a speech the day it is held.

It is the first time in the history of the business and exhibitor politics, however, that anyone addressed can get up and say what he thinks of the other fellow, of problems of conditions, however, Cohen reminded.

Attendance at the open forum promises to be highly representative and, aside from news-chronicles, may prove to be an important step forward in the movement to better relations between exhibitors and distributors. Main regulation from within, of which Cohen is an ardent supporter, will be the result.

While the door will be open 'even to the cop on the corner' during the convention, Cohen said, it is likely to swell the list attending, particularly for the open forum, so far in fact as to include the following sales executives:

William F. Rodgers, general sales manager of Metro; Thomas Conners, eastern-Canadian sales mgr. of Metro; Neil N. Agnew, v.p. over sales for Par; Joe Unger, western-Canadian sales chief with Par; George J. Scheffer, president of RKO; Ned E. Depinet, head of RKO Distributing Corp.; Jules Levy, RKO general sales mgr.; Grad Sares, head of Warner Bros. sales; William Sussman, eastern general sales mgr. of 20th-Fox; Harry Gold, v.p. of UFA over eastern sales; Edith E. Brown, in charge of distribution for Monogram; W. W. Weeks, gen. sales mgr. of Monogram; and, in New York, Nels Blumberg, U. president; Bill Scully, v.p. over U. sales; and James R. Grainger, v.p. over sales chief for United.

In addition to Allied leaders from states other than New York, topped by president of the National Exhibitors Assn., Charles Fox, Col. Coleman and Abram F. Myers, general counsel and chairman of the board, leaders of competing exhibitor organizations are going to attend. These include Harry Brandt, president of the Independent Theatre Owners Assn. of New York, which has no affiliations with Allied.

N. Y. Allied convention opened yesterday (Tues.) with an appointment of committees and other action; followed today (Wed.) receiving-entertaining by the reception committee which includes numerous exhibitor execs in N. Y., mostly district sales mgrs.

Today (Wed.) Col. Cole and Myers, top in Allied States Assn., will address the convention and report of the resolutions and grievance committee by his associate. Luncheon will be held in the Astor ballroom tomorrow (Thurs.) at noon, with the open forum following.

MPTOA Not to Attend

Explaining that the association has no benefits to be derived for Allied or the Motion Picture Theatres Owners Assn. will be by its president, the 10th annual convention in Minneapolis, Ed Kuykendall, president of MPTOA, last week wired W. A. Steffen, chair-

MAE WEST TOUR ENDS AS FILM DEAL PENDING

Mae West winds up her personal tour following her unit's three-day date at the Rivoli, Toledo, where she opened Friday (22).

She'll return immediately to the Coast where a picture deal is pending.

Bad in Cincy

Cincinnati, May 23. Latest attempt of indie promoters to buck RKO, which long has controlled the burg's major vaude stands, by booking Mae West for seven days, had a brodie here last week at the Tauradium. Miss West's 'Hollywood Revue' had a night at the 'Night or Never' (Par) for grand showings at 40-55c scale with the gross being more than \$14,000 and seats 2,500, but is off the beaten path. Graciousness of Miss West, however, according to grapevine info, saved backers from taking it on the chin. She's reliably reported to have backed back enough from her share to square everything.

Press Pique Over Stanwyck - Taylor's 'S. D. Wedding Scopy

San Diego, May 23.

The turn of an exhibitor over being copied on the Robert Taylor-Barbara Stanwyck wedding here is having repercussions in a series of front-page blasts charging the film pair with the convention and the principal target is former district attorney Thomas Whelan, who claims to hold an appointment as deputy county clerk. Whelan issued the Taylor-Barbanys license, kept it secret. A week later the pair were married in his home here.

Whelan had promised The Sun (Stearns-Howard) a "big story" and kept his word a few hours later by announcing the marriage. It so happens that Whelan was approximately on Sunday long after the final edition had gone to press, so the yarn proved a clean break for the national next morning. Sun being a p.m. Sun went overboard on pictures of the license, violation of obscenity laws, etc., to show 'Evidence of Illegality.' Paper got a deputy district attorney to issue an opinion that Whelan had "acted as a deputy marriage clerk without legal authority and quelled the law on it."

Hiller Hoffman Drowns

Minneapolis, May 23.

Hiller Hoffman, veteran Twin City independent exhibitor, was drowned when his boat overturned during a fishing trip.

His wife and a companion were rescued.

man of the convention, that he would not attend. He wound up his appointment by expressing the wish that Allied have a well-attended convention which he would like to attend.

His message to Steffen: "Because Allied and MPTOA have such wide-spread representation of the problems of this industry, and because I feel that the placing of my name on the program would reflect credit on your committee was in just, and that I would not feel like injecting my viewpoint into the convention...feeling also that what, ever came out of the open discussion, would be for the benefit of the industry, I would not want to be seen as speaking for the convention, as in the past, I can see no benefits to be derived from my participation in the convention by my attendance. I also have meetings scheduled with the state MPTOA units at this time."

Petition Before NLRB for Dual Groups Will Be Dismissed—New Wage Scale Being Drafted for Day Workers—Weed Out Trouble Makers

PLAYWRIGHTS PAT

Hollywood, May 23.

Film extras have turned thumbs down on an offer of autonomy from the Screen Actors Guild. Vote in favor of retaining present affiliation, with the SAG continuing to act as bargaining representative for the atmosphere players, ran better than 80 to 1. Out of 5,000 ballot mailed Class B members, vote ran 3,962 to 65. Action of the extras will put the day dismissal of petitions now pending before the National Labor Relations Board for certification of dual organizations as bargaining agent for the players. Most important of these is petition of Cinema Players (which has been being making bid for support of extras. Ballot also will call for more strict control of SAG tops in controlling activities of the extras. A campaign is already being launched to eliminate the SAG leaders who have been attacking Guild leadership. Charges are being preferred against more than a dozen who have been acting for formation of rival organizations.

First move will be to start enforcement of SAG by-law against a member of the SAG who is under trades union. Saturday (20) was deadline for members to surrender such cards or drop their affiliation with the Guild. "Top estimate that between 500 and 1,000 players will be eliminated from the extra ranks when check of cards is made and order given for formation of rival organizations."

Ready New Wage Scale

Ralph Morgan, SAG proxy, and Kenneth Thomson, executive secretary, expressed pleasure over overwhelming endorsement by the extras of Guild policies. It was announced that work will immediately be pushed on preparation of a new wage scale to be recommended to the standing committee. This will consist largely of reclassification of various extra pay brackets but is expected to increase annual earnings of thousands of players.

Before action on giving autonomy offer, selected 17 members to fill vacancies on the SAG Council. A total of 54 candidates qualified, representatives from every group being on the ballot.

Test case of April 15 election, which was voted by SAG for lack of a quorum, has been withdrawn in Superior Court. Col. Coleman drew, SAG issued the following statement:

"Messrs. Eddie Aquilina, Paul Cook and Ed Helm on May 1, 1939, brought suit and demand that the court order that the Guild's ruling that the election of April 16 was invalid because of lack of a quorum. The court secured an injunction which delayed the election by mail ballot which has since been completed."

When the case was heard in court the injunction was ruled on and the court found in favor of the demurrer when the attorney for Coleman and Helm was asked to file to the authorities. Instead of filing authorities he filed a complaint for new suit on different grounds. The Guild was then put to the trouble of preparing for its defense and the case was completely dismissed.

"The Guild's attorneys appeared in court prepared to go ahead with the trial and found that the opposing attorneys had dismissed the case against the Guild. The actual cost of the case was about \$25,000, paid by reason of this action (dismissing) and the Guild is unable to estimate the total loss to the Guild by reason of loss (Continued on page 10)

F.D.R.'s Peeve at H'wood Mishandling Seen Behind Ban on Future N.Y. Co-op

NICKY ARNSTEIN SUES OVER 'WASHINGTON SQ.'

Hollywood, May 23.

Suit to enjoin 20th-Fox from further showings of 'Rose of Washington Square' and accounting of profits to determine damages was filed here today in Superior Court by attorneys for Jules Arnold and Nelly Arnstein, Nicky Arnstein. Libel and invasion of privacy rights is charged in picture dial involving Alice Faye and Tyrone Power, who allegedly portray Arnstein and his former wife, Fanny Price.

Action alleges Arnstein withdrew from the public eye 10 years ago as a result of the picture. Arnstein Price revived that status. Miss Price also was quoted to the studio about the dial and demanded \$50,000, but no settlement or legal action has occurred as result of the comedienne's demands.

Royalty's Newsreels Shipped by Air Across Atlantic; 1st Such Use

With motion picture stories of Canada's greeting to England's king and queen on board, newsreels for the first time took advantage of the initial commercial Atlantic flight by shipping them by air. The newsreels executives in New York viewed the trip as an opportunity to operate scheduled flights between U. S. and Europe as giving them a break on coverage on the Atlantic and speedier distribution of stories throughout Europe and the Orient.

Beaten by radio, phonograph and newspapers on coverage of crucial events in Central Europe, newsreel officials believe this commercial plane service opens up vast potentials. Stories photographed in Europe may be shown in U. S. in three days, it is hoped.

Newsreels first in handling film will be the high cost. Newsreels execs figured 800 to 900 feet of film would be required to cover the flights between U. S. and Europe across the Atlantic; figured at the letter rate of 30c for each half ounce. At the present time new duty on newsreels in Great Britain comes out to about the same amount.

Less use of this shipping cost, care will have to be taken by executive officials both in this country and abroad to make sure that the absolute minimum rather than shipping a number of films and permitting the editorial staffs of different countries to edit the footage down.

'Commercialism' Angle

Toronto, May 23. Still photographers were unable to obtain any pictures of the Dionne quintuplets together with King George and Queen Elizabeth when the famous babes met royalty this week. Less than a dozen of the British rulers did not want to be photographed with the quins because the royal family is a private family company and in film features for 20th-Fox.

Studio executives were instructed to see any pictures taken.

Metro Buys Runyon's 'Prez'; Henry for Morgan

Hollywood, May 23.

Meiro bought W. C. Tuttle's humorous yarn, 'Henry Goes to Arizona' as a star for Frank Morgan. Picture is for summer production by Harry Rapf.

Washington, May 23. New restrictions on newsreel shots of the navy were revealed last week coincided with disclosure that President Roosevelt's peeve is behind refusal of Coast Guard cooperation to two studios planning features built around the life-saving corps.

Supplemental to the general policy laid down last year, Admiral Claude C. Bloch, commander-in-chief of the U. S. Fleet, recently advised all units that similar agreements must be made with both still and cinema lensers before allowing any shots to be made of events under supervision of the navy, or requiring the facilities and assistance of the naval establishment. Floating cameras were designated to supervise all camera operations. Under the direction of the Senior Officer present at afloat.

Under the letter, sent to the entire fleet, it was stated that April 15 business with the press, radio, and films is to be conducted, whenever practicable, through the command of the nearest naval station, with the chief and assistant intelligence officers, and the chief of communications in charge at the home base. Innovation in the creation of press releases to be made of events under designated as Intelligence Officers instructed to act as the official press officer for the navy, or denying permission to make camera shots.

Feeling of Films Special committee was set up to cover relations with film companies, with notation that pool of film editors at the navy headquarters. Under the agreement, footage must be forwarded to the command of the nearest naval station, for reviewing and censoring. Company representatives must give prior notice of the visit to the navy, all prints, lavenders, and negatives of condemned film to have authority to be destroyed. The agreement will make the individuals involved liable to prosecution under the Espionage Act.

Although there was no relation between the two events, information leaked to the press that the navy treasury department has refused to make men, extra equipment, or vessels available to two companies—reputedly Columbia and Warner Bros.—seeking aid in shooting films in which the Coast Guard figures importantly. The treasury agreed to print, but would go no farther.

Unfriendly attitude toward the film industry is due to President Roosevelt's displeasure over scenes leaked to the press by the Coast Guard aided. After witnessing the plot at the White House, Chief of the Navy, Admiral C. D. Hughes of the Treasury Morgenthau's announcement to protest against sequence leaked to the press by the Coast Guard personnel. As the result, Secretary Morgenthau has his finger on the pulse of the navy and no official approval will be forthcoming.

Halliday, Wright to Split Par's Studio Story Dept.

A split of the duties of Manny W. Halliday, v.p. in charge of the film industry, who will be succeeded by Richard Halliday and Bill Wright, is said to have been recommended by Frank Freeman, v.p. over plant administration, on the ground the work of the studio is too much for one man. Wright has been an associate producer on the Harold Hurley unit. Successor to Halliday at the home office has not been appointed. Helen Wright, v.p. in charge of production, including the work of the studio, was being retained. When Halliday was away recently, he handled his work at the home office.

N. Y. C. Show Biz to Take Tax Rap

(7) Patrons were unaware of the fire until the firemen came into the theatre.

"HELLO MR. EXHIBITOR"



An absolute sensation at the Astor, N. Y. and 4-Star Theatre, L. A. Topping "Pygmalion" and now being launched in the same showmanship manner, A friendly hit from the Friendly Company.

Directed by SAM WOOD. Screen Play by R. C. Scherriff, Claudine West and Eric Maschwitz. Produced by Victor Saville. An M-G-M. Picture.

"GOODBYE MR. CHIPS"

This Stops
Fast Drivers



COMPARABLE!

This Stops Fast Talkers!

DODGE CITY	JUAREZ
DARK VICTORY	THE OKLAHOMA KID
WINGS OF THE NAVY	BLACKWELL'S ISLAND
THE KID FROM KOKOMO	DAUGHTERS COURAGEOUS
HELL'S KITCHEN	They Made Me A CRIMINAL
DAWN PATROL	ANGELS WITH DIRTY FACES
DEVIL'S ISLAND	CONFESSIONS OF A NAZI SPY
EACH DAWN I DIE	BROTHER RAT
Yes, My DARLING DAUGHTER	THE DEVIL ON WHEELS
FOUR DAUGHTERS	THE SISTERS

Never a let-up!

Fall and Winter! Spring and Summer!

**NOWHERE ELSE IS THERE ANYTHING THAT APPROACHES
EVEN PART OF OUR SUMMER SCHEDULE!**

For the Summer!

JUAREZ • THE KID FROM KOKOMO

Maal and Davis in the No. 1 dramatic attraction of all time!

Feminine and speedier than 'Brother Rat'! (Wayne Morris, Pat O'Brien, other top names!)

For the Summer!

HELL'S KITCHEN • DAUGHTERS COURAGEOUS

First big starring show for the 'Dead End' kids since 'Crime School'!

John Garfield, The Four Daughters, and 'Four Daughters' cast and director reunited!

For the Summer!

THE DEVIL ON WHEELS • EACH DAWN I DIE

Most suspense, most thrilling story of dare-devil drivers! (Pat O'Brien, John Payne, Ann Sheridan)

For the Summer!

Co-starring Cagney and Ruhl! Terrific follow-up for 'Angels'!

Warners are on top!

The Record is Here! The Record Proves It!

JACK L. WARNER In Charge of Production • HAL B. WALLIS Executive Producer

PULLING POWER

Newspapers, magazines, posters rely on the eye-catching values of the illustrated printed word . . . but lack the heart-stirring qualities of the human voice.

THE NATIONAL SCREEN TRAILER HAS BOTH!

Radio appeals through the ear-catching values of music, sound-effects and voice . . . but it doesn't give you the thrill of seeing.

THE NATIONAL SCREEN TRAILER GIVES YOU BOTH!

Plus Lowest cost per person reached because the National Screen Trailer reaches a hundred per-cent audience all of the time.

You **KNOW** how many ticket-buyers see and hear your National Screen Trailer . . . you can only guess when it comes to other advertising mediums.

That's why the National Screen Trailer is the biggest advertising dollar's worth you can buy!

NATIONAL
Screen
SERVICE

PRIZE BABY OF THE INDUSTRY



ROSE OF WASHINGTON SQUARE PROVES HOLD- OVER SENSATION!

**3RD WEEK
ROXY, N.Y.!**

**3RD WEEK
BALTIMORE!**

— and —

HELD OVER in

PROVIDENCE

RICHMOND

(day & date)

SAN FRANCISCO

KANSAS CITY

(day & date)

ST. LOUIS

SPRINGFIELD

HARTFORD

NEW HAVEN

WORCESTER

**AGAIN THIS SUMMER 20TH
LEADS THE BOXOFFICE PARADE!**



**THE KEYSTONE
OF YOUR FUTURE**

WIDE ACCLAIM FOR ALL THREE

SETTING new standards of quality and performance, Eastman's latest negative films have met with instant approval. Each makes its special contribution . . . fast, fine-grained *Plus-X*, for general studio work . . . high-speed *Super-XX*, for all difficult exposures . . . Ultra-fine-grained *Background-X*, for backgrounds and all-round exterior work. All three offer the high reliability and photographic quality typical of Eastman sensitized materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood).

**EASTMAN *Plus-X* . . .
Super-XX . . . *Background-X***

Lennen & Mitchell Culls 10 Maybes From Open Door Policy for Woodbury

Woodbury will be offered 10 programs, all recorded, to pick from when executives of Lennen & Mitchell, agency on the account, arrive in Cincinnati tomorrow (Thursday) to discuss the show that is to go into the Friday 7:45-8 p.m. spot on CBS starting July 7. As the result of the agency's open door policy in this particular quest, it heard about 60 program ideas, of which 15 were put on wax. Further reduced the presentations to the 10 shows which are being auditioned to the client.

Lennen & Mitchell will have five networks shows running this summer, the agency's records for the warm season. James Ameye and Gale Page replaces Charles Boyer for 13 weeks, starting July 2. Sensation cigarette will be on the air on a mixed NBC red and blue hookup starting July 3, and Arlie Shaw will continue on his own for Dixie Gold on NBC when Bob Benchley takes his vacation June 27. Edwina Hill will pick up for W. W. Winchell (Jergens) for four weeks in July.

LEVER SHOWS LOAF IN SYNC

Lever Bros. has picked the week of July 18 for the summer week-end show, the night-time show on CBS, namely "Big Town" with Edward G. Robinson, "Rimso" with Dick Powell, "Foxy" with Marketa and Martha Raye and the Lux Theatre. The threesome will be off eight weeks each, returning to the air the week of Sept. 18.

Account could have under its contract, started off CBS for 13 weeks and retained its present spots but it elected to put in an additional five weeks before doing the trio for the summer. All Lever Bros. daytime serials will continue through the summer. They are "Big Sister," "Aunt Jennie's Real Life Stories," "The Life and Love of Dr. Susan," J. Walter Thompson, "The Lux Theatre" and "Dr. Susan," and the other shows are on Ruthrauff & Ryan's list.

Roger White Suit Loses One Defendant; Dates To Tim-Irene Show in 1937

Federal Judge Vincent L. Leibell in N. Y. Monday (22) dismissed the action of Roger White against the Dallas Radio Treatment of the Charles Dallas Read agency, Newark, but the action remains against Fred Norstrom, Tim-Irene, Nobelette, the Bamberger Broadcasting System, Inc., and the Mutual Broadcasting System, Inc. American Shampoo was the sponsor.

Suit sought an injunction, accounting and damages against Read, for having allegedly induced Miss Nobelette and Ryan to breach their contracts with the plaintiff. It also claims payment of the plaintiff's radio slot in Springfield against the others, which began a 13-week broadcast series on Sun- days, Oct. 17, 1937, over WOR. The same relief is sought against the other defendants.

NBC transcription service is using John Gart and his new combination of electric organ, trumpet, Spanish guitar and clarinet on a series of program for the Imperial Tobacco Co. of Canada.

'Some Rain Must Fall'

Lincoln, May 23. Bunched incidents, troubles and otherwise, can't occur again in the life of Harry Johnson, KFAB sportscaster, as happened (77).
Wife arrived home from hospital after an appendicitis operation younger (Terry) came down with the measles; he was fined \$10 and cost for speeding; and drew a 18-inning tie ballgame (Dodgers-Cubs) to air.

IRENE RICH STAYS WITH WELCH'S

Chicago, May 23. Irene Rich has patched up her recent differences with Welch's Grape Juice and has signed for another 35 weeks to August, 1939, its seventh consecutive year. Currently the Sunday evening 15-minute dramatic show is originating in New York. Kastor agency has been accounted.
Rich was openly plighted with sponsor some time ago. She charged petty interference with her outside activities and faulty showmanship of the radio program which assertedly was spending only \$75 for the writing and production of her radio scripts.

Under the new contract Rich enjoys various promises and a raise.

Bob Crosby to Camels; Expect Benny Goodman Will Replace Cantor

Bob Crosby and his band is slated to take over Benny Goodman's Tuesday night spot on Columbia for Camel and indications are that Goodman will be asked to step into the big account Monday night period when Eddie Cantor's current contract expires June 27. J. Reynolds Tobacco Co. has until next Monday (29) to pass on renewing with Cantor for next season.

It is reported that Camel has acquired the rights to a novelty of something along the lines of the "Wheel of Chance" or "Pot of Gold," to incorporate into the Crosby stanza. Horace Heidt is already set to stage one of these money giveaway stunts for Tums.

OLIVER RUNCHEY AT KOL; PEDERSON QUITS

Seattle, May 23. Oliver A. Runcney, System, Inc. Elmer Pederson, resigned, as sales manager of KOL. Grant Merrill, KOL's continuity head, is going with the Strang & Prosser agency, while Reginald Miller, announcer, likewise turned in his quitting papers.
Pederson has no future plans other than a vacation.

Ben David Back to N. Y.

Benjamin David, back from the Coast, is back in the indie radio agency field. Before heading for the New York department in Hollywood he was with the WOR. Artie Lewis radio department in the Chrysler station.
Originally David was a general theatrical agent.

AFRA Asserts Jurisdiction Over Writers in Cincinnati and Issue May Lead to Clash with RWG

'Information, Please' Only Network Program of Type to Hold Level—Several Have Slipped Back

BACK TO ACTORS

Ad agency impresarios are agreed that the quiz type of show has pretty well run its course and that by the end of the coming fall there won't be more than a few survivors. The one program that is rated as easily good for another year is "Information, Please," a comparatively late starter, "Information" is the only quizzer that remains on the popular wave front. All the others have been taking sharp dives in listening percentages for the past several weeks.

Program of this classification which has within a period of six weeks received the hardest rap in audience losses is "Professor Quiz," considered as the big-time progenitor of them all. The other quizzers, with commercial affiliations that have been tumbling badly are "Battle of the Seven," "Cartoon Quiz," "Basket" and "Spelling Bee." "Battle" rating is still high enough and the cost so low as to continue to make it attractive for continuance by Cummer Products.
Phillip Morris recently pulled its "Guess Where?" stanza off Mutual after a three-week stand, while the account's predecessor, "What's My Name?" takes over the Bristol-Myers spot on NBC Wednesday night while show then vacates.

Some agency men figure that now that audiences are beginning to get away from the mix and back in their studio seats the business field will be able to return to thinking in terms of professional entertainment and showmanship and developing program and personality patterns that cost more but because of their stability are the cheapest in the long run. That is, they are, until the next novelty comes along.

'Quicksilver Quiz' Starts

Chicago, May 23. Today (Wednesday) the star agency slaps a new quiz show on the ether for a local test for the Tums product. Goes on WMAQ for a four-week local spot before spreading out on a coast-to-coast spread over the NBC and Trella. Betty Brown will work on the show with various name comics who will be brought on as guests for the first six weeks, with guest who clicks best likely to get regular weekly sojourn on the show when it goes national.

Labelled "Quicksilver Quiz," first shot will originate in Union Station here, running 6:15 to 8:30 p. m.

Lorenz Hart and Henry Pringle will be guests on this Friday nighting "Author, Author" show over WOR-Mutual. Occasion will be Columbia University night on the radio.

CBS' Five Top Agencies Up 21%

CBS has computed the quarterly spendings, 1938 as against 1938, of the five advertising agencies whose Columbia billings are greatest. These four are in a 21% and constitute 52% of the total Columbia business. Breakdowns follow:

Blackett-Sample-Hummert	\$358,014	\$412,176
J. Walter Thompson	440,646	604,391
McClellan	440,722	1,115,799
Benton & Bowles	585,711	1,232,676
Roth & Lathams	674,988	685,352

Totals\$3,642,091\$4,046,206
Per cent of increase21.8%
Dollar increase\$404,115
These five leaders placed \$10,464,251 on Columbia in 1938, or 38.3% of the CBS total of \$27,345,397.

Radio Marches On

Seattle, May 23. "Tubby" Quillman is passing around a fan letter received at KIRO a kid wrote in childlike manner about his canary becoming ill.

"I didn't know what to do—I was getting desperate and thought I must do something. I cut one of Carter's little liver pills in two and carefully gave him ½ of it. In about 15 minutes he was down and began eating. I had then had eaten all day. He's alright now. This is the truth—not makeup."

DOLE DECIDES PHIL BAKER GOES ON

Phil Baker will continue for Dole Pineapple through the summer, even though Milton Berle was auditioned for the account last week. Baker obtained his extension yesterday (Tuesday), with the new term of contract effective July 19. Goes through the summer.
Dole slaps move into the CBS 6-8:30 p.m. slot July 5, with a broadcast at midnight. Program is now on Saturday nights.

Fulton Oursier Heads New Macfaddean Show, Replacing 'Mary and Bob'

"True Story Time," 30-minute weekly dramatic series which Macfaddean Publications began last night (Tuesday) over NBC Blue (WJZ), replaces the former Mary and Bob show for the same sponsor. Fulton Oursier, Macfaddean editor-in-chief, is m.c. on the stanza, which is aimed to tie up a human story with current national news. Oursier agency handles Laurence Hammond, Ruth Lovell and Doris Keane scriptings. Alan Ward is directing. Ben Grauer is temporarily announcing, but Nelson Case will take over after a few weeks. No permanent cast is set.

PROF. QUIZ OFFERED ADMEN AT \$6,000

Professor Quiz program washes up for Noxema (Ruthrauff & Ryan) next month after a 39 weeks' run on CBS.

Program is being offered around to the agencies for \$6,000 a week.

American Federation of Radio Artists and the Radio Writers Guild, which recently settled one jurisdictional squabble, are verging on a renewal of hostilities along the same lines. Issue is again the representation of other scribes, but this time it involves the Cincinnati area. Previous scrap was over the writers in the Los Angeles territory.

Master in present is a minor one, but can dispute is allowed to become general. It involves the whole country. As it showed signs of doing last time, the issue might ultimately drag in the parent organizations of both groups. Authors, Actors and Artists of America, AFRA's ruling body, covers all show biz performers.

Authors League of America, the RWG affiliate, represents nearly all established writers in its field, except newswriters and it has a close friendship with the Newspaper Guild's "best printers' union."

Spark that set off the newscaster was the contract signed a couple of weeks ago between AFRA and WLW, local NBC station in Cincinnati. That deal gives the performers cause jurisdiction over writers as well as actors, singers, announcers and sound effect men. RWG claims the deal may hurt writers and organizations reached after the Los Angeles quarrel clearly gives the Guild a real reason for faith and writers. AFRA takes the stand that the Los Angeles settlement was purely

Writers Drafted

Question was considered at the RWG council meeting last Thursday (18), but no decision was reached. Scribes are not free, however, that AFRA's action in signing up the Cinley writers constitutes a breach of faith and virtually amounts to an outright invasion of their rights. In that connection, it is noted that AFRA not only failed to consult the Guild before signing the contract, but has shown a decided reluctance to reveal the terms of the deal since the signing. It is not clear whether AFRA's charter from the Four A's gives it jurisdiction over writers, or whether even the Four A's charter from the American Federation of Labor gives it such representation. In that connection, it may be observed that there are numerous cases where jurisdiction overlapping within the Four A's charter has caused trouble. AFRA unions in show business are involved in more or less dormant affairs with the music union. In case of the music union, AFRA and the musicians might be a decisive factor. And the musicians not only are friends of the Authors League, but also have no love for any of the Four A's unions, AFRA included.

LaRoche and Packard Must Be Examined In Walt O'Keefe's Suit

The Appellate Division of the New York supreme court Friday (19) affirmed a ruling of the district court Justice Peter Schmuck and ordered Chester La Roche, president of Young & Rubicam, Inc., and the Packard Company, to appear for examination before a federal court on a \$48,750 action against Walt O'Keefe, who is suing the firm for breach of contract.

O'Keefe says that he had a broadcasting contract with the firm for \$4,000 weekly, starting Jan. 4, 1938, and running to March 1. At this time he was to have been paid \$4,000 until May 31. He claims he was discharged on March 1, 1939.

FROM THE PRODUCTION CENTRES

IN NEW YORK . . .

Consolidated Edition won first prize (no second awarded) in program-judging of utilities radio efforts in competition with F.A. Entertainment. . . utilities made very poor showing in general. . . Baroness Helene von Polen's first guest on Allie Louie Miles new series on WMMCA. . . Johnny Johnstone of WOR may go to Europe to return on maiden voyage of Mauritania. . . Daughter in from Chicago giving Ed Easty first peep at her grandchild. . . wife of Stuart Luciani, McCann-Erickson, recumping from operation.

J. T. W. Martin, of the BBDO agency, to Bedford, Vt., for two weeks. . . John Clark, legation, in the cast of "Grand Central Station." . . Ed Gardiner back from Florida and Havana vacation, now ambitions to be a bescomber. . . Welbourn Kelly scripting "Madame Key" and "Battle of Sexes" shows, going to the Gulf Coast for a month. . . Earle Stanley Gardner depicting his "Mystery" novels now for radio serialization. . . Kenneth Webb flying to Bermuda today (Wednesday) to set a short-wave radio gulf interview with a boss who claims he was swallowed by a whale. Radio Writers Guild press will remain there three weeks. . . Partly heavy colliding with Alan Ladd on the Bernie program. . . Philo Hillyard and Arthur Byron, Jr., co-authoring a backstage weekly serial for the latter's father. . . "Cavalcade of America" goes off the air Monday (30th). . . Knox Reeves agency (of Minneapolis) has opened New York office. . . Ruth Adams Knight leaves by motor next week to confer with Marshall for regularity of the Chesapeake Vaseline series in the fall. Also a film scripting deal in the works. Will summer at her Redding Ridge (Conn.) farm, where she may author a new book to her "Woman in Radio" book. . . Abbott and Costello re-winter on the Kate Smith show for 30 more weeks, beginning next October; set by William Moros. . . Marie Baumer to her Silvermine (Conn.) mineau for the summer.

Greenwich Savings Bank has quit WOR, New York, after 11 years. Annoyed by persistent second-benching due to baseball overrunning its timeup assignment. . . WGN stayed on to the blitter end (4:40 p.m.) of the Cubs-Dodgers game which went 19 innings last night, still thinking up the usual phony acts about television. . . Frederica Millard's spiel from World's Fair will be called "Today in the World of Tomorrow." . . After nearly 20 years Belle Brewer no longer lives at the Somerset hotel.

IN CHICAGO . . .

Guy Robertson sailed to guest on the "Knickerbocker Playhouse" show over Columbia for Teel on June 4. . . WGN put its new \$250,000 transmitter and 750-foot tower in service last week. . . WGN also last week played to its 1,000,000 visitor at its studios which were opened in Sept., 1935.

IN HOLLYWOOD . . .

G. Bennett Larson here to get the new Matty Malneck program started for Pall Mall. . . Chet Lauck (Lum) and Don Ameche booked four more times this season as team duos in their stable. . . Mervyn Miller, "The Music Man" producer, is bankrolling an old friend in the tailoring biz. . . Which accounts for the high sartorial standard he's set for the Young & Rubicam gang, the dressiest radio office hereabouts. . . Bill Baker passes his weekends at Santa Barbara when Benton & Bowles big brings him here from the east. Other agencies wonder what lure B & B boys to the west coast town. . . Freshie Williams got the fed case years ago when Bing Crosby will have Walter Damrosch on his show June 1. NBC music counselor is here for the picture bow in Bing's "Star Maker" at Paramount. . . Ham Riddell of KNX news bureau has a June wedding date with Beatrice Razer. . . Bob Hope, Kraft Music Hall producer, also deserts the bachelor ranks in the marry month. She's Jane Witherspoon. . . T. Wells and Karl Schullinger of N.Y. Lord & Thomas office, here with Beatrice Razer. . . Carroll Carroll, Kraft Music Hall producer, also deserts the BAC's dining cars and home sales, was rewarded with a chromium set, presented by NBC's Don Gilman. . . Conrad Nagel will take his daughter to the London tour of England. . . Meredeth Wilson got a huge cake for being a year older. . . Edgar Bergen and Don Wilson took that three-day horse-riding trip with the California outfit. . . Guy Bowles. . . Bob Colwell and Lynn McManus made the trip back east with Valerie. . . Latter booked a home here and expects to settle in the near future. . . Guy Bowles' lovely lady recently left her Chicago radio job to be a real estate home owner. . . Van Fleming down from Frisco to pinch hit as NBC staff producer while Joe Thompson works the music in Jamaica on an unfinished 1939 40 60-day tour. . . Lumsden A. Spence got his personal day off. They'll be back after eight-week sabbatical. . . American Tobacco's George Washington Hill had to have a test recording of reception from Catalina Island. . . would let Kay Kyser broadcast from the island. . . Musical knowledge dispenser is doing a four-week dance stand out in the Pacific.

IN SAN FRANCISCO . . .

Beumont & Hofman agency has moved into the offices formerly occupied by station KSFO on the 30th floor of the Russ Building. . . New radio department has been created by the Ryder & Ingram agency, Oakland, with Eddie Handley as chief. Handley was formerly Oakland rep for Hearst's KYA. . . Jack Gregson (ex-KUU, Waila) was the newest milken at KSFO. . . Producer, Les Stevens, of NBC's "Woman's Magazine of the Air," drove off for a three-week vacation following the program's 11th anniversary (March 22). . . Wally Ruggles will pinch hit for him during his absence. . . Emcee Bennie Walker of the "Homestead Amateurs" on KGO is leaving for Los Angeles to be a radio personality on KJLA San Jose, Berkeley, San Rafael and Fairfax, with Leon Livingston agency and Consolidated Radio Artists handling arrangements. . . Vice-President, Clifford B. Brown, of the Mother Bank of the West, San Francisco, will be in town with a radio show. . . Stephens Fuld of CBS station relations department, New York, on vacation. . . Visitors to the Standard Brands exhibit at expo fair copies of the milk can. . . "The Milkmaid" is the title of the new "One Man's Family," which Standard Brands bankrolls on behalf of Tender Leaf. . . Chronicle sports columnist Gene Sullivan and alrcaster Irv Prudhomme busy memorizing his lines in the Bohemian Club's annual Grove play.

EXPERIENCE IS GOOD EXAMPLE

Charlotte Station on Air at 5:30 A. M. for Farmers Who Work from 'Can't See to Can't See'—Unique Contributions of Radio to Trade Problems of Ruralites

ODD ANGLES

Charlotte, N. C., May 23. . . Recently the radio networks have 'discovered' the farm audience. The discovery was related to competitive testing in selling big business advertisers and arose because the rural has become the 'outcast' of network circulation newly important to shrewd time buyers. But the rank and file of regional stations, notably those with 50,000 watts and hence wide signal area, have long appreciated and catered to the 'outcasters.' Typical of station activity in this regard is the service inaugurated at WBT by Lincoln Dellar. Its typical hour of the answerer's attempt and of the place radio plays in the lives of farmers.

'Can't See Ye Can't See'

Grand Circle who conducts WBT's 'Alarm Clock,' which goes on the air at 5:30 a. m. and runs until 7:15 (mid-morning to late morning), speaks of the men and women of the farms as a race apart. They are 45% of the total population of America and they play in various parts of the country. What they are interested in are problems that uniquely call for and appropriate scientific and practical experience. They are the greatest followers of the 'I know just what I know' that slogan of neighborhood news.

Coming on the way so early and with 50 kw, the WBT program has gotten some odd fan mail. Stranger perhaps was a note from a woman for the thickly urban Bronx of New York soliciting information on what to do about her wilting geraniums. For the most part, the information bureau (two persons besides Cole are solely employed by WBT to service this single program) concerns itself with 'trade problems.' It is the public address system of 'success stories' par excellence. How to pickle onions, make lemon meringue, cure a sick pig-low-horse, whitewash a barn for less money and sum up the day from yearning for one of N. T. G.'s girls may all come within its scope. Why is supposed to know everything.

The United States Department of Agriculture provides WBT with complete library of answers to almost any question any farmer could bring to the show. It is now possible to get this data and adding to it. Government's only proviso is that the material goes back to the source and not be used in connection with advertising.

'Let Us Universal Subject'

Surprisingly, letters arrived from farmers all over the country, when the show was first aired, so that now weather reports are given for New England, and each state on the Atlantic coast, and various mid-Western areas as well.

Then there are livestock, poultry and dairy reports of market conditions. It was found that many southern farmers were at the mercy of the cotton trade organization of quoted, current market values in order to buy farm products at unreasonably low prices. The farmers in Florida learned every morning the daily prices available for their crops and livestock. They learned how much their strawberries should sell for each day—vegetable, fruit and other reports. This is one feature of the Alarm Clock. This is made possible through direct wire service from stockyards available to WBT.

Cotton, tobacco, and grain prices,

C.A.B. Surveys Farmers

The Cooperative Analysis of Broadcasting has just completed its third annual special survey of rural radio habits. . . The survey presents provocative contrasts with C.A.B. percentages as established in the 28 cities and towns surveyed every fortnight through the year. That farmers listen most and more consistently in the daytime and city folks most and more consistently at night is again clearly indicated. . . Latest survey (in full for the private perusal of C.A.B. subscribers it runs 30 pages) shows that the

morning and afternoon dramatic series can count on the wires in the far-away spots where bridge and cinema and cocktails are largely unavailable as counter-distractions to radio. . . C.A.B. found that of 89 evening programs only 14 of them were more popular in the green grass than people in the green light could hear. . . Conversely only 11 cases did the 67 daytime sponsored shows fall to equal or exceed in popularity among the rustics the standings of the same entertainments in the urban zones.

Rural C.A.B.	Program & Sponsor	City C.A.B.
18.4	National Barn Dance	9.4
19.2	Alco Bell	12.8
10.7	Lowell Thomas (Sun Oil)	8.8
11.7	'Mr. Keen, Tracer of Lost Persons'	6.9
	Lum and Abner (Postum)	

RURAL LISTENING DIFFERENTIALS

(Composite Daytime Contrasts)

Rural C.A.B.	Program & Sponsor	City C.A.B.
18.4	'The O'Neill' (F & G)	14.8
19.2	'Women in White'	14.8
10.7	'Little Orphan Annie' (Gossline)	
11.7	'Read 'Em and Weep' (F & G)	
	'Valiant Lady' (General Mills)	

reports on the side of the national crop, spring reports indicating how much of each commodity is being planted in various parts of the country—all these inform the farmer of the advisability or inadvisability of overplanting in various commodities.

One rural listener wrote that he has been chased by a hawk measuring 720 feet x 300 feet. How many acres does that contain, he wanted to know? Cole answered the question, and also explained how acreage can be computed. Other listeners ask how to cure certain diseases of cattle and hogs, how to treat a cow whose milk clabbers, how to cure sick poultry, how to fight the boll weevil, and so on. Alarm Clock merely reports the information given in official government publications, directs listeners to procure the proper bulletin themselves, and in each instance urges the listener to consult his local farm agent. And because it has been asked, that many farmers do not know their local agents, the Alarm Clock has prepared a list of names and addresses of local agents in each community, and announces the local agent's name to the listener. The agent's name is given in each question answers. Rural agents have come to tune in to the broadcasts, and many have been called to visit the farm where help was needed, and the problem was easily taken care of without delay.

Letters are often on the humorous side. One lady complained that a recent weather report had left an unwelcome corner of bedbugs. How did she get rid of them? A gentleman wrote to save white rats as a hobby but gave them all away some time ago. Now he wants to know how to save white rats as a hobby. Where can he get white rats? Is it really true about the groundhog? Is it true that toads are bad luck? And so on. There is never a dull day in WBT's farm bureau. . . Then there is the 4-600-0000 move. . . The move has been visited the farm where help was needed, and the problem was easily taken care of without delay.

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Wisconsin's WHA Asks War Chest For Expansion

Madison, Wis., May 23. . . Spokesman for WHA, the statewide radio station, appeared before the education committees of the state legislature in joint hearing Thursday (11) to plead for additional funds to build up the station. They favored a bill by the assembly education committee to appropriate \$2,000 to prosecute the state's petition for a clear channel—that of WHA, Chicago—\$108,500 for equipment, \$70,000 for operation on July 1, 1939, and an annual \$128,000 for maintenance and birthday anniversaries. . . The WHAQA wage length is assumed to be \$100,000 and the state is asking the FCC for a channel for the expressed purpose of reaching a national audience for permission to broadcast at night.

New WCKY Local Shows

Cincinnati, May 23. . . Two musical and one news series bowed last week on WCKY. From 8:20 to 7:20 p.m. "Musical Clock" still, handled by Elmer Baughman, is dedicated to listeners celebrating their birthdays. . . "Request Review" from 12:30 to 1:30 p.m. daily except Sunday has Joe Graham chatting between platitudes. . . At 5:35 p.m. daily Jay Harris and the Dean of the newsmen, discuss the day's events and comment on headline stories, with emphasis on national and international news. . . "Let's look at . . . news."

report that they tried them and what the results were. . . Sometimes questions arrive which are not particularly within the limits of radio station situation. . . One reported how he cured his hog of kidney worms; this was not broadcast. . . One reported on offending some live stomach during breakfast time. . . But on occasions when questions have been particularly pertinent, a personal letter is sent to the listener, with the information he seeks.

Look into t



35
Girls
and
ONE
Man

PHIL SPITAL

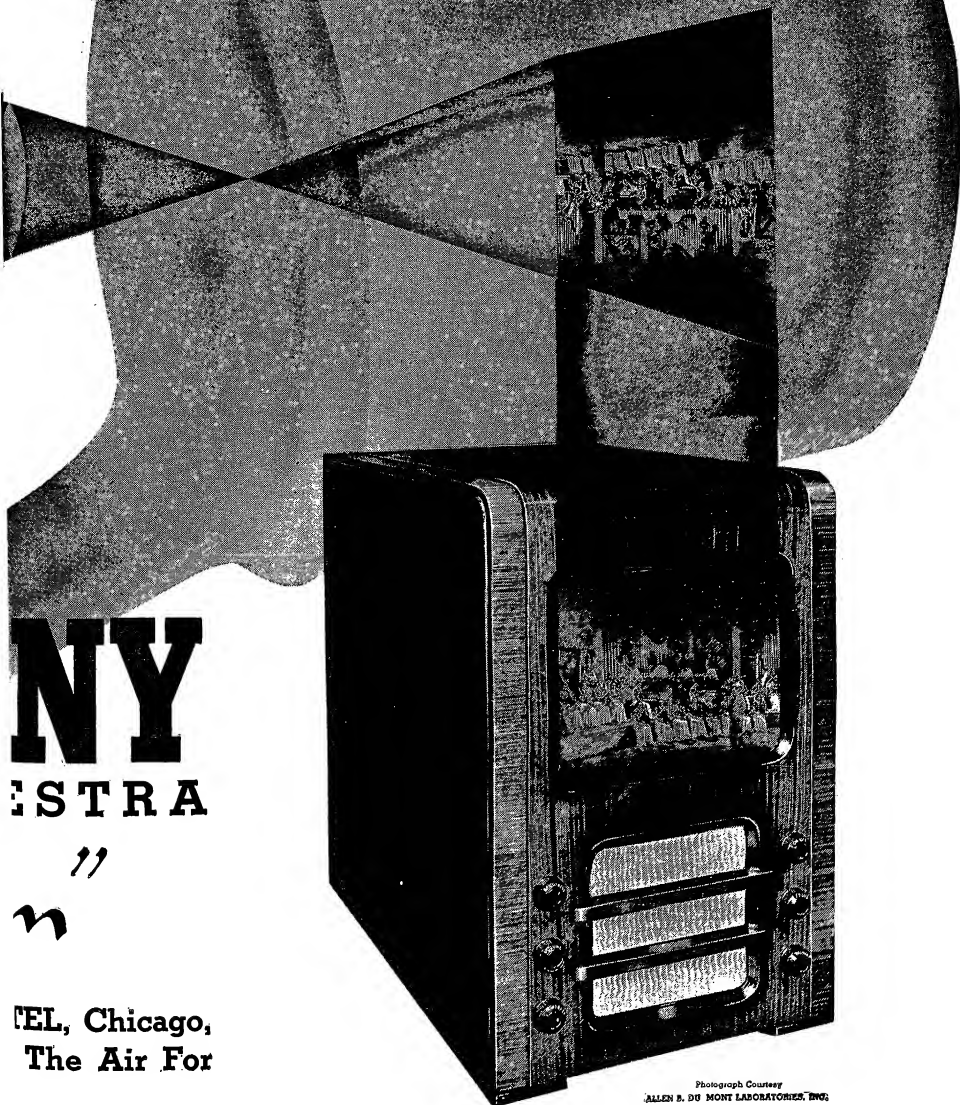
AND HIS ALL-GIRL ORCH

"The Hour of Cha

Beginning a Four-Week Engagement At The DRAKE
on May 26th! Concluding Three Consecutive Years
GENERAL ELECTRIC on May 29th!

he **FUTURE**

TELEVISION'S HERE—and here's the
band as beautiful to **SEE** as to **HEAR**!



NY
ESTRA

11
n

TEL, Chicago,
The Air For

Photograph Courtesy
ALLEN B. DU MONT LABORATORIES, INC.

'Radio-Advertised Trash' Attacked In McCullagh's Daily; Sedgwick Replies

Toronto, May 23.

Because of sweeping attacks on all radio stations carrying patent medicine advertising, George McCullagh's 'Globe & Mail,' Canada's largest morning daily, is again on the pan with Harry Sedgwick, president of the Canadian Association of Broadcasters and president of CFBT, Toronto. He resents the claim of George, 'G' & 'M' columnist, that millions of dollars are lost on nostrums sold via the air.

In a 1,300-word rebuke to Publisher McCullagh, Sedgwick pointed out that all patent medicine formulas in Canada are okayed by the Federal Department of Penalties and National Health before the product can be marketed and that this is a guarantee of safety to ultimate users.

As spokesman for CAB members, Sedgwick bitterly resented the columnist's statement that 'money spent on such trash (patent medicines) is so much waste and possible harm to loved ones; there is not a single exception and the sooner you stop wasting your dollars on radio-advertised trash, the happier and healthier you will be.'

Pointing out that all radio stations operate under the regulations of the Canadian Broadcasting Corp., Sedgwick pointed out to Publisher McCullagh that all program announcement continuities are stamped by CBC at least two weeks in advance, and that no electrical transcription advertising an article marketed under the Proprietary or Patent Medicine Act or the Food and Drug Act is placed on the turn-table unless this has been in advance approved

by the Department of Penalties and National Health.

Corsan had stated: 'I warn the public that the entire radio drug advertising is a pack of lies; any thing seems to go with the radio people as long as they are paid their price for the time.'

Avowed foe of broadcasting since the famous 'freedom-of-speech' ban, McCullagh defended his columnist on the standard alibi that the columnist was expressing his own opinion and not necessarily that of the 'Globe & Mail.'

AUSTRALIAN RADIO HAS SURPLUS

Canberra, May 3.

According to a report released by the Auditor-General, the Australian Broadcasting Commission, national radio operators, accumulated a surplus of \$12,008, 40 over a span of six years. ABC cops a goodly portion of the \$4 licence fee imposed by the Federal government upon all owners of radio sets. 20 out of 22 will be made whatever in license charges.

Revenue last year was \$2,548,329, of which 10 per cent license fees provided \$239,898.

Revenue from concerts sponsored by the ABC throughout the Commonwealth was \$151,836, whilst interest on certain investments amounted to \$2,388,240, leaving a surplus for the year of \$200,908.

Artist fees and program expenses were \$1,717,356; copyright fees, \$208,000; staff salaries, \$150,878, and that no electrical transcription advertising an article marketed under the Proprietary or Patent Medicine Act or the Food and Drug Act is placed on the turn-table unless this has been in advance approved

H. Durke is in charge of R. KA, radio commercial in Blue Mountains.

London Calling

First time former Canadian Prime Minister R. B. Bennett faced the microphone in London last night; a minute after he started speaking a studio lamp exploded near his face and halted the program.

Phillips Magnesia Beauty Creams began a quarter hour dramatized serial from Radio Normandy May 8, titled 'The Mystery of the Walts Time' is another new booking on Normandy. Includes Tom Sheppard and his orchestra.

BBC will pay out more than \$1,400,000 in music copyright fees by end of the year under its just-renewed license with Performing Right Society.

Free to Jack Hulbert and Cicely Courtneidge is said to be the highest ever paid by a British sponsor to any comedy act of artists. They will appear in 'Heintz half hour of Happiness,' broadcast exclusively by Radio Luxembourg.

R. A. F. Harding, BBC staff training chief, is expected to be promoted in September, returning to features and drama department.

Quaker Oats, booked by Lord & Thomas for 53 weeks for Quaker Wheat and Quaker Rice on Radio Normandy. Their Pul-O-Pop poultry food participates in Normandy's Monday Country House Hour.

Television broadcast of the Derby May 24 held 'rehearsal' day before when cameras already installed at the course will show viewers typical 'Poon sessions'—but no racing.

Daily news bulletins in Spanish and Portuguese will shortly be sent on short waves by BBC for the peoples of Spain and Portugal.

Alfred Pemberton, Ltd., contracted with a BBC for a series of quarter hour concerts on Radio Normandy for Armour & Dickson.

Dorothy Dickson doing her first straight role in radio as lead in 'Farewell to Juan' by Eric Macswine, May 23.

Carol Lewis signed to do a film for Grand National with a series of 'discoveries' and will also act as talent scout for the unit.

WARNERS PATRIOTIC REELS AN SHOW

'Radio adaptation of 'Sons of Liberty,' current Warner Bros. color show about Hymn Solomon, Revolutionary War patriot, will air Sunday (28) on the 'Five Star Film' program over WMCA, New York.

Capt. numbering 12, witnessed a special screening of the pic last Sunday (21) to familiarize themselves with the story.

Dallas Puffs Amon Carter

Fl. Worth, May 23.

Amon G. Carter, president of WCAP, and publisher of the Fort Worth Star-Telegram, is the subject of a two-page spread in the rolographer section of the Dallas Morning News last week. The headline read: 'Fort Worth's No. 1 Citizen—Dallas' Great, Good Friend,' and the following was about Carter: 'Because he punches Dallas like cowboys are wont to do to steers in a shipping chute, Amon Carter is worthy of honorary Dallas citizenship. He is more than a good to endless competitive endeavor. Amon Carter is also a symbol of the value of untied civic leadership. Although the Dallasites who have taken him bring his own lunch rather than buy one here would regularly catch onto the fact. Fort Worth's Main Man likes Dallas and wishes it well. Of course, not to the extent of distracting from the glory of the City Where the West Begins.' His lessons of friends in Dallas, noted Texas salute Amon Carter, 'builder of a whole region.'

Maxene Bartlett, WSR, Atlanta, musical director, has been granted a Rosewald Foundation fellowship enabling him to make a six month study of radio in London, some of it to be spent in New York.

Gooderham & Worts Suing CBC

Distillers, Former Licensees of CKGW, Want Legal Accountability of Government Radio Established

Senora the Manager

Mexico City, May 23.

Owning and running radio stations is a new bid for Mexican femmes. A quintette of women, four married, one of them a widow, run five major radio stations in the Federal District, which includes this city. The women and the stations are:

Mrs. Guillermina F. de del Conde, XEN; Mrs. R. Esparza de Velasco, a widow, XEED; Mrs. Carmen Gutierrez, XEAL; Mrs. Maria Remedios Delgado, XEBS, and Mrs. Maria Cardona de Zetina.

Toronto, May 23.

Canadian Broadcasting Corp. faces its first major legal assault on its right to abandon without compensation privately-owned facilities after it has set up its own station in the same locality. The challenge is in the form of a \$250,000 damage suit brought by Gooderham & Worts, distillers, in the local supreme court. G&W claims it will carry the case, if necessary, to the Privy Council, the Empire's court of last resort, in London.

With many private station operators offering their moral support, the distilling company is determined to find out just what is the actual legal status of the CBC; whether it is the right to shrug off civil suits on the ground that it is 'an emanation of the Crown' and therefore cannot be sued. Basis of the suit is an old lease which the CBC made with G&W for CKGW, the first 8,000-watt to be built in Canada.

G&W claims the CBC arbitrarily discarded this station, which later became CBCT, without paying for the unutilized portion of the lease or keeping the equipment up-to-date, as required by the covenant. G&W charges that the CBC station was placed over the closed station and that as a result of this neglect office furniture and fixtures were either made unfit for further use or stolen.

TORONTO CBC PLANT GETS OK

Toronto, May 23.

As a sequel to an off-the-record confab between Prime Minister King of Canada and Premier Joseph of Ontario, Canadian Broadcasting Corp. will have its \$750,000 studio building erected here, according to start immediately. Hitch had occurred when Premier Hepburn threw down the gauntlet and bluntly stated that the Ontario Government would not shoulder its share of the \$2-50 building cost planned by the Federal Government as a means of relieving the construction industry and mitigating unemployment.

What occurred in the behind-the-scenes chat is evidenced in the public building allocation tabled in the House of Commons in which the \$750,000 expenditure is o-k'd by both.

Figure is irrespective of equipment. Cost of site was \$38,000.

In Australia

Sydney, May 8.

Jan Eubank revamping his Sabbath show over Commonwealth network. Sponsored by Independent Oil, for 12 weeks.

Hollywood Bldg. film chatterer sponsored by Kellogg, has formed a club for air fans. Cost is 50c which includes a monthly copy of mag called 'Hush.'

Federal government has mixed suggestion to air gittings of parliament from Canberra.

Mary McGregor doing title role in 'Magnificent Obsession' for Lux Radio Theatre with Nigel L. Lewis. She recently returned from Hollywood.

'Mr. Walker Wants to Know' is being presented weekly over the National network. Idea originated from BBC, England.

TO COVER GREAT BRITAIN

YOU MUST USE

RADIO NORMANDY

Full Particulars of Air Time &
Tested fromINTERNATIONAL
BROADCASTING
COMPANY, LTD.35 PORTLAND PLACE,
LONDON, W.1.

More FIRSTS FOR CLEVELAND

Safety! Awarded national honors for reduction of accidents during 1938.

Health! Recently honored as city with lowest death rate and most outstanding public health program.

Generosity! Topped all other cities in 1939 Red Cross Roll Call with largest membership per thousand population.

*The C.I.T. Foundation awarded WGAR first honors among all stations in the U.S. for safety education during 1938)

Test-Town! Voted the best "test city" of the nation by 207 advertising agency executives in Sales Management Survey.

And, of Course in Cleveland your first choice logically is WGAR, the station which delivers CBC programs to northern Ohio and on which local advertisers spend more money than any other local station!

Cleveland's Friendly Station

BASIC STATION

COLUMBIA BROADCASTING SYSTEM

HOWARD PETRY & COMPANY, INC., NATIONAL SALES REPRESENTATIVES

CHALLENGE

ALL YOU NEED IS A CENTRAL CITY

5000 WATT DAY

1000 NIGHT

WWW.BLRG.CO

ADD WHN AND MULTIPLY RESULTS!



Do you want more New York sales?
Smart national advertisers use WHN
to supplement their network pro-
grams in the world's richest market.

WHN

DIAL 1010
NEW YORK CITYEDWARD PETRY & CO., INC.
National Advertising Representatives

New FCC Slap at Station Leases

Reaffirms KSFO Case Principle—Licensee Can't Duck Responsibility and Still Reap Benefits

Washington, May 23. Long-term leasing of radio transmitters, with a contract providing for return of the station to the original owner at the termination of the lease, was forcefully denounced by the commission last week, in a decision clearly following that of the CBS-KSFO case, settled last October.

Overturning the recommendation of a commission examiner, ended in Feb. 11, 1938, commission denied the plea of the Alabama Polytechnic Institute, University of Alabama and Alabama College for assignment of license in a decision clearly following that of the CBS-KSFO case, for a period of 15 years at a monthly rental of \$1,000. Property was to have been returned to the schools at the end of 15 years.

Pointing to the adverse decision which kept Columbia from its desired outlet in San Francisco, commission reminded applicants that for the reason that a lease agreement contained provisions similar to those recited above, the commission denied an application of Associated Broadcasters, Inc., to assign its license to the Columbia Broadcasting System of California. "Tendency to rent out facilities with the idea of getting them back is increasing, FCC found."

"We do not consider it in the public interest to permit a practice to continue which has the effect of permitting existing broadcast licensees who disassociate themselves from the operation of their stations for a period of years to be in the same position as those who continue to operate their stations," commission rebuked. "We believe that when an existing licensee divests himself of his license by voluntary assignment, he should thereafter be in the same position as any other person who does not possess such a license."

After explaining that it did not mean to imply that a licensee who assigns his license with the approval of the commission is thereafter negligible, commission added:

"We do think that it is not in the public interest to permit a licensee to use the fact that he has a license, and is, therefore, in a unique bargaining position, as a basis for requiring a commitment to reassign the license to him from his assignee."

WFAC Seeks Facsimile

Dallas, May 23.

First such action to be taken by any station south of St. Louis, WFAC, Dallas News outlet here, last week filed request with FCC for permit to operate experimental facsimile station to transmit a newspaper by radio. Station also filed continuing contract to buy facsimile receiving sets from RCA to be placed in downtown business houses and in scattered homes through city for observation of reception.

Station seeks a frequency of 25-250 kilocycles. It now operates on 31,600 kilocycles. Call letters of WSKD would be changed should request get okay.

Talk to Salt Lake City

Residents over the station that they prefer to see by its sparkling showman ship.

KNOX
SALT LAKE CITY
Representative: John Blair & Co.

McConnell from Witmer's To Hedges Department As NBC Spot Sales Mgr.

James V. McConnell, assistant to Roy Witmer, NBC vice-pres in charge of sales, shifts this week to the managed and operated stations department under v.p. William S. Hedges.

With the title of National spot and Local Sales Manager, he'll be charged with co-ordinating sales policies of NBC-owned stations, which have previously been more or less on their own.

Baur Bros. Baking Co. has taken "Magic Island" script show, for three quarter-hour periods weekly over WCAE, Pittsburgh.

Many Will Sympathize

After a series of fruitless attempts to reach Tom Harrington, radio director of Young & Rubicam, Ken Dolan, talent agent and husband of Shirley Ross, sent a huge floral horseshoe to his quarry. Attached to the floral piece was a ribbon inscription reading: "May he rest in peace. He died in a meeting."

TEXACO OFF JUNE 28

Will Take Eight Week Hiatus from Columbia

Texaco will go off the air June 28, returning eight weeks later on its Wednesday 8-10 p. m. niche on Columbia. Account will set on its talent and directorial options for a season during the coming week. Indications are that the program will continue to emanate from Hollywood.

Dodge Bros. signed with KSFO, San Francisco, for nightly one-minute transcribed announcements, through Rutherford & Ryan, New York.

Chicago Chosen for 2nd Convention Of Radio Actors; Nominations In

Vallee Under Spencer; Bigelow-McManus Write, Colwell Back in N. Y.

With the Rudy Vallee-Standard Brands show back in New York, H. K. Spencer, of the J. Walter Thompson plant, will become its producer while the writing will be done by Lynn McManus and Joe Bigelow. Letter was brought on last week from Hollywood, where he had been working on the program.

Robert Colwell, who returned this week from his Hollywood assignment on "The Circle" (Kellogg) program, is again berthed in Thompson's radio department. Prior to the shift west Colwell doubled from a copy chief to new business.

F. C. Highmyer, of KGLO, Mason City, is, visiting Manhattan.

Second annual convention of the American Federation of Radio Artists will be held Aug. 24 in Chicago. Besides the regular business of the session, there will be an election of officers and 15 members of the national board, to serve three years.

Regular ticket picked last week by the nominating committee, includes Eddie Cantor, president; Lawrence Tibbett, Mark Smith, Margaret Sparks, Carlton Keadell and Virginia Payne, vice-president; Alex McKee, recording secretary, and George Heiler, treasurer. Nominees for the board are Jack Benny, Jean Hersholt and Kadell, from Los Angeles; Virginia Payne, Vincent Pelletier and Samuel Thompson, from Chicago, and Clayton Collier, Ted De Corvia, Eric Dresher, Wilfred Lytell, Jack McBryde, John McGovern, James Mellon, Al Swenson and James Van Dyke, from New York.

Additional nominations may be made by petition.

ROSS FEDERAL RESEARCH CORPORATION

ALBERTA H. BURKE
Advertising & Marketing Research
Paramount Building • • Cincinnati, Ohio • • WOfPhone 0758

To Whom It May Concern:

This is to certify that Ross Federal Radio Corporation, conducted a coincidental radio survey in the following cities:

Charleston, W. Va.
Columbus, Ohio
Dayton, Ohio
St. Paul, Indiana
Indianapolis, Ind.
Bloomington, Indiana

Lexington, Ky.
Lima, Ohio
Jennings, Ky.
Muncie, Indiana
Brewer, Ohio
Springfield, O.

All calls were made by direct representation of our Cincinnati, Cleveland, and Indianapolis offices.

In this survey to determine radio listening habits the following question was asked, "To what program or station are you listening?"

A total of 119,890 calls were attempted of which 79,793 or 66.5% were completed and it is on this basis that all station data is based.

These calls were made over a period of seven days—March 22nd, 1939 to March 28th, 1939 inclusive, from 9:30 A. M. to 10:30 P. M., E. S. T.

The analyses as shown herein are the result of a complete and accurate tabulation of Ross Federal Research Corporation, and were made without any direction or suggestion from any radio station or agent thereof.

ROSS FEDERAL RESEARCH CORPORATION
E. C. Miller,
Production Manager

State of New York
County of New York

I, **Alberta H. Burke**,
do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the said company on the 24th day of April, 1939.

Notary Public
Henry Public, Westchester County
N.Y.C. City No. 1911, Reg. No. 1666
Commission expires March 30, 1941

Inclosed is my report on 14,947 completed coincidental radio interviews in Cincinnati, Ohio. Calls were made from 9:30 A. M. to 10:30 P. M. on each of the seven days from March 22 through March 28, 1939. The results are reported herein in 15-minute periods for each day of the survey.

Out of a total of 21,893 dialings, 14,947 persons answered the following questions: "Is your radio on now?" and "If the answer was 'No,' what station are you listening to?" No other information was solicited.

The calls were made by members of my staff of experienced investigators, over special telephone lines installed for this service in my office, under constant supervision.

Very truly yours,
Alberta H. Burke

AUB:KS

THE NATION'S STATION

See the Crusley Building at the New York World's Fair

BUREAU OF MISSING CHARS BUSINESS

(This department is devoted to discussion of types of advertising which, for one reason or another, usually offer resistance to radio solicitation. Objects of series is to stimulate thought and promote exchange of ideas. Persons within the radio trade are invited to express themselves, either on specific articles by VARIETY or on related aspects or suggested themes within the same general frame.)

NO. 8—LUKEWARM LOVERS

High on the list of missing business, but with unique angles, are those publicity-eager organizations, associations and individuals who plot, scheme, connive and spend considerable money in contriving and distributing actual transcriptions. They (the propagandists) are desperately anxious to get on the radio. They have an acute and often highly-informed appreciation of the advertising and propaganda value of radio. All that is lacking is a willingness to go a little further and pay for the time.

Despite oft-resolved opposition to the time-chasers they continue to flourish. They are familiar to all broadcasters. What stands forth in their efforts is the indisputable fact that they do spend money to get on the air, even if not with the stations. They hire actors, sometimes music, occasionally high-spirited plauders for their causes. And electrical transcriptions don't pop out of phonograph machines while you wait.

In other words why not try with this thought: the propaganda boys have sold themselves on the value of radio. They are in love with the medium to start with. They ought to marry the girl and support her! Just in case anybody's forgotten how the time-chasers work let these notes refreshen the memory.

A glass container organization sends radio station a perfectly good 15-minute household program. On its own there is nothing wrong with the show, and the association is willing to give it to the station for nothing. But in the copy on the program there creeps a couple of lines plugging glassware as the ideal kind of container for fruit, vegetables, etc.

Then there's cement. Station gets a neat little program on safety and a rather nicely done period about the American road system and how im-

portant is safety on the motor highways. Hidden away is the 'commercial' that claims that concrete roads are best for safety.

Or in the realm of social propaganda, 'American Family Robinson,' a clever 15-minute drama basically tucked away in the dramatic continuity are slaps at union labor. But the American manufacturers association doesn't want to pay to put this partisan view across.

Several newspapers and magazines, so generally opposed to radio as an advertising medium, are not averse to using radio, if the time is free. They do that by sending the station a 15-minute dramatization of a story to be published in their forthcoming issue, a fact which is clearly mentioned in the 15-minute platter.

Even RCA, the daddy of NBC, wants to advertise without paying for it. A supply of Red Seal classic records to be played on their stations each week night from 10-10:30 p.m. is offered. All the station supplies is the time.

(Confidential) note—many stations which agreed to arrangement are taking the Red Seal records and playing them, but neglect to use the commercial continuity supplied by RCA Victor.)

Stations generally have no objection to organizations, individually or associations sending in items for use on their participating programs or sustaining periods which permit the use of 'news items' regarding these various groups and people. Their objection is to the organizations which think they are putting something over on the stations by offering to give 'em something for nothing, while in reality they are trying to get the station to use a straight-out-and-out commercial program as a sustainer.

In some sectors there is even a growing objection to the networks

picking it up and feeding their affiliate stations program of flatter premieres. Station men feel that this comes under the category of commercialism and they should be reimbursed for the time. However, they do agree that such programs, in some way, strengthen the bond between radio and motion pictures, especially since the flicker studios on the Coast have indicated that they might submit the complaints of the exhibitors that the appearance of the picture stars on the radio is reacting unfavorably on the theatre boxoffices. And the stations agree that the presence of picture stars on radio programs is selling plenty of time to advertisers who might not otherwise be using the radio.

NORTHWEST RESOLVES

Not Favoring International Copyright Union For America

Seattle, May 23. Washington State Association of Broadcasters at a meeting last week went on record as being opposed to America's entry in the international copyright union. It also passed a resolution scolding the U. S. senate bill which seeks to ban the advertising of alcoholic beverages over the air as unfair discrimination in favor of periodicals and newspapers.

Group liked the proposal that the association employ a lobbyist at the state capitol. ASCAP was briefly but guardedly discussed, with most of those present feeling that it would be best to let the issue rest for the time being. Newly elected officers were Harry Spence, KCKO, Aberdeen, prez; H. E. Studebaker, KUJ, Walla Walla, v.p.; Elroy McCaw, KELA, Chehalis-Centralia, secretary, and Robert Pribe, treasurer.

Radio Normandy (France) spotlighting an 11 o'clock Sunday transcription from WMCA, New York.

New Briefs Criticize Attitude Of FCC on Power; Assert Big Stations Nurse Progress

Washington, May 23.

Controversy over need for additional wattage, entered semi-annual stage last week with the clear-channel operators insisting again that more power is the only feasible means of remedying service deficiencies and complaining the FCC rules-policy committee disregarded much uncontroverted evidence in order to raise conjectural fears.

With support from Capitol Hill, the advocates of removal of the present 60 kw limit demanded oral argument on the bulky reports of the committee made up of Commissioners Norman S. Case, T. A. M. Craven, and George Henry Payne and presented numerous exceptions to the recommended new regulations. Principal attack was by Louis G. Caldwell, counsel for 14 independent-owned clear-channel plants.

Setting the stage for arguments, Caldwell submitted another imposing brief on the power matter, while Duke M. Patrick, counsel for WLW, Cincinnati, reinforced the clear-channelists with a document citing experience of the nation's only super-power experiment. The locals and regionals generally applauded the report, the networks raised no serious issues, and NAB's exceptions were confined to matters of general concern to all branches of the industry.

Alleges Chain Bias

Coincident with presentation of the exceptions and brief, Rep. Martin L. Sweeney, an Ohio Democrat, inserted a lengthy statement in the Congressional Record accusing the FCC committee of trying to 'protect the networks and other radio monopolies' by turning thumbs down on higher wattage. Defending the Crosby operation, Sweeney contended the report would deny 'radio parity to rural listeners' and scored the rules-policy trio as biased in favor of the chain.

The networks have brought such 830 p.m.

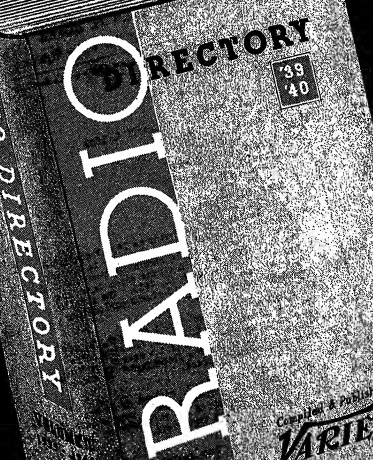
a tremendous amount of pressure to bear upon the Commission against the use of superpower that the Commission has been blinded to the need of this type of transmission and has decided against the weight of evidence to protect the monopoly now enjoyed by the National and Columbia broadcasting systems, condemning the rural listener to a fate on a par with the peasants of communist Russia, Sweeney declared.

On behalf of the industry in general, Philip G. Loucks, counsel for NAB, renewed objections to the idea of attempting to prescribe the financial resources of applicants, to make residence a requirement of eligibility for a local station permit, to the one-year license limit, and to prohibiting commercial use of experimental facilities. Several other less important points were attacked.

In the principal brief denouncing the report, Caldwell said the clear-channel crowd regrettably will accept the reduction in the number of frequencies reserved for solo tenancy if it opposed night duplication on any of the 23 ribbons which would be earmarked for Class I-A transmitters. The chief backing up four exceptions to specific rules dealing with power limitations, was devoted to a searching examination of the technical problem of providing more and better service, with the economic and social issues subordinated.

BASKET AND BUSTERS THURSDAY, 8-9, CBS

Colgate-Palmolive-Peet is moving its Ask-A-Basket and Gang Busters programs into the Thursday, 8 to 9 p.m., slot on CBS as soon as Kate Smith goes on her summer vacation. The two C-P programs are now on Wednesday, using a half hour each and in that order from 7:30 to 8:30 p.m.



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1939-40

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Advertising forms of the 1939-40 Variety Radio Directory close soon. Send your space reservation and copy to the nearest Variety office to insure good position.

RADIO GUILD

"Neighbors," with Parker Fennelly, Robert Allen, Eric Palmer, Kate McComb
30 Min.—Local
Monday 8 p.m.
WJZ-NBC, New York
Folky drama by Merritt P. Allen with some characters he's offered previously on the air. This time it concerns a couple of old duffers about who's chickens were invading who's vegetable garden and how their respective fruses maneuver their nephew and his daughter's marriage over the keener's opposition.

After ball game session was scarcely calculated to compete with the Screen Guild show concurrent over CBS, but it was an unusually effective bit of writing for the type of real-folks drama. Had quite a little characterization, neat situation drawing and deft humor. If that package is a fair sample of the series, it should have a definite appeal for the adult, rural listeners. Radio Guild is a nominal setup for the series, handled by Lewis Dittler, NBC script head. Harold McGee directed. Acting was properly crackle-barrel stuff. Robe.

"LET US FORGET"

Patriotic Drama
30 Min.—Local
Monday 6:30 p.m.
WSAX, Rochester

Taking a fresh idea, the Monroe County American Legion joined with the drama group of WSAX to launch an outstanding patriotic program, "Let Us Forget," from the stage of Leece's Rochester theatre. Slager Post Band, three times national Legion champions, played patriotic numbers and furnished incidental music for the production and a big crowd of legionnaires was on hand, adding color and enthusiasm to the occasion.

The drama was a series of incidents in the life of David Hostein, internationally acclaimed violinist, who was killed in action in the World War. Following sounding of taps, the opening scene showed him as a boy practicing the scales, with his mother holding him to his task when he prefers to go out and play baseball. Then a scene with his teacher, who predicts a great future for him. In Vienna he is chosen to compete for the state prize and wins. He makes his debut, then wins acclaim in London and America.

America enters the war and he joins up with an army band. Later he transfers to the active fighting forces and becomes a second lieutenant. In a canyon behind the lines on an evening of relaxation he

plays his violin for the last time, putting into the music something of his own hopes and ideals. The big push starts at Verdun and he leads his men into No Man's Land and meets his fate.

Music for the battle scenes is outstanding and even leads into the soft strains of a single violin as the audience closes with the reading of David's last letter to his mother.

The program fairly teems with dramatic, patriotic fervor and pathos. With hundreds of similar heroes to draw from, it is impossible to make as natural a big time production.

Cord.

"WOMEN IN THE MAKING OF AMERICA"

Drama
30 Min.
Sustaining
Friday 2 p.m.
WJZ-NBC, New York

Somewhere between the thought and the execution "Women in the Making of America" lost most of its merit. As presented the toe-off was a hodge podge of nothing in particular hammering home the woman suffrage angle and with a sustained theme that everything that's happened since this country was founded can be traced to the feminine side. It's a guaranteed irritation for male listeners. NBC produced in collaboration with the Federal Theatre Radio Division.

Telling, done in flashback style with a woman narrator, briefly detailed several female exploiters and covered collectively feminist activity from the 15th Century to the 20th. But instead of straightforward accounts of events everything was done with the thought foremost that "women can do anything a man can do." Triumphantly dialogued, too. In one portion it crowed of the inside women have made in business. Near the close there was a dramatization of a family of the depression era with the husband agreeing it was swell idea for his wife to acquire work, which he couldn't get, while he stayed home and tended to the family's wants. It always was a sure-fire vaudeville skit.

Woman suffrage issue was continually hammered home in Waret's request not to ride dramatize "The Old Maid" until six months after the release of its picture now in production.

Stoness had scheduled it for a forthcoming program.

Vera Oldam has been added to the scripting staff of the Trans-American Broadcasting & Television Corp. She therefore did her writing on the Coast.

Mrs. Eleanor Roosevelt, wife of F.D.R., made a short speech from Washington at the close. Her's was in the nature of a pay tilt, pointing out the necessity for retaining the pioneer spirit and the future's possibilities.

FOLLOW-UP COMMENT

Victor Moore and William Gaxton were by no means soch on the radio. O'Keefe-Ebly show Thursday night, doing a Rube Goldberg sketch wherein Moore was a Senator and Gaxton more or less of a straight. It was a convenient leaving at best as both hopped across West 45th street from the Imperial's "Book it to Me" into the CBS Playhouse, between intermissions of their stage musical, but it ended there.

Sans Gaxton's stage presence, his vocalization of "From Now On" had to be judged strictly on its mike values, and these were deficient. Same went for Moore's "Topper" song, which at best is a homely lyric doggerel, enhanced considerably by Moore's personality delivery. It too missed fire.

Kostelanetz's aveline symphonization and Kay Thompson's ultra vocal harmonies are standard, O'Keefe's punning his best, and his polysyllabic straight equally expert. But that koster-accented comedian was not only a dialect misout but—worse—unfunny.

"Tragedy Masked," with H. Leopold and Mischa Mischak, comes Sundays at 4 p.m. over the NBC blue as a very pleasant half hour interlude of semi-classical and classical excerpts. The results accurately bespeak program label. Ochestra is under the firm command of H. Leopold Spitznagel, one of NBC staff conductors. Mischa Mischak, concert master of NBC's Symphony Orchestra, soloed handsomely with Kreislair's "La Gitanes."

Kate Smith's Courtesy To WB Over 'Old Maid'

Hollywood, May 23.
Kate Smith has deferred to Waret's request not to ride dramatize "The Old Maid" until six months after the release of its picture now in production.

Stoness had scheduled it for a forthcoming program.

Vera Oldam has been added to the scripting staff of the Trans-American Broadcasting & Television Corp. She therefore did her writing on the Coast.

Mrs. Eleanor Roosevelt, wife of F.D.R., made a short speech from Washington at the close. Her's was in the nature of a pay tilt, pointing out the necessity for retaining the pioneer spirit and the future's possibilities.

BILLY GLASON'S LAFF PARADE

With Shirley Hall, Jimmy Hall, Al Variety
30 Min.
Sustaining
Friday, 10 p.m.
WJZ-NBC, New York

Opening exclamation on this sustainer was "Billy Glason's Laff Parade" as in your hair, but from there on the program held little to keep in the listeners' ears. It's a straight variety show of entirely too familiar pattern, depending too much on corny comedy and grog laughter to impress its audience.

Glason's opening promise of "joy, laughter, luck, etc." is an almost impossible bulwark for any comic to follow. He diert on this opening shot, his material hardly rating such a eulogy and his supporting cast hardly rating at all.

A couple of years ago Glason tried a similar program on the same station. At that time it was titled "Fun Fest" and "Laff Parade" is only 30 minutes by another name.

A couple of times in this initial shot Glason's once acute stage comedy timing came through, but even these scarce moments were spoiled by highly forced studio laughter, an out-garaging turn. Shirley Hall, who also did fairly well with a song, was capable as a comedy foil, but the rest of the cast fell down.

Casting Jimmy Hall, baritone, as an ex-gambler didn't sit well either with the program or the listeners.

The noted fact that he's what 2-300,000 women want is enough to make every male listener hit to another wavelength. Here again a bulwark proves too much, his sing-along, and the show is fair. Alfred Hall is the announcer.

Let Grant's house orchestra provide the music. Not distinctive but tried.

Sho.

"SEARCH FOR TALENT"

30 Min.—Local
WJZ-NBC, New York
Saturday, 8 A.M.
WGY, Schenectady
WGLX, Delighton & Nelson)

Search for Talent, in second series for amateur or professional singer, the winner to receive a contract worth \$500 has been publicized considerably since its inauguration. Rough edges sandpapered, some acceleration of pace achieved, and a pretty fair warbler (Gary) added. The use of a list of 100 names, each with a call and within limitations set, it should please moderately well. Ed Ford, the Italian comedy character, Gastouche, a part of Breslin's sales. Scripting is breezy, insidying.

'HE RUNS ON SCYLLA'

With George Graham, Ronald Lisa, Eric Palmer, Sidney Smith, Paul Stewart, George Gann, Winfield Hoey, Jan Martin, John Brewster, Percy Allenby, Florence Treman
60 Min.
Sustaining
Thursday, 9 p.m.
WJZ-NBC, New York

New summer series over NBC blue (WJZ) Thursday nights is aimed at humanizing the classics by giving them many slanting dramatizations. "He Runs on Scylla," a fable described in the Intro as a "modern and apocryphal version of an ancient legend." It was scripted in a combination of heroic verse, doggerel and outright slang. Elaborate score composed by Tom Bennett was played by a 3-piece orchestra conducted by Josef Hottel.

Vary droll with the family of Dr. and Mrs. Hercules Smith and related how the doctor was reading Homer's "The Iliad" and found when the lid went to sleep and dreamt how his Smiths found themselves on an island in the Mediterranean, surrounded by ancient Greeks and embroiled in the adventures of Homeric legend. Piece wound up with a supernatural implication about drama.

Both in conception and writing, "He Runs on Scylla" was imaginative and skilful, but it's a question if the show could have had general appeal. It was an involved tale, using the flashback dream technique, mixing ancient and modern characters and combining several forms of language. Result was that the dramatic line of the show was somewhat lost in the diverse elements. As an open session experiment, the program was an interesting attempt, but it was hardly likely to gain popular appeal. In general, the playing was satisfactory, the direction was proficient and the musical score was notable.

Hobe.

other programs. Dick Gordon, a nom de radio long used by speller-on furniture chain's broadcasts is present to ballyhoo bargains. George Roberts, nom de plume for another chap once heard regularly on WGY channels, is emcee.

Roberts voice is clear but too fast and inflexible. Okay ad libber, he uses the use of a list of 100 names, each with a call and within limitations set, it should please moderately well. Ed Ford, the Italian comedy character, Gastouche, a part of Breslin's sales. Scripting is breezy, insidying.

Test the water with your toe,
Find it fine — and in you go!

BIOW COMPANY

tried Mutual for one account in 1937; placed two accounts over Mutual in 1938; three in the first five months of 1939.

ERWIN WASEY invested \$99,055 in 1936 for one client; placed \$224,611 in 1937 for six clients; increased to \$397,393 in 1938 for six clients.

RUTHRAUFF AND RYAN have almost doubled the dollar investment of their clients in Mutual network facilities each year since 1936.

THE agencies that now place the most advertising over Mutual all began by this cautious toe-testing method—tried us out for one client before using our facilities for many.

P. S. If yours is an agency which has never placed a program over Mutual — don't you believe you owe it to your clients to hear the results behind these increases? Call Superior 0100 in Chicago; Pennsylvania 6-9600 in New York.

Mutual Broadcasting System

WEBS GET HINT OF NEW REECLAY AS FCC GRILLS SARNOFF IN MONOPOLY EPISODE

**Sarnoff Deplores Censorship in Any Form—Even
Dissents From Enforcement Officer Idea Behind
N.A.B. Code**

Washington, May 23. Vigorous arguments against government regulation of network operations, together with defense of an company's policies and practices, were offered by David Sarnoff in episode to the FCC chain-monopoly probe last week. Frolicked test-

many several months ago by NBC execs was topped off with an intensive quiz that reflected mounting sentiment for chain regulation. When this contracted debate with Thompson and Dempsey, Sarnoff emphasized the differences in radio law from time to time and from area to area. Impossible to lay down uniform yardsticks, beyond it, said Sarnoff, the only way to protect the audience will soon let offending operators know what it dislikes, while the enforcement forces are necessarily stimulating station and network proprietors to provide better quality service.

Maintaining that network control by the government would be a decisive step toward censorship, Sarnoff disputed the contention that chain-affiliate contracts virtually transfer control over transmitter operations. As a matter of fact, the control of any station is a particular moment in the hands of the individual facing the microphone, he countered. If webs are to be licensed so the government has a reason for which to punish them, why not extend federal supervision to artists, radio advertising agencies, and individual performers?

Censors, However Sliced, Still the Same Old Law

"I submit with all sincerity and with all earnestness that the minute you get the government writing down governing programs and saying who may go on the air or who may not go on the air, it is regardless of the best intentions of the world, regardless of the desire of the Commissioners and Congress to avoid the censorship by the government, that you will then destroy the present American system of broadcasting, that you will have censorship, and you will have dictatorship of the means of communication, and that you will shake a very real foundation of our democracy," Sarnoff declared.

A voluntary code, such as the NAB is seeking to present, will benefit the industry financially, Sarnoff admitted, but he must advocate to the public. Station operators will appreciate that in the long run adherence to the principle is bound to pay dividends in the form of listener preference, prestige, and better business pulling power.

Adherence to self-regulation principles ought to be wholly voluntary, in Sarnoff's opinion. Dissenting from NAB talk about having an enforcement officer to make members of the line, he opposed any punitive features and said that only the consent of the licensee should be used to insure respect. If operators knew the finger of shame would be pointed at those who infringe, he said, the service would be automatic. On the other hand, legislative attempts to achieve the same results would be inflexible and the outcome would be federal influencing of program structure.

Thompson Favors Appeal From Licensee's Judgment

Much discussion about freedom of speech occurred during this phase of Sarnoff's examination. Thompson said the networks and stations desire complete freedom to the public, arguing that there should be no appeal from the judgment of the licensee in controversies about the right to use radio facilities. Industry has been more generous than it might be expected to be, Sarnoff retorted, in making facilities available. He challenged the Commission to cite instances of prejudice, discrimination, or censorship.

Questioned sharply about NBC practices, particularly those which have proved complaints from independent stations, Sarnoff insisted that exclusivity contracts are imperative to a stable industry, that competition is not curtailed by allowing one company to maintain two loops, that the option system is fair to the public and the affiliates, that networks must be permitted to own key outlets, and that short-term agreements are impracticable.

Competition between webs is desirable, he agreed, and the record of the entire industry shows "very active and vigorous competition" for both audience attention and advertisers' dollars. Even if all four stations were under complete control, there still would be rivalry.

Insisting that the Red and the Blue are truly competitive, Sarnoff

noted economic advantages from savings in departments serving both but said this does not prevent rivalry. Between the two sides, no program staffs, there is "eternal strife," he stated. "Every reason exists for trying to put on the best programs at all times."

Common control of more than one chain benefits the public, the problems were advised. More flexibility, he said, is needed when it comes to entering public service. NBC would be unable to provide as many sustainer outlets if limited to one side of the group of outlets, he said. He pointed out that in other lines, corporations engage in intra-mural competition, with rivalry between different brands and trade-marks in the same field. "A similar situation exists in radio, he believes."

Sees Strife Increased By Short-term Affiliations

In reply to squawks about long agreements, Sarnoff feared confusion and strife if chain-affiliate contracts were limited to a year or two. Networks cannot compete unless they have enough stations, and the competition for outlets would be so intense that it would inflict serious injury on the industry, eventually on the public. Local outlets would not gain, he said, but time to "mesh" into the operation of a network. There would be too much fighting for outlets and spots, with the affiliates interested primarily in getting the highest prices. Sarnoff felt the majority of affiliates now are in a strong bargaining position, with the chains forced to assume most of the risks. Unless they are aware of the outlets, however, the chains cannot assume heavy obligations covering a long period.

If the FCC outlaws exclusivity clauses, it will ruin broadcast advertising, Sarnoff warned. Networks spend money building up outlets and need advertising sales to maintain them. Once they will be served with sustainer. The public would suffer if this practice is forbidden. Sarnoff felt the majority of affiliates now are in a strong bargaining position, with the chains forced to assume most of the risks. Unless they are aware of the outlets, however, the chains cannot assume heavy obligations covering a long period.

It is impractical, according to Sarnoff, to try and work out an alternative scheme under which the networks have limited exclusive call on the affiliates and the affiliates have some time to peddle to anyone. The local plant takes on the character of the web, he observed, and the web now feels a sense of responsibility for the affiliate. He declared there is no doubt on the whole that network programs are superior.

Convinced the profit motive stimulates highest type service, the RCA president did not favor any rule or contract clause that requires affiliates to carry a particular number of sustainers. He observed that many sustainers are controversial, possibly in conflict with the policy of the local management. While the NBC-owned stations are required to carry certain sustainer, he said it would be unwise to use this method in dealing with the independents. The right of affiliates to turn down sustaining programs doesn't nullify the effort of the chains to provide equal opportunity for participants in commercial sales, he testified, because if the outlets shrink their public service obligations the webs are not likely about keeping them in the combination.

In telling about his set-up, Sarnoff denied RCA is essentially a holding company, although admitting it functions mostly through subsidiaries, but said operating policies of NBC are fixed chiefly by the management, not by the parent. He only broad policy about which he testified was that of linking stations

in areas where no profit can be expected, simply to make sure of national service.

RCA Anxious to Unload Holdings in R-KO

Sarnoff disclosed that RCA is anxious to unload its stock in RKO, but declined to say whether the company would be sold. He said that in which it has an interest, he told the problem that the film holders had been offered to Atlas Corp. which allowed its option to lapse. Ready to trade with anybody offering a reasonable price.

Few more details on the talent side of NBC operations were put into the record at the time. Mark Levine, manager of the Artist Bureau, consented to discuss the matter, there is any divvying of territory with Columbia's Community Concert Corp. although Community and NBC's Civic Concert Service give each other preferences in areas where they have been longest established. Would be foolish for both to try to compete all along the line.

Leadership

A January, 1939, listener interest survey revealed that WWJ led the other three network stations in Detroit by

65% (187) 20%

Such leadership merits the most careful consideration of advertisers in the Detroit market.

Owned and Operated by
The Detroit News
Represented Nationally by

Geo. P. Hollingsbury Co.
New York Chicago Atlanta
Kans City San Francisco Dallas

BBDO

Considers
radio advertising the most effective medium for reaching the consumer.

Metropolitan Station
COSMOPOLITAN AUDIENCE

"Music by the Masters"

Just concluded—

• ROOSEVELT HOTEL, NEW YORK

Currently—

• LOEW'S STATE, NEW YORK

Week (May 26)—

• FOX, PHILADELPHIA

FRANKIE MASTERS

and his

BELL-TONE RHYTHM ORCHESTRA

VOCALION RECORDS

WORLD TRANSCRIPTIONS

Direction—MUSIC CORPORATION OF AMERICA

Personal Mgt.—W. BIGGIE LEVIN

JOSEPH RINES

And His
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Hotel St. Regis
Venezia Room
2nd Consecutive Year
NBC—THURSDAY WEEKLY
WM. MORRIS AGENCY

"Allen Prescott's 'Don't Forget' insures several well come chuckles."

Ben Gross,
NEW YORK DAILY NEWS

"DON'T FORGET"
ALLEN PRESCOTT
Fridays, 8:30-9 P.M., WIZ

NAN VINCENT

ON
"TIME TO SHINE"

Tuesdays 10 P.M. EDT
CBS Network

Mgt.: Columbia Artists, Inc.

IN BALTIMORE IT'S HARD

NATIONAL REPRESENTATIVES
EDWARD PERRY & CO.

ON THE NBC RKO NETWORK

"THE WELLS"

B. JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap—99% is pure

LISTEN TWICE DAILY

NBC RKO Network, 12:15 to 12:30 P.M. EDT
CBS—WABC— 2:15 to 2:30 P.M. EDT

IN COAST TO COAST

DR. COLUMBIA ARTISTS AGENCY
MGT. ED WOLF—RKO BLDG. NEW YORK CITY

San Francisco Expo Moves to Rectify Unsatisfactory Radio-Music Publicity

San Francisco, May 23. Urgent need of additional units to finance radio activities at the Golden Gate International Exposition is a major problem for which a solution is being sought by Clyde M. Vandeburg, the fair's promotion and publicity chief, who last week resumed charge of the radio department. Arthur Rowe, who was appointed head of the radio division some two months ago, will devote his entire time hereafter to acting as the expo's contact with Musicians Union Local No. 4. According to Vandeburg, too many brass bands and minor ensembles have been involved in negotiations with the union.

Advance plans for some 30 radio programs daily from Treasure Island have never materialized, due to lack of money. About six broadcasts a day are being aired, but most of these are staged by the stations re-creating them. Only money the radio division has had to date has been for salaries. No personnel changes are contemplated by Vandeburg.

Possibility of converting a number of auditoriums on the island into studios for special pick-ups is being considered by Vandeburg to provide additional attractions for the tourist trade to which the fair is looking forward expectantly. He also hopes to remedy the unsatisfactory installation of visual windows in the radio building, where annoying reflections discourage gawkers, especially on sunny days.

Vandeburg is getting estimates on the cost of changing the locations of

loudspeakers and increasing their number on the fairgrounds. At present the p.a. system covers only 15 percent of the island. The speakers are spotted too high above ground, according to Vandeburg, who believes he can get a 60 percent coverage of the area occupied by buildings and exhibits.

Vandeburg would like to have the expo cancel its contracts with the Goldman band, currently drawing in the name of \$8,000 a week, and Thaurius band, which is scheduled to play during the closing months of the fair, and use its money instead to engage local dance bands, orchestras and other musical groups which can be used for broadcasts.

If the expo lives up to its present contract with the musicians union to use a given amount of local talent, Vandeburg believes the union will relax on certain restrictions which will make it easier for non-professional musical groups to come to the island for special days, and they should make it possible for exhibitors or non-exhibitors to bring to the fair radio programs which have visual as well as audio value and publicity value. Such broadcasts, he feels, should not cost sponsors any more from the island than they do elsewhere.

Webbs-N. Y. Expo Fixing Closer Collaboration

Networks have finally decided to make the N.Y. World's Fair a regular stand in their operations. NBC, CBS and Mutual have either established or are going to establish staff men permanently on the exposition's grounds to correlate each web's program activities. Each network has been assigned an office near the radio department's layout in the Fair's promotion building. The new arrangement is expected to make for a closer alliance between the Fair and broadcasting and open up much more time for Fair ceremonies.

Ernest LaPrade and Dan Russell will stay on the spot for NBC, while John Roche will fill a like task for Columbia. Mutual-WOR will have a staff man permanently on the scene within the coming week.

Dick Ruppert, WKRC, Cincinnati, director of advertising and sales promotion, was elected last week to the Order of the Curia, legal honorary society.

Howard Lane Elected To Succeed Brunton

San Francisco, May 23. New director of the 15th District of the National Assn. of Broadcasters will be Howard Lane, manager of the California Radio System and McClellan stations' business manager. He was elected at a one-day regional meeting here last week. Assumes office after the NAB convention in Atlantic City in July, succeeding Ralph Brunton, general manager of KJBS and KQW, who has held the post for four years. NAB 15th District comprises Northern California, Reno, Nev., and Honolulu.

Layoff for Fidler

Chicago, May 23. Jimmy Fidler is scheduled to take his first vacation from his other customary job in more than three years. Kaster agency here and Procter & Gamble during on a rest of two or three weeks for Fidler some time in August. Likely that the spots will be filled by guests during Fidler's absence.

John Bartlett has joined the sales staff of WBNO, New Orleans. Was formerly with WSMB.

Radio Special Eventsmen Saddened As State Dept. and Embassy Ignore Them

Washington, May 22. Woes of Capital broadcasters intensified last week as State Department restrictions on the approaching visit of King George and Queen Elizabeth drew the strings a little closer and threatened to close the industry in completely in web of red tape.

Latest heartbreak to four local transmitters—NBC's duo, WRCW, WMAZ, CBS transmitter, WJWS, and Mutual's WOL—was the news that the usual parade activities will be out when their Majesties roll down Pennsylvania avenue with one of the heaviest military escorts in Washington's history. Original plan to dress up broadcasters and motion picture crews in army uniforms and permit them to ride in two scout cars has been junked.

Radio men will handle the actual arrival at the Union Station on a peak-and-run basis. Will be allowed to stick their heads in the doorway of the President's reception room at

th. station and bolt to microphones set up outside.

Special eventsmen are not likely to get within gawking range of the royal party when the parade ends at the White House. Also very doubtful that radio will be allowed near the sacred precincts of the British Embassy, or that either the King or the Queen will broadcast from American soil.

All this makes Washington radio men very sad and breaks a constantly-improving record for on-the-spot coverage for almost every important news-happening in the Capital. Accustomed to riding on artillery caissons and hiding under glass manhole covers—as in the last inauguration parade—broadcasters this time will not break even with the press. Some comfort, though, in the realization that nearly 400 Washington correspondents will be up against it, too—with only society editors, press association women writers and a few upper-crusters, admitted to the royal presence.

100% of the total Pacific Coast metropolitan ("Big City") population is in the Daytime Primary Area of the Columbia Pacific Network.



89.4% of the total Pacific Coast million city population (outside metropolitan areas) is in the Daytime Primary Area of the Columbia Pacific Network.



83.7% of the total Pacific Coast rural population (farms and towns of less than 2500) is in the Daytime Primary Area of the Columbia Pacific Network.



92% of all Pacific Coast population is in the Daytime Primary Area of this network! (And 96.7% at Night!)

TO SELL THESE 3 BUY THIS ONE

"Going radio" this one way permits you to blanket the front-and-back-country thoroughly. When you "go Columbia" you know your coast program is bracketed with the nation's prime audience-builders—at one low cost.

CBS

COLUMBIA Pacific NETWORK

A DIVISION OF THE COLUMBIA BROADCASTING SYSTEM • REPRESENTED BY RADIO SALES

The Key TO THE MARKET

WJAZ carries the most Spot and Network business in Radio Market. Experience proves it is "The Key to Success" in WJAZ is an ever alert Station "Key" to **ADVERTISING THAT COUNTS**

WEED and COMPANY

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

Radio Station Representatives

WBAL

means business in Baltimore

Summer STOCK

PLENTY warm these days . . . and its probably no fun taking inventory. But there is a source of satisfaction in knowing that your Summer Stock moves with rapid action when you advertise "The *American Way*!"

WDBY THE INTERNATIONAL BROADCASTING CORP. NEW YORK 5000 WATTS

WJBL NEW YORK 5000 WATTS

802, N. Y., Rules One-Nighters in Area May Not Be Picked Up by Networks

Picking up of bands on one-night dates in New York for remote network broadcasts is forbidden by a recent ruling of New York local 802 of the American Federation of Musicians. New York band booking offices were apprised of the edict in communications last week from William Feinberg, sec. of 802. Local will, however, entertain applications for exception in some cases.

Ruling was made because there is no tax on pickups of bands from one-night stands. They evidently had been on the increase, taking too much air time. For bands on location in N. Y. there is a tax of from \$1 to \$3 for sustainer, depending on the rating of the station over which a band is aired. Rather than put a tax ruling into effect for one-nighters it was decided to rule them out entirely.

Another angle that isn't mentioned is that it discourages the selling of bands to spots with prevailing wire and the free air ads. Ruling doesn't apply to one-night pickups from out of town, over which 802 has no jurisdiction.

BENNY GOODMAN'S BAND MUCH CHANGED

When the Benny Goodman orchestra returns to New York June 8 it'll be a band that's been considerably made over with changes made in the past fortnight and earlier on its road trip. Nick Patola, formerly with Bobbie Hackett, has replaced Buddy Schultz on drums; George Rose is in place of Ben Heller on guitar; Toots Mondello is in Arthur Rollins' sax spot. Artie Bernstein recently took Harry Goodman's place on bass; Eddie Connel, once with Les Brown, took Irving Goodman's trumpet chair several weeks ago, and a recent addition was Bruce Squires, trombone. A Martha Tilton dropped out before the Palace, Cleveland, date last week and went to the Coast, presumably for her health. Her place was taken by Louise Tobin, wife of Harry James, once Goodman's lead trumpeter, but now leading a band of his own.

SWING CLUB RALLY

Hipp, N. Y., Will See Some Impromptu All-Star Bunches

National Swing Club's band which at the Hippodrome, N. Y., next Monday (29) will feature a band composed of orchestra leaders noted for outstanding ability on certain instruments, led by Duke Ellington, and another batted off by Paul Whiteman made up of the men selected on his all-star swing outfit in his Collier's magazine story of a few months back. Most of the big names including Tommy Dorsey and Jimmy Dorsey, Jimmy Lunceford, Count Basie, Harry James, Woody Herman, et al., will be in the first named with Ella Fitzgerald as vocalist. Most of them will be seen their bands.

Numerous other semi-name units are scheduled for the thing, however, including such leaders as the Merry Mics vocal quartet is to be given a trophy, and all the leaders will be handed trophies for their constructive advancement in swing music in America.

Band Bookings

Larry Clinton, July 2, Hamill's Million Dollar Pier, A. C. 3, Philmont, Country Club, Phila.; 4, Herby, Park View, Hingham, Mass.; 5, Ramona, June 2, Niagara U., Niagara Falls, N. Y.; 6, Mad Hatter, June 7, July 1 and 3, Beach Club, Greenwich, Conn.; 7, Ted Lewis, June 23, one week, Eastwood Gardens, Detroit; 8, Russ Morgan, June 23, one week, Cedar Point, Ohio; opens Ricco Hotel, Houston, tomorrow; 9, Isham Jones, June 3, Castle Farm, Cincinnati; June 8, Evansville, Ind.; 10, Blue Baron, July 1, Lake Breese Pier, Buckeye Lake, Ohio; 12, Hecla Park, Bellefonte, Pa.; 13, Summit Park, Akron, Ohio; 14, Henry Busse, May 29, Vanity Fair, Huntington, W. Va.; 30, Carrolltown, Pa.; 31, Charleston, W. Va.; June 2, White Sulphur Springs, W. Va.; 3, one week, Lyric Theatre, Ind.; 23, one week, Eastwood Park, Det.; 29, one week, Westwood Gardens, Det.

Included Out

Hollywood, May 23. Song pluggers are up in arms against edict barring them from Trocadero nitery, p. 10, managed by Felix Young, who used to be one of them.

Previously Young slapped no entry on photos.

PHEW-BOMB IN COIN DISC STRIKE

St. Louis, May 23. Police fear an outbreak of violence between two rival organizations that are in the electric phonograph business here following the stenching of two shops of one group last week. The murder of Arthur T. Schending, president of IBEW Local No. 1, last fall, was attributed to this rivalry. Both of the establishments mentioned, the National Amusement Co. and the Automatic Phonograph Corp. are operated by leaders of the Associated Phonograph Owners of Missouri, employing service men who are members of IBEW. The rival organization has a working agreement with the Transmeters' Union. Associated Phonograph Owners of Missouri controls about 2,400 of the 2,800 electric phonographs in the St. Louis area. Beckman told cops he attributed the stenching of his place to the 'same old story, the fight over locations.'

Cafe Songs' Review

Al Hoffman, Al Goodhart and Max Kurtz won't place the musical score of their International Casino (N. Y.) show until the next show opens tomorrow (25). Trio wants all publishers to hear their four new nitery tunes in action before disposing of rights.

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, May 22-28. Total represents accumulated performers on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † legit, all others are pop.

TITLE	PUBLISHER	GRAND
New Moon and an Old Serenade	Berlin	64
And the Angels Sing	SVC	61
I Never Knew Heaven Could Smile	* Robbins	56
Somebody Loves Me	Square	47
Lady in Love with You	Some Like It Hot	47
Don't Worry About Me	Cotton Club Revue	40
Send Me a Sailing of Dreams	Shapiro	38
Whispering Love Affair	Crawford	34
East Side of Heaven	Shapiro	34
Strange Enchantment	Man About Town	32
Our Love	Chappell	31
First Song of Suenam	East Side of Heaven	29
Little Skipper	Peist	29
King of the Sunbeams	East Side of Heaven	29
Heaven Can Wait	Remick	25
At a Little Hot Dog Stand	Shapiro	23
Barrel Polka	Chappell	23
Night Must Fall	Marks	21
Tutty Old Gentleman	East Side of Heaven	21
How Strange	Idiot's Delight	21
If I Were a King	Witmark	20
Tears from My Inkwell	Witmark	20
You Grow Sweeter as the Years Roll By	ABC	19
How Warm It Is the Weather	Harms	18
Begin the Beguine	Paul Pioneer	17
If I Were a King	Shapiro	15
Chestnut Tree	Chappell	15
That Gentleman	Sandwich	13
Tutty Old Gentleman	Miller	13
Deep Purple	Robbins	13
Room	Berlin	14
Little Sir Echo	SVC	13
King of the Sunbeams	East Side	13
Happy About Whole Thing	* Naughty But Nice	13
Whispering in the Windwood	Olman	13
King of the Sunbeams	East Side	12
Big Wig in the Wigwag	Gem	12
If I Were a King	Shapiro	11
But I Didn't Mean a Thing	Agee	11
Evening	Shapiro	11
Evening	Shapiro	11
Tutty Old Gentleman	Miller	11
Deep Purple	Robbins	11
Room	Berlin	11
Maquerade is Over	Crawford	10
How Warm It Is the Weather	Berlin	10
Alasque or Awake	Lincoln	10

XBS, AL DONAHUE HURTS

Al Donahue, who is in an auto smash near Belmont, L. I., last Wednesday (17). She suffered a compound fracture of the right arm and bruise. She's the former Fredericks Gallatin, New York socialite. Donahue's band is currently at the Rainbow Room, N. Y.

Andrea Sarsa doing the musical score for Paramount's 'Bulldog Drummond's Bride.'

On the Upbeat

Del Courtney orchestra goes into the Bear Mountain Inn, N. Y., May 28, indefinitely. Gets several weekly CBS wires.

Rosemary Tola has joined the Walter Winchell orchestra as vocalist at the Show Bar, Forest Hills, L. I.

Horace Heidt, was renewed for another year by Brunswick Records.

Jimmy Lunceford orchestra will get six NBC wires during his split 12-day stand at the Hi-Ho Casino, Brooklyn, N. Y., opening Saturday (27).

Woody Herman, Horace Heidt, and Paul Whiteman orchestras are all (Continued on page 35)

"Blue Skies Are Round the Corner"

Broadcast by

JACK HARRIS

From London, Saturday, May 20

is an

IRWIN DASH PUBLICATION

Published in America by

Crawford Music Co.

Song Suggestions
JIMMY McHUGH'S
"When My Sugar
Walks Down the Street"
Mills Music, Inc.

BERLIN BULLETIN

THE BIGGEST BLAZE SINCE THE CHICAGO FIRE

"MY LAST GOODBYE"

THE COUNTRY'S BEST BALLAD

"A NEW MOON AND AN OLD SERENADE"

THE BIGGEST EUROPEAN HIT SINCE "VALENCIA"

"BOOM"

JOHNNY MERCER AT HIS BEST

"SHOW YOUR LINEN, MISS RICHARDSON"

TO BE RELEASED SHORTLY

Irving Berlin's Greatest Score of 6 Hits

From the 20th Century-Fox Film Production

"SECOND FIDDLE"

JOE SANTLY, Prof. Mgr.

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

Inside Stuff-Bands

New twist in nitery presentations is to have guests bring their own entertainment. Though the current show at the Coconut Grove in the Park Central Hotel, N. Y., consists only of Larry Clinton's orchestra and Enrico and Novello dance team, opening night (11) layout had three additional acts supplied by a sizeable private party. They were Sinclair's Sextet, dancers; Shavo Sherman, comedian, and Billy Vine, m.c. Later handled the show chores at the spot during the stay of Curt Houck and Will Osborne orchestras, which preceded Clinton.

This particular party had reservations at another spot but switched to the P. C. upon learning of Clinton's band. When informed that Enrico and Novello constituted the sole "door show" it went through with the reservations saying it would supply its own entertainment. Result was numerous plugs over the house p.a. for the party's employers as it was one of those employee shindies.

A new style orchestra brochure has just been gotten out by Kay Hansen and Ned Williams for the Jimmy Dorsey band. It's not banding, being made up of 18 loose pages containing biographical text, pictures, etc. Looseleaf style makes it simple to insert new pages in the event of changes in personnel, or any other adjustments.

Being rather elaborate, it's too expensive a proposition for Rockwell General Amusement, which handles Dorsey, to underwrite, though they ship it to buyers. Dorsey stands the tap himself.

Sustaining air time will be full of Dorsey bands for the next month or so. Jimmy Dorsey went into Meadowbrook, Cedar Grove, N. J., Saturday (20), while brother Tommy goes into the Pennsylvania hotel, N. Y., tomorrow (25). Between them they'll have 13 sustainers weekly, Jimmy getting six NBC's and three Mutual's, and Tommy four split between CBS and Mutual.

There's a new novelty dance being encouraged at Bill Barold's Century Room at the Hotel Labouloff; Dallas' "The Fish Story" party's weekly hoofing wrapped around "The Three Fishes." The Four Ann Sisters are four of the orchestra boys bowed in the number at a party in Galveston where they had to take several repeats.

Entire Jimmy Lunceford band gets author credit on sheet music and label of the recording of the "Gene of the Gene." Seen the whole outfit had a hand in the writing of music and lyrics for the tune.

Add to the numerous gadgets gotten out for idolizers of band leaders small busts manufactured by a Detroit firm. Likenesses are made in three sizes from 35c to \$1 in price.

Sensational Hit From Billy Rose's "Aquaade" at the N. Y. World's Fair 1939

WORLD'S FAIR 1939

Words by BILLY ROSE and TED FETTER Music by DANA SWEENEY

ROBBINS MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

15 Best Sheet Music Sellers

(Week ending May 20, 1939)

Three Little Fishies	Santly
Little Sir Echo	BVC
And the Angels	Chappell
*Wishing (Love Affair)	Crawford
Our Love	Chappell
*Barrel Polka	Feist
Little Skipper	Feist
God Bless America	Berlin
Building a Railroad with Dynamite	Feist
Sunrise Serenade	Jewel
Deep Purple	Robbins
And the Can Walk	Witmark
Tears From My Inkwell	Mills
*East Side of Heaven (East Side of Heaven)	Santly
*Don't Worry About Me (Cotton Club Revue)	Mills
*Fimulical	
*Production	

Inside Stuff—Music

Conference on Copyright Legislation, headed by James T. Shotwell, held asked Congress to postpone consideration of any measure intended to bind this country to the international copyright convention until the conference's subcommittee has completed its draft of recommendations for changes in the U. S. copyright law. The indications are that the subcommittee's job will be finished by June 1.

Edith E. Ware, executive secretary of the Shotwell committee, declared last week that the draft that the subcommittee is working on does not contain a recommendation that a secondary copyright be granted to manufacturers of phonograph records. The recommendation apparently has been dropped as a result of opposition from organized labor which got it out of the American Federation of Musicians.

It took Harry Link, general professional manager of Leo Feist, Inc., eight years to get "The Tinkle Song." In 1931 when Harry Woods was finishing the tune he promised it to Link. Meanwhile Link went on a long trip from New York and when he got back he found that Woods had placed it with Witmark. About a month ago Jack Robbins was advised by Witmark that he had a song by Jimmy Van Heusen and Eddie Decca. Link suggested that a swap be effected, namely that Witmark turn over the script of "The Tinkle Song" to Feist and Feist, assign the DeLange number, "All I Remember Is You" to Witmark. After around 10 air plugs, Feist got orders for over 20,000 copies of the Woods number.

Herman Starr, president and operator of the Warner Bros. music combine, is due to be elected to the board of the American Society of Composers, Authors and Publishers when the directorate holds its regular monthly meeting tomorrow (Thursday). Starr will replace E. H. Morris, who resigned from the WB group several weeks ago.

It is expected that the writer faction on the board will have decided by this meeting on a director to take the place of the late Joe Young.

Professional Music Men, Inc., is changing its by-laws so that its executive board may have the authority to enter into an anti-bribery pact with its members with the publishers. Copies of the agreement were sent out to publisher members by the Music Publishers Association for signatures last week. One of the copies will be kept by the PMMM, while the other, with the latter's signature, will be returned to the publisher.

Chester Conn, of Bregman, Vococo & Conn, brought home a winner last week. He drew a non-starter in the Irish Sweepstakes on the Grand National steppichess which is run in England today (Wednesday). He gets approximately \$1,800.

Dismiss 'Garden of Moon' Song Suit vs. Warners

Hollywood, May 23. Warners was granted motion to dismiss by the Federal court of the \$60,000 suit filed by Louis Herscher and Robert Hilbert over alleged suppression of their song, "Garden of the Moon." They charged that Warners was sidetracked for WB's ditty of similar title. Court gave plaintiffs 20 days to file an amended complaint.

LOU DIAMOND PROTESTS

Publisher Faction of ASCAP Hears Him Criticize Availability Rating

Publisher faction on the board of directors of the American Society of Composers, Authors and Publishers spent a day last week listening to Lou Diamond's protest against the availability ratings allotted his Famous and Paramount Music Corps' catalog.

Event was unusual in that Diamond was permitted to appeal direct from the availability committee to the directors. The technician that made this possible was that he was recently elected to the publishers' appeals board on availability.

Though elected over a year ago, the special committee having the task of revising the committee's availability ratings. It was also suggested that Henry M. Spitzer, general manager of Chappell & Co., turn over to the committee the information and formulas he gathered while chairman of a committee assigned to perform a similar task two years ago.

Spitzer had already been made by the committee that 20% of the 30% allowed for availability be based on a mathematical formula while the remaining 10% be subject to the discretionary ratings of a committee. Advocates of this modification felt that there would be little inclination among publishers to battle over the 10%.

SETTLE MRS. KAUFMAN

Involved, Mechanical Rights Payments to Composer's Widow

Sam Fox Publishing Co. agreed to settle the royalty claims of May Z. Kaufman, widow of Mel B. Kaufman, just as the case came up for trial before Judge Alfred C. Cox in the N. Y. federal court last week. The controversy revolved around Fox's contention that the mechanical rights clause contained in the contract between Kaufman's estate and Fox in 1916 did not cover income from film synchronization licenses since there were no such rights existing at the time.

Mrs. Kaufman sued for \$20,000, with the amount split equally between two causes of action. The first cause sought unpaid royalties from the sale of sheet music and orchestration, while the other was based on the licensing of Kaufman's tunes for sync purposes, with specific mention made of the huge sum that Fox got from the settlement of the Electrical Research Products, Inc. case some years ago. Since the sync use did not come into existence until 1928, publishers have at times argued that such right was a part of the mechanical rights agreed upon in old writers' contracts, but there is yet to be an instance of this viewpoint taken to trial for an adjudication.

Most of Kaufman's compositions were of the strictly instrumental sort of the strictly instrumental sort. They include "Stop It, Meow," "Giddy Up, Candy," "Tender to This," "Introduce Me," "Up We Go," "Plenty Sweet" and "Play Time."

PLUGGERS MAY ASK TUNES BE LISTED

Leaders in the Professional Music Men, Inc., are talking with the board to prevail upon the NBC program department to establish some sort of system that would aid the pluggers in knowing whether their tunes will be used on scheduled programs. There are about 40 publishers who are interested in such information and they feel that it would be reciprocal benefit if corrected lists of programed tunes were made available at a desk in the program department or posted on an accessible billboard.

In that way the publishers' men would be able to avoid close repetition of the same current tune on network schedules, and thereby save time and effort for both themselves and the clearance staff of the program department. With this cancellation information at hand the contractor could then undertake to spot the tune on a non-conflicting program.

Thurston Knudsen writing back-ground music for "Stanley and Livington" at 20th-Fox.

Anthony Collins scoring "Nurse Edith Cavell" at RKO.

Songwriters and Warner-Dreyfus Reach Agreement on Basic Points

The Hyde in 'Em

Fred Waring met Guy Lombardo. "As one music publisher to another," said he, "don't some of these band leaders smell?"

Gordon-Revel Offered

Partnership in Bregman Firm; Contract Expiring

Hollywood, May 23. Mack Gordon and Harry Revel are negotiating with music publishers in east for a new deal to follow the expiration of a contract which is expiring shortly. Robbins is after Revel, but Rocco Vococo and Jack Bregman are offering the same partnership in the Bregman-Cocco Conn firm.

For signing their current deal, Robbins gave the songwriting team \$10,000 bonus plus the \$500 weekly charged against royalties.

BUDDY ROGERS BLOWS BAND; LUCAS AT GROVE

Los Angeles, May 23. Buddy Rogers is disbanding his orchestra and going to England to make a picture when he ends his engagement at "Topsy's" this week. He sails May 31 with his wife (Mary Pickford) from New York. Billy MacDonald and his Highlanders follow into the Southgate innery. Clyde Lucas band and Paul Draper's dance act open at Coconut Grove June 12. Arion Woods' currently at Ambassador hotel night spot move to State Line country club at Lake Tahoe.

Henry King is reopening the Veneza Room at Hotel Fairmount in Frisco tonight (Tues.).

RE-CLASSIFY GREEN ROOM

Edison Cuts Down to a Trio When Scale Added

Reclassification of the Green Room of the Edison Hotel, New York, last week by N. Y. Local 802 of the American Federation of Musicians eliminated that spot as a name band. It originally was marked as a class B and was elevated to A rating, which added about \$300 to the scale for that room. Rating is effective with the exit of Blue Barron's orchestra Friday (26).

Gray Gordon, who exited the Green Room in favor of Barron late in April to go on a road trip, was scheduled to go back into the spot Saturday (27). Instead the hotel's owners will place in Milton Herli's orchestra the Lincoln Hotel's Tavern. Four-piece stringed outfit, in with Gordon originally and now with Barron, goes out also.

Victor Young tuning up "Range War" at Paramount.

Counsel for the Songwriters' Protective Association and for the Warner Bros. and Max Dreyfus music interests last week reached a tentative basis for a new uniform writer's contract. In attendance at this conference were Walter G. Douglas, chairman of the Music Publishers Protective Association; Edgar Leslie, of the SFA council; John Schulman, SFA lawyer, and A. M. Wattenberg, counsel for WB and Dreyfus.

Four basic points that the two factions agreed and which are to be incorporated in the standard contract are:

1. In the event that television is not covered by the ASCAP membership contract such rights are to be administered jointly by the publishers and writers through a central licensing bureau.
2. There are to be no further bulk synchronization deals with film producers, excepting medals, without the consent of the writer.
3. The publishers and writers are to share 50-50 on all mechanical rights.

Writer is to receive a duplicate statement whenever a license is issued by a publisher directly to a user (such as the radio) on the agency or trustee. The writer through his rep will also have access to the publisher's use furnished by the licensee.

HARRY LINK TO METRO LOT FOR 3 MOS.

Harry Link, general professional manager of Leo Feist, Inc., left for Hollywood Monday (22). He will try to create a new partnership with Metro and its publishing companies as far as film scores are concerned. Link's immediate concern is the scheduled production of "Zeigfeld Polkas." While on the Metro lot Link will seek to emphasize in both writer and producer contacts the commercial point of view of the music publishing business. He expects to remain away from his New York office three months.

BRIDGEPORT SPOT OPENS

Bridgeport, May 23. Pleasure Beach, city-operated park, opens season next week-end with Tommy Reynolds' band leading off Sunday night (26) name string. William Burke again managing dance hall. WCCC will remote Sunday attractions. Charles Shrimmon office booking.


Roton Point Park, South Norwalk, Conn., unshuttered Sunday (21) with Max Hallett's band. Barry Wood, CBS baritone, now heading a dance combo, makes ballroom debut next Sunday at Roton Point.

From the
COTTON CLUB PARADE
(World's Fair Edition)
By Ted Koehler and Ruth Blum

DON'T WORRY 'BOUT ME

WHAT GOES UP MUST COME DOWN
GOT NO TIME
IF I WERE SURE OF YOU
EVER SO QUIET
A Very Funny Comedy Song

WHAT ARE LITTLE GIRLS MADE OF?
An Amazing Novelty



ENJOY A WITMARK SUMMER with—

"not big novelty number by the writers of 'Merry Go Round on Big Top'"

CONCERT IN THE PARK

By GLENN BROWN and DAVID FRANKLIN

JOHNNY MESSERS' own melody and sync in instruments

YOU GROW SWEETER AS THE YEARS GO BY

HARRY WARREN and MORT DIXON'S Summer song by E. B. ROSS

TEARS FROM MY INKWELL

M. WITMARK & SONS—R.C.A. Bldg.—New York—Norman Foley, Prof. Manager

AFA Shortages Reported in Frisco, L. A.; Verdict This Wk. on Whitehead

Ralph Whitehead, on the defensive himself in an investigation of the American Federation of Actors by the Associated Actors and Artists of America in New York, does not contemplate an immediate trip to the Coast to look into the matter. He is in the Frisco and Los Angeles branches. A shortage of around \$2,000 is reported to have been discovered in the funds of the Frisco office, while more than \$500 is also reported missing in the L. A. office.

Al T. Smith had headed the Frisco branch, while John Corcoran was top man in the L. A. office. Corcoran, after refusal to resign, while Corcoran resigned. Jack Kramer has taken over in Hollywood and Jack B. Mills has assumed charge of the Frisco office. The local American Federation of Labor and Congresses of the World branches in both cities are siding in the investigation there by request from Whitehead.

The Four A's has been sitting tight against Whitehead's administration of the AFA for the past several weeks. A decision is expected some time this week.

Seek Records Return

San Francisco, May 23. Restraining order preventing officials of the American Federation of Actors from investigating the disappearance of the AFA office here having been dissolved last week, the American Federation of Actors has requested that Al T. Smith, former Frisco representative, be turned over all records that Smith removed from the office.

Smith, at work for some time in the office, has said to have discovered a shortage of nearly \$2,000.

BERLE-RICHMAN HEAD INT'L CASINO REOPENER

After several postponements, Alex Fun premieres his International Casino on Broadway tonight (Thursday) with a George Hale revue topped by Milton Berle and Berle Richman. The Frisco branch of the show, with Ramon, and Midgets, George Tapp, the Janleys, Amy and Virginia Vero, Ramon, and Midgets, and Allen Roth orchestras, plus Dixie Costello's tango band in the main stage with Karl and Anell Sweet pinballing there.

Fun, who operates the Mayfair Casino, Boston, until the predecessor management, is the one-man boss here, having brought in fresh Broadway capital. Joe Moss, one of the original partners with Lou Brecker and George Olsen, remains as general manager and aide.

Joe Lessman did an expensive facelift on the place, which already represents around the \$100,000 to its original founders. Clifford C. Fischer's 'Folies Bergeres' is the first which closed shortly after Xmas. The niter has been dark since. Fischer was in on a deal with the former 'Folies Bergeres' Trust, which is heavily tied into the venture.

Johnson Barrett has done the new show's scenery; Bill Livingston, the costumes; song, by Al Hoffman, Al Goodhart and Manny Kurtz.

Peggy Worth Files Voluntary Bankruptcy

Peggy Worth, at present a housewife, is suing for divorce in the city of New York in a voluntary petition of bankruptcy in the New Federal court, shortly after listing assets of \$250 and liabilities of \$4,358.

Her creditors are Harold Bishop of 270 Broadway, on a note in which the bankrupt is a co-signer with her sister Cora, \$1,000; and Saul J. Glaser of New York City to whom she owes \$350 for work, land and expenses.

Miss Worth lists her income in 1937 at \$1,000 and in 1938 at \$200.

Fox, Del., Drops Shows

The Fox, one of Detroit's largest theaters, goes into double features dropping stage shows.

House is under a 10-year lease to National Theatres.

On the Upbeat

(Continued from page 32)

booked for tomorrow (26) at Cornell U, Ithaca, N. Y.

Larry Clinton orchestra guests on the Frick Bandwagon this Sunday (26).

Zinn Arthur goes into Grosvenor Country Club, Fendall, N.Y., May 26. Band will have a Mutual outfit.

Will Osborne opens summer season at Wilbur, Oswego, tonight (24) for one-night stand, and will be followed by Ramona and Her Man of Music for five days. Cecil Goble band comes in May 31 for tonight. First two placed by Rockwell, last by Frederick Bros.

Johnny Rayner band and organist Jerry Roberts named to open Crest, on Lincoln Highway near Pittsburgh, Decoration Day (30). They're in for an indefinite stay.

Herman Middleman has organized a new band and will open, West Boat, Pittsburgh, last Thursday (18) for an indefinite stay.

Earl Melton into ballroom at West View Park, Pittsburgh, tonight (24) for one-night engagement.

Jimmy Livingstone opens new Pittsburgh roadhouse, June 3. Jimmy Earle one-nights there on Decoration Day.

Benny Burton band, now being toured by Neil Buckley, and with Don Bestor, went into Bill Green's, Pittsburgh, Monday (22) for one-night engagement.

Stan Meyers and his orchestra will open at Casino Garden, York Park, Cal., replacing Jimmy Walsh, who goes to Salt Lake City.

Charles Prevlin will be guest conductor of Los Angeles Symphony orchestra on June 28, with Tito Guizar guest soloist.

Burton Lane organized a band with Elaine Howard, vocalist, and Fred Livingston, arranger.

Jimmy Whitley opened at the Chez Ami, Buffalo, this week.

Gabby Rogers, former pianist at the South's oldest night club, opens his booked 1 at Melba Cateria, downtown Detroit. Crew is a new orchestra Saturday (20).

Club Milwaukee, Milwaukee, opens this week with Otto Richter's orchestra.

Sherman's Carolee Lake, N. Y., is now playing main band on Sunday. Fletcher Henderson's orchestra was in attraction May 21.

Johnny Randall booked by William Morris, held over by Dragon Grill, Corbin, Ohio, Tex., indefinite.

Bubbles Becker orchestra is at the Royal Room of the New Kenmore Hotel, Albany.

Perry Bechtel, head of Georgia Ambassadors, WSB, Atlanta, house band, has organized instrumental unit which booked 1 at Melba Cateria, downtown Detroit. Crew is a new orchestra Saturday (20).

Johnny Graf, last at Benny the Band, is now playing main band on Sunday. Fletcher Henderson's orchestra was in attraction May 21.

'Folies \$22,000 in H'wood

Hollywood, May 23. 'Folies Bergeres' at Clifford C. Fischer revue which moved down from the Frisco Fair, opening at Grauman's Chinese last week, is rolling up a \$22,000 gross this week.

Holding a smart pace, business will mean making week record for this year of show.

'F' her shows May 31 for Paris to prime a new revue. or Frisco to pch around Aug. 1.

CAREERIST

Waller-Warbler to Change Name So He Won't Be Typed

Philadelphia, May 23. Jack Hutchinson, warbling waiter at Stamp's cafe here, will change his name shortly because he's 'typed'. He's sorry for another job that will be all singing and no trumpet playing. He can't get one because he has become well known as a singing waiter at Stamp's. Hutchinson is a careerist. Only solution Hutchinson can see is to switch monikers and go out and get a job as somebody else.

Larry Clinton orchestra guests on the Frick Bandwagon this Sunday (26).

WET VAUDE ACTS FILL JESSEL'S FAIR SHOW

A flock of wet vauders will be in George Jessel's Old New York show at the H. F. Fair, which prems the end of this week. In the 'Knickerbocker Inn', patterned after the old Atlantic Gardens, now acts as Marion Dey, Ann Pennington, Amy Revere, Marion Weeks, Jean Beddoe, Fred Ardath, and a new band, Jack Howard, Sam Kramer, Jack Goldie, Harry Ballard, Hans Schwab, and a Chester Hale line and the Six Tiny Rosebuds will star the show. Don Dody is playing the show.

The three-act Old New York village is being taken by Messmore & Damon, with Almon R. Shaffer, general manager.

PAR BOOKS BOB HOPE FOR CHL, N. Y. DATES

Bob Hope, now a radio and picture name, returns to vaude for three weeks late this summer under commitment to Paramount. He'll play one week at the Chicago, Chicago, and two weeks at the Paramount, New York.

With Hope will be Dolores (Mrs.) Hope and Jerry Connolly, Hope's radio partner, who have been previously booked by Par, but his dates are being moved back so that he can work with Hope on the stage as well.

Definite dates for Hope's stage appearance have not yet been set, depending on his picture commitments.

NECK BROKEN IN CAR CRASH

Bob Carnahan, operator of the Show Boat here, is in a Houston hospital, where he was broken neck in a crash when his car was sideswiped by a truck.

Saracac Lake by Nappy Newkey

Things that make this Actors Colony worth while: Jimmy (Lamb) Clark Marshall and the show being the best of the never misses a chance to good-cheer us.

The news of the comeback of Johnny (3 Aces) Jones, who did it in legs last year, has had him back to Hartford to resume work.

The fighting spirit of Jack Edwards, who was injured at the show and is making the grade nicely. The thoughtfulness of Bobby Graham, who sent pictures of the King and Queen of England.

The semi-annual colony can-do-to-help request by Sam Rot, Chicago agent, to this 'E'.

The colony thanks Dottie Heimlich, and Elizabeth Langewieser for the one band.

Among the new arrivals at the Will Rogers are Tom Phillips, of the Avon, Philadelphia, and the Worcester (Mass.) Gazette.

One of the four names at the Palace, Fritz Schiff was the lead. Ted Lewis and his jazzy vocals. Herb Wright, who sent pictures of the Dale, with the Avon Comedy Four, clicked.

Lionel Barrymore was sailing to London to appear in the film version of 'The End Stage hit', 'Decomposed Nights'.

Most of the concert bureau opposed their art picture, claiming that the broadcasts nixed the b.o. of Resh appearances.

Agencies were getting wise to gyp promoters' requests for picture practices to be played up for several weeks at half pay, claiming the Dodge-Mechan, who never takes a picture for new ones and working the same system.

Corse Payton abandoned the idea of installing stock in Rockaway, N. Y., and signed with Jack Dwyer to head the new stock opening at the Mt. Morris, N. Y.

Chances Slim for N. Y. Cap's Return To Vaude; James Set to Up State Dive

Flathub, B'klyn, Trims Summer Stage Budget

The Flathub, Brooklyn, will try to continue its vaudeville policy throughout the summer, but will trim stage budget considerably to stand off the usual hot weather blow. The Flathub, which operates on a budget, is reluctant to pull the stage shows even for only a few months, fearing a breach in a policy that they feel has become pretty well established.

Currently, the house is playing the high-priced Paul Whiteman unit, but a trim in the sales is evident in next week's show, co-headlining the Flathub orchestra with Smith and Dale. But even further cutting will follow.

Arthur Fisher books the house.

SCHWARTZ SETS NEGRO REVUE FOR L. A. CAFE

Los Angeles, May 23. Jack Schwartz will put on all the Negroes in the Flathub, but a trim in the sales is evident in next week's show, co-headlining the Flathub orchestra with Smith and Dale. But even further cutting will follow.

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Chances for the Capitol, New York, former de luxe stage presentation house, to continue a combination policy this summer now appear very slim. According to present plans of the Capitol, which owns the house, the Capitol will stick to brass-band pictures only, but there'll be great concentration of solo and exploitation to build up the stage budget.

It had been figured that Loew's would reduce stage shows at the Capitol to attract the 'out-of-town' visitors expected to attend the N. Y. World's Fair. Probably the move was heightened by the terrific stage show opposition the Capitol has had to rest its case on the Capitol, and the Paramount, Strand and RKO, all of which have an admiral scale no higher than the Capitol, and give 'em live talent and name bands besides.

The State is trying to line up a series of name stage shows (or bands) to run through this summer. But the Capitol, which has had its radio layout, for the week of June 24. Another name set thus far is the Ed Condon, who comes in 13 and, like Cantor, will provide the entire show.

Deal for Burns and Allen for June dates fell through. Gracie Allen mixed stage work, preferring to rest. The Ed Condon, who came accepted a June 7 booking after its June 6 night.

The State Union for names perhaps can be traced to another source besides the post-war World's Fair trade. Grosses at this house, which had been unusually steady for a couple of years, dropped suddenly below \$12,000 around four weeks ago. At this rate of business, the once very profitable house, the Capitol, is now losing \$5,000 and more weekly. It's figured that name stage shows will try to bring the Capitol back to its old level.

Cantor's agreement at the State calls for a guarantee against a percentage, with Cantor to pay the surplus. The State, however, is the only one set thus far; the other houses are holding off on these terms.

Cantor goes off the radio June 26.

HELBLOCK DENIED RIGHT TO N.Y. ONYX CLUB TAG

The Original Onyx Club, New York, can continue using that title and the name of the Onyx Club, Helblock, partner in the original, was denied the right to that tag in a decision by the State. Helblock, who was advised by the court that the club was holding off on these terms.

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NEW ACTS

ADRIAN ROLLINI TRIO
Instruments
12 Mins.

Show Sat., N. Y.

This is the first stage date for the Rollini Trio, which has been making a big name for itself in the records and in nightery dates. At the Piccadilly circuit bar (Piccadilly, N. Y.) for a year, with other instrumental groups, the Rollini Trio has been making a big name for itself at the Piccadilly and doubling from there into the Strand engagement. Act is sure for stage dates, in vaudeville or picture houses, and is seeking through eagerly here. X-10 phone, guitar and ball fiddle make music, and the Rollini Trio get some swell rhythms out of the combination, all in a very swingy vein. Trio is doing four numbers here.

MABY DUGAN

Singer

With Larry Clinton's orchestra. Park Central Hotel, N. Y.

Maby Dugan replaced Miss Wain with Larry Clinton's outfit at the opening (Fri.) of this date. Miss Wain struck out on her own. She has vocalized with Clinton before on several occasions, as relief for Miss Wain, and while it's tough assignment following the one who rode upward on Clinton's "My Reverie" and other tunes, Miss Dugan impresses at an able substitute for her predecessor.

This reviewer is based on only several tries at the mike, among them Clinton's current hit "Love Me." Appears to have the same smooth style and manner of delivery that makes Miss Wain's stuff, by the way, so good, making a neat, light complexion appearance.

JEAN O'NEILL

Singer

Strand, N. Y.

Jean O'Neill, vocalist in front of Ray Newman band here, is doing two swing numbers but not making much of an impression. She has a way to go yet before vying with other vocalists. Voice and selling only fair.

Miss O'Neill is on at two different points, one of her numbers being "Concert in the Park," featured by the Newman orchestra.

Singer makes a pleasing appearance.

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BOOKING MANAGER

DOLORES and BOSSINI
Dancing

Show Sat., Forest Hills, N. Y.

First number is a fairly mild tango that serves to introduce a punchy and rhythmic blend and her back and leather partner. Some moderately fast dancing follows, with the girl holding on by clutching one ankle to the man's neck, get them off to a good start.

Second number is planned as a shocker. Wearing a black bra and flowing skirt, the gal does some slip-walking alone before the man appears. She then proceeds to do some very fast dancing, the man sings a song, and the tempo is followed by some fast adagio work, during the gal trips the top of the fellow's mask, revealing a diabolical mask, concentrated around the eyes.

For a finish, the female skirt is ripped off, leaving her in a flesh-colored, isolated for a nude effect, after which she is supposedly chased to death and carried out.

Better lighting at the close with an appropriate choice of color blend would heighten effect of nudity while emphasizing the horror angle.

Overall, a fairly good, more pleasing for male trade. C-10.

FRANKIE MASTERS ORCH (14)

Musical Director, Forest Hills, N. Y.

Frankie Masters has spent almost all his nine years as a band maestro in and around Chicago. His engaging, his picked a pair who have not only looks but a keen grasp of their specialties. Marlon Francis can hold 'em concentrated with her singing style, while Vera Furusio whips an acrobatic waltz into a whirlwind of backbeats, spins, handstands, butterflies, nip-ups and whatnot.

Smoothly paced throughout, the trio, once the band doing "Take Me Out to the Ball Game" in swing time. Lighting effects are smartly woven into the next instrumental item, "Dancing in the Dark." Masters has over for a vocal play on "What You Do Do," and then follows with "I Love You." The band is a diverting bit of tonal slapstick on the theme of "I Love You."

Also showed up brightly in a novelty number, "The Bottle," in which the water-filled bottles and colored lights furnish some tinsel diversions. Masters is even diverting on the fiddler. He winds up the act with a solo on the fiddle, while the violinist still playing away above a concealed "light" as the travelers come together.

His patented lighting effects, said to have been invented by Masters, make for several highly effective stage pictures. C-10.

MAXELLOES (5)

Singer

Lyrio, Indianapolis

Three of the original Maxelloes have added two girls to their troupe who perform well with the footwork. Original Maxelloes consisted of five men and had played variety houses since 1924. Present act has been working with circuses and outdoor shows and is cramped a little in present theatre setting, but should

work into a good opening or closing theatre-act.

Girls are nice-looking and hold down their own in the music department. They work with the men in the foot stands and sometimes do one risley dance to another. High light of act is a double "Salt-Rice" to feel, by two of the men. Kiley.

Night Club Reviews

COCOANUT GROVE

(Continued from page 34)

on her own, started with the band here. Though her continuing is poor, the band was not very good. She impresses as an able successor to the band, but not close enough to draw copy impressions. She was caught by Clinton at the Meadowcroft, Cedar Grove, N. Y., where she was working with a small group during Clinton's recent date there.

Tap at the Grove for Clinton's date the cover after 11 on weekdays and \$1 per on weekends. Dinner from \$1.50 up.

BENNY THE BUM'S

(PHILADELPHIA)

Philadelphia, May 20.

Rompage and His Men, a band (12), Johnny Howard, Vanderbilts (2), Cortes & Marquis.

Novelty of a fame-battered band, Ramona and Her Men of Music, makes a good start. The band, led by Benny the Bum's. Aside from the band's talent and undiminished ability, it is well able to stand on its own feet musically. It provides solid work of Ramona herself, both vocally and at the grand.

Gal, who reached heights as warbler, she's a good singer. The crowd improved if anything. Fairly nice looking and with a pleasant personality, she's a good singer. Her place at the head of her men for the first time, while during the dance she pounds the keyboard of a piano. One of the men, Mike, at her side allows her to chirp while he sings. The band is a good one for a couple of numbers, too, during the act.

Band shows signs of a few show-bummy acts, such as raising when Ramona comes on. The crew is made up of four brass, four sax and four drums. The band is a sweet swing, with the brasses over the drums. The band is a good one for a couple of numbers, too, during the act.

Johnny Howard m.c.'s the show. He's a good singer. The crowd improved if anything. Fairly nice looking and with a pleasant personality, she's a good singer. Her place at the head of her men for the first time, while during the dance she pounds the keyboard of a piano. One of the men, Mike, at her side allows her to chirp while he sings. The band is a good one for a couple of numbers, too, during the act.

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One Big Union

(Continued from page 1)

only one set of dues, to have the various union stuff in a single office in New York, to have joint bookkeeping systems, a more or less common treasury and to have overlapping of administration functions. Planned such simplification and centralization will drastically reduce expenses by cutting down existing rent payments for different offices, duplication of administrative and clerical expenses as well as provide much more efficient handling of the organization's affairs.

Foreseen that the "one-big union" idea will avoid the jurisdictional squabbles that have marred F. A. A. history during the last couple of years, will give the various member groups more cohesive strength and will cut dues payment to the members by requiring only the single membership card. There has been a growing agitation a young performer members for some such revision, since the growing diversification of

show business has required actors and artists to join several unions, with a consequent multiplication of dues. Although the F. A. A. has a modified "interchangeability" rule now in force, observers have felt that the situation would be improved by the F. A. A.'s changeability in the Four A's is among the lawyers, with two or three attorneys representing all the groups.

Amendment to the Four A's constitution, which was voted by the organization last week. Under the previous setup the SAG would come out of the SAG and the SAG would be a new ruling, which was proposed by the film body, provides (within the revised limit of one-third of the total) for representation on a sliding ratio of the total membership of the participating union.

Radio Doubts

(Continued from page 1)

agitation. The reasoning is along these lines: John U. Reber of the J. Walter Thompson agency, advertising one of the best show builders in radio, was given the run of the town's talent and undiminished ability to whip together an hour show for the cereal parlor. What he came up with was the most expensive radio show ever delivered to a sponsor and which since has proved to be the season's most gigantic flop. Program costing one-third of its outlay have more than doubled the Circle Cross radio rating.

Although General Foods and Standard Brands biggies won't admit they're fed up on Hollywood shows, it is no secret that the Maxwell House washup with Metro is just as welcome to the food company as to the studio execs. Colby Chester, headman of GF forces, reluctantly commented on the situation when here last week but those close to him say that he feels production costs out here are way out of line and if the solution lies in passing up expensive picture talent then their work is cut out for them.

Campbell is said to have jumped the gun in pulling east last week, folding Hollywood. Hollywood is a long road. Latest move is to junk the hour show and join the radio parade. Some are wondering whether that isn't the tip-off to what's to come with too much time in the air of reduced budgets and Hollywood exodus.

Unna Wyte exec declared the only saving grace for Hollywood is the fact stars to cut their asking prices—right down the middle—when it won't salvage the whole situation.

Unna Wyte's London Date. Unna Wyte, vocalist at Ben Marden's Riviera in New Jersey, sails for London today (24) for an engagement at the Coconut Grove there. Date will be the first in a series that will carry the singer to her native Calcutta, India.

Miss Wyte is the wife of Lee Morison, N. Y. Mirror Broadway reporter.

The Carvo, Vancouver night spot, has opened with a door show and band.

POOR BUSINESS FOLDS
2 FRISCO NIGHT CLUBS

San Francisco, May 23

After several attempts to get by with a local band in the Rose Room at the Palace Hotel here, management has closed the room until a local band can be found. The holding forth in the Rose Room, the Palace's cocktail lounge continues. The Shalimar Hotel's orchestra (May 1) by Gene Krupa's orchestra dark again. Owners are reported to have the Shalimar Hotel's orchestra reopen as a roller-skating rink.

Royalty Hurts

(Continued from page 1)

ties' presence and 'welcoming' Minneapolisians.

Montreal, May 23.

Theatre groups here below expectations for the bi' day, Thursday (18), of the Royal visit. They were all the way from 4-6 p.m. with checks issued to the few in them during the afternoon. Montrealeers are no believers in cash payments when they have a free show at the price of standing for a couple of hours. The very fine weather here made it quite pleasant in the streets and the Royal spectacle was not over until 10 p.m. The current week's The Capitol and Palace did fair for the day, and the midnight show of Stravinsky did only so-so.

For the whole of last week, of course, there was a different story, with some 200,000 extra people in the city crosses were all high. Frank Fay's show at his Majesty's was a flop, grossing hardly above \$3,000. Montreal seems to have definitely rejected vaudeville, whether at the Palace, \$2 top or at the Loew's of late months.

Loew and Eddio's, N. Y., opens its new act in Paris room tomorrow (Thursday).

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Ann Whitman
Joe Lawrence
Betty Marx
Doris Bartlett
Lorraine Richards
Myra Lou
Nursie Joseph
Helen Robinson
Patsy Du Brac
Therone

Minnetta Cline
Joy Kalkes
Angeline Linn
Dorothy Dawn
Dot Egan
Roxanne Villion
Art Fishere Or
Morrison Hotel
(Boston
House)
Manfred Gottshall
Nameless Cafe
Uncle Sam
Oma May
Gwen Paul
Vergie Strong
Evelyn
Ginger Dix
Lucille Carroll
George
Gypsy Zena
Mary Lou
William Thomas
Billy Kent
Henry Sax Ore

Berale Green
Saxon Hise
Cheri
Julius Scott
Verne Wilson Ore
Thompson's 16 Club

Ray Reynolds
June & Allen
John
Sally Hyde
Lester
Alice Hansen
Patsey Thomas
Mama Hardy
Sammy Frisco Ore
- Three Ducos

Baby Dones
Charles McBride
Mrs. Stratton

TMAT Groups Still at Odds, This Time Over Constitutional Changes; B'way P.A.s Fight Job Curtailment

A torrid board meeting of the Theatrical Managers, Agents and Treasurers union was held Friday (19), the particular controversial issue being the minority report on constitutional changes. Matter concerns an attempt by one of the factions to limit the number of jobs the New York press agents group may hold. Issue is known as 'multiple employment' and while at various times there have been 'one job for one person' proposals, the position of the Broadway P.A.'s has not been affected. The report emphasizes the rift between the agents and agents, and the argument for a constitutional change limiting jobs was made before the board by a room man who also belongs to the N.Y. chapter.

Claimed that changes in the rules affecting any chapter cannot be made unless favored by two-thirds of such group, and the Broadway P.A.'s believe such a majority is unlikely to accept to changes agitated for. One of the P.A. members stated that when changes are deemed necessary, the group itself will act. (Continued on page 43)

Letty Not Morosco's Exclusive, Court Rules In Favor of Greenwood

Los Angeles, May 23. Oliver Morosco was denied an exclusive right to the name 'Letty' in his business even though he had produced the oldtime Broadway hit, 'So Long Letty'. Veteran producer's suit for an injunction restraining Charlotte Greenwood from the use of the name in a stage play was tossed out of court.

Judge ruled that it was so long since 'So Long Letty' that the connection is old enough to pick her own company. Decision was rendered after the court had seen a demonstration of Miss Greenwood, showing that her limbs were so long and so limber.

Miss Greenwood is now on her way to Australia for a four-month tour.

EQUITY EASES ALIEN RULE FOR NEW PLAY

Equity rules stipulate that no alien player can appear in stock, but granted an unusual exception for trying out a drama in a Connecticut highway. Play is of foreign origin and is titled 'On the Children', and will be put on by William Castle at an small country showup in Storrs, Conn.

Ellen Schwanke, who appeared in the German film 'Madame X' in 'form', will play the lead because of the exception, she being over here under the quota. Madame X, which the play calls for a dual lead and that it is necessary for the actress to have an accent, will have an all-Equity cast of 14 and the play is due on Broadway, dependent on the rural showing.

Reinhardt Producing 239-Yr.-Old Comedy

Hollywood, May 21. 'At Your Service', classical comedy dating back to 1709, gets its first American production by Max Reinhardt at the Astoria, for 14-day run. Play opens at 55 cents, with \$1 for remainder of the run. Cast is made up of Reinhardt Workshop players.

EXPECT 18 LEGIT SURVIVORS

Grosses Dive Further and Avalanche of Closings and Exiting Notices Follows—Equity Forced to Handle Biggest Rush for Salary Cuts in Its History as World's Fair Murder Continues

RELIEF DELAYED

Broadway is in a turmoil over diving grosses. Despite the World's Fair, predictions among show people that the number of possible summer survivors as low as eight attractions. Not included are the several musicals slated for June and July. Possibly a couple may be let out, but two are actually in work.

There was an avalanche of closings and closing notices. Managers who had looked forward to the Fair to bring prosperity were overconfident, it now develops, and that also goes for hotels and cafes. So steadily were the declines at most boxoffices that, while last week started with only one definite withdrawal, there were 20 by Thursday (20) foldings ordered by Thursday.

Never in the history of Equity was so many petitions for relief for permission to take salary cuts filed within so short a time—a few days—than ever did so many shows slice pay at virtually the same time. Actors rules stipulate that the players must be agreed about cuts, and that application may not be made by managers without assent of the cast. In some instances, the petitions suddenly appeared, doubtless inspired by the posting of closing notices.

At least seven attractions accepted cut reduced salary basis, which is to \$50 per player per week and an arrangement whereby a percentage is payable dependent on the gross. Under the Equity regulations on cuts, those under contract for higher money cannot accept the \$40 minimum when a cut goes in and \$50 becomes the minimum. Despite the cut, at least two shows stopped Saturday, business dropping that low.

Shows on that basis are, or were: 'The Primrose Path', 'Stars in Your Eyes', 'The Boys From Syracuse', 'The Great Money', 'The Family Portrait', 'Kiss the Boys Goodbye' (closed) and 'Mama's Daughters' (closed).

Stars' Own Terms In several cases there are starred or featured players who were on a (Continued on page 45)

WEBER DENIED INJ. ON '3 WALTZES' SUIT

N. Y. Supreme Court Justice Julius Miller has denied an application by L. Lawrence Weber for a restraining order against the Famous Players, Inc., and Lenarch, Inc., to prevent the exhibition at the latter's Theatre Guild, of 'Three Waltzes'. The judge set trial for May 29. Weber sought an injunction, attributed in the U. S. by media, he had purchased, for \$10,000, all rights to 'Three Waltzes' from Select Theatres Corp. (Shubert's).

Soflor Films, of France, made 'Trois Waltzes' which is being distributed in the U. S. by Yedea, hence its infringement claim.

'Paris' Adds 2 Acts

The Shubert's 'Streets of Paris', due at one of their Broadway theatres this week, has added to the New England Playhouse here. A. H. Barnet, a well-known Broadway producer, has been cast.

\$75 Minimum Up Before Equity Council; Opposition Claims Will Hurt Prod., Hypo Unemployment

Crix' Free Act

Will Yolem, p.a. for Lew DuFour & Joe Rogers' five side-shows at the N. Y. Fair, invited the New York dramatic critics Friday (19) for the formal premiere of the John Hix show, 'Strange As It Seems'.

The Barker seized upon the visit of the critics to spoil, 'Come in and see the freaks, all the Broadway dramatic critics, and other oddities.'

FOLLIES' AGAIN DELAYED IN FRISCO

San Francisco, May 23.

Another postponement of the opening of the 'Ziegfeld Follies of 1939' at the California Auditorium on the San Francisco Island occurred Friday (19), when, seven hours before the first performance of the new J. J. Shubert show word was given to the press of the inability to open until Monday.

Reports were that Equity had made good its threat to prevent the Follies from opening on the Island unless the San Francisco Bay Exposition Co., backers of the production, signed an Equity contract. Fair agents had already signed with American Federation of Actors and had done nothing about radio claim of jurisdictional rights.

Although the belief is that the jurisdictional squabble between Equity and AFA is the real reason for the show not opening until this has been decided, expo officials claim that the show did not open because of failure of four trunks of costumes to arrive from New York.

Notice of cancellation of the Friday night performance was given to the newspapers and radio stations around noon. Frantic last minute efforts were made to advise public. The show opened on Saturday (20) performances on opening night were complete sellouts, with unusually heavy advance reservations for Saturday and Sunday. Original date of opening of the Shubert Follies was Monday (21) and practically all the posters around the Fair and the Shubert Company have been carrying this date. Those not following the radio announcements or reading the evening papers about the second postponement learned about it after their march to the Island.

John Gerratty, manager of the Follies, received a wire Friday from Lewis Mayer, American Federation of Labor representative, that Equity must first proceed in proper manner to establish its jurisdiction over the show and that the AFA contract now in existence between the Fair and the Shubert Company will be supported by AFL until the Four A's decide who shall be the proper representatives.

LEGIT WINS DEB

Emme O'Brien to Bow at Ridgefield, Conn., Strawhat

Ridgefield, Conn., May 23.

Emme O'Brien, one of the most widely publicized of last season's Broadway stars, has been cast in the New England Playhouse here. A. H. Barnet, a well-known Broadway producer, has been cast.

Proposal to do away with the present \$40 weekly minimum and limit it to \$75 for legit actors was discussed by Equity's council Monday (22). Understood that the issue aroused determined opposition on the part of some leaders of the actors association, but it was felt that the matter should be considered prior to the annual meeting Friday (28) at the Astor, N.Y., so that the council would be prepared should the proposal be then made from the floor.

In an absence of Arthur Byron, who is ill on the Coast, Bert Lytell, first vice-president, will preside at the meeting. The firm has nothing to do with the issue and have been raised from the floor and been thrashed over in open meeting.

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Increase to \$75 is the plan broached during the session by E. J. (Jack) Whelan, former independent candidate for Equity's presidency and who is of the council. He is appearing (Continued on page 43)

Olsen-Johnson Inc. For Biz, Uncovering Classy Monickers

Olsen and Johnson is a now bonafide business men, having incorporated under the name of Hellzapoppin, Inc. The firm has nothing to do with 'Hellzapoppin', the show at the Winter Garden, N. Y., in which Olsen and Johnson have been raised from the floor and been thrashed over in open meeting.

White the application for incorporation sets forth business and theatrical ventures, the firm will have interest in sweaters carrying the name of Hellzapoppin, several games and a book of rags and gauds. Book is a collection of rags and gauds, like Harold O. Johnson, identified as Calk, furnishes a Central Park residence. Third incorporator is Abraham Males, who is their attorney.

Due not intend going into the manufacture of the games and other articles, but to have a percentage, or royalties. They have invited 'Streets of Paris', however, with Joe Shubert and Harry Kane, New revue opens in Boston and will be a June event at the Grand Broadway, where the front-running 'Hellzapoppin' opened.

B'WAY FOLDUPS RAZE ISSUE ON TMAT PLAY

What with sudden closings on Broadway within the past two weeks, the matter of refunding tickets sold in advance brought up some questions of pay to boxoffice people. Some managers argued on transferring the refunding from dark spots to houses which were lighted. Agents and Treasurers' union, however, has decided that the amount of money to be refunded shall drop to \$100 or less. Tickets are being paid on a daily pro rata basis. At the Music Box, where there has been a stage job, the entire crew, the b.o. remained open for two weeks to refund two weeks' tickets on a pro rata basis. The matter was among the sudden withdrawals.

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U. S. DETAILS A STATE-BY-STATE LIST OF ALLEGED ANTI-TRUST VIOLATIONS

Bill of Particulars, Demanded by Major Film Companies, Stresses Alleged Coercive Methods—Forcing Theatres to Sell, Overbuying, Etc.

(The U. S. Government Thursday 25) filed a bill of particulars in New York federal court in response to a subpoena William Broun, Jr., of Paragraph 6 of the demand by the major companies for a bill.

Paragraph 6 stated that the major companies, through coercive and distress methods, forced independent exhibitors to sell their theatres. The majors demanded to know each individual case, including the time and date of the sale, the type of method used, and what major distributor was involved. Judge Bonvillian's decision allowed the majors to request, only permitting the Government to withhold information where it had specifically been asked to do so by independents. In this case the U. S. must furnish names 20 days before trial.

The Government's bill states that it is incomplete. But the bill does name 12 individuals who were claimed to be involved in 55 different situations, covering a period from 1918-1938.

In the 55 situations, Paramount is the worst, according to the Government, having cited 11 cases in 19 times. RKO is accused three times; 20th Century-Fox, six times and United Artists, five times. The other major distributors is not included at all. It was disclosed by independent exhibitors that the probable reason behind the failure to include Loew's, is that the independent distributors involved there have requested their names not to be furnished until trial.

Alleged coercive methods are cited including forced selling of theatres; 23; forced leasing of theatres; 23; refusal to lease theatres; 2; forcing an independent to cancel construction of a theatre; 1; threatening to withdraw of product; 10; threats to build opposition theatre; seven; threats to sue; additional competitive theatres; four; and excessive film rentals; two.

The cases cited are as follows: The Colonial and News, Jasper, Mo., in 1933-35, were forced to sell to sell because of theatres open and operate opposition theatre because of better product. The independents forced out were Joe and John Johnson.

The Rialto, Russellville, Mo., in 1939 by Paramount; forced out because of discriminatory film rentals and refusal to lease theatres for showing of short subjects and news reels. R. V. McGinnis was the independent operator.

The Arkansas, Little Rock, in 1933, by Paramount; forced out, insufficient and desirable product. Owners of theatre were Andy McNeill, Wright H. Blackwood, Eugene T. O'Brien.

The Compton, Compton, Cal., in 1934, by Fox; forced out because to sell because of building of opposition theatre, depriving of product.

The Tower, Los Angeles, in 1935, by Fox; was forced to lease to a theatre because of better product. Owner, H. L. Gumbiner.

The Sunlight, Pomona, Calif., in 1934, by Fox; forced out because deprived of product. Independent exhibitor, Maurice Felgenbaum.

The Oakland, Oakland, Cal., in 1937 by Fox; forced to close by threats to license; opposition affiliates also closed. Fox also reopened old theatre, and double-booked at its better house at reduced prices. Independent exhibitor, Harry Bott.

The Auditorium, Lakeland, Fla., in 1934, by RKO; forced to close through opposition theatre and depriving of product. Independent exhibitor, L. D. Darby.

The Rivoli, Tampa, in 1931 by Paramount; forced out through opposition theatre, and giving product for other majors. Independent exhibitor, W. M. Darby.

Gordon, Atlanta, in 1934, by Fox; forced to close through opposition theatre, by being advised Paramount affiliate was going to build within five miles of the site. Fox also promised of product. Independent exhibitor, Claude D. Swint, took loss of \$2,000.

The Alamo, Gainesville, Ga., in

1918-30, by Fox, forced to sell through threats to build opposition theatre and deprive product. Independent exhibitor was the Theatre. The Lake, Oak Park, Ill., in 1935; deprived of product, unable to secure clearance on theatre. Independent exhibitor, Greater Chicago Theatre Corp.

The Palace, Gary, Ind., Palace, Canton, O.; Palace, Marion, O.; Marion, Marion, O.; and all other independent theatres in Indiana, operated by Verner U. Young, in 1928, or corporations in which he held an interest. Paramount was the major distributor, and it threatened to spend \$500,000 to eliminate independents in Indiana, forcing Young out.

The State, St. Paul, in 1933-34, by Fox, forced out by threats of opposition theatre and depriving of product. Independent exhibitor was the Theatrical Mfg. Co.

The State, in Algona, Ia., in 1935-37, by Fox; forced to sell because of opposition theatre and depriving of product. Independent exhibitor was the Theatrical Mfg. Co.

The Capitol, Marshalltown, Ia., in 1934-35, by RKO; forced to lease theatre to major because of opening subsidiary, depriving the independent exhibitor, C. C. Dunsmuir.

Granada, Sioux City, Ia., in 1936, by Fox; forced to lease to major because of unreasonable clearance, and depriving of product. Independent exhibitor, Nathan and Abe Sadoff.

The Strand, Gardner, Me., in 1933-37, by Fox; forced to sell because deprived of product, because of opposition, price war, unwarranted interest in building, depriving the independent exhibitor, Silver Spring, Me., in 1933-34; by Warners, in 1933-34; forced to sell because of opposition theatre, independent exhibitor, William E. S. Wilcox.

The Fox, Kansas City, 1937, by Fox, forced to sell through unreasonable clearance, depriving product, and depriving of product. Independent exhibitor was Brookside Theatre Corp., Stanley H. Swann.

The Swan, Columbus, Neb., in 1935, by Fox; forced to sell because Fox was opening the theatre to sell first-run product away from him. Independent exhibitor was William N. Youngblood.

The Lincoln and Orpheum, Lincoln, Neb., in 1933, by Paramount; forced to lease to major because of product. Independent exhibitor, Frank D. Sager.

The Kingsway, Brooklyn, N. Y., in 1934, by RKO, sold lease to RKO, because of threats to build opposition theatre and take away product. Independent exhibitor was Century City.

The State and Stratton, Middletown, N. Y., from 1928-31, by Fox; forced to sell because of excessive film rentals, unreasonable book booking terms, opening opposition theatre, independent exhibitor, Edward Quittner.

The State, Marion, Marion, O., in 1933 or 1934, by Fox; forced out by threats to build opposition theatre, independent exhibitor, Theatrical Managers, Inc.

The State, Greenville, S. C., in 1919-20, by Fox; forced to sell because of opening of opposition theatre, and depriving of product. Independent exhibitor, L. D. Joel.

The Merrick, Long Island, N. Y., in 1934, by RKO; forced to sell because of product through acquisition of Allen, opposition theatre. Independent exhibitor was Century City.

The State, Watertown, S. D., in 1928-34, by Fox; forced to sell because of opposition theatre, independent exhibitor, Carl P. Knudsen.

The Rio, Beaumont, Texas, in 1938, by Fox; forced to close through being deprived of product. Independent exhibitor, Robert Z. Glas.

The State, Dallas, Tex., in 1937, forced to sell due to discriminatory clearance, minor distributor, elimination of double

'Freeze' Film Rentals

Philadelphia, May 30. Request that a resolution be passed asking districts to freeze film rentals for next season at the present rate was tabled at an Allied exhibits meeting last week. Leaders of the organization considered such resolution bad tactics, arguing that if exhibitors want prices the same as this year, they must ask for lower ones, since the districts always demand something to commission on.

Sid Samuelson suggested the tabling of a resolution, explaining his tactics, which met with general agreement. He then read reports from other Allied units, indicating that everywhere buying is going slower this season than before. All agreed to wait at least until after the national Allied convention on June 15, when reports on deals from all over the country will be compared.

DU PONT AFTER 100% PATHE CONTROL

Wall Street reports are that Du Pont interests are going to offer an interchange of stock which would give Du Pont complete control of Pathe Film, Inc. Basis of swap will be one share of Du Pont Common for each share of Pathe common.

It is known that Du Pont is chiefly interested in the principal assets of Pathe, consisting of 3,500 shares of DuPont Film Mfg. stock. Move is in preparation of an expected exchange move in the near future, held by DuPont to complete more extensively hereafter with Eastman Kodak.

Financial experts in the street claim that the DuPont interests could acquire the 3,500 shares held by Pathe by setting up some sort of merger of Pathe and DuPont Film Mfg. By doing this stockholders would avoid having to pay heavy losses involved in sale of such stock for cash.

At the current market value, Du Pont Film is selling at \$145 a share. They might exchange 55,000 shares, currently held in the treasury, for \$2,000,000 of Pathe Film common. This would eliminate any transaction for cash.

It will be recalled that DuPont Mfg. is reputed to have bid \$3,200,000 for the stock held by Pathe when the initial plan for reorganizing Pathe Film came up six months ago. Pathe was then valued at \$2,000 per share. However, even if \$9,200 a share had been obtained, the DuPont interests would have lost \$2,800 to \$2,800.

Swap of the stock is looked on as the most feasible means of DuPont getting control since the late Pathe interests have since involved paying out \$1,400,000.

Pathe Laboratories, a newly formed and separate corporation, would not be included in any deal. Banking circles were dubious whether any stock exchange plan would be consummated before the year, when a better picture of the tax setup will be available.

L. A. TO N. Y.

Robert Barker, executive producer of the new Fox film, "The Sign of the Cross," is expected to leave for New York City, where he will be in charge of the production of the film. Barker is expected to be in New York City for a period of several weeks.

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Other News of Interest to Films

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Gov't Bill of Particulars Aneet Col. Is the Most Informative Yet

SUBSTANTIAL TRADING IN MONO FILM STOCK

Washington, May 30. Substantial trading of Monogram Pictures stock, started by Joseph B. Co. and Co., was revealed Monday (28) by Securities & Exchange Commission.

Monogram, started in October, 1937, showed total of 2,267 shares common sold during latter part of that month, leaving the firm with total holdings of 13,872 shares. On Jan. 7, last Sisto & Co. shifted off options on 68,110 additional shares of common, in two separate transactions, 5,000 shares being picked up by Sisto & Co., Stewart, New York colleague. Sisto's holdings at the end of January reported at \$5,742 shares.

Two other moderate film stock transactions recorded in the SEC report for March. Robert R. Young, Jersey City, added to his holdings of Pathe Film Corp. common and Preston Davis, New York director of Universal Pictures Co., added 10,000 additional shares of 8% cumulative 1st preferred in his company.

Young's purchase of Pathe stock on March 21, bringing his total holdings as one of the directors in the company to 20,487 shares. Davis' holdings in Universal 8% increased to 110 shares by his March 28 purchase.

Memo's \$154,000 Loan W. Ray Johnston, Monogram Pictures president, has negotiated a new loan of \$500,000 through O. Henry Brown, Pathe president, and a heavy investor in Monogram; the Continental Bank & Trust Co. and the Guaranty Trust Co. of New York. New financing is intended to take care of company's increased production budget for month 29-40 season product.

Monogram has been operating in the black for the last 10 months.

Steam Up at Mono Hollywood, May 30. Monogram is putting on a heavy summer shooting schedule to catch up with its 1938 season before the start of the new season in September.

Studio has 11 more pictures to make, including one special, "Murder in the Big House," two Bora Karloffs, one Frank Marshall, New Jack Randall, two Tex Ritter and one George "Burrhead" Rio, last of eight from E. B. Derr.

SAILINGS

June 28 (New York to Paris) Elsa Maxwell (Elmer).
June 7 (New York to London) Sonja Henie, Charles Tucker.

June 3 (New York to Havana) Mr. and Mrs. Mill Harris (Quirigua).

June 1 (New York to London) Maurice Evans (Aquitania).

May 30 (New York to Paris) Ignace Jan Paderewski, Mrs. Louis, Mrs. and Mrs. Rudy Rogers (Clare Booth, St. Charles).

May 25 (New York to Paris) Kirsten Flagstad, Mrs. C. W. Fisher, Mr. and Mrs. Edward Platt (Champion).

ARRIVALS

(At the Port of New York) Lewis Allen, Max Glass, Gregoire Kupperman, Max Litvora, Stuart Dunlap, Eric Pommer, Mrs. and Mrs. C. A. Canfield, Emmet Lavoy, Basil Davis, Mrs. and Mrs. E. A. Evans, Bert Reisman, Henri Klarfeld.

The U. S. Government Friday (26) filed a bill of particulars in N.Y. federal court in response to the demand by the major film companies, and is the last bill to be filed by the Government. Previous bills have been furnished United Artists Corp. and the other majors in a group.

Of all the bills, this one is the most informative. The Government first defines major producers, who, they declare, are those who have under contract valuable stars, feature players, directors and technicians, and who produce high grade quality films each year. There are eight such in the U. S., says the Government.

The U. S. then names 36 key cities and 151 first-run metropolitan playhouses. It claims that the majors, in refusing to sell second or subsequent runs, acted pursuant to agreements and understandings with the other defendants. The time, places, and names of parties or persons involved in the deal are named, but Columbia became a party to them in 1930 and still is. The bill also names the major distributors who will not sell second runs in certain situations where they are competing with affiliated theatres.

The phrase, "System and Series" is used to describe the method used by the defendants in carrying out their plans.

Columbia means the method of using franchises, contracts and agreements entered into by the defendants, in licensing of their stock. Series refers to the large number of franchises, contracts and agreements periodically executed in carrying out their purpose.

Under the contract to other majors at the same time to Columbia are Joan Blondell, Ward Bond, George Raft, Charles Duvall, Dunne, Paramount, RKO and Universal; Cary Grant, RKO; and Edward G. Robinson, Warners.

All of these stars were under joint contract after July 1, 1934.

It is alleged that the clearance and zoning schedules have been arbitrary and unreasonable because the territorial areas over which protection was granted was too wide, and the periods of time established between the granting of the protection to it, have been too long.

Cheaper pictures are those having a low budget cost, not highly advertised, and of poor quality, and directors who are not well known.

Columbia has been engaged in coercive selling along with the other defendants.

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Oklahoma's Buying Pool Going Through; More Co-Op Film Groups

Oklahoma City, May 30. Sing no post-mortem for the independent exhibitors buying pool for it is to be inaugurated in full force within the next few weeks if plans of Allied of Oklahoma leaders materialize. The buying pool plan, upon which association leaders worked for several months, then discarded upon organization of their independent association and its affiliation with Allied nationally, is being brought back upon demand of members of the organization.

Though no official comments are available it is learned that the buying pool plan as developed by the Oklahoma organization is to receive the backing of National Allied leaders in a test to determine how successfully it will operate. It is understood also that Allied may drop its plan for a national pool for the time being to concentrate all effort behind the Oklahoma plan. If successful, then, according to reports, Allied may adopt the same plan nationally.

The original setup called for continued actual selling of temporary product by distributor salesmen to independent exhibitors. The indie would only inform the distributor of what companies he had decided to buy, whereupon they were to negotiate the contract together with those of other pool members and distributors. When successful negotiations were completed then the exhibitor himself would sign his own contract with the distributor. Booking details and similar arrangements are to be made available to all members of the pool desire them, according to present plans, but membership in the pool organization would require a call for handling of booking details by pool officials, unless so desired by the exhibitor.

It was understood that at the association organization meeting attended by leaders of the districts last month, Col. H. A. Cole warned that should they form a buying pool his organization would fight it vigorously. However this was before leaders decided to affiliate with Allied nationally.

Wisc.-Mich. Buying Pool

Milwaukee, May 30. Max Weiner, president of the Wisc. Maerz has organized the Theatre Service Agency to act as a buying organization for independent exhibitors. In cooperation with the independent Theatres Protective Assn. in Wisconsin and upon the advice of Maerz is president. The buying group is expected to eventually include practically all independent exhibitors in the state, whereupon it plans to function as a booking organization as well.

At present, the goal is 50 independent. It will also combat circuit theatre expansion in this territory.

New Clacy Co-op Buyers

Cincinnati, May 30. Harry Bugie, former city salesman for Warner Bros., has organized a co-op film buying service. Enterprise is a branch of Co-operative Theatres of Ohio for which he is booker. He is being assisted by M. J. Mooney, with headquarters in Cleveland.

Ohio and Kentucky exhibitors operating 29 theatres have lined up with the Cinco office. Bugie announced Saturday that the co-op booker is Ray Frisz, formerly with Schine's chain of houses.

A similar service for this territory was recently announced by Maurice White and Nick Shafter, vet local exchange men and exhibs.

Goetz's Sailing Stalled

Ben Goetz, Metro's British production head, will not shore off for Europe as soon as he anticipated because called back to the Coast for conferences with Louis B. Mayer. Goetz now plans sailing for London about June 8 or 10.

PAR LOSES POINT IN STOCKHOLDER'S SUIT

Second attempt by counsel for Paramount Pictures, Inc. to get the N. Y. supreme court to dismiss a stockholder suit, for \$200,000 filed by Rae Nassof, has failed. Court was petitioned to force Saul B. Rogers, counsel for Nassof, to break the complaint down to specific causes of action. Justice Lloyd Church last Thursday (25) denied the Par motion which sought to establish specific particulars regarding alleged waste and mismanagement.

Justice Valente, week before last, also dismissed a similar petition. Rogers contends he has only one cause of action chiefly based on alleged waste and mismanagement in production of pictures.

PREDICT ALL 3 RKO APPEALS K.O. BY JUNE 5

Possibility that all three RKO appeals may be tossed out next Monday (6) loomed in the Circuit Court of Appeals Monday (29) when Justice Learned Hand, after listening to arguments by John S. Storer, to extend his time to file his record on appeal, declared that he did not feel sure that the extensions already granted Storer and the other two appellants were proper. It was the finding of Justice Hand that the extensions granted should have been given by a district court judge, and it was indicated from the bench that, after a perusal of the applications, if his present opinion remained, he would toss out the appeals.

Hamilton C. Rickaby, attorney for the Atlas Co. proponents of the plan of reorganization, opposed the granting of Storer's extension and stated that on June 5 he would ask for dismissal of all appeals.

N. Y. Federal Judge William Bondy reserved decision on Monday (29) on applications by the Chemical Bank & Trust Co. for attorneys, Wright, Gordon, Zachry & Parlin, and special master George V. Alger, for fees in the RKO reorganization. The bank and its solicitors seek \$34,785 and \$22,500 respectively for services as trustees under RKO's Collateral Note Indenture, from 1933-1938. They have already received \$10,000.

The applications were declared somewhat excessive by Rickaby, who said the Atlas and the attorney of Irving Trust. Judge Bondy, in reserving decision, declared that job of Judge Bondy then placed Schein on the spot by asking him what to give to Alger. Storer declared that he would give him the amount, and then give it to the National admission party ended with this point, with the Court reserving decision.

BOLTON'S OPERATION

Hollywood, May 30. Whitney Bolton, screen writer and columnist of the N. Y. Morning Telegraph, is in Cedars of Lebanon hospital for a major operation.

MORE COMPANY IN UNION NATION GREEN

Odlum Bowing Out of RKO and Other Film Interests; Selaskie-Whitney Potentialities Anew, Key-noted by Berman's Resignation

SCHAEFER ON PROD.

Growing importance of the Rockefeller influence in the affairs of RKO Corp. and its subsidiary, RKO Radio Pictures, is beginning to manifest itself in a concrete way. There has been talk in the trade for the past half year that those financial interests would play an increasingly important part in the company's affairs while, at the same time, there have been rumors that in preparation to the greater part the Rockefeller would play, so would the Atlas Corp. influence its investment position of the latter decrease.

A week ago Floyd Odlum resigned as chairman of the RKO board and submitted a list of directors for the post, Richard C. Patterson, Jr., former ABC vice-president, who resigned as asst. U. S. secretary of commerce in order to accept. He's understood to be Rockefeller ally.

According to reliable sources the next step will bring in Charles R. Richardson to head the RKO Executive Committee to straighten out and guide company's financial affairs. Richardson, who will be named as a member of the board, has a solid financial background. He makes his money as a New York stockbroker, a member of the Wall Street firm of Topp & Richardson, also served as treasurer of Fox Film Corp. and trustee and later director (Continued on page 18)

PAR BERMAN QUILTS AS RKO PROD. HEAD

Hollywood, May 30.

Pandro Berman tendered his resignation as production head of RKO, asking to be relieved Oct. 1. At that time he hopes to have completed pictures he has in preparation. Next move is to let the RKO board and president George J. Schaefer decide.

As early as last February Berman ceased to be relieved of his post in October, figuring that a three-month vacation would help him. He stepped out his income tax and keep him out of the higher earning brackets. Berman at that time tendered his answer to the request, as he wanted the production head to remain until the end of his contract in March 1940, so that the company would not have to readjust its top personnel during the production season.

Grainger, Yates Back

James R. Grainger returned to New York, Saturday (27), from Toronto after outlining the Republic picture situation to the board and to Herbert J. Yates, Rep. president, is due back from the Coast by end of the week.

Empire Films, Ltd. distributes for Rep. across Canada. It held its annual convention in Toronto Thursday and Friday (22-23), Grainger going up to advise on the coming season's picture from his company.

Bill Sully, Universal sales head, also went up to Toronto last week to detail the U program for 1939-40, this company also releasing its product above the border through Empire.

N.Y. Allied Urges Accepting Any Distributors' 'Crumbs of Concession, So Long As It Doesn't Crimp U.S. Suit

RKO DEFERS \$50,000 PAYMENT 6 MONTHS

Irving Trust, trustee of RKO, was authorized by Federal Judge William Bondy in New York, Thursday (25) to enter into an agreement with Radio-Kath-Orpheum Corp., the Bank of America, National Trust & Savings Assn., Chemical Bank & Trust Co. and Radio Corp. of America, the substance of which is to extend the time for the payment by RKO of \$50,000 principal amount outstanding of its 6% Secured Gold Notes, from June 1 to Jan. 1, 1940.

Interest will be continued at 6% per annum, and Irving Trust's application states that the postponement of paying will aid the corporation at the present time.

This \$50,000 is the last of an issue of \$118,000, the first of which has been paid off.

M-G MIXES 50% SETTLEMENT ON LYNNON

Metro is understood to be adamant in its 'Lettie Lynton' defeat, and is said to have poured a 50% cash settlement proposed by O'Brien, Driscoll & Rafferty, attorneys for Mrs. Margaret Arner Barnes and Edward Sheldon, authors of 'Dishonored Lady,' which was ruled to have been plagiarized.

Metro's appeal is predicated on the theory that the play, per se, doesn't merit the more-than-\$500,000 damage award, since there were other elements entailed which made 'Lettie' a success—such as the production, the vestiture, the directional skill, the stars (Crawford-Montgomery), the music, the lighting, etc.

The successfully suing dramatists, however, rely on the copyright statutes, and say that if they can prove per-theatre and foreign revenue damage their award could run even into millions.

They also say that they can prove territorial protection, where a U. S. copyright figures, is something else again.

Meantime, arguments were heard Monday (29) in the New York Circuit Court of Appeals. The court allowed a \$532,000 granted Mrs. Barnes and Sheldon, against Metro, Lasker and Culver Export Co. The latter want it cut to approximately 25% of that amount; also, arguments by the Barnes and Sheldons raised it to the \$587,000, which was allowed them originally by referee Gordon Auchincloss.

L. A. Okays All Night Flop in Pic Houses

Los Angeles, May 30. It's legal to sleep in a film house, take it from the city council, which killed an ordinance aimed at closing the all-night theatres on Main St.

Councilmen held that the bill would force 1,000 homeless men and women to walk the streets.

Marshall's U Deal

Hollywood, May 30. George Marshall, checked in at Universal yesterday (Monday), on a one-picture deal as director, studio holding option on future services.

Marshall wound up his contract last week at 1939-Fox where he had worked since 1933.

Following convention of the Allied Theatre Owners of New York, held middle of last week at the Hotel Astor, N. Y., it was learned that Allied States Assn., the parent national body, was proceeding slowly in acceptance of any part of the trade practices code or arbitration, in order to make sure that none of the rights of independent exhibs under the U. S. anti-trust suit and others, such as the Griffith case, would not be prejudiced. The angle is that these suits, together with pending legislation, might result in greater rights to exhibs, but the code—referred to as the Griffith code—ever to come, should capitulation to the code be indicated.

In exhibitor and Allied circles there is no doubt but that the code represents important concessions from the distributor and better than the indie against competing indies. But, politically, it is felt that Allied is an untried force, and it is ultimately to agree to the code, should everything in its power to protect its rights, directly or indirectly, in connection with more all-embracing trade practice reforms.

This stance, pending trial of the U. S. suit, the action against the Griffith Amusement Co. and others, Allied is generally counselled, is likely to delay Allied leaders in taking positive action on the code.

At the open forum highlighting the N. Y. Allied convention Thursday (28), Max A. Cohen, aggressive president of the group, issued a statement in which he expressed his hope that the question of whether the industry could be regulated from within, with its own, is preferred to legislation or litigation. Al Myers, chairman of National Allied, also generally counselled, conciliatory in attitude than militant, pointed out the same day that efforts have been made to show Allied in acquiescence on the code with important features missing or blank. Myers reminded that very little has been changed with trying to obstruct but without going into any angles (Continued on page 20)

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Newman Vice Smith as Coast IATSE Head; Bioff Trades 37's Attorney

Steve Newman, former International IATSE rep, today following resignation of Harold Smith, who will devote his full time as his rep of Southern Local 37, Newman has assumed under fire by deposed officers Technicians' association having been dispatched here by International to take the situation in hand following the 1933 strike fiasco. Smith indicated in his letter of resignation that talk of a peaceful solution in labor ranks is nearly hopeless.

Further switch among the IATSE international reps is believed to be in the offing. Frank Strickling has been released from assignment, ostensibly because of illness, and has returned east. Orin Jacobson, Tacoma IATSE international rep, has been brought here to replace Strickling and aid John Gately.

Action on the move for contempt citations against George E. Browne and other IATSE leaders involved revoking the technicians' charter, filed by A. Brigham Rose, counsel for the Coast local, is expected tomorrow (Wednesday), when Judge Emmet Wall returns from vacation.

Bioff Makes Things Ham
William Bioff furnished the fireworks during the first week of the fight. The former Coast IATSE international, Alliance of Theatrical Stage Employees is now a gentlemen farmer in San Fernando. Bioff, who resigned his post on Sept. 10, 1938.

A near riot occurred when Bioff returned from the witness stand, "you're a liar." His target was A. Brigham Rose, counsel for Technicians' local 37, who was called to the court the International from control of the local organization. The outburst came immediately after the attorney said to Superior Judge Henry M. Willis:

"I am trying to prove that Mr. Joseph M. Schenck of the Producers Association handed this gentleman a cashier's check for \$100,000. That check was for the IATSE were objecting to the question, and Rose had been asked to state the purpose of his interrogation. The courtroom became tense. John F. Gately, International representative who believed control of the court and others jumped to their feet. Judge Willis said a repetition of the occurrence would result in Bioff going to jail, and threatened to call in a squad of deputies and place one behind each individual, including Bioff. Bioff later apologized to the court and Rose.

Rose continued to pursue his interrogation as to whether Bioff had received \$100,000. The labor top answered most of the questions with "I can't remember," and refused to state he had \$100,000 in his pocket. He also refused to state he had \$100,000 in his pocket. He also refused to state he had \$100,000 in his pocket.

A few minutes later, however, his memory was refreshed when he was shown a copy of the transcript of the court proceedings. Even then he stated, "I can remember some of it and some of I can't." The transcript disclosed that Bioff had admitted receiving \$100,000, that he deposited it in the name of himself and wife but two days later withdrew it and placed the money in a safe deposit box.

Lo Loss and Repaid
The witness in his grand jury testimony had stated the money was a loan, and indicated that it had been repaid. The court refused to admit interrogation of the witness as to whether the IATSE had contributed \$100,000 to the campaign of Jeremiah Mahoney in an effort to defeat Newman's Mayor La Guardia, and that Browne, IATSE 37's president, charged off \$315,000 to general expenses with no further accounting. Bioff testified the only thing he knew about the 2% IATSE salary (Continued on page 3A)

Par Testing Mary Martin

Mary Martin, currently in "Leave It to Me," Broadway musical, is being screened this week by Paramount.

The legit show is her first stage experience but she did have one of those Metro optical contracts for a brief spell. Laurence Schwab is her personal manager.

Plenty Happens When an Effect Goes Awry in Pix

By GEORGE E. PHAIR

Hollywood, May 30. It's all phoney—rainstorms, earthquakes, floods, fires and hurricanes in a picture studio—but now and then the props get together and put on a more realistic show than the super-specialized producers.

Artificial gadgets, built to lend realism to "The Rains Came," got together on the set at 20th-Plex the other night and produced a short that might be titled "The Rains Came," or, "Ain't We Got Efficiency?" It opened with a sizzling love scene between an air light and an awning on a Hindu palace, rated at \$50,000 in studio money. Swept by the sweet-scented California breeze, the air light started knocking over the awning, which had been impassioned that it burst into flame. The heat and the tropical moon resembled the Hindu palace of the good old romantic days on the banks of the Ganges, so it got hot also.

The romance grew so intense that the rain machine overhead got that way, too. A rain machine is built on the same principle as a fire extinguisher. It is allergic to heat. This particular rain machine, fashioned on a colonial style, had been nursing a cloudburst for a sequence in the picture. Presently it could stand the temperature no longer and cut loose with the most gigantic impromptu rain ever seen in Hollywood.

Before the firemen in their neighboring vicinity had time to slide down their brass poles, the conflagration was nothing but a cloud of blazing rain. The drama wound up with the awning burned to a crisp, like the moth which had fluttered around the flame. The \$50,000 Hindu palace had a few blisters on its facade, but nothing serious. The fire light continued to swing the breeze, with a cold eye and a hot heart. One of those modernistic rain machines, with villain prevailing in the final scene.

HOLLINGSHEAD REINS WARNERS' 78 SHORTS

Hollywood, May 30. Warners upped Gordon Hollingshead to head of shorts production under general supervision of Bryan Briclee sked calls for 78, ranging from one to four reels, mostly in color.

Time Takes a Long March Thru H'wood

March of time is making a two-reel, "History of the Movies," which is shown in the program of the industry since its beginning. Alan Brown is supervising the production, which will be released in July.

HIGH ENERGY UP TO THE CHAIRS

Rules to Govern Trade Disputes Proffered the Nation's Exhib Bodies—Two Types of Arbitration Boards for Each of 31 Exchange Centres

RETROACTIVE TO JAN. 1

By ROY CHARTER

A set of rules to govern arbitration under the trade practices code, of which it is a part, new awaits approval of the country's exhibitors, with the distributors having determined that, until the pact and arbitration are given a trial, there will be no enlargement of its provisions. Rather than enlarge on the code, after the months of work and diligent effort that have been made the distributors will take their chances on legislation.

The fair trade practices provisions are retroactive on all 1939-40 contracts closed since Jan. 1, and is to go into effect for two years, meaning for the 1939-40 and the 1940-41 seasons. Any significant effect for withdrawal of the expiration of the two-year term by giving six months' notice of such withdrawal. The two-parties plan is set in the belief that this time would be required to establish arbitration boards and get the machinery into operation.

This is expected to be a cumbersome task, since large variety of neutral and semi-neutral arbitrators are to be set up in each of the 31 exchange centers in the United States. Canadian exchange points, always a part of the "domestic" market, and governed from New York, are not included.

Two types of boards are provided for, permanent and a special board, for each key where distributors maintain sales branches. The special boards mostly are to function in cases where disputes are between more than two parties. Where one or more parties to a dispute brought before a permanent board, the board is to be submitted to a special panel, then it will be determined by the latter. Until permanent boards are organized, special boards shall bear all cases.

Number of arbitration over 13 printed pages but though in legal language, are set forth clearly enough for any exhibitor to understand them.

Arbitration Boards To

Number 5 to 10 Members

Distributors signatory to the code, plus their affiliated theatres, and the exhibitors in the respective exchange shall together, but by unanimous action, appoint a panel of not less than five exhibitors and neutral arbitrators in each exchange key. They are to preferably have one exhibitor and one distributor, business, but shall not in any case be identified with any distributor or exhibitor, and one from the exhibitors are to be paid for their work.

The permanent boards shall call for appointment by exhibitors and exhibitors' group of 10 arbitrators and selection of 10 arbitrators by the independent exhibitor group. Dispute-deciders are to be associated with some branch of the film industry and will serve without compensation.

In making up permanent board list will have cases where one are to be chosen. One will be chosen from the exhibitors' group for such length of time as the members of such panels shall agree upon. The two from the exhibitors' group shall be a third from the neutral arbitration group, but if unable to (Continued on page 12)

Billy Rose's Aquacade Offered Films; Asking \$300,000 for Screen Rights

Siegel Due Back at Rep.

Hollywood, May 30. Max Siegel, Republic production head, is due back on the lot about June 10 if he's okayed by the doctors after his West Indies trip. Herbert Vane, Republic board chairman, who has been functioning in Siegel's absence, goes east this week-end and will later accompany Gene Autry to England.

A deal is being worked to sell screen rights to Billy Rose's Aquacade at the New York World's Fair, and toward the two day personalities, Eleanor Holm and Johnny Weismuller. Later is Metro's own "Turan".

Whether the title "Billy Rose's Aquacade" would be or could be sold for film purposes is not clear. In the probable event of the N. Y. Fair, going a second summer a film release under that title would have to be weighed as a boxoffice influence.

How Showmen Figure

Rose has figured out an unusual film-price standard. He has set it at the rate of \$100,000 per 1,000,000 customers. Showmen's theory is that if more people pay him 60c to \$1.10 at N. Y. World's Fair, the greater its ballyhoos worth for Hollywood. Here picture prices are expected to be clocked by the end of the first year of the Flushing Meadows, hence a belief that the screen rights to his Aquacade production should come to the Metro picture house in less than a month, the water spec has pulled \$500,000 customers, so his calculations are presumably plausible.

George Jessel is another of the N. Y. Fair producers who has a picture ready to be made into a film. He's agreed to deal with Joe Schenck of 20th-Fox. "Old New York" Village is the idea.

Folies Bergeres Also Up

Hollywood, May 30. Click of Clitney L. Fleckenstein, "Folies Bergeres" at the San Francisco Exposition, and currently at Grauman's Egyptian, is expected to be utilized in the show as a nucleus for Hollywood. Fischer has been huddling with the producers.

"Folies Bergeres," as a title, has been used before in films by 20th Century for a Chevalier starlet.

GROSS LOOKING AFTER U'S LINEUP OF SHORTS

Hollywood, May 30.

Start of a new series of 13 shorts await the completion of two new General films. The shorts are contracted at Universal. Shooting starts about July 15, with Jack Gross as general supervisor. First briefs will be released in September.

Langton New Boss Of Writers at Paramount

Hollywood, May 30.

Francis Langton moves in as head of Paramount's writing department. He will replace the late H. M. Warner. Richard Halliday, chief of the story department in New York, takes over similar duties at the studio.

These two departments were formerly handled by Henry Wolf, who is leaving the lot to go into production.

William E. Mick, long without a film suit in circuit court Wednesday (24) for an injunction to restrain A. L. Rudin from entering into a distribution, from selling the film "When Germany Fell." Hearing set for next Friday (25).

Mick alleges that Rule, owner of the film, agreed Feb. 12 to permit Rudin to enter into a distribution in Minnesota and the Dakotas. On April 19, the suit said, Rudin agreed to enter into a partnership with Mick, under which Mick could show the film throughout the U. S.

Par Theatre Convention Idea Cold; Individual Pard Parleys Instead

Instead of holding a Paramount theatre convention, on and off for over two years, under the company's partners and operators in the field will come in during the summer one more time since the company's contact deals with distributors as well as to confer with Barney Barmat, John Metter, Paul Phillips, Donald Goldenson, Moni Gorenthorpe and others on matters affecting their interests.

Noted believers in it is more desirable to sit down with the various partners, of which Par has many, to get over problems and plan individually, since they differ as to operators and territories. The expense of a national convention thus also eliminated.

During the past week, several operators were invited to the home office huddles, including Abe Blank of the Midwest, together with Ralph Branton, J. G. M. J. Fried and L. J. Ludwig, northwestern operators for Par; Mary Mullin and Sam Pankus, New England; Hunter Perry, Virginia partner; and George Walsh and Eugene Levy, upstate operators.

Branton declared conditions in the middle west are satisfactory, being less hard than the section in which he is located. He is in charge of Fried, who went back to Minneapolis Friday night (29) to visit his family. He is in charge of that business is down in his territory but that a usual happens at this time of the year after the long Minnesota winters, with pickup ordinarily coming in July.

Fried stated that February was the worst in the northwest in 27 years, according to his records, and unusually cold, icy weather.

F & M WINS POINT IN ST. L. AGAINST IATSE

St. Louis, May 30. St. Louis Amuse, one of five in chain of 31 cities in St. Louis, operated under contract by Funcher & Marcus, was first round in its fight to prevent James A. McKewen, court-appointed receiver of IATSE Local No. 143, from recently John P. Nick and Clyde A. Warden, who were recently chosen for receiving protection of his own choosing for various St. Louis theatres.

In a suit filed last week in the Missouri supreme court, the Amuse, who asked for an injunction to prohibit Judge Ernest A. Oakley, who appointed McKewen after he had been fired and who was now forcing his recent order permitting the receiver to select operators for the theatres. The company contends Judge Oakley's interpretation of a contract between it and the operators is incorrect and enforcement of it will be detrimental to the theatres affected.

The Supreme Court wired Judge Oakley to take no further steps in enforcing his order until the matter is adjudicated.

Dead Enders Come To Dead End at Warners

Hollywood, May 30. Six Dead End Kids waded up their credit at Warners, and one of their last picture on the Burbank lot, "The Dead End Kids at Valley Forge," was advanced a week from June 7.

Youngsters were signed by Warners shortly after they were filmed in Samuel Goldwyn's "Dead End." They are figuring on personal contracts unless other studios take an interest in them.

Dave Levy Leaves Loews

Dave Levy, New Jersey branch manager for Metro under E. K. O'Shea, eastern district mgr. in New York, has resigned the company, effective June 10, by which time his future plans, not entirely worked out as yet, will be announced.

Formerly in the stage show field, Levy has been with Metro a total of 13 years and is one of the best known sales executives in the industry. O'Shea has not yet appointed a successor to handle Metro's business in Jersey.

B'WAY BLACKOUT?

Times Sq. Theatre Owners Fear New Anti-Bright Light Bill

Broadway exhibitors have a new worry. Now it's the regulation which the City Planning Commission has formulated governing billboards and electric signs in business zones, which may be effecting a committee to appear before Commission hearings in an effort to avoid a virtual 'blackout' of Broadway bright lights.

Regulations would restrict in the district, such as Times Square, any billboard or sign, with the exception of nonilluminating signs, not more than 12 feet high or 35% of the frontage of a building. There will also not be allowed more than one sign to a building.

In residential zones, flash or illuminating signs would not be permitted more than one foot square or any sign larger than eight feet square.

City ordinance property owners will have if regulations are adopted by the City Council would be an appeal to the Board of Standards and Appeals.

The Fredric Marches 'To Reenact Amer. Way' For Gordon-Goez-RKO

Hollywood, May 30. (Deal is on the verge of signing for Fredric March and Florence (Mrs. March) to re-enact their stage roles in the screen version of "The American Way" which Metro, Harry M. Goetz will produce for RKO.

George S. Kaufman-Moss Hart spectacle is currently at the Centre theatre, N. Y. A "Badge of Honor," symbolic of the unit of American Protestants, Catholics and Jews for democracy, was presented to March, chairman and Florence, Edridge Stratton (27) just before the matinee of "Way."

Production was made by Helen Hayes, Irving Berlin, Eddie Dowling and Kaye Ballard, on behalf of the New York Round Table of the National Conference of Christians and Jews.

Cowdin Sees \$200,000 G-Mo. Net Profit for U

Although in New York briefly the middle of last week, J. Cheever Cowdin, chairman of Universal's board, did not resume home office duties actually until Monday (29). Reason for his delay was his hurried trip to attend the Empire University Film, Ltd. annual convention. He was accompanied by J. McCarthy, eastern sales chief. Nate Blumberg also attended the meeting but went home to handle his business.

Cowdin expressed optimism on the company's status but would not indicate what the second quarter earnings ending April 29 would be. He stated that the income, however, with the nice profit in the initial part of the year, would amount to \$200,000 net for the first half.

Blumberg's Coast Summar

Nate Blumberg set up his presidential summer headquarters at the studio yesterday, and will confer with lot execs on continued production expansion and structural changes of the plant. Since Blumberg's first official visit last year, the company has spent more than \$200,000 on its equipment, and further expenditures are planned. Currently the plant has more than 2,500 on its payroll, the largest roster in its history. With five pictures before the cameras, the studio is pushing work on its first sound stages, with the prospect of nine films in work by July 1.

Gurie Ties With U

Hollywood, May 30. Slurp Gurie has been a fly-by-night deal with Universal carrying two pictures annually, with permission to make one or two yearly outside. Currently she is working in "Forgotten Women," her first role since "Algers."

Berger's Findings on Upped Pix Costs

Bennie Berger, independent circuit operator here, has compiled figures showing that his film costs have risen approximately 50% in the past five years despite the fact that theatre income has been in a downward trend with only a few exceptions. Berger says that the cause is typical of "what the independent exhibitor is up against" and he declares "the industry has to do something about this unhealthy state of affairs. If it continued, it will spell ruin for the exhibitor."

When Allied States holds its national convention here June 13-15, Berger announces he'll bring the matter to the body's attention with a view to having the industry take action to remedy the situation. He points out that by putting more pictures in the higher brackets are pushing up film costs again in 1939-40 contracts "make immediate action on the part of independent exhibitors all the more imperative."

Berger and nothing can be accomplished unless the independents act as a unit in making their demands for reductions, he points out. Berger is a former Northwest Allied president.

'Dodge City' Grossing at the Rate of \$100,000 Weekly; Sears to Coast

Metro's 'Balalaika' Tests

Walter Hampden has been screened by Metro for a role in its forthcoming "Balalaika." Film company tested a number of other actors for the part, but Hampden was selected as the best for the part.

Kathleen Williams, N. Y. model leader actress, has been in several movies, has been given her best by Metro, also.

RESUSCITATION OF NEELY BARKLEY UP AGAIN

Washington, May 30. Resuscitation of the Neely anti-lock looking bill, cooking in the Senate town on the floor for several years, appeared possible this week after Senator Matthew B. Neely, chairman of the committee of the industry's perennial headache, sobbed and groaned that delay of the bill must interfere Commerce committee.

More to send the subcommittee appeared likely to succeed with leaders anxious to approve the bill. Neely, who has been in their hair since the session began, when Neely threatened to tie up proceedings by demanding action on his two-hour veto on the bill. Neely's committee, Democratic Leader Barkley held out hope that the committee will take action by the middle of this week. Barkley, who sat in on the subcommittee hearings for two hours out of the nearly two weeks, made a virtual promise to this effect.

With the transcript of the testimony available at last, the only reason the committee has not assembled to weigh the bill is the absence of Senator Ellison D. Smith of South Carolina, chairman, who has been called away by his family illness. Barkley said, Neely is expected to return this week.

During the two-hour-long Neely recalled that the bill was dropped in the bopper February 2 and that on March 1, he entered his protest and the delay, agreeing to wait a reasonable time before pressing for promised hearings would open shortly.

Remembering that Job never would have built his reputation if he had to show the patience required of the sponsor of film legislation, Neely begged the Senate to "haul or make" his branchhead away from the slumbering committee. "I've been here for three years," Neely showed his face for the first session, although one of the designated testimony-bearers, saying that the Democratic boss was "in the rushing work of time to run home to witness the Kentucky Derby."

During the discussion, Charles C. Pierce, sec. for the National Picture Producers & Distributors of America, sat in the gallery and registered his public rebuke. Neely the Hays lawyer's complaint that the bill was reported three years ago without action was given no consideration, Senator James J. Davis, Pennsylvania Republican, said that in a three-year trial script and read Pettibone's remark in passing a chance to file briefs opposing the proposition.

Minneapolis, May 30. With a kickoff on first week of national release of a domestic film rental figure of \$405,000, "Dodge City" is out in front of the strong early summer product released by the studio town on the coast. The picture, which is being based chiefly on boxoffice percentages, have carried "Dodge City" better than \$100,000 during each stanza since the sendoff on April 7, following the exploitation engagement in the St. Louis town on the coast.

On the record to date, the Technicolor picture has made more than \$2,000,000 domestic return, with the prospect of \$1,500,000 from the foreign market. Figures may be higher in the light of the popularity of the film in Canadian houses where it has been accounted as the main reason for unusual grosses.

Leaving for Hollywood last night for the picture's first tour of the coast, Grady Sears is taking to the studio a portfolio of film income figures which clearly sustain the effectiveness of the Warner "push" more than a month ago when the company tested "Dodge City" in the market. Sears, who were "Dodge City," "Dark Victory," "Guerre" and "Confessions of a Nazi Spy."

While he is in the west, Sears and Charles Kaufman, director of the picture, will be in the west to see general exploitation plan for a group of summer releases. "Dodge City" is general release June 10, and the other films which will get special handling are "Kid From Hong Kong" also released in June; "Hell's Kitchen," with the Dead End Kids, and "The Sign of the Cross," also released in June; and "Back Home I Die," starring James Cagney and George Raft, and "Devil on the Cross," starring Pat O'Brien and John Payne, August releases.

John's Cousins' "Our" is the new title of "A Family Affair," which is the sequel to "Four Daughters." Michael Curtiz is directing, and the cast includes the same principal. Other title change is "Devil on the Cross," formerly called "The Crowd Roars."

John's Cousins' "Our" is the new title of "A Family Affair," which is the sequel to "Four Daughters." Michael Curtiz is directing, and the cast includes the same principal. Other title change is "Devil on the Cross," formerly called "The Crowd Roars."

J. C. FISHER, EXHIB. ON NEW P.A. CENSOR BOARD

Philadelphia, May 30. John Clyde Fisher, 50, an exhibitor, was named last week in the second round of the new P.A. censor board. He'll serve with Mrs. Edna R. Carroll, recently named chairman of the board, and will be named next month to complete the board. Fisher, a nephew of Penny's film critic, is a former exhibitor and a film business man for many years. He is a native of Pennsylvania, has operated houses in a dozen states, and has been a member of the U. S. and Canada numerous times with show ventures. Fisher's first film in third member will be named in Emporium, Pa. Later he has been managing traveling stage shows.

Keightleys (Miss Tobin) In Tokyo on Honeymoon

Tokyo, May 31. William Keightley, N. Y. director, and his wife, Genevieve Tobin, the screen player, arrived here last night on a three-day tour. They've on a three-month honeymoon, having been married seven months ago.

tion setup for Spanish language pictures for United Artists releases in Venezuela and Mexico are also included in the itinerary.

(Continued on page 16)

[illegible]

This *still* is Show Business!

There is one way—*only* one way—to get for your theatre *all* that an attraction the size of 'Juarez' can bring! The mighty job of making dramatic entertainment this great was ours, and it's done. To make it known to every movie-goer within reach of the voice of showmanship is a job of equal importance! And we've done our full share of that. The stage is set, the show is ready to go on . . . the one thing remaining is for YOU to roll up your sleeves, remember you're in show business and LET THEM KNOW 'JUAREZ' IS HERE!

PAUL MUNI and BETTE DAVIS in "JUAREZ"

1186 Supporting Players Including

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CLAUDE RAINS • JOHN GARFIELD • DONALD CRISP

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Directed by **WILLIAM DIETERLE**

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Full Color Ad in
THIS WEEK
22 Million Readers

Full-Page Color Ad in
LIFE
18 Million Readers

Full-Page Color Ad in
LOOK
5 Million Readers

Full-Page Color Ad in
COSMOPOLITAN
8 Million Readers

Full-Page Color Ad in
REDBOOK
5 Million Readers

Full Pages in Color in
ALL FAN MAGAZINES FOR
TWO MONTHS
17 Million Readers

TOPPED OFF WITH A
NATIONAL 125,000 LINE
NEWSPAPER CAMPAIGN!

the late bad man, Fred Kohler, Sr. Frank Bell, familiar over the years

BLUE CHIPS FROM M-G-M!



"GOODBYE MR. CHIPS"

Not only launching a great current attraction, but solidifying the box-office stature of Robert Donat and introducing the screen's sensational new star Greer Garson.

"Ee-yi-oo-oo... S.R.O...."



"TARZAN Finds A Son!"

The first Tarzan film in 3 years, with all new and all different thrills to pack in the devoted fans. With Johnny Weissmuller, Maureen O'Sullivan and a Tarzan, Jr. child wonder!

Note: Just previewed and it's sensational. Sure-fire Tarzan hit! Edgar Rice Burroughs, the author, says "It's the best Tarzan ever made."



"MAISIE" The Explosive Blonde

Watch for M-G-M's trade announcement "How To Exploit 'Maisie'." This surprise picture is a showman's opportunity. Ann Sothorn, Robert Young in a sock entertainment!



"On BORROWED TIME"

Broadway's beloved stage hit comes to the screen with power, thrill and human appeal. The top role in Lionel Barrymore's career! And a new juvenile star is born, Bobs Watson!



"Andy HARDY Gets Spring Fever"

Completed and ready for preview and already the studio is humming with advance raves. Lewis Stone, Mickey Rooney and all the folks in a Hardy picture sensationally different from any one thus far!



TAYLOR-LAMARR

The most eagerly awaited picture of years is "LADY OF THE TROPICS" and those who have seen it thus far are predicting the biggest box-office property of the heat waves! Tell your folks "Hedy was worth waiting for!"

Now — and in the months to come — and in glorious 1939-40!

THE FRIENDLY COMPANY

(Continued from page 16)

'FIVE CAME BACK,' meller; produced by Robert Sisk; directed by John Farrow; screen play by Jerry Cady and Dalton Trumbo; original by Richard Carroll. Cast: Chester Morris, Wendy Barrie, Lucille Ball, John Carradine, Joseph Calleia, C. Aubrey Smith, Elisabeth Risdon.

ELIE CHAN AT TREASURE ISLAND' (1939-40 release), mystery produced by Edward Kaufman; directed by Norman Foster; no

(Continued on page 20)

The U. S. names 16 theatres involved, covering the Interstate Circuit, Inc. The theatres were the Majestic, Melba and Palace of Dallas; the Hollywood, Majestic, Palace and Worth of Fort Worth; the Aztec Empire, Majestic, Sir and Texas in San Antonio; and the Kirby, Majestic and Metropolitan, Houston.

ad; directed by Alfred Werker; no writing credits released; photo-
by Leon Shamroy. Cast: Gloria Stuart, Stuart Erwin, Raymond
June Gate, Douglas Fowley.
"IS FAMILY AT GRAND CANYON" (1938-40 release), family
produced by Gene Stone; directed by Malcolm St. Clair; no writing
credits released; photographed by Lucien Ballard. Cast: Ned Foust,
Bryling, George Egan, Billy Mahan, June Carlson, Florence
Edie Collins, Fred Kelsey.
"LITTLE CHAN AT TREASURE ISLAND" (1939-40 release), mystery
produced by Edward Kaufman; directed by Norman Foster; no
(Continued on page 20)

ad; directed by Alfred Werker; no writing credits released; photo-
by Leon Shamroy. Cast: Gloria Stuart, Stuart Erwin, Raymond
June Gate, Douglas Fowley.
"IS FAMILY AT GRAND CANYON" (1938-40 release), family
produced by Gene Stone; directed by Malcolm St. Clair; no writing
credits released; photographed by Lucien Ballard. Cast: Ned Foust,
Brylingwood, George Egan, Billy Mahan, June Carlson, Florence
Edie Collins, Fred Kelsey.
"LITTLE CHAN AT TREASURE ISLAND" (1939-40 release), mystery
produced by Edward Kaufman; directed by Norman Foster; no
(Continued on page 20)

PICTURES now in the cutting rooms or awaiting previews are:
'FIVE CAME BACK,' meller; produced by Robert Sisk; directed by John Farrow; screen play by Jerry Cady and Dalton Trumbo; original by Richard Carroll. Cast: Chester Morris, Wendy Barrie, Lucille Ball, John Carradine, Joseph Calleia, C. Aubrey Smith, Elisabeth Risdon.

ALBANY FATHER OF FIVE

An Albany Father of Five

(Catholic)

'What they hear, they talk about. Generally they listen to the same programs week in and week out, making it their business to be at home with radio tuned in plenty of time. Funny part is that the adult programs do not influence them badly. Rique material of criminals, their heads and the Bing Crosby type of salesmanship appeals to them.

'I do not approve of "Gang Busters" programs for children. Toy pistols and later real pistols are definitely due to the glorification of criminals. These type programs achieve the direct opposite of what they seek to do, and the people who put them on the air must know about it. Radio should realize its influence and make it felt for the good of the country. Someday the penny brains will realize this.

'Charlie McCarthy is the favorite of my five children. Baby Snooks rates just a little bit below. Quick quizzes seem to attract their attention.

'The smaller children ask to have the purchases made in accordance with what their radio favorite sell. Whether I buy them or whether their mother buys them depends to some extent on our frame of mood. Generally speaking, we are influenced by what the children want us to buy. Possibly we spend \$10 per year or \$3 weekly on radio-influenced items.

'On infrequent occasions they write for combs, mirrors, baseballs, dance cards, etc. Now often I couldn't say as the children do not let us know when they write if they think the grown-up attitude would term them 'silly'.

Clark, Rosenberg May Buy Control Of Transamerican; Associated Also In

Warner Bros. is reported to be disposing of its 45% interest in the Transamerican Broadcasting & Television Corp. to John L. Clark and Emanuel F. Rosenberg and their associates, respectively, of the latter organization. It is also reported that the North American Co. utilities combine and until recently affiliated with Warners in the operation of Music, Inc., and Associated Music Publishers, Inc., is negotiating for the purchase of a 25% interest in Transamerican. This would leave Clark and Rosenberg holding 75% of Transamerican, which is the North American's end of the deal is being handled by Waddell & Catchings, chairman of the Music's and Associated's boards.

Move would take Warners completely out of the picture, and with the exception of its ownership and operation of KFWB, Los Angeles. The film producing company organized Transamerican in 1936. It got in on Music and its subsidiary, Associated, through an operating contract during the early part of 1938. Warners withdrew from operating control of this setup recently.

N. W. Ayer Spots Farm Show on 25 Stations

Philadelphia, May 30. N. W. Ayer & Sons, Inc., will air a half-hour farm show on approximately 25 stations for Dr. Hess and Ayer, Inc. Will be a half-hour and will go on stations reaching the chief poultry and stock-raising areas. In addition to the program, which will be transcribed, there will also be a spot campaign on additional stations in U. S. and Canada. The hour show has just completed a 26-week test on WLS, Chicago, and WFO, Des Moines. Also, the spot campaign was tried on KMMJ, Clay Center, Neb.

Fortin will have Sam Guard, editor and publisher of the Breeder's Gazette, as m.c., and a quartet, male quartet and soloist, Fran Allison. On each program Guard will interview a farmer from one of the areas covered by the broadcasts.

Neil Fellows Glenn Gordon, Tulsa, Okla., May 30. Jack Neil named new manager of KOME. Succeeds on resignation of Glenn Gordon. Neil was formerly sales manager of KCMO, Kansas City, Mo., and connected with the Kansas City Star for eight years.

O'KEEFE NOT BOUND

Is Free to Accept Offer Away from Ethyl

Walter O'Keefe is not bound to remain on the Ethyl show, which has moved to Monday evening on CBS, says the July 3 broadcast. B.B.D. Co., agency on the account, wanted to retain its option on O'Keefe's services until it could see how the new program, from 45 to 30 minutes, worked out, but the comic performer is free to accept or to accept another program which has been offered him.

He will on July 3 have completed 26 weeks for the petrol account.

WLV Hillbillies Chosen To Give King of England The Lowdown on Yodel

Cincinnati, May 30. The Coon Creek Girls, foursome, have been invited by President Mr. Roosevelt to perform at the White House, June 8, on the entertainment program for King George VI and Queen Elizabeth of England. Combo was discovered and trained by John Lair and have appeared on his Renfro Valley Barn Dance program since 1937, with airings on WLV.

Girls were selected for the royalty appearance as being representative of the best of hill music, which they play and sing.

Ted Collins Pushing Two

Two new programs are being offered to radio by Ted Collins office, Drew Pearson and Robert S. Allen, syndicator. Washington correspondents and their Washington Merry-Go-Round is offered as a 30 minute show, alternately or as a 15 minute nightly series.

Other is a five time weekly dramatic show, "Crusades," being authored by Neal W. Hopkins.

Anne Fitzpatrick in Smash-Up Philadelphia, May 30. Anne Fitzpatrick, of the WIP program department, was injured last week when a car driven by her niece, Byrum Saam, Atlantic Redneck, crashed into a car on the Delaware River bridge. Saam was uninjured.

Pat Fitzpatrick suffered a dislocated collar-bone and will be out for about three weeks.

VARIETY SURVEYS CHILDREN'S OPINIONS

Aversion to Certain Programs Strong in Certain Circles — Father Often Tougher Censor Than Mother — Disguised With Premiums

FAN MAIL

Parents, in general, approve of radio as a good influence in bringing up their children but, paradoxically, had the sponsored children's programs the least desirable aspect of radio.

This seems to be the justified deduction from a series of samples taken by Variety in a dozen-odd communities throughout the United States. Printed questionnaires were distributed through Parent-Teachers' groups, among church organizations and through women's clubs and civic groups generally. The first four tabulated, Boston, Seattle, Mason City, Ia., and Seattle are reported in adjoining columns on this page. The samples are fairly typical of the general trend, have been appended.

These points seem indicated by the findings:

1. The percentage of disapproval of children's programs, as now existing, rises sharply among the more militant, socially-minded organizations.

2. The percentage of disapproval of children's programs, as now existing, rises sharply among the more militant, socially-minded organizations.

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50. The percentage of disapproval of children's programs, as now existing, rises sharply among the more militant, socially-minded organizations.

A Boston Clergyman

(Unitarian)

'Radio programs have a great influence on the speech and mannerisms of children, according to parents who have talked with me. They would prefer programs of amusement which at the same time give instruction in civilized behavior to their children. Most parents desire to allow the regular so-called children's programs to be turned in for their children. These parents desire an interest in the finer elements of life, music especially, for their children.

'Children's Programs' create artificial situations, lurid situations, etc., which are not good for the young children to hear so frequently. Most parents that I have talked with permit their children to stay up for Rudy Vallee. Some like 'Information Please,' and the question programs.

'Some parents have found their children writing to those unknown to them. In some cases they have written when adult appeals are made and embarrassed their parents.'

General Foods May Shift Plugs: Grapenuts to Benny, Jello to Smith

SELLING WFBM

Utility Retires From Radio—Blitzer, J. Will Run Station

Indianapolis, May 30.

At a recent meeting of the board of directors of the Indianapolis Power & Light Co. it was decided to sell the radio station WFBM, local CBS outlet, to Harry M. Blitzer, Jr., of Pittsburgh, Pa., a former newspaper exec. Station authority several years ago turned over \$500,000 offer. All physical property goes in the sale of company, including approval of the Federal Communications Commission and transfer of agreement with the power co. Including contract with CBS.

Blitzer's son, Harry, Jr., will operate station. CBS outlet, Young Blitzer, under new incorporation plan, with secretary of state last week. Capital stock listed at \$500,000 for 5,000 shares. Incorporators are, Stuart Nye Hutchinson, Jr., Hugh J. Baker, Jr., and Louis S. Binkley.

Elder Blitzer is native of Kutztown, Pa., and was general manager of Heart's chain.

No BEW Engineer For RCA Radio Pickup From New York Expo

Union tangle which has existed at the N. Y. World's Fair since the days of construction, was felt by broadcasting last week when NBC undertook to broadcast through scheduled pickup of a Jugo-Slav dedication ceremony, by the International Brotherhood of Electrical Workers to ride its control panel the network arranged to have the event moved out of the Communications Building's elaborate studio to the demonstration room of the RCA exhibit.

The I.B.E.W., which claims jurisdiction over the fair, electrical at the fair, insisted that one of its members monitor the broadcast. RCA's contract, however, permitted anybody outside its own staff to touch one of its control panels. It would be a violation to have an IBEW man to standby. The union rejected this compromise. RCA went through with the staff in charge and no I.B.E.W. man present.

NBC, which has its own engineers on hand, experienced a similar encounter with the I.B.E.W. in Providence, R. I., when William A. American Federation of Labor press, was the scheduled pickup. The incident was justified by the union itself by having an I.B.E.W. man stand several feet away from the control panel.

FRANKIE BASCH'S NEW JOB

Frankie Basch, who did roving reporter and special event assignments for WMCA, N. Y., has resigned to open offices with Charlie Basch.

He is eastern rep for Aerograms, transcription distributor.

Waring-Kyser

Clash Adjusted in California

Hollywood, May 30. NBC's Coast division is getting around the policy of never running the same program five consecutive products together by arranging to broadcast the Fred Waring-Kyser show, which starts June 19, twice a day. The initial broadcast week clears 10:30 a.m. and 7 p.m. EDT will be recorded here and run off at 5 p.m. PST, or two hours later, with the commercials included. Waring's broadcast, 11 p.m. New York time and 7 p.m. local time, will also take effect at the latter time as a sustainer.

Conflict arises from the circumstance that Lucky Strike's Kayser program on Wednesday clears at 8 p.m. in this area. The Waring station, however, for five times a week, will get a double run locally only on that particular day.

Blackie's problem in this sort has faced the Pacific ends of the nation's networks.

HOPE, PARKY, COLONNA P.A. DURING HIATUS

Hollywood, May 30. With their radio shows silent during the hot months, Bob Hope, Jerry Colonna and Parkyvacans step on p.a. tours. Hope and Colonna are the first to go, doubling up in Chicago, June 30 and touring to the Paramount, New York, for two weeks. Colonna will continue the tour alone while Hope vacations in England.

Parky's tour starts July 20, for the tour alone while Hope vacations in England.

Pic and Pat on Gas Show

Pic and Pat are slated to go into the Consolidated Gas spot on WJZ, New York, Tuesday evening (7:30-8:15) 13. It's for a minimum of 13 weeks.

Blackie's team's last affiliation was United States Tobacco on CBS.

McCann-Erickson is the agency.

VETERAN AT 21

Cincinnati, May 30. Fred Foster, announcer, joined WFL last week, replacing Del King, who joined NBC in Chicago. Foster, 21, is the station's youngest miker.

He spent five years at WGBJ, Jacksonville, and WRUF, Gainesville, Fla.

Analysis of Parents' Questionnaires

Albany, N. Y.

PARENTS' OPINION OF PROGRAMS

(Listed as Appearing in Questionnaire)

	Approve	Disapprove
'Jack Armstrong'.....	20	10
'Lone Ranger'.....	20	10
'Dick Tracy'.....	14	14
'Green Hornet'.....	2	9
'Don Winslow of Navy'.....	12	7
'Little Orphan Annie'.....	16	10
'Howie Wing'.....	6	11
'Gang Busters'.....	4	20
Children Write to Program.....	22	12
Parents' Purchases Influenced by Children.....	20	12

QUOTATIONS

'Too much stress is placed on gangster and crook type stories. The fact that it is intended to show crime does not say they do not affect children.'

(One child, under 10.)

'Refuse to be swayed by cheap commercials.'

(Two boys, three girls.)

'The children want me to buy the products whose makers give them something pertaining to sports.'

(Five children.)

'Radio entertainment has had a most beneficial influence on my children in bringing about elimination of racial prejudice and instilling respect for customs and beliefs of all peoples... the more advertising the more sales resistance I develop.'

(Two children, over 10.)

'As normal boys my sons are constant radio listeners. I doubt seriously that they are being influenced to any great extent by any program on the air. They do follow serials and pick up phrases used by leading characters, but I cannot notice any 'influence'... once or twice they have written advertisements. Usually the program was so far below their expectations I'm afraid they were disappointed and have since tossed such offers aside as something for 'babies'.'

(Two sons.)

'Am besotted by this cereal and that cereal... not many repeat orders on any of them.'

(Two girls, over 10.)

'Our daughter, age six, is just beginning to listen. So far nothing harmful but I don't want her to listen to any program dealing with crime, violence, fighting, etc... great benefits of radio are spoiled by such programs.'

(Two girls.)

'I think the slang and grammar in general are bad influences. Most of the children's programs are at dinner time and our child insists on eating at the card table by the radio. Naturally this isn't such a good idea. The programs are too exciting but the children won't listen if they aren't excited. If children don't listen the products aren't sold. So, as far as I am concerned, there is nothing to be done about it.'

(Son, under 10.)

'No bad effects except occasional over-statement. However, I feel that eventually too many villains and shooting episodes may be bad. There is plenty of good adventure in stories like "Treasure Island" and "Robin Hood" with good, honest likeable villains and not the sinister and gangster type.'

(One boy, one girl.)

'Overtime has become a nuisance.'

(Girl, eight.)

'I find the games they play and the conversation they use has a great deal to do with these programs.'

(Two girls.)

'A menace to my supper.'

(Three sons.)

'Write for anything offered which they can get for nothing.'

(Two sons.)

'Radio plays a large part in the formation of children's ideals. It can be used to promote civic pride. Radio enables children to grasp more clearly the trend of events, past, present and future.'

(One girl.)

'Definitely against radio programs in which children and grown-ups are plotting and scheming or engaging in gun play.'

(Two children.)

ADULT SHOWS TUNED IN BY CHILDREN

Jack Benny.....	12	'Good News'.....	3
Charlie McCarthy.....	12	'One Man's Family'.....	3
Orson Welles.....	3	'Howard and Shelton'.....	3
'Information Please'.....	3	Scattered.....	34

ELIZABETH BLACK JOINS EUGENE KATZ

Elizabeth Black has resigned from the media department of Rutherford & Ryan to join the station rep division of the Eugene Katz agency. She steps into her new job this Monday (6).

Miss Black was with R&R for over 10 years and handled the spot time buying for the agency since 1931.

SMALLER 'CIRCLE'

Kellogg Urged to Continue With Less Time, Less Talent

J. Walter Thompson is trying to get Kellogg to extend the run of "The Circle" for another 18 weeks, based on the basis of a half hour. Program (NBC) is now in its second 13-week cycle.

Plan, as submitted by the agency, calls for a considerable cut also in the talent budget.

Boston, Mass.

PARENTS' OPINION OF PROGRAMS

(Listed as Appearing in Questionnaire)

	Approve	Disapprove
'Jack Armstrong'.....	4	19
'Lone Ranger'.....	9	17
'Dick Tracy'.....	3	24
'Green Hornet'.....	3	15
'Don Winslow of Navy'.....	3	16
'Howie Wing'.....	1	14
'Gang Busters'.....	1	24
Children Write to Program.....	Yes	No
Parents' Purchases Influenced by Children.....	18	17

QUOTATIONS

'Don Winslow of Navy' is poor militaristic propaganda.'

(Two children.)

'At present I feel the programs are a waste of time and these programs are doing a big opportunity.'

(Two boys, one girl.)

'Radio influences their play tremendously... guns first and foremost in the list of toys... one Sunday he took one (gun) to Sunday School in his inside pocket... Tom Mix Straight Shooters is the best of children's programs.'

(Two children.)

'Children writing to sponsor is a terrible nuisance.'

(One child, 10.)

'In my family radio plays but a small part because we are "radicals" and they daily absorb so much that runs counter to radio blab blab... we all read Consumer's Union Reports and thus are saved from an overdose of radio propaganda.'

(Two sons, over 10.)

'They have streaks when the whole neighborhood does so' (reference to writing to sponsor).

(Three children, one grown.)

'We have bought Wheaties and Ovaltine for premiums. Perhaps a dozen or two extra boxes in last ten years.'

(Three children, over 10.)

'Even the youngest children seem to distinguish the more blatant propaganda... Jack Armstrong gives too many thrills which makes child's own life seem unexciting.'

(Six children.)

'I object to the time (5-8) as it interferes with normal family group around the dinner table. I suggest 4-5 is a better hour... Singing Lady while... Little Orphan Annie teaches only how to be a smart alec.'

(Two sons.)

'Radio most important influence, motion pictures next. It is too bad such an important influence cannot more often be a good influence.'

(Son, now 18.)

'They always asked me to buy anything they heard advertised until I explained the high pressure salesmanship idea to them.'

(Three girls.)

ADULT PROGRAMS TUNED IN BY CHILDREN

Charlie McCarthy.....	9	Burns & Allen.....	2
'Information Please'.....	5	'One Man's Family'.....	2
Orson Welles.....	2	Scattered.....	10

Mason City, Ia.

PARENTS' OPINION OF PROGRAMS

(Listed as Appearing in Questionnaire)

	Approve	Disapprove
'Jack Armstrong'.....	36	39
'Lone Ranger'.....	36	39
'Dick Tracy'.....	17	44
'Green Hornet'.....	5	43
'Don Winslow of Navy'.....	8	25
'Little Orphan Annie'.....	3	32
'Howie Wing'.....	4	27
'Gang Busters'.....	17	31
Children Write to Program.....	Yes	No
Parents' Purchases Influenced by Children.....	20	29
	14	16

'Bessie Bessie,' Animal In WITC Show, Due for Fame

'Bessie Bessie,' animal character on the program of Ben Hawthorne, will be publicized for New England kids with whom the cow's radio plays are popular. Grosset & Dunlap have bought the rights for a cartoon book which will be released in the Fall.

Tagged "Morning Watch," Hawthorne's program is sponsored by a Hartford department store.

TRAMMELL TO COAST

NBC Top V.P. Visiting Frisco and Hollywood

Niles Trammell, NBC executive v.p., left last Friday (26) for a 10-day junket to the west coast. He will visit the network's plants in Hollywood and San Francisco and return directly to New York. It's his first lookaround on the Coast since January.

QUOTATIONS

'Very little influence because they are taboo in our home. The only programs I can safely let them hear are musicals.'

(Four boys in family.)

'Would like better program dealing with everyday morals, everyday people and their reactions.'

(Girl, under 10.)

'Radio on all the time and would rather he didn't like it so well.'

(Boy, over 10.)

'Not fit material for young children to hear.'

(Two boys, one girl.)

'We discourage, almost forbid, listening to most of them. They are too wild, too stimulating, create nervousness. They show a lack of thought and planning on the part of the program makers.'

(Girl, 12, boy now mature.)

'They listen to all of them but I do not favor. Too fantastic.'

(Four, three over 10.)

'We do not approve of blood and thunder. She listens to them, but we detest... we aim NOT to buy products advertised.'

(Girl, over 10.)

'I feel the radio is a wonderful thing for children. I find when my boy gets interested in a program he doesn't care to be out in the streets or roaming around.'

(Son, 11 years old.)

ADULT SHOWS TUNED IN BY CHILDREN

Charlie McCarthy.....	18	'Dests Valley'.....	5
Jack Benny.....	16	Phil Spitalny.....	4
Blag Crosby.....	11	Tommy Riggs.....	4
'Good News'.....	10	Al Pearce.....	3
'Fisher McGee'.....	10	'Pretty Kitty Kelly'.....	3
'Good News'.....	10	Scattered.....	27
'Battle of Sexes'.....	5		

Seattle, Wash.

PARENTS' OPINION OF PROGRAMS

(Listed as Appearing in Questionnaire)

	Approve	Disapprove
'Jack Armstrong'.....	0	6
'Lone Ranger'.....	6	7
'Dick Tracy'.....	0	14
'Green Hornet'.....	0	11
'Don Winslow of Navy'.....	2	4
'Little Orphan Annie'.....	6	8
'Howie Wing'.....	8	5
'Gang Busters'.....	0	15
Children Write to Program.....	Yes	No
Parents' Purchases Influenced by Children.....	12	9

QUOTATIONS

'My little boy loves the so-called children's programs. He will stop playing and sit in front of the radio and take in every word... He was started in this by other children in the neighborhood. They play Hi, Yo, Silver and other games using make-believe guns. I disapprove of this very definitely, but feel helpless about it when all the children in the neighborhood listen and play such games.'

(Son, age four.)

'Certain kinds of toothpaste are asked for. I will buy most any kind of cereal they request but very seldom buy soap as I consider the home-made kind more beneficial and cheaper.'

(Two children.)

'I notice that after hearing so many advertisements which represent the products in such superlatives they discount everyone who seems enthusiastic.'

(Two boys, one girl.)

'We should be as careful of what they hear as of what they see on screen or read in publications.'

(One child.)

'The boys readily ridicule certain advertising.'

(Two sons, over 10.)

ADULT SHOWS TUNED IN BY CHILDREN

'One Man's Family'.....	7	Scattered.....	43
Jack Benny.....			

Westinghouse Show Now On 84 Out of N. Y. Expo

Westinghouse's "Letters Home" program, one of the few network shows originating from the New York World's Fair grounds, now goes to 84 stations on the NBC-WJZ blue network, with additions last Sunday. Starting at 7:30 stations. Included in KGU, Honolulu, which gets the show via short wave from San Francisco.

TAKES A 'GO SLOW' APPROACH

Report Refuses to Recommend Standards—Favors Every Caution to Protect Public from Set or Stock Burning

BUT PRAISES

Washington, May 30. Because of unanswered social and economic questions which complicate solution of technical problems, the Federal Communications Commission was urged last week to take a stern parent attitude toward television in order to protect the public and insure maximum use of the new visual broadcasting. Seeing television as just entering childhood, the FCC's three-man television committee recommended Wednesday (24) against adoption at this time of any performance requirements for visual transmitters but suggested simultaneously that they be left open for manufacturers to sight receivers to adopt voluntarily their own standards. The report urged that proposed code of the Radio Manufacturers Association be neither approved nor disapproved, adding that little benefit could be expected from holding a hearing on the proposition at this stage of development.

Television was regarded by the committee—Commissioners T. M. C. Craven, Norman S. Case, and Thad M. Brown—as a dangerous class which must be prevented from growing too fast and attempting too much too soon. The committee urged that no standards should be imposed, keep on testing its capacities. Researchers and experimental operators were commended for their patience, initiative, and willingness to take risks, although the group repeated the familiar warning that nationwide television service on a regular basis is still in the distant future.

The public interest argument was stressed repeatedly in the 7,000-word document. While admitting that the only FCC authority over development of visual broadcasting comes from the right to regulate transmission, the committee pointed frequently to the moral obligation of making certain the potential audience is not exploited and misled.

Before any standards are set, it is believed that research has reached the point where fuller use of the available facilities is guaranteed, sets capable of receiving numerous stations (not just 10 or 12) at various frequencies are available at nominal cost, and no radical revolutions are in prospect, the report stated.

Licenses to Be Tough?

As an alternative to premature adoption of performance standards, the trio suggested, following its series of conferences with manufacturers, operators, and set makers, a policy under which additional station licenses would be licensed only after showing that they can start on a par with existing plants and have a reasonable chance of making their contributions to knowledge of the art. A licensing policy of this sort, allowing room for experimentation with new ideas—would protect the public in so far as is practical and at the same time would permit technical progress to be made without the ultimate objective without outmoding completely receivers which may be in current use in the future.

The committee commended the work that has been achieved and the laboratory work in research and development. The committee's opinion was based primarily on the number of technical problems still needing solution. The patent situation, the lack of knowledge about the characteristics of the systems above and below the interference of overcoming man-made problems, the technique of dis-

N. Y. (NBC) Television

May 31
(6:30-9:30 P.M.) Nick Lucas, Jaye Zeke and Annie; Judy Lucas; Jaye and Lou Selzer; Bogota, N. J. High school amateurs in school.

June 2
(6:30-9:30 P.M.) Howard Howard, George Shelton; Randall Sisters "Jenny Lind" sketch.

tributing programs from talent centers, and the high cost of operation were listed as limitations which must be considered before any performance yardstick is placed in regular use.

Chief duty of the Federal regulation is to maintain order, providing an incentive to more research and experimentation, the group declared. While anxious to help the speedy emergence of television as a mass production industry, the committee was firmly of the opinion that it would be hazardous to both the best interests of the industry and the public to attempt to administer a flat freeze at the start of its development.

A request for administrative flat freeze at the start of its development has reached a relatively high point of perfection from the research angle, and the question has been carried far enough to warrant any cautious approach to the type of which should be fostered, the Commission was advised. Much information is being gathered, the committee, including program tastes of the public, talent, production methods, and distribution of programs. Little is known at the present about this important side of the art.

Pending Applications

The real question in the question of what should be done about a number of pending applications for licenses is the question of the numerous discussions to the lack of research and information. The committee indicated the committee will advocate the issuance of permits to permit the service to be tested in these problems, providing prospective operators demonstrate their service will be on a technical par with the helpful of transmitters now functioning.

Before any standards can be laid down, it is imperative to ascertain just what the service is, what the service, as well as the engineering course to be followed, the group emphasized. The committee must be measured. In this connection, the report noted that available evidence from the British public has not shown itself to be particularly responsive to service rendered by BBC, since only 14,000 receivers have been sold to a population of 14,000,000.

Impetus to Sets

In warning against any action which would give impetus to a rapid purchase by the public of large quantities of sets, the committee reflected fear that progress may be curbed by adverse reaction of the public. The committee said that the present designs for sets are of only the seven lowest frequencies of 18 stations. The committee said that the present designs for sets are of only a few of these pictures, it was pointed out. The committee said that the present designs for sets are of only a few of these pictures, it was pointed out.

Mass production of television receivers—indicating "high" quality receivers—will be a long process. It is highly desirable before standardization of such transmitting and receiving apparatus, as well as operators, should be free from the influence of the public will purchase is capable of adaptation to any new or old system. Manufacture of receivers must be in volume in order to permit the public to have a choice in development of visual broadcasting, report stressed.

Discussion of the technical side of the problem above and below the interference of overcoming man-made problems, the technique of dis-

Television Angle Up In D. C. Move to Repeal Old Fight Film Law

Washington, May 30. Removal of the present interstate shipment of fight films was pondered this week by a Congressional committee which last December, former heavyweight titleholder, and other ardent devotees of manual wrestling, term the antiquated statute hypocritical.

Parade of ring enthusiasts was staged to focus attention on bill introduced by Senator W. Warren Bardorff, ponderous New Jersey Republican, who used to be the amateur fight game's equivalent of Dempsey. Broadcaster's approval also was voiced, with consideration given to the prospects of television blow-by-blow accounts.

As newsmen grinders insisted on several repeat performances, Dempsey read a 54-word endorsement of the bill, and the committee pointed out that it is legal to carry a chin with a leather-padded fist in virtually every state, and that the law prohibition of shipment of ringside films is an anachronism. Since the law is not enforced and bootlegging goes on, "that's another reason why it should be knocked out."

A newsmen's angle was stressed by Neville Miller, president of National Association of Broadcasters, who said that the bill would permit of permitting microphone splices to tell what happens. Clarification of legal situation of operators of television stations can know what to do.

Television is now in the process of being developed, radio spokesmen commented, "and unless proper steps are taken to prevent the transmission of pictorial representation of prize fights. Many such fights are being broadcast on the lines, and therefore will fall within the category of interstate commerce. The bill would prevent the sale of the act on 1812 would apply to a telecast of prize fight, and it is conceivable that the question may be raised, and no broadcaster desires to run the risk of violating the law even though the possibility of his act being a violation may be remote."

Apparently disinterested since the Federal Government makes no attempt to stop a illegal traffic, there were conspicuously absent. Other supporters of the bill included John R. Kipke, Jr., of Madison Square Garden Corp., and Stanley Scherr, Maryland Athletic commissioner.

John Morrell Co., Easy-Cut Hams, is sponsoring "Warrior Club" which is shown three times weekly over WJZ, Detroit. Runs 15 minutes, high-class, and is a good show, and Rosemary Calvin, songstress.

Janet Jenkins, of WJZ, Detroit, joined Young & Rubicam's Chicago office to become Sanforized Shrunken's "Nancy Dixon" over WGN.

The Derby and Another Prize Fight Satisfactorily Telecast in England

London, May 30. The Derby, picked up on three systems of big-screen reproduction, gave television another impressive demonstration here last week. In all cases the pictures were 15 feet by 12, with more detail and greater concentration of light than was seen in the best of all the new Electrical and Musical Industries unit, which was shown to a private audience, but Baird and Sopchinsky systems did not show up as well as the latter were improvements over former showings, with Sopchinsky going into big-screen phase for the first time.

While technically excellent, the

English Film Exhibitors File Strong Protest on Private View of Government Television

Britain Hesitant, Too

London, May 23. Hopes of expansion of television into the studio are still as confused as ever, but it appears certain now that everybody is in for a go—except the Government. Latest reports show General Post Office's television advisory committee already to have agreed that a station at Birmingham, serving the Midlands, would be a good thing, and it said they have urged government to allot \$1,250,000 from BBC revenues for this purpose. Government is understood to have accepted the principle, though holding time are not ripe for development on account of international tension that still persists.

Attempt in House of Commons to get the situation cleared up was frustrated when Sir Walter Womersley, assistant postmaster-general, announced experiments for a provincial station near new parliament but that he could give no information beyond that.

Engles' Son's Campus Play

Ithaca, N. Y., May 30. Dramatic Club at Cornell University last week presented "The Great Giant" by Prof. A. M. Drummond, who is the director of the United States Theatre, and the graduate student, included in the cast was George Engle, Jr., of the NBC v-p, in charge of the artists' service.

Engle is based on the noted hauled in 1899 and takes as his characters of the period as P. T. Barnum and David Harum.

Jordan Gets WRR Job

Dallas, May 20. Charles B. Jordan, acting manager of WRR, municipal station here, has been unanimously elected manager by the City Council here, moving into post vacated when John Thorwald's contract was terminated by the city. Jordan joined staff in 1928, handled sports broadcasts, in station specialities.

WRR is member of the Texas State Network.

World's Fair Transportation Co., operator of Fairway Bus Lines from Dallas, N. Y., to Fair grounds is using 41 spot announcements weekly on WWSW, N. Y., to corral Fair-ward travel.

World's Fair Transportation Co.

operator of Fairway Bus Lines from Dallas, N. Y., to Fair grounds is using 41 spot announcements weekly on WWSW, N. Y., to corral Fair-ward travel.

Event was badly handled by the Baird Broadcasting Corp., only two pictures being shown, and over the whole track, chiefly for telephone shots from long distance. However, it got a fine picture of the finish. Presentation was also long-winded including pointless pantheons of the general scene.

The Odéon, in Leicester Square, followed by getting the Henry Armstrong fight, and the Redford fight, Thursday night (25), but few paid to see it. It was an excellent fight picture and exceeded the Baird transmission in technical quality despite several breakdowns on the BBC end. Comment has been that this was most entertaining public telecast ever held here.

The international broadcast of this fight is reviewed in detail elsewhere in this issue.

When film trade representatives met Postmaster-General, Tryon to discuss television, they told him they were "agin' it." View they put up was that the new BBC service was hurtful to them—and in its big screen development should definitely be barred by the Government. Meaning, it seems, they feared of how it may disrupt theatre biz.

Attitude is supported by districts and exhibitors alike, and both sections were represented strongly in delegation that confabbed with General Post Office. Claim was argued so urgently that P.M.G. afterwards took unusual course of asking trade its policy in writing to be and Television Advisory Committee could study them more closely. Joint statement was sent to the Exhibitors Ass'n and Kinematograph Renters Society has therefore been sent to the committee.

Both sections hold up of big screens in cinema to re-diffuse BBC topical and feature programs would hurt unfairly. Installations are costly, and the capacity of many small exhibs to meet. Indefinite squabbling at that, but it wouldn't be for the exhibs either, as a wide open market is being created, and the exhibs particularly under the anti-block laws operative here.

Both sections also fear for reproduction rights are being forced, and would be maintained, at unacceptably low rates. The exhibs are more solid theatres and corporations could hope to see daylight through the new developments. The exhibs are more solid theatres and corporations could hope to see daylight through the new developments. The exhibs are more solid theatres and corporations could hope to see daylight through the new developments.

Direction of these attacks is broadly against the circuits, who, it seems, will not be able to take advantage of the potent box office pull in big screen plays. Gaumont-British is naturally favorably placed, with its control of the Baird system, and all their poster with the aid of a government medium, still financed by the people; moreover, such interference with the Baird system by direct competition with an industry which itself is called to pay heavy tribute to the same government.

As the chains are currently being shorted, say demonstration of the Baird system, the exhibs are an additional magnet that would leave them utterly stranded.

MERCHANTS' ANGLE

Think NBC Telecasts Should Be On Thursdays

New York department store retailers of television sets are peeved at NBC for broadcasting its big screen time telecasts on evenings when the stores close early and none on Thursdays when the stores are all open. Claim NBC's program is being shorted, say demonstration of the Baird system, the exhibs are an additional magnet that would leave them utterly stranded.

Meeting among various store owners of the general scene. Several weeks ago resulted in a squawk to NBC and was followed by one to the exhibs. The exhibs are more solid theatres and corporations could hope to see daylight through the new developments.

Charles J. Gilchrist, radio editor of Chicago Daily News, is now news editor of the Chicago Daily News, is now news editor of the Chicago Daily News, is now news editor of the Chicago Daily News.

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Procter & G.'s Growth as Radio User Cited by Daytime Whooper-Upper

San Francisco, May 30. Drum-beating in behalf of daytime radio, based for the most part on the experience of broadcasting's largest buyer of radio time, Procter & Gamble, was given here last week by Heber Smith of the Columbia Broadcasting System. A large group of advertising men and station executives heard the talk which was delivered

at the monthly meeting of the San Francisco Advertising Club.

Smith traced the history of radio advertising over a period of 10 years, from 1928 when commercial time sold on the airwaves totaled only \$1.75 million to 1938 when the industry's take had grown to \$71,000,000. This increase of 417, compared to a rise of 27% in newspaper advertising over a similar period, 27% increase for magazines, a 23% loss in outdoor advertising and a 51% drop for car cards.

Although advertising agencies make about 50% less in handling radio business over other media, those who have the interest of their clients are not duck radio because of the effective job it can do for them, Smith declared.

Smith cited an outstanding record of Procter & Gamble and the tremendous increase in this company's business from \$7,000,000 to \$93,000,000 a year when it swung over to radio. P. & G. since 1932 spends 65c of every advertising dollar on radio. This company now has 16 daytime and six night time shows.

During the depression period from 1929 to 1932, Smith was vice-president in charge of new business for Blackett-Sample-Hummert, which was one of the two leading national agencies to show a marked increase in their business each year during that period. The radio technique developed by the agency, that of the daytime strip, five days a week, 15 minutes a day, 22 weeks a year, was said by Smith to be one of the foremost reasons for this spectacular growth of P&G business.

Smith said that P&G have gone their daytime route because they realize the greatest advantages for their particular line of merchandise. It reaches the housewife at an hour when the woman is thinking about shopping for the merchandise being advertised over the air; daytime broadcasting affords the maximum sales impact, allowing advertisers to use more commercial copy; daytime broadcasting is cheaper and can reach the woman customer at her most for station time and less talent cost.

THE SAURUS GESTURES CANADIAN STATIONS

Montreal, May 30. Special script written by J. A. Shaw, program director of station CFRC, agent the Royal Visit, has been acquired by NBC and is being broadcast on Canadian stations contributing to the NBC "Theatrical Service."

Shaw script, entitled "Royal Cavalcade," is in blank verse and deals with historical British sovereigns up to and including the present reign.

Jacques Thivierge at CKSO

Montreal, May 30. Jacques Thivierge has been retained to handle three French language newscasts and three French variety shows at CKSO, Sudbury, Ontario. French language population of mining town reported now almost 50% of the total.

Thivierge formerly under tutelage of Narcisse Thivierge, manager of station CHRC, Quebec.

The Difference

Montreal, May 30. Rooney Pelletier, CBC program producer, is back from England after eight months with BBC.

Pelletier found that the most significant difference in broadcasting methods, as compared with production on this side, lay in the fact that where producers here are almost entirely influenced by audience reaction, audience demands are virtually ignored in Britain.

If It's McCarthy It's News: Canada Editors' Ideas

Montreal, May 30.

Coast to coast survey made by Madge Archer over period of two years determining what the public most likely of acceptance by Canadian dailies indicates that radio programs get space in direct ratio to their popularity. The most popular programs get the largest space of free space, making it difficult to get mention of new shows.

Survey shows that almost anything Charles McCarthy goes into. Other data indicates that most Canadian dailies have not cut down on radio space in the past two years with increased radio copy recorded in many sections of the country. Exception is Toronto, where it is understood dailies have an understanding to lay off radio news.

Dailies taking radio news will accept only copy for immediate release, waste - balking anything labelled for future release.

London Calling

London, May 30. Arthur Askey and Richard Murdoch returning to BBC's final edition of "Monday Night at Seven" May 29.

Confusion over BBC refusal to relay King George's first Canadian speech from Quebec was solved when late news of royal ship prevented the broadcast; weirdest part of setup was that, while BBC had not arranged to relay the broadcast, it was to be picked up by all French webs, so that Britons who could not hear their own King from their own network would be so by tuning in to the foreign klyso-cry.

Estimated there are still 100,000 radio "pirates" in U. K., who do not pay government license of 10 shillings for their installations; 309 of them were caught and fined last month.

Big scale vox-popping sessions being featured in last of season's "Town Tonight" series. Michael Standen, specialist in London street corner interviews, will talk with people in major provincial cities, reports being grabbed by BBC officials and asked to use head-phones.

A \$250-a-side golf match between Rex Whitcombe and Bobby Locke being televised.

J. M. Ross-Troup up to position of director of program administration for BBC from assistant spot.

Radio Normandy has two more weekly quarter hour programs for Freezone from C. Mitchell & Co. Inc. International Chemical Co., who control Freezone also broadcast Bluegrass Magazine, Rendell Bala Curny, Anne French Cleaning Milk, Limestone Phosphate, Lavona Hair Tonic.

Joe Loss doing double session on Rex Lovenburg, explaining Matton Polish and Reckitt's Blue. Both contracts fixed by London Press Exchange.

Coty Perfumes have placed another contract with BBC through Graham & Gillies for Sunday evenings on Radio Normandy.

BBC "In Town Tonight" and "Monday Night at Seven" weekly series, suspended during summer, to be restored to programs in the fall.

SERIES OF LIGHT SHOWS SPAN HEAT FOR BBC

London, May 30. Some 58 "concert parties" over period of eight weeks, solves BBC's biggest summer variety broadcasting problem. Under John Watt this year's effort will be most ambitious ever planned - by BBC and means output of concert party broadcasts will be doubled in coming season. Better than 700 personalities will be on the air in the series, and material will be supplied by two agencies from a number of shows to make up individual programs. In the regular series of BBC web will be live, mixing import from various parts of country through a central control panel.

From July onwards, U.K. listeners will get big concert party shows two nights each week. Lasting an hour, each will be split into 20 min. periods of different parts. Additionally, a further show will provide a matinee session in each week.

Most of the other summer programs will be revivals or continuations of current series. Watford Haydn's "Cate Collette" band shows will do a fortnightly stand, alternating with Dave Frost's "When You and I" and dancing. Phil Castles' band will do a fortnightly stand, alternating with "Band Wagons" back every two weeks, and Edgie Pola revives "Crazy" series. Monthly series of "Parties continue", and four further editions of "Life Begins at Sixty", "The House saga" by series. Children, are pencilled in for July. An "Eight Bells" program of nautical riddle and a new series of "Ronald Frankau's Beyond Compe" will be aired.

MUCH OF EUROPE WITHIN BBC RANGE

London, May 19. Effective range of BBC programs embraces practically whole of Europe in the view of Sir Stephen Tallents, Corp's public relations controller. Claim was embodied in a statement by Tallents that the stated U.K. programs could be picked up well beyond 400 miles on a reasonably good radio. If the listener were beyond that distance, he would be better served by tuning on the short wave band, and dailies would get better results as well on that band than on the medium of long waves.

BBC service area cannot be indefinitely widened due to international conventions that limit transmitter strength, though recent Montclair plan allows this to be upped, useful, in fact of which Corp. propose to take advantage. Beyond that, range of a dozen stations sending its programs should ensure reception free of interference from other webs in all parts of Europe.

Ayer For Lehn & Fink For So. Amer. Republics

Philadelphia, May 30. Lehn & Fink has named N. W. Ayer & Son agency to handle H. W. Honey and Almond Cream in Argentina and Uruguay.

Analysis of company's marketing problems has started and a campaign will be planned for fall.

Some radio may be used.

Imperial Renewes CFRC

Montreal, May 30. Imperial Tobacco has signed another 53 broadcasts over station CFRC and list of selected private stations.

Continues "Light Up and Listen" series.

Prince Fredrik of Denmark has requested transcriptions of his talk and to the radio welcome given him in Iowa. The records were made by KSO, Des Moines.

MEXICO HAS OWN GADGETS IN NEXT

Mexico City, May 30. XEPT, Tepic, Nayarit State, is the first Mexican station whose equipment was manufactured in Mexico by Mexicans. Will be dedicated by President Lazaro Cardenas tomorrow (1). Equipment was turned out by the government's radio lab in Mexico City.

XEPT, operating at 1,000 watts on 1,260 K.C., is owned by the Nayarit province, located on the Pacific coast and will take commercials.

TO COVER GREAT BRITAIN YOU MUST USE
RADIO NORMANDY
Full Particulars of Air Time & Talent from
INTERNATIONAL BROADCASTING COMPANY, LTD.
25 PORTLAND PLACE, LONDON, W.1

NAN WYNN

ON
"TIME TO SHINE"
Tuesdays 10 P.M. EDT
CBS Network
Mgt.: Columbia Artists, Inc.

"Allen Prescott's 'Don't Forget' insures several welcome chuckles."

Ben Gross, NEW YORK DAILY NEWS

"DON'T FORGET"

ALLEN PRESCOTT

Fridays, 8:30-9 P.M., WJZ

JOSEPH RINES

And His
ORCHESTRA
Hotel St. Regis
Viennese Roof
2nd Consecutive Year
NBC-THREE WEEKLY
WM. MORRIS AGENCY

WBAL

means business
in Baltimore

HILDEGARDE

My deep appreciation for 13 weeks on '99 MEN AND A GIRL' . . . Returning as guest artist June 14, 1939.

ALSO FOR
Guest Appearance with Gene and Fred Allen, May 30, on
"FOR MEN ONLY"

CURRENTLY APPEARING ON
BOB RIPLEY'S "BELIEVE IT OR NOT"

Personal Manager
ANNA ROSENKO
Executive Representative
JACK HUSTELL

MONTREAL

first
IN CANADA'S
RICHEST
MARKET

Entertainment . . . Programming . . .
news and sporting events—these are
some of the reasons why CFRC is the
MOST LIKED-TO station in Canada's
metropolis. That is why, year after year,
national advertisers are quick to repeat
contracts.

CFRC and Short Wave CFRC
owned and operated by
Canadian Marconi Company
NBC Affiliate
Representatives:
CANADA U.S.A.
All Canada Radio Facilities West & Canada

CFRC
dominates a
BI-LINGUAL
AUDIENCE
of over
1,000,000

**DON'T MISS
PALMOLIVE'S
"HILLTOP HOUSE"**
STARRING
BESS JOHNSON
By Adelaide Marston

Dedicated to the women of America.
The story of a woman who must
choose between love and the career
of raising other women's children.

WBAC-CBS-1030-1045 A.M. E.D.S.T.

78 Stations Coast-to-Coast

WOR-130-145 P.M. E.D.S.T.

Monday Through Friday

Direction EDWORTH & BOWLES, Inc.

Management ED. WOLF, RKO Building, New York

Publishers Now Claim 'Closed Shop' Specific Role in Songwriters Code

Major indie publishers contend that the new assignment of the Songwriters Protective Association serves to create a closed shop for its members in the music business. Paragraphs of the assignment stipulate that no SPA may collaborate with any non-SPA member writer unless the latter is "acceptable" to the SPA's council.

The principle in itself, these publishers complain, is contrary to policy of the American Society of Composers, Authors and Publishers, of which almost all SPA members are, and of which many of the SPA council are directors. ASCAP, in answer to the SPA's charges and allegations, has declared that it is always ready to encourage amateur writers and that its members' music is constantly kept open for the contribution of budding writers regardless of their previous status or affiliation.

Foretold Exceptions

The same paragraph provides that the bar against outside collaboration will not apply to 'such persons as fall within any of the following categories':

1. Persons not citizens of the United States and who are non-residents of the United States.
2. Persons who are non-citizens of the United States and who may have no close affiliations which make it impossible for them to qualify as members of the Songwriters Protective Association.
3. Widows, children, heirs or other legal representatives of deceased writers or composers who are not themselves eligible to qualify as members of the Songwriters Protective Association.

In other words, point out the critics, it is all right for an SPA member to work with a non-citizen but if he's American he better join the association or takes his collaborative potpourri with an unestablished writer.

'Josephine' Litigation Adds Another Chapter As Defendants Answer

Defendants in the renewal of copyright litigation over 'Come, Josephine, in My Flying Machine,' have filed their answer to the complaint of Shapiro, Bernstein & Co., with the N. Y. federal court. S-B also added that the renewal rights of the song's copyright on the ground that Bryan and Fisher, the writers, never held the copyright right in the tune. The work, Shapiro-Bernstein claims, was created and published while they were employees for hire of the late Maxie Shapiro.

The answer is for the most part a cross complaint. Fisher and Bryan state that the song was placed in 1929 under the name of the contract and only they have the right to renew the copyright. They ask that the court affirm its previous injunction staying Shapiro-Bernstein from publishing the tune and award them damages for renewal rights publication. Bryan has assigned his share of the renewal rights to Famous, while Fisher has retained his.

Song Sent on Facsimile

Cincinnati, May 30. Wilfred Guenther, coordinator for Crosby's facsimile and television, announced earlier today that Friday (30) for WLVJ by transmitting the words and music of a song, 'I Wanted So Long for This.' The tune was written by Mickey Cipri and published by Philadelphia and chosen by Frank Bernstein for his 'My Lucky Star' series.

Robinson Resumes Tour

Sans his band, Dave Robinson plans to go to the Coast in two weeks or so and will appear at the new club at the Fray and Bragazzi at the twin palaces. The former radio maestro, much improved after his long siege of illness, has been touring the lesser cities under local contracts and doing well since last winter.

Hail and Farewell

Los Angeles, May 30. Eight years ago Phil Harris and Carol O'Connor staged the musical, band in Frisco. Later they split up and went their separate ways. When Harris now returns to town, while Jack Benny is off the air, Lohner takes over his spot at Wilshire Bowl.

LINK'S TRIP MAY BE HERALD NEW ERA

If Harry Link's three-month stay on the Coast at the Metro studios pans out it will be the Tin Pan Alley millennium. It will be the first time, achieve that east-west accord, so far as musical matters are concerned, which has been a long time in the making. Link has arisen ever since the pioneer songwriters' gold rush of 1929, when tineland came to being.

What makes the Link move to Culver City significant is that he has gone to the top Metro-Leo ex-bosses, David Bernstein and Nick Schenck and has been met by M. Mayer on the western end. During his stay, Link is expected to get his honorary LL.D. degree from the University of New Brunswick (Canada) and the two sides have reached an understanding.

The prospective approach of television is giving music holdings extra values, moreover proper spotting of songs in pictures is something that Hollywood can no longer blind itself to. It is hoped that Link, acting for Feist, may get a better share from the studio since he has come from Jack Robbins down the studio bunch has his own ideas about songs and must from the east.

Feist is the firm now designated as the Metro financial outlet. Robbins takes the 20th-Fox studio and Miller Music, the third subunit, takes the miscellaneous. Bernstein wants Link to remain west for six months if necessary, in order to effect a smooth liaison between Culver City and New York on what song material should or should not be included in film productions. During Mayer's recent visit to New York it was brought home to him that the last three to longer meant losses to the company's song publishing affiliates, but had some judicious thought been given it, the songs might have interpreted themselves to prove beneficial to the respective firms' boxoffice chances.

WILL GROSS IN U. S.

Places Tune with Spier-Kate Smith Will Introduce It

Dr. Will Gross, refugee Viennese songsmith who has been writing in England as 'Hugh Williams' with Jimmy Kennedy, is visiting and will be introduced to the American public with Mrs. Gross and placing song material. Kennedy is still tied up with Peter Maurin, Inc., of London, but Gross has broken away in order to extend his trip.

'My Heart Is in Vienna Tonight' has been placed with Larry Spier and Kate Smith will introduce it a fortnight hence. She has radio exclusive on tune for a time. Roma Campbell Hunter wrote the lyrics.

Mike Morris, 76, Dies

Philadelphia, May 30. Mark L. (Mike) Morris, 76, one of the founders of the Joe Morris Music Co., died May 27 in the Jefferson hospital. In 1909 he set up a branch office in New York. He remained there until eight years ago when he retired from the business. Out of the five Morris brothers who operated at one time, only Mike and Hyman. Joe and Cully quit the publishing business last year after selling out their companies and as partner of 20 years, Archie Fletcher.

PUBLISHERS FACTION OF ASCAP HUDDLING

Publishers faction of the ASCAP board of directors, sitting at a classification committee, will today (Wednesday) receive the recommendations of the special committee appointed last year to study ways of revising the pub's system of royalty distribution. The special committee, which appears primarily concerned with the question of adjusting the available phase of the ASCAP system, suggests that an appropriation be made for a broad statistical study of the publishers' accumulations by the older numbers in various publishers' catalogs.

Board members will also discuss the proposal that a person not directly connected with the publishing or performing industry should be asked to examine this information and rate the availability value, of these various catalogs to the ASCAP representatives.

Edwin H. (Buddy) Morris, former head of the Warner Bros. music combine, is being paid \$7,500 a quarter, or \$30,000 a year for the task of the vamping the availability standards to the publisher members. Morris also was appointed guarantor for a full year and a half of service.

The final decision will be subject to the approval of the availability and beyond that to the publishers' faction on the board of directors.

Current ASCAP Ratings

Following are the current availability ratings for all the publisher members in the American Society of Composers, Authors and Publishers. In the last distribution (second quarter of 1939) each company involved pointed out the setup had a value of \$2. The number of points available totaled 94,065%.

Points.	Firm.	Points.	Firm.
8,250	Harms, Inc.	40	H. W. Gray.
5,000	Berlin, Inc.	40	Stanny.
5,000	Chappell.	30	Filmore.
5,500	Feist.	30	Fred Fisher.
5,500	Carl Fischer, Inc.	30	Bob Miller.
5,500	Robbins.	27	Skidmore.
5,500	Schirmer.	20	Birchard.
5,500	Shapiro-Bernstein.	20	Italian Book Co.
5,500	Witmark.	20	John Jones Music.
4,750	Remick.	20	Ray & Kay Music.
4,500	E. B. Marks.	20	Lincoln Music.
4,500	Mills Music.	20	Lorenz.
3,150	Crawford Music.	20	Hop.
2,750	T. B. Harms Co.	20	Olman.
2,750	Famous Well.	20	Paramount.
1,875	Donaldson-Douglas-Gumble.	20	Willis.
1,875	Age-Yellen-Bornstein.	20	B. F. Wood.
1,500	Music.	20	Ted Browne.
1,500	Music.	20	Millenwell.
1,250	Dillon.	20	Century Music.
1,000	ABC Music.	20	Composers' Music.
1,000	Church.	20	Flazimons.
800	Forster.	20	Gamble Hinged.
800	Sam Fox.	20	Goodman Music.
750	Joe Morris.	20	Hamilton & Gordon.
750	Santly-Joy-Select.	20	Hal-Mack.
540	Broadway Music.	20	Honey.
540	New World Music.	20	Ross Jungnickel.
540	Southern Music.	20	Kendis.
440	Joe Davis.	20	Repe.
440	Paul-Pioneer.	20	Pond.
440	Carrie Jacobs Bond.	20	Star.
440	Handy Bros.	20	Rubink.
250	J. Fischer & Bro.	20	Kirschner & Gunther.
225	Presser.	20	Schrier.
225	Chas. Foley.	20	Tesic.
225	Harry Von Tilzer.	20	Volkstein.
225	Warner Bros.	20	Amico Music.
210	Metron Bros.	20	Barnhouse.
180	Movietone.	20	Briegel.
150	Flammer.	20	Wapner & Music.
150	Richter.	20	Denton & Haskins.
150	Willi A. Moret, Inc.	20	Edgar-Vogel.
150	White-Smith.	20	Nozeman.
110	Gershwin.	20	Ekan Leslie.
100	Clarence Williams.	20	Ray Music.
100	Jenkins.	20	Maurice Abrahams, Inc.
55	Will Rosstler.	20	Baron.
50	Alfred Moe.	20	Jenkins.
50	Thornton W. Allen.	20	Circ.
50	Ed Achse.	20	Evans.
50	Belwin.	20	Wells White.
50	L. R. Curtis.	20	Green & Gilbert.
50	Chas. M. Harris.	20	Kalmar & Ruby.
50	Huntzinger.	20	Lewis Music.
50	Walter Jacobs.	20	Photo Play Music.
50	Spl.	20	Ludwig Music.
50	Vogel.	20	Piedmont Music.
45	Schuster-Miller.	20	Dave Ringle.
45	Victrola.	20	Schneider.
44	Galaxy.	20	Sept & Powers.
44	Radioheaver.	20	
44	Clyde F. Summy.	20	

* Acquired by Bregman-Vocco-Conn, Inc.

Test Due of Phonograph Rights To Copyright Music for Slot Machines Sans Added Royalty

Counsel for Warner Bros. publishing interests will file a test suit on the phonograph record coin-machine issue by the end of this week. RCA Victor will be named as the defendant and the N.Y. federal court will be asked to determine whether the disc manufacturer has a right under the compulsory license provision of the copyright law to record a special arrangement of a composition. On the court's finding will hinge any further attempt of the music publishing industry to collect an added royalty on records used in coin machines.

Victor has entered into a stipulation with Warners to abide by the lower court's decision and not to undertake any appeals if the ruling is against it. WB will likewise resist any royalties for additional phonograph royalties on the same decision. It is understood that the other phonograph manufacturers have agreed to finance the test case jointly and

several weeks were taken by the music combine's lawyer, A. M. Watson, in laying the groundwork for the case. The first was to make a vocal and piano recording of two numbers from the 'Streets of Paris' score soon after the sheet music came off the presses. After Tommy Dorsey was assigned by Victor to record these same two numbers, Harms, Inc., the firm concerned, advised the leader and the manufacturer that he wouldn't be permitted to record any arrangement of his own. The disc was issued anyway. The disc involved is slated for release this week and on the day it reaches the counter Warners will serve the papers in the suit.

The action is predicated on two provisions in the copyright law. One has to do with the clause giving the copyright owner the exclusive right to make special arrangements of his work and the other provides for a compulsory license action. Warners holds the latter provision does not entitle the manufacturer to make a special arrangement of a copyrighted work by paying the required 2% royalty and the manufacturer by failing to obtain permission to make a special arrangement is guilty of infringement. Neither side has ever before been tested in the courts.

TOMMY DORSEY 50% OF SPIR

Reported in Vaxxny two weeks ago, the deal was the most wanted official that Tommy Dorsey has invested around \$40,000 for a 50% interest of Larry Spier's firm, the latter, sole owner of his firm, made the deal (1) because of an expansive attitude and (2) because of Spier's ability to contribute, much to the firm's success. Spier's catalog in the way of tremendous compositions and arrangements, original compositions and arrangements. The deal was closed last week. Plans are being made legally for Spier, and John Gluskin, attorney for Dorsey, Dorsey becomes v.p. of Spier, Inc. Gluskin is sec. and Spier remains president.

Already Dorsey has placed four contracts with the firm, including two instrumental, 'Pocky' with his 'Pocky' and 'Raleigh Roubatour', both tied in with the 'Kool-High' cigarette for which Dorsey has recorded. The pops are in 'The Middle of a Dream' by Dorsey, Einar Swan (an arrangement) and Al Stillman, and 'You Taught Me to Love Again' by Dorsey and Henry Wooddy, colored music publisher.

The expansionist plans embrace a pending deal for Spier-Dorsey to absorb another catalog with an ASCAP rating, in order to afford outlets for the wealth of material Dorsey will bring in. This is made possible through the maestro's affiliations with other bands.

Another deal also covers 75 music country in a chain of stores which is being tied up to plug Spier's.

READING, PA., MAKES GOOD

Gets First Network Wire for Remmie Dance Pick-Up

Frankie Trumbauer orchestra got the first network wire ever to be sent into Reading, Pa., for that purpose when it started its broadcast from Park there Saturday (27). Wire was from WFL, Philadelphia, and spread over the Mutual network. There were three nights a week, Wednesday, Saturday and Sunday for next four weeks. Trumbauer also does four weeks of Monday night replacements at the New Yorker hotel, N. Y., beginning past Monday (30).

Hipp's Jam Session a Jitterbug's Delight But 1,800 B.O. Disappoints

More than 1,800 jitterbugs trucked their way into the Hippodrome, N.Y., Monday night (29) for the first annual swing concert of the National Swing Club of America. Seven well-known, several nameless, and four jam sessions comprised the highlight band, which mingling with the lesser-knowns, highlighted an unprecedented four-hour program of live music.

John Kirby and his Onyx Club unit provided the solidest rhythms and had the cuts dancing in the aisles. Other bands, all of which were well-received, were those of Pete Brown, Art Martin, Art Dupont (guitar, clarinetist), Bert Sheffer, the Harlem Highlanders and Joe Simon's 14-piece pit orchestra, official N.S.C.A. band.

Among the larger jam groups was one comprised of Cozy Cole, Bob Zurke, Pete Brown, Charlie Tarnow, Miff Mole, Hal Brown, Buster Bailey, Claude Jones, Art Shapiro, Sebastian Julian and Benny Carter, with vocals by Cab Calloway.

One of the smaller impromptu units had Billie Holiday's songs backed by Duke Ellington, Henry Adler, Frank Hewitt, Charlie Barnett and others. Other jivists included Ben Hiller, Jack Connors, Irving Miller and Artie Shapiro as well.

Another jam session was that of Sammie Weiss on drums, Benny Carter on sax, Artie Reynolds on guitar, Jack Connors at the vibes, Nat Fafie at piano, and Artie Shapiro at bass.

Sentimental kick of the evening was W. C. Handy playing his "St. Louis Blues" on trumpet, backed by Adrian Rollini at the electric vibes, Frank Victor on guitar and Harry Clarke on bass.

Hazel Scott and Peggy Boward drilled to sound records as did the Merry Macs of radio. Roy Eldridge played two hot trumpet solos. Jan Savitt and Whitman, honorary chairman of the club, spoke briefly when accepting trophies for their contributions to the club. Gold medals and trophies were given to most of the others also. Awards were distributed by Jack Rosenberg, press director of Local 802, and Ed J. Harris, national director of N. Y. S. C. A. Richard B. Gilbert emceed throughout.

From entertainment angle, event was complete success, but, too, returns could have been upped considerably by heavier average publicity.

Band Instrument Suit

Rudy Muck, manufacturer and vendor of mouthpieces used in band instruments, covering trumpets, cornets and trombones, filed suit in the N. Y. federal court Friday (28) against the N. Y. Band Instrument Co., Inc. and Gretsch & Brenner, Inc., claiming the infringement of copyright on mouthpieces known as "Cushion Grip."

The plaintiff asserts that the defendants are selling "mouthpieces which is a copy of his copyright entitled, 'Cushion Grip.' He seeks an injunction, accounting of profits and damages.

Scott Bradley doing double scoring job on Goldkloids and The Three B's and The Best That Could Sleep, cartoons at Metro.

Song Suggestions

JIMMY McHUGH'S
"On the Sunny Side of the Street"
Shapiro, Brenstein & Co.

We Wuz Robbed

Henry M. Spiller, general manager of Chappell & Co., was both surprised and amused last week when the publisher of a couple of writers advising that they considered "Our Love" as a melody they wrote. The title page of "Our Love" carried the name of a Zerkowksky melody as the source for the song, said melody being in the public domain.

Same melody is to be found in "No Star Is Lost," published by Carl Fischer, with similar credit, noted on the latter's title page.

AFM FAILS TO GET SCHOOL BAN

Albany, May 30.

Efforts of the AFM to outlaw the use of public schools and college bands at outside functions, except where no organized civilian band or orchestra exists and except for patriotic parades and celebrations of national holidays, and the use of bands or orchestras composed principally of civil service employees at functions not connected with their department or bureau, have again failed.

For several years, the musicians' union and its locals have pressed the Legislature to pass two such bills, but despite bi-partisan cooperation, the measure has failed to be introduced. In fact, this year the bills, introduced by Senator Clifford C. Hastings, Rensselaer County Republican, and Assemblyman Francis J. McCaffrey, Jr., Manhattan Democrat, did not even leave committee.

Privately, legislators say these proposals pack political dynamite. Local boards of education send protests and agitate for others to do likewise. Home town pride in school bands is strong that few lawmakers dare to go on record for their restriction. Boarding and Parochial school bands, some of which draw good money for outside jobs, also fight measure.

Warnow, Kaye Aid Mayor Launch Open Air Hoofing

Mark Warnow and Sammy Kaye will guest conduct with Mayor LaGuardia's opening of the new weekly public dances on the Mall in Central Park, N. Y., tomorrow night (30). Hop, rock and swing music and are serviced by a WPA band.

City-owned WNYC broadcasts.

Cashier Was A.F.M.

London, May 30. One Nebraska dance spot was placed on "unfair list" by A. F. M. recently. Therein lies a story. Place was paying off with scale. Last payoff before they were caught was made by check. Band leader caught it at his home bank.

Made the mistake of picking a cashier who was also an orchestra leader and kingpin in the musicians' local.

EUROPEAN BROADCASTS

Oxley Clears Way for Jimmy Lunceford in Europe

Harold Oxley, manager of Jimmie Lunceford's orchestra, is now linking up a series of DX broadcasts to the U. S. to emanate from various points in Europe and out of his forthcoming European tour. Band sails Aug. 24, opening in Zurich, Switzerland, Sept. 1. Returns early in December.

Claimed that all of his stops will be fully booked in Europe as well as the ones shortwaved.

Jack Benny Buildup By MCA Has Exceptional Booking Guarantees

Signed under an unusual contract by Music Corporation of America, new band led by Jack Benny's New York radio studio trombonist, Denver 22 in Coney Island, Cincinnati 22 in Cincinnati, Tenn. MCA will provide seven months of specific employment at a minimum salary. That is to say MCA will sell the band for less than his salary they stand the loss.

Band is getting no publicity, no wires, any fanfare for the Coney Island date which is for two weeks. Later in the summer it will be provided with the all important wires and is reported set for a New York hotel date in the fall. It has been added to Brunswick records for one year and has already cut two plates. Louie Robin was set as vocalist, but has since gone over to Benny Goodman's band.

Choral Arrangements Of Waring Are Published

For Waring is making available the choral arrangements used by his Glee Club because of many requests. First series will be released soon. Words & Music, his own pub. has had.

Batch will include "Jennie With a Gun," "How Do You Know You're Young," "Believe Me If All Those Endearing Young Charms," and "Jenny."

JULIEN FUHS WITH MILLS

Carter, Hackett Bands, (New) Will Recast For Vocalists

Julien Fuhs, NBC orchestra director, has signed a management contract with Irving Mills. Fuhs starts an NBC series of musical programs currently at the Savoy Ballroom, N. Y., while Hackett opens at the Trocadero, N. Y., June 15.

Duke Ellington, Johnny Hodges and Cootie Williams were resigned for record. Ellington for another stretch with Brunswick and Hodges and Williams with Vocalion. Latter two are from Ellington's own outfit but record with combinations of their own.

Connie Barlow's Mishap

Pittsburgh, Pa., vocalist with Bertie Cummings, who came here last week when she fell from a horse on South Park's bridge path. Gal was removed to Mercy Hospital and missed the last five days of Cummings' engagement at William Penn hotel.

However, she accompanied band to Virginia Beach for its opening there at Cavalier hotel Saturday (27), with the ankle in a cast. She'll resume career, dealing with Cummings this week, getting to the mile with the aid of a pair of crutches.

On the Upbeat

Glyde Lees moves his orchestra into Coconut Grove, Los Angeles, June 12.

Pinky Tomlin signed for four more weeks at the Baltimore Bowl, L. A.

Bill Roberts and his band at the Florentine Gardens, Hollywood.

Billy MacDonald and his Highlanders opened at Topsy's in Southgate, Cal.

Shirley Darling and orchestra open at the Roxy, Salt Lake City, June 10.

Joe Bachman opens tonight (31) at William Penn Hotel's Urban Roof, Pittsburgh, for four weeks with company. Placed by MCA.

Bernie Crampton band opened Saturday (27) at Cavalier Hotel, Virginia Beach, after four-month run at William Penn Hotel's Chatterbox in Pittsburgh.

Art Dunn's orchestra bowed at El Tirol, Dallas supper club, Tuesday (30).

Joe Velezini back in Monteleone Hotel Cocktail Lounge, New Orleans, Monday (29) with local four-piece unit after 28 months' absence from same spot. Replaces Four Rhythm Masters led by Mack Harris of Birmingham. Spot has two 15-minute broadcasts nightly through WDSU.

Famous Door Cocktail Lounge, New Orleans, substitute live music of Jack O'Brien's Jazz Jesters for canned music. O'Brien's negro outfit, "The Bluebirds," is first music Door has had.

Leo Zelle into the Rainbow Terrace, Philly, for the summer. Just completed a road tour of dealer meetings for Standard Oil.

Sylvan Herman orch will make a stand for the summer at Peacock Gardens, at fresco spot near Valley Forge, Pa.

Tommy Tucker's band at Roton Point Park, South Norwalk, Conn., June 4.

Sammy Kaye's orchestra's Strand theatre, N. Y., date has been postponed until June 23.

Barry Wood, CBS sustaining singer, debuts his new band locally tomorrow night (Thursday). Opens at the Claremont Inn, N. Y. Gets two CBS wires per.

Bobby Parks orchestra goes into the Harbor hotel, New York, for four months when finishing a current eight-day cruise date on a Bermuda liner.

Harry James orchestra follows William Alexander into the Roseland, N. Y., June 29.

Nat Brandwynne replaces a scheduled wedding of the King's Jesters at the Ritz-Carlton hotel A.C. 30.

Eddie Ellington of the Revelers, Glenn Cross, with Johnny Green's band, and Gibby Nolan of Fred Waring's outfit will combine for special dates with Dick Ballou's WHIN orchestra as a trio.

Frankie Masters orchestra signed for Brunswick Records.

Alex Templeton, blind pianist, to make Victor records.

Eddie LeBaron orchestra will cut for Decca.

Phil Harris orchestra is dropping off the Brunswick label.

Bobbie Hackett orchestra is down

for the Columbia Dance Hour program Sunday (4).

Al Kavelin orchestra will cut a transcription series for NBC.

Gus Arnheim orchestra dropped off the Rockwell series. Amusement management list. Band's on the Coast.

John Phillips Sousa 3d's orchestra plays Maryland Beach, N. Y., this weekend (3-4).

Eddie Valencu orchestra reopens the Adelphi hotel, Phila., Roof Friday (2).

Edy Duchin replaces Hal Kemp's orchestra on the Starlight Roof of Waldorf-Astoria hotel, N. Y., Friday (2).

Dick Stabile into Mural Room of the Baker Hotel, Dallas, July 14-16, following Leighton Noble. After Stabile comes Jack Fulton for four weeks.

Dick Barrie's band opened at Casino Park, Fort Worth. Jimmie Grier mentioned as successor.

Larry Taylor, former warbler on WCAI, Phila., has joined Charlie Barnett's orchestra as soloist.

Tommy Carlsby band into Kennedy-Wood Park, Pittsburgh, Tuesday (30) for 10-day stay, replacing Bunny Berigan. Carlsby will be followed June 12 by Jimmy Joy for two weeks.

Cecil Golly opens tonight (31) at Willows, Pittsburgh, for two weeks, with Bill Marshall or set for same length of stay beginning June 12. Golly played by Frederick Rose and Marshall played by Frederick. Latter is the old Frank Dralyn band.

Woody Herman one-night Sunday (31) at Pleasure Beach, Bridgeport, Conn. Red Nichols set for June 11.

\$125,000 TUNES

Cost of Tribal Rhythms for Backgrounding "Stanley and Livingston"

Hollywood, May 30. African music to the tune of \$125,000 will be used as background for "Stanley and Livingston" at 28th Fox, although the picture is straight drama.

Paul McVey is back from Africa, where he spent five months waxing tribal rhythms and collecting native musical instruments.

Band Bookings

Orlie Nelson, June 30, one week, Cedar Point, Ohio.

Vic Hunter, June 2, one week, Danieland, Syracuse.

Dick Barrie, June 17, four weeks, Jefferson Beach, Detroit.

Sammy Kaye, June 15, Central Ballroom, Arnold's Park, Iowa.

Red Nichols, week June 15, Loew's Palace, N. Y., June 15-24, Philmont Country Club, Phila., June 25, Surf Beach Club, Virginia Beach, Va.

Ramona Cross, 3 Century Country Club, White Plains, N. Y.; 4, Pleasure Beach, Bridgeport; 6, Fernbrook Park, Dallas, Pa.; 8, George F. Pavillon, Johnson City, Pa.

Artie Shaw, Sept. 8-7, Canadian National Exhibition, Toronto.

Chick Webb, June 2, Suburban Gardens, Wash., D. C.; 11, Armory, Danville, Va.; 12-14, St. Auditorium, Columbia, S. C.; 15, Columbia, Columbia, S. C.

Blue Barron, June 8, Armory, Wallace, N. C.; 10, Auditorium, Montgomery, Ala.; 11, Armory, Seawall, Tenn.; 14, Armory, Morgantown, N. C.; 16, week, Erie theatre, week 17, Standard theatre, Pitts.; 30, Mansion, Youngstown, Ohio.

The Newest Nick Kenny Release—A Sure Hit!

HITS & SALLIES

(BENEATH A YELLOW MOON)

By NICK KENNY, CHARLES KENNY and HARRY ARCHER

Advance Production Chart

(Continued from page 20)

Casey Robinson from play by Zoe Akins; photographed by Tony Gaudio. Cast: Betty Davis, Miriam Hopkins, Humphrey Bogart, Jane Bryan, Clay Tilton, Donald Crisp, Jerome Cowan.

WORRY FAMILY, family drama; produced by Gordon Hollingshead by Bryan Fay; directed by William McGann; no writing credits released; photographed by Shmuel Feinberg. Cast: John Garfield, John Carradine, Sharon, Irene Rich, Fred Trotter, John Ridgely, Aldrich Bowker, Jackie Moran, Larry Williams.

"DUST BE MY DESTINY", executive producer, Hal B. Wallis; associate, Lou Edelman; directed by Lew Seiler; no writing credits released; photographed by Arthur Edson. Cast: John Garfield, Pat O'Brien, Allen Jenkins, Jane Bryan, Billy Halop, Bobby Jordan, Stanley Ridges, Henry Stephens, Margie Stever, Arthur Hovish, Walter Miller, Charles Grawein.

"THE KNIGHT AND THE LADY" (Technicolor), executive producer, Hal B. Wallis; associate producer, Robert Lord; directed by Michael Curtiz; screen play by Norman Kelly Raine and Aeneas Mackenzie; from the play, "Elizabeth the Queen," Maxwell Anderson and Christopher Y. Conrad; associate photographer, W. Howard George. Cast: Betty Davis, Errol Flynn, Olivia de Havilland, Alan Hale, Vincent Price, Donald Crisp, Henry Stephens, Guy Bell, Robert Warwick, Keith Thibodeau, Nanette Fabray, Rosella Towne, James Stephenson, John Sutton, Mary Treen.

"DANCE DREW AND THE HIDDEN STAIRCASE", produced by Bryan Gance; directed by William Clemens; screen play by Kenneth Gamet; based on the mystery drew by Carolyn Wells; photographed by Sol Polito; associate photographer, W. Howard George. Cast: Betty Davis, Errol Flynn, Olivia de Havilland, Alan Hale, Vincent Price, Donald Crisp, Henry Stephens, Guy Bell, Robert Warwick, Keith Thibodeau, Nanette Fabray, Rosella Towne, James Stephenson, John Sutton, Mary Treen.

"CARRIE WARR" (1939-40 release), drama; Hal B. Wallis, executive producer; associate producer, Lou Edelman; directed by Lloyd Bacon; screen play by James Hilton, Warren Duff and Frank Longhouse; adapted by Robert Buckner from the Katherine Tegen novel; photographed by Charles Roemer. Cast: Joel McCrea, Jeffry Lynn, Frank McHugh, Nana Bryant, Lionel Barrymore, Howard Hickes, Stanley Ridges, Martin Konecny, Henry Fother, Willy Katchum, John Hamilton.

"RETURN OF DR. X" (1939-40 release), melter; produced by Bryan Fox; directed by Vincent Sherman; no writing credit verified; photographed by Sid Hickox. Cast: Lya Lys.

FEMME BARTENDERS NIXED IN 3 P.A. CITIES

Philadelphia, May 30. Hand that cracks the cradle will no longer pour the booze here. Pennsylvania legislature last week passed a measure outlawing femme bartenders in Philadelphia, Pittsburgh and Scranton. Penalty for violators is a \$100 fine.

Exceptions are made for wives of liquor licensees or women licensees. Femmes may still totle drinks from service bars to tables, too.

SWITCHES PLANS

St. Louis, May 30. Sid X. Hartman, manager of the Chase Club, located in the hotel's east wing, has abandoned the hotel's roof this summer for a brick-like air-conditioned room.

The niter, tagged "The El Patio, opens Thursday (12 night).

Eugene and Willis Howard open at Earl Carroll's Hollywood theatre-cafe June 8; also the 3 Swits.

PRODUCER
11½ years
for
A. B. MARCUS

PRODUCING
Shoes
BALABAN & KATZ
State Lake Theatre
Chicago
Great Success

The FIVE FEMINE NOTES

CURRENTLY AT THE
INTERNATIONAL CASINO, New York

Thanks to Alex Finn for this splendid opportunity to once again be associated with him after our successful engagement at his Mayfair in Boston.

Buffalo, May 30. Mrs. Grace Souter, known as burlesque as Grace Douglas, and her husband, were not-suited in Supreme Court here in a \$100,000 divorce action for injuries alleged to have been sustained on an icy staircase at which they were living in 1937. She claimed that her ability to dance had been impaired.

15 YEARS AGO.

(FROM VARIETY)

Controlling stock of the Cohan theatre building, New York, was bought by Joe Leland, the ticketman. The corner's value estimated at between \$4,000,000 and \$5,000,000.

Maria Jeritza, the Met soprano, who had been receiving \$3,000 each performance for the Met, was getting \$150 per in Vienna. Just a question of times being tough there.

The Friars turned out en masse to honor Nellie Revel at a dinner in the Hotel Astor, N. Y.

Ole Olsen and Laura Weller, both on tour, were hired to head a party to a lighthouse several miles off San Francisco and were married by a justice of the peace in the presence of a couple of witnesses and a flock of seagulls.

Tin Pan Alley closed down for one day in tribute to Victor Herbert, who suffered dead in the street near his New York home at 64.

Although Fay Bainter was starred and Walter Woolf featured, Billy Beatty had the big click in "Shubert's" "The Dream Girl," which opened in Washington. Also in the cast was George Le Maire and Edna Mae Oliver.

Marcus Lewis was named president of the new Metro-Goldwyn-Mayer amalgamation. Nicholas Schenck, Louis B. Mayer, Edward Bowes and Arthur Loew were among other officers named.

Beverly Bayne was returning to the screen in Warner's "Her Marriage." Her husband, Francis X. Bushman, wasn't to be in this one, Monte Blue copping the male lead role.

Burlesque Review CASINO, PITT.

Pittsburgh, May 25. "World's Fair Frolics" was the theme. Joe Freed, Art Gardner, in costume, Louis Rogers, Rhythm Brides, and the "Duo," Lyle Sam Gold, Janeece, Lyle (14).

This Pitt peeler's in reverse with "World's Fair Frolics." Talent is just fair while production is first-rate. It's usually the opposite here.

George Jaffe has brought in Natalie Cartier to speed the chorus work she's doing miserably. Come to clean for a change, too, and sets for ensemble numbers don't have that left-over look.

Routines actually go in for a bit of the old-fashioned, but they're backed up by a husky femine billed simply as "The Duo." And while on the floor, a big dame, Gal makes three paraneases and clicks each time. Not much on looks but that doesn't matter once she's got started.

Comedies of Joe Freed and Art Gardner, with Lew Pelt and Sam Gold strutting, have little material and delve into plain dirty Joe Miller. Freed collects a laugh occasionally with a deadpan voice but that's as far as he gets. It's usually doesn't matter at the Casino so long as there's a belly laugh somewhere. This show's chicks, however, did not so.

Featured stripper is Cubanita. After a minute or so of big, Spanish music, she goes native with some educated bumping to sock in her lone appearance. The lady is Louise Rogers, cute looker from the south. While still in the league, go has possibilities.

Frolics carries two vaude specialties both clicks. First is Rhythmic Brown, colored humor, who does his stuff on rollatones for a few days and second is the Arizona Duo, personable ladies who come up with a showy larai-gingling ten minutes, mixing in a bit of stepping and acrobatics, too. In the Thomas billed as a peeler, but she was just disporting herself in a couple of sketches at show caught.

Shore's flash is the best the Casino has had in some time, but she falls back on that burlesque essential, comedy.

Night Club Reviews

MEADOWBROOK

(Continued from page 34)

Backed by Bryn's excellent muted trombone, he whams it out. Band puts on a bit of a show also. St. Bakker's trumpet solo is a bit of a show. Bryn's band is a bit of a show. Bryn's band is a bit of a show. Bryn's band is a bit of a show.

Madness seems to draw a varied type crowd. Some evenings the trade is strictly high school, weekends seem to be different, drawing a more mature crowd. For the latter's trip comfort the management puts a damper on reckless jiving.

Hawaiian Blue Room (ROOSEVELT HOTEL, N. O.)

New Orleans, May 28. Jack Fulton orch. Arnie DeJarnette, Lynn Chalmers, Carol King, Al Carney, Tootie.

Jack Fulton's orchestra leads a thoroughly satisfying show here. When caught Friday (28) opening night, Fulton's orchestra was warmly received. Fulton's core is versatile. His style is obviously of the 1930s, the jitters being predominantly sweet. Brasses are muted, with twingero-jointers tossed in often but skillfully held in check. Fulton's tender warbling, and clicks while the orchestra also does workmanlike job with the show. Renee DeJarnette, attractive songstress, has a rich soprano and plenty of eye-appeal. Carol King presents two smooth toe routines in addition to making a fine appearance.

Al Carney, a youngster does swell imitations. President Roosevelt and Fred Sparks being the most notable of his appraisals. The Colston, brother-sister dance team, register share. Alie is looser. The two also mix in a few routines.

Lynn Chalmers, with Fulton, is capable warbler of top turn-out easy to gender. During band program, Fulton gives a few numbers and members of band plenty of opportunity to share spotlight in solo work.

HOTEL TAFT, N. Y. (GRILL ROOM)

Snock Light orch (12), with Peggy Mann, George Hines and Light Brigade.

Snock Light's orchestra recently celebrated its first anniversary in the Taft grill. Open only for luncheon and dinner, the 600-seat spot stands to garner some of the fair influx, when and if Light-band, with its four lovely air shiks, is accepted as a decided pull for that trade.

The crew's 11 pieces, plus the 60-line maestro, provide a fine adaptation, with the Light Brigade and other novelty angles lending a showmanly touch. Since opening here several changes have been made in the band, particularly the addition of pianist Max Chantlow, once with Joe Marsala. Since the original pianist was also held the arts arrangement, the band comprises two.

The THEATRE OF THE SARS

Bookings Agency

GENERAL EXECUTIVE OFFICES

LOEW BLDG. ANNEX

160 WEST 46TH ST. NEW YORK

Dyant 9-7800

J. H. LUBIN

GENERAL MANAGER

SIDNEY H. PIERMONT

BOOKING MANAGER

plano, three saxes, two trumpets, one trombone, electric (tall regular) guitar, mello and drums. Nicely pitched outfit uses well arranged numbers and dances that just for dancing grove with the various units. Light Brigade is a live conversation, that goes on between straight dance sets, using piano, electric, trombone, piano, clarinet, bass, drums and vibraphone.

Light waltz too. Peggy Mann and George Hines handle that chore as a rule, however, and get 'em off neatly and clean. In the trio breaks in occasionally, adding good tone to the other numbers.

Dinner from \$1 up; luncheon provided.

PUMP ROOM, CHI (HOTEL AMBASSADOR EAST)

Don & Audrey Le Maire, Betty Bryant, Howard McCrery orch.

Northside hotel room has developed into the social rendezvous of a busy "Entertainers" is held down, with atmosphere getting the real play. Everything points to the fact that the room is popular, with its name, the room is designed and decorated in a comfortable, but is hindered by large posts up and down the middle of the room.

Howard McCrery's orchestra (5) turns out considerable music despite the fact that the room is crowded. Heavy on the strings, great for the room, and goes in big for thumbeat. McCrery, too, makes a fine appearance but has very little to do.

Doubling from the Sherman Hotel's College Inn, Don and Audrey Le Maire furnish the bulk of the floor show entertainment with their dance routines. Credited with having done most to popularize the Ambeth Walk around these parts, they come through with excellent dance stuff, making a Schottische, a waltz, a Claire de Lune and rumba. Pair, make great appearance and possess a good team-leadership. Following a custom of entering slow to the music, the niter has Betty Bryant currently; she warbles just enough to get by.

No cover or minimum, with \$2.50 for regular table & holer dinner.

Gold

JOE TERMINI

with JEAN HAMILTON and BOB DU HART

MAY 29, HACKNEY

EMPIRE, LONDON

RALPH HOLBEIN

SIDNEY FISHER

78/77 Shaftesbury Avenue

PICCADILLY, LONDON, ENG.

the original owner of a violin, at present
Sebeck, Me. Evidently the fiddle dates
50 years in a theatre orchestra in New
him. When the latter died the instru-
like \$500 given to his widow.
one, which was presented to the woman's
captain had it aboard a boat which was
drama during the Civil War. Original
Park Square theatre, N.Y.

Critics Pick Best Acting

(Continued from page 1)

figure musicals among their selections. Evaluation of all players who received more than two votes:

Maurice Evans.....9
Barry Fitzgerald.....9
Raymond Massey.....9
Ethel Waters.....9
Robert Morley.....8
Raymond Massey.....8
Laurette Taylor.....8
Tallulah Bankhead.....7
Eddie Dowling.....7
Patricia Collinge.....7
Katharine Cornell.....5
Laddie Oliver.....5
Morris Carnovsky.....5
Barry Fitzgerald.....5
Katharine Hepburn.....5
Helen Claire.....3
Helen Westley.....3
Wesley Addy.....3
Listings are in the alphabetical order of the reviewers' names. No order of preference is indicated in the listings.

JOHN ANDERSON
(Journal-American)

Laurette Taylor ('Outward Bound')
Eddie Dowling ('Here Come Clouds')
Morris Carnovsky ('Rocket to Moon')
Raymond Massey ('Abe Lincoln')
Dean Jagger, Dorothy Gish, Mildred Natwick ('Missouri Legend')
Helen Claire ('Kiss Boys Goodbye')
Maurice Evans ('Hamlet')
Barry Fitzgerald ('White Steed')
Robert Morley ('Oscar Wilde')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Norman Lloyd ('Everywhere I Roam')
Ethel Waters ('Mamba's Daughters')
Katharine Cornell ('No Time for Comedy')

BROOKS ATKINSON
(Times)

Mildred Natwick ('Missouri Legend')
Robert Morley ('Oscar Wilde')
Maurice Evans ('Hamlet')
Raymond Massey ('Abe Lincoln')
Morris Carnovsky ('Rocket to Moon')
Laurette Taylor ('Outward Bound')
Jane Cowell, June Walker ('Merchant of Yonkers')

LIFE Magazine Says:

"A girl with a catchy voice, an expressive face, a fine figure and plenty of glamour, and is a No. 1 bet for television . . ."

TIME Magazine Says:

"A luscious, hazel-eyed blond, who 'sings the way Garbo looks'."

THE DECADE

RADIO: Ripley's "Believe It Or Not" Show; also scheduled for guest programs. **Television:** No. 1 girl. **Decca Records.** **Pierre Hotel,** opening for 4 weeks June 15. **Savoy-Plaza,** opening indefinite engagement July 27.

Personal Manager: ANNA SOSENKO
Exclusive Representative: JACK BERTELL

Ethel Waters ('Mamba's Daughters')
Barry Fitzgerald ('White Steed')
Beatrice Lillie, Richard Haydn ('Set to Music')
Ethel Waters ('Mamba's Daughters')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Helen Westley ('Primrose Path')
Judith Anderson ('Family Portrait')
Katharine Hepburn ('Philadelphia Story')
Philip Loeb, Sidney Lumet ('My Heart's in the Highlands')
Katharine Cornell, Laurence Olivier ('No Time for Comedy')

JOHN MASON BROWN
(Post)

Maurice Evans ('Hamlet')
Robert Morley ('Oscar Wilde')
Eddie Dowling ('Here Come Clouds')
Victor Moore ('Leave It to Me')
Laurette Taylor ('Outward Bound')
Luther Adler ('Rocket to Moon')
Judith Anderson ('Family Portrait')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Wesley Addy ('Henry IV')
Raymond Massey ('Abe Lincoln')
Dean Jagger, Dorothy Gish, Mildred Natwick ('Missouri Legend')
Helen Claire ('Kiss Boys Goodbye')

ROBERT COLEMAN
(Mirror)

(Divided the season with Walter Winchell)

Laurette Taylor, Florence Reed ('Outward Bound')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Judith Anderson, Margaret Webster ('Family Portrait')
Ethel Waters, Georgeanne Harvey ('Mamba's Daughters')
Joseph Swenson, June Walker ('The Merchant of Yonkers')
John Kennedy, Mary Rolfe ('Life and Death of an American')
Eddie Dowling, Russell Collins ('Here Come Clouds')
Helen Westley, William Harrigan ('Happy Days')
John Williams, Robert Fleming, Laurence Olivier, Katharine Cornell, Margalo Gilmore ('No Time for Comedy')
Ethel Waters ('Mamba's Daughters')
Lyle Cobb, Sam Jaffe ('Gentle People')
Mady Christians, Wesley Addy ('Henry IV')
Helen Westley ('Primrose Path')

RICHARD LOCKEIDGE
(Sun)

Judith Anderson ('Family Portrait')
Raymond Massey ('Abe Lincoln')
Laurette Taylor ('Outward Bound')
Maurice Evans ('Hamlet')
Robert Morley ('Oscar Wilde')
Helen Westley ('Primrose Path')
Barry Fitzgerald ('White Steed')
Ethel Waters ('Mamba's Daughters')
Morris Carnovsky ('Rocket to Moon')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Katharine Cornell, Laurence Olivier ('No Time for Comedy')
Helen Claire ('Kiss the Boys Goodbye')

BURNS MANTLE
(News)

Raymond Massey ('Abe Lincoln')
Maurice Evans ('Hamlet')
Robert Morley ('Oscar Wilde')
Nigel Bruce ('Knights of Song')
Wesley Addy ('Henry IV')
Luther Adler ('Rocket to Moon')
Judith Anderson ('Family Portrait')
Tallulah Bankhead, Patricia Collinge ('Little Foxes')
Ethel Waters ('Mamba's Daughters')
Katharine Cornell, Laurence Olivier ('No Time for Comedy')

GEORGE JEAN NATHAN
(Herald Tribune)

Maurice Evans ('Hamlet')
Robert Morley ('Oscar Wilde')
Barry Fitzgerald ('White Steed')
Eddie Dowling ('Here Come Clouds')
Wesley Addy ('Henry IV')
Judith Anderson ('Family Portrait')
Ethel Waters ('Mamba's Daughters')

SIDNEY R. WHIFFLE
(World-Telegram)

Maurice Evans ('Hamlet')
Raymond Massey ('Abe Lincoln')
Judith Anderson ('Family Portrait')
Tallulah Bankhead ('Little Foxes')
Laurette Taylor, Brannell Fletcher ('Outward Bound')
Robert Morley ('Oscar Wilde')
Laurence Olivier ('No Time for Comedy')
Eddie Dowling ('Here Come Clouds')
Philip Loeb ('My Heart's in the Highlands')
Ethel Waters ('Mamba's Daughters')

WALTER WINCHELL
(Mirror)

(Divided the season with Robert Coleman)

Raymond Massey ('Abe Lincoln')
Helen Claire ('Kiss Boys Goodbye')
Nigel Bruce ('Knights of Song')
Mary Martin ('Leave It to Me')
Robert Morley ('Oscar Wilde')
Jesse Royce Landis ('Dame Nature')
Martin Gable ('Danton's Death')
Eleanor Lynne ('Rocket to Moon')
Hiram Sherman ('Sing Out Loud')
Ernest Lawford ('Foolish Invalid')
Katharine Hepburn, Van Heflin, Shirley Booth, Joseph Cotton ('Philadelphia Story')
Fredric March, Florence Eldridge, Ruth Weston, McKay Morris ('American Way')

Harry Shannon ('Mrs. O'Brien Entertained')
Sidney Lumet ('My Heart's in the Highlands')

RICHARD LOCKEIDGE
(Sun)

Judith Anderson ('Family Portrait')
Raymond Massey ('Abe Lincoln')
Laurette Taylor ('Outward Bound')
Maurice Evans ('Hamlet')
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Ethel Waters ('Mamba's Daughters')

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(Herald Tribune)

Maurice Evans ('Hamlet')
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Barry Fitzgerald ('White Steed')
Eddie Dowling ('Here Come Clouds')
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Ernest Lawford ('Foolish Invalid')
Katharine Hepburn, Van Heflin, Shirley Booth, Joseph Cotton ('Philadelphia Story')
Fredric March, Florence Eldridge, Ruth Weston, McKay Morris ('American Way')

FTP Skeds Pinocchio
"Swing Mikado" in N. J.
Newark, N. J., May 29.
Federal Theatre project of the Works Progress Administration will present "Pinocchio" at the Maplewood Theatre, Newark, N. J., for one week beginning June 19.
Relief outfit will present "The Swing Mikado," with all-colored cast, at the Empire Theatre, Newark, for one week beginning June 28.

Plays Out of Town

Ziegfeld Follies of 1939

San Francisco, May 23.
Review in two parts, presented by J. Shubert, in arrangement with Max Fleischer, at the California Theatre, San Francisco, May 23, 24, 25, 26, 27, 28, 29, 30, 31, 1939. Each evening at 8:15 p.m. and 10:15 p.m. Tickets: \$1.50, \$2.00, \$2.50, \$3.00, \$3.50, \$4.00, \$4.50, \$5.00, \$5.50, \$6.00, \$6.50, \$7.00, \$7.50, \$8.00, \$8.50, \$9.00, \$9.50, \$10.00, \$10.50, \$11.00, \$11.50, \$12.00, \$12.50, \$13.00, \$13.50, \$14.00, \$14.50, \$15.00, \$15.50, \$16.00, \$16.50, \$17.00, \$17.50, \$18.00, \$18.50, \$19.00, \$19.50, \$20.00, \$20.50, \$21.00, \$21.50, \$22.00, \$22.50, \$23.00, \$23.50, \$24.00, \$24.50, \$25.00, \$25.50, \$26.00, \$26.50, \$27.00, \$27.50, \$28.00, \$28.50, \$29.00, \$29.50, \$30.00, \$30.50, \$31.00, \$31.50, \$32.00, \$32.50, \$33.00, \$33.50, \$34.00, \$34.50, \$35.00, \$35.50, \$36.00, \$36.50, \$37.00, \$37.50, \$38.00, \$38.50, \$39.00, \$39.50, \$40.00, \$40.50, \$41.00, \$41.50, \$42.00, \$42.50, \$43.00, \$43.50, \$44.00, \$44.50, \$45.00, \$45.50, \$46.00, \$46.50, \$47.00, \$47.50, \$48.00, \$48.50, \$49.00, \$49.50, \$50.00, \$50.50, \$51.00, \$51.50, \$52.00, \$52.50, \$53.00, \$53.50, \$54.00, \$54.50, 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Children Thrives, \$15.30, Only Loop Show: 'Petticoat' Feverish, 46

Chicago, May 30. Single show in the Loop, but that one is doing all right. 'My Dear Children' has caught on at the Selwyn, unless unforeseen circumstances develop the comedy should stand down to the next week to come.

The Civic theatre, the three-week stock opera, 'Petticoat Fever' is in its final season, and will be on Sunday (4) by the mystery revival, '13th Chair.'

The legit activity includes Federal Theatre Project's 'As You Like It,' third of a three-play Shakespeare series, which comes to the Blackstone next week.

Revolutions for Next Week
'My Dear Children,' Selwyn (3d week) (1,000; \$2.75). With the rest of the Loop bare, this show built to \$15,300, strong.

REVIVAL
'Petticoat Fever,' Civic (2d week) (900; \$1.82). Getting into its third party play to hold close place, about \$4,000, which, however, is still poor.

LEICHTS FIGHT INSURANCE TILT

Rates on liability insurance for theatres has been increased 64%, the boost being based on the actual cost of money paid to claimants, according to indemnity people. While rates on other risks such as fire have been lowered from 10% to 5% because of modern construction, the jump in liability protection caused concern, particularly among legit managers, as injuries either backstage or out front being rarely reported.

On the ground that legiters were included in the general theatre classification for the purpose of the rate increase, the League of New York Theatres has applied for reconsideration and has been expected. Pointed out that legit houses have limited capacities compared to other theatres, particularly those showing pictures and therefore the chances of liability claims are considerably less.

Liability insurance for patrons and employees has a maximum claim limit of \$25,000 for one person and a total of \$100,000 in the event of serious accident which might affect several persons present in a theatre at one time. Rates are usually computed on the average attendance over a period of time.

Contention of legal shenanigans for an exception to the new rate is that for other theatres, which operate throughout the year, their houses are often closed for extended periods.

KISS BOYS SLIPS TO 76 IN 20 FRISCO WEEK

San Francisco, May 30. The Federal Theatre Project is now in its second week at the Alhambra here, is playing to capacity. The show, down to the cavalcade of vaudeville, played six weeks in Los Angeles before coming here.

Shubert is doing his much-raved 'Ziegfeld Follies,' which has its world premiere on Treasure Island, the first of the series, due primarily to climatic conditions unfavorable to production in the open, where 'Cavalcade' is backed by the rain. The latter is the first of the month-attracting at the Fair.

Biggest disappointment in town is the 'Boys' who have not opened, which folds this week after one week of moderate business. The press and public but can't panned.

Estimates for Last Week
'The Merry Go-Round,' Civic (2d week) (1,550; \$2.75) under last week, about \$7,000.
'Federal Theatre Project,' California Alhambra (1st week) (2,500; \$1.50). Has been used since last week, with result show is faster and better. Although business is poor, the show is doing well. 'Boys,' its predecessor in the California Alhambra, for the first four days, not including Saturday (4) and Sunday (5), the big days at the Fair came to a total of \$10,000.

WPA
'Two-a-Day,' Alcazar (2nd week) (2,000; \$1.50). A boxoffice smash. Big capacity. A night off.

Farmer Play Off, \$3,000

Maplewood, N. J., May 30. 'Saturday's Children,' with Frances Farmer, directed by Mark Zborow, Maplewood, N. J., this past week did well.

House closes next week after a run of three weeks with the Civic theatre. Project presenting Jessica Dragondine in a concert conducted by Dr. Moore. Also Maplewood, N. J., play in Hamden falls the rest of the week in 'Our Town.'

Strawhats

(Continued from page 40)

Brickman players, South Falesburg, N. Y.

Morris County playhouse, Parsippany, N. J., Juliana Morgan, George Summer.

Weston (Vt.) players. June 3.

Hopkinton (N. J.) players. June 3.

Monmouth theatre, Chatham, Mass. May 31.

Winlow, Port Brown. July 3.

Port Washington (Wis.) players. Parker Mills. June 21.

Barber Accepts Cash
Lynchburg, Va., May 30. Robert Barber, who is playing 'The Strawhats' at the Lynchburg (Va.) for a performance, has accepted the offer of the alumnae of Randolph-Macon Women's College. It will be first appearance of Barber, who is a well-known and in cash, not edibles.

Serry's Shed
Surry (Me.) players will try out a new play, Richard Dwyer's 'Larry and Jean,' the week of Aug. 22, and present three revivals during their third season. Operas will be 'The Arm and the Leg,' 'The Three Sisters' and 'Benn W. Lerry's' 'Art and Mrs. Bottle.' Sam Rosen will again direct.

Syracuse's Summer Stock
Syracuse, May 30. Plans for a summer stock company sponsored by Syracuse U. to play a six-week schedule at the Civic Theatre have been announced by Prof. Sawyer Falk, director of dramatic activities at the university. 'Our Town,' Pulitzer prize-winner, is under consideration for the season. Also on the tentative playbill are 'The Tenthredin,' a new drama, 'The Tenthredin,' and an original musical comedy by Thomas Donnelly, university student.

Mohawk Reading
Schenectady, N. Y., May 30. As Charles Coburn spends from Hollywood to assume the general directorship for the fifth consecutive season of the Mohawk Drama Festival on the Union College campus here, he has guest stars in it for the first time. He is joined by Walter Hammer, runner-up to Fred Stone for box office honors last year, and a group of players, including John Drinkwater's 'Abraham Lincoln,' Thomas Mitchell, a swimmer from the University of California, and Craven's part in Thornton Wilder's 'Our Town.' Cornelia Otto Skinner and Edward Donnelly, also first timers at the outdoor theatre, will be featured, respectively, in Helen Fielder's 'The Tenthredin,' 'The Tenthredin,' and 'The Tenthredin.' In 'The Tenthredin,' and 'The Tenthredin.' In 'The Tenthredin,' and 'The Tenthredin.'

Some of the permanent company members have arrived in Schenectady for their part in 'The School for Husbands.' It will be on June 11 to Aug. 28.

Bucks Co. Rates \$25,000

Philadelphia, May 30. Estimate cost of \$25,000 for stock in the Bucks County Playhouse, new strawhat at New Hope, Pa., has been raised to \$25,000, first being used to reconstruct an old into a 300-seat house and add a new stage.

Stock to the amount of \$10,000 was taken by a group of civic-minded citizens, including the school board, property. They had purchased it some years ago on the chance that it would be used for a school purpose as at present. The other \$15,000 in stock is held by name actors, actors and actresses who make their homes in Bucks county, by

farmers living in the vicinity and by the general public.

St. John Terrell, who will produce and direct for a 10-week season beginning July 1, is in on a guarantee and percentage split. Heating system is being placed in the building so it can be rented out all winter.

Revivals Featured
Hartford, May 30. Stanley and Joan Cobleigh will operate the Show Shop, summer strawhat, at Canton, near here. Open a new season of revivals. 'The Strawhats,' Eddie O'Shea, sound effects man at WTIC, is business manager.

Future Plays

'John Henry,' by Roark Bradford, will be produced next fall by Sam Byrd. Play is written from the author's stories of the same name dealing with the legend of the Negro Paul Bunyon and will be in the lyrical-dramatic style. Music is by Jacques Wolf.

'Sunset Sonata,' a new play by William Soryan, will be produced by 'The Strawhats' at Canton, near here. Work is a comedy with the San Francisco waterfront for a locale. It will play out of the three leading parts.

Comedy by Justa Sturm is set unutilized, will be produced next fall by Day Tuttle and Richard Skinner. Combo made their Broadway debut as 'The Strawhats' at Canton, near here. Cheryl Crawford in the presentation of 'The Strawhats' at Canton, near here. Lee has been signed to direct.

'Under Year Back,' London musical, the best thing since 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here.

4 More B'way Exits

Toll of Broadway closings included two new presentations, but a major collapse was 'Stars in Your Eyes,' which closed last week at the Majestic after 16 weeks. It was accorded a fine press and for the first time drew strongly. Business started to decline thereafter and the recent slump pushed show far into red.

STARS IN YOUR EYES
Opened Feb. 9, '28. All revivals. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here.

'Clean Bed's' opened Thursday (25) at the Golden and after drawing a crowd it folded Saturday after four performances.

CLEAN BEDS
Opened Feb. 25, 29. Poor notices all the way. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here.

'The Primrose Path' dropped out at the Cort after playing three weeks. Comedy opened at the Baltimore and did moderately well with an average of \$10,000. It folded Saturday, as did others but dump hit business too hard.

PRIMROSE PATH

Opened Jan. 4, '30. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here.

'Sunset Sonata,' a new play by William Soryan, will be produced by 'The Strawhats' at Canton, near here. Work is a comedy with the San Francisco waterfront for a locale. It will play out of the three leading parts.

More Shows Forced Off B'way; See Slight Business Improvement; '38-'39 Season Winds Up This Wk.

Four more attractions were forced off Broadway last week, primarily because of the attendance drop that has hit the district since the summer. Two casualties were new shows, 'The Strawhats' at Canton, near here, and 'The Strawhats' at Canton, near here. Even after cutting expenditures.

There was some slight improvement in business activity and further closings are anticipated shortly.

The 1938-'39 season technically ended this week (contractual date May 31). If no further withdrawals are registered by Saturday, the heat period will start with 16 attractions. How many will survive until then is anyone's guess. Whether Fair visitors will attend shows, or if they will not, is anyone's guess. By that time two of the summer musicals, 'The Strawhats' at Canton, near here, and 'The Strawhats' at Canton, near here, will have been arrived.

Sudden here the season ended did help Broadway. It was a natural for outdoor musicals, beaches and the Fair. Managers gambling with the weather jumped at the idea of a musical, but fine weather meant very light business for Broadway.

Recent crop of new shows have failed badly. One is expected to be gotten less than \$1,000 on the week. 'Clean Bed's' stopped at the Golden after three performances. 'The Strawhats' at Canton, near here, is slated for Broadway production next season by Lee Ephraim, who is directing 'The Strawhats' at Canton, near here.

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The American Way (19th week)

(D-4,335; \$2.30). Improved show, around \$24,000, runner-up on list.

'Little Potes,' National (16th week) (D-1,654; \$2.30). Around \$22,000, ranking straight shows; last week but plenty good at \$18,500.

'Stars in Your Eyes,' Majestic (11th week) (D-1,115; \$2.30). Moved to the Fair with scale revised downward and closed. Attendance condensed, around \$5,000, not enough for the colored musical.

REVIVAL
'Outward Bound,' Playhouse (24th week) (D-702; \$2.30). May be to the Coast late this summer; estimated around \$40,000; the right angle.

ADDED
'You're No Cry,' (Devil and Daniel Webster), Fair Caravan. Bed. Stopped Saturday (27) after one and a half weeks; see the red; around \$10,000 quoted but not near enough.

'Life and Death of American,' Elgin. For Your Supper,' Adelphi. 'Fiasco,' Ritz.

'WALTZ DREAM' BIG 22G, L.A.

Los Angeles, May 30. 'Waltz Dream,' back at the Billmore for a second week. The show, which has been performing since the original production, first week despite bad weather, is doing well. The show is a fairly comparable to single week's \$25,000, which is a good result for a fairly new year ago.

'Waltz Dream,' back from Berlin and Vienna stage have formed the Continental Players, and backed by the Hollywood picture people, debuted 'William Tell' in English at El Capitan Thursday night (25). Operas in for two and half weeks on straight.

'Waltz Dream,' back from Berlin and Vienna stage have formed the Continental Players, and backed by the Hollywood picture people, debuted 'William Tell' in English at El Capitan Thursday night (25). Operas in for two and half weeks on straight.

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Lucille LaVerne Will Do 'Sun-Up' in Strawhats

Lucille La Verne will appear in Sun Francisco, Calif., in a new production, 'Sun-Up,' which she received attention on Broadway, where it played at the Elgin. The show is a musical, written by Lulu Volmer, was toured in the 'Sun-Up' production in Denver by a series of misadventures.

Actress is now seeking to release the production of the show in Denver by a series of misadventures. Actress is now seeking to release the production of the show in Denver by a series of misadventures.

Current Road Shows (Week of May 29)

'The Boys Goodye'-Geary, San Francisco.

'My Dear Children' (John Barrymore)-Selwyn, Chicago.

'The Strawhats' (Hampton)-Maplewood, Maplewood, N. J.

'Streets of Paris' (Bobby Clarke)-The Strawhats, Hartford, Conn.

'Tobacco Road'-Biltmore, Los Angeles.

'The Strawhats' of 1939'-Golden Gate Expo, San Francisco.

TALENT

and

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—Agencies strive to create popular values by new combinations of tested talent.

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—Its pages are studied for new ideas, new entertainment suggestions.

—The value of its advertising pages has been demonstrated.

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—ONLY 10 ARE NOT NOW WORKING!

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