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56 PAGES

THE \$19,000,000 HIT

Costs NBC \$1 Per Day Per Set?

Current estimates mention that it is costing NBC \$1 a day per television set now in use in the New York area. This figure takes in cost of program schedules.

Also expected that this cost will increase as the number of programs increase. Number of sets now in use in the N. Y. metropolitan area is placed at around 500.

N. Y. Fair's Midway Beefs Biz Is Bad, But Tourists Have Own Reasons Why

"They refuse to give a sucker a break."

That, in a nutshell, is the major answer, the out-of-control answer, to the complaints of disappointing business on the midway at the New York World's Fair. Questioned on the grounds and at hotels, the visitors reveal one thing—they are not the fools the concessionaires would make of them. They resent the implication, too.

Whether it's radio, films or rapid transportation that has wised them up, the folks from back home are much less ready to part with their coin than they used to be.

Not that they expect a sucker should be given an even break at a fair—they've been to too many of the country variety for that—but they want at least a minor break.

There's the same cry from all the visitors. They've gone into one concession or maybe two. And they're disappointed. So they go to their hotels early and rest up to see more of the industrial exhibits the next day. And the next night they figure they'll take a squint at Broadway. (Continued on page 55)

Home-Town Billing

Lynchburg, Va., July 4.

Two locals who made good in Hollywood are appearing here in films this week, but not under their screen monikers.

Lynn Bari is billed as Peggy Fisher, and John Trent as Lawrence Browne. Their former pals know them better that way.

Starring Arlington Brugh in "The Heart of a Lion," July 4.

This is Robert Taylor's hometown. When Taylor pics play, he's billed as Arlington Brugh, his real name.

BREAK-DOWN

Just as the radio industry is about to begin its 17th annual trade association convention (in Atlantic City, July 10-13) figured on official audits by the Federal Communications Commission provide a new close-up picture of the amazing success story of broadcasting which is easily the fiscal marvel of hard times.

Bearing in mind that in 1923, when Wall Street did its lumpy-dumpy act, radio was not a decade old, that NBC had been started in 1926 and CBS in 1927, that it was all new and without precedent, and that America has had 16 years of tough sledding since, the sheer success of the radio business is amazing.

In terms of income and profit as related to plant and capital investment the figures take on added shimmer compared to war-time takings by munitions-makers. And the outlook for the fall of 1939 is even better than the figures here reported. A total net profit for the broadcasters of \$10,000,000 is the 1938 tally.

The profit figure for the industry as a whole is offset by reports that 240 stations "lost money." This loss was about \$10,000 each or an aggregate. (Continued on page 32)

JULY WILL TELL B'WAY LEGIT B.O. STORY

With the passing of the Fourth, what may be the crucial period for Broadway in relation to the World's Fair this summer may be discerned.

Attendance trend after this week should decide whether there will be resumed engagements in legit spots.

Of four planned re-lightings, "The American Way" is the only one dated to restart at the Century, July 17. Advertising of that event will not commence until next week.

Business during June was heartening after the long slump that started at Easter and then diverged during the Fair's first four or five weeks. Despite more favorable weather to the outdoors, grosses continue to be distinctly satisfactory. Just managers who suspended their attractions want to be shown that the summer there will do for the balance of the summer.

There is as yet no change in indications that the 1938-40 season will get a late start as earlier predicted. Most producers are in New York watching for trends, but more particularly looking for scripts. Few shows are definite about the productions they will do, and only a few definite bookings have been made. Completion of the new agreement whereby Hollywood will again back Broadway shows may result in a September start.

52 Pictures in Work, 35 Being Readied, H'wood Plenty Busy

Hollywood, July 4.

With 52 pictures shooting and 35 in preparation to go before the cameras to help in slim picture editors' tough technical help to keep their units rolling. All crafts are reporting a heavy run on workers' shifts.

Extras are also dipping into the gravy and the Screen Actors' Guild reports that the big June 10-15 five years. Over \$350,000 was passed out for 32,000 jobs last month, which means that the industry reported less than 2% of its 900 members are unemployed; utility employees have 700 working double shifts; 2,500 carpenters are on the job and other crafts are similarly deluged.

ILATSE has been forced to put on extra help to handle the calls. Current production boom is expected to carry through July and part of August.

New Sports Trend Into Wide-Open Spaces Being Furthered This Summer

Chicago, July 4.

Flock of standard indoor winter sports, plus some new ones in which the masses have never before indulged on any large scale, are blossoming in the fresh air this summer. Taking place throughout the country, veteran showmen view this trend to the open spaces only as a continuation of the post-war tendency by the public to take an active part in sports, instead of sitting on the sidelines as spectators.

Most unusual of the cold weather exercisers to come to the fore are the stars and footlights are bowling and ping-pong. The open-air tennis alleys are making their debut as the midwest this year and meeting with such a spurge of coin it is expected they soon will be copied throughout the country. Ping-pong is making its outdoor preem on a continental basis and likewise bidding heavy trade.

Long familiar to co-eds and kids in summer camps, a new sport is sending its way to the mobs this summer. (Continued on page 12)

SAG Curbs Gifts by Extras to Execs, Directors; 1 Got a Horse and Saddle

Picketing A La Mode

Philadelphia, July 4.

New uses for radio seem never-ending.

Pickets at a manufacturing plant here take turns carrying of those new portables to keep themselves amused.

NEW WAR SCARE UPSETS ANGLO FILM MARKET

Threatening situation in central Europe, particularly its effect on distribution in Great Britain if England goes to war, was discussed in detail by Hays office directors last Friday (30) when they met in an adjourned session of the regular quarterly meeting. After long distance phone talks with London office, film execs fear that the situation already is regarded as more ominous than even last September.

Will Hays also explained the setup whereby the film industry would send out Hollywood gossip on short-wave broadcasts over National and Columbia Broadcasting networks.

Harry Buckey, chairman of the organization's television committee (C. C. Moskowitz and Paul Rabinowitz, other two members), supplied an internal verbal report on progress made in surveying the television situation, especially as it affects the industry.

The progress being made on relief and security for the film business also was reported on. A committee consisting of George J. Schaefer, Barney Kessel and J. H. Hazen, named at the preceding directors' meeting will continue to survey the situation.

Screen Rights for Only 10 Years, New Wrinkle

Hollywood, July 4.

Rights to "Captain Caution," the Kenneth Roberts best-seller sea story of several years ago, have been acquired by Hal Roach on a unique leasing arrangement. Deal gives the studio a \$5,000 option to take up the rights within six months for an additional reported \$20,000.

Novel phase of the contract is that the rights are for only 10 years, after which they revert to the author.

Unless Roach renews his lease, even the prints of the pictures must be destroyed at the end of the 10-year term and Roberts may again dispose of the story in any way he chooses. "Caution" is a timeless yarn, dealing with the War of 1812, hence the 10-year clause is important.

Hollywood, July 4.

The Screen Actors Guild plans to place a ban on presentation of gifts by extras to directors and other film executives. A resolution has been introduced in the SAG Council providing for an amendment to the Guild by-laws prohibiting collection of funds by or from extras on studio sets or location.

Council members are expected to approve measure next week and send it to SAG board of directors for their approval.

Some spent several hours discussing move at its last meeting. It was pointed out that players were recently called upon to kick in with contributions to buy a \$125 watch for another player, who was later suspended on a charge of acting as a runner. SAG tops take the position the extra is entitled to every protection, since the earnings of the majority are rather small and much of that must be spent to maintain a wardrobe.

Threatened break in negotiations between SAG and Artists Managers (Continued on page 21)

B'way May Again See A 'Scandals,' 'Vanities,' 'Follies' at Same Time

With George White in rehearsal with a new "Scandals," Broadway will likely see the reappearance of another formerly prominent musical, Earl Carroll's "Vanities" which is due in the fall. Carroll planned in from Hollywood Monday (3) and conferred with Lee Shubert on a house. There is a possibility, however, that Carroll's original theatre site will be made available. It is now known as the Casa Manana, so named by Billy Rose for his cabaret-theatre supper spot. It is now dark, business having dried when the World's Fair closed last Christmas.

Carroll is operating a somewhat similar case in Hollywood, which opened last Christmas. He proposes combining two editions of his nifty shows as a new "Vanities," stating that productions, costumes and other equipment are adaptable to stage usage.

Flo Ziegfeld was the originator of costly revues, Carroll and White being contenders for years. All three disappeared last Christmas. The business and too costly productions. The "Ziegfeld Follies" is a listing for next season. The "Follies" of Lee Shubert, they having secured the title rights several years ago.

RAILS DUCK NEW

Deliveries for '38-39 at a Glance

MAXIMUM ANNOUNCEMENT		DELIVERY		OVER OR UNDER	
444 Features	370 Features	—74			
44 Westerns	40 Westerns	—16			
4 Foreigns	11 Foreigns	+ 7			
MINIMUM ANNOUNCEMENT		SHOTS		1-Reel	
404 Features	370 Features	—34			
40 Westerns	40 Westerns	+ 4			
4 Foreigns	11 Foreigns	+ 7			
1-Reel		2-Reel		3-Reel	
122	468	116	—111	—6	

Film Deliveries on '38-39 Deals

Average a Bit Ahead of Last Year Although Some Distribbs Lag Plenty

By ROY CHARTER

Based on the number of pictures that have been released to date this year, deliveries on the current (1938-39) contract, both features and shorts, will total up better than normal when matched with promises made to agents in the spring and summer of 1938 when contracts were signed. While it is a little early to determine the exact position at which all the companies will wind up on '38-39 releases, indications are that a majority of the distribbs will live up to commitments better than in the former seasons; some of them 100%.

There are always a certain number of carryovers and frequently a feature or two promised by a distrib on any given season may turn out a live drag, and not be released until a new season is at hand, in September or October, though delivered under the old year's contract. The distributors have not yet been able to tell accounts exactly what deliveries there will be as the 1938-39 slate is washed up. This information usually is obtainable toward the end of July or around Aug. 1. New season with most companies begins Sept. 1.

As things stand now, features and shorts yet to go do not comprise a high number. For the 1938-39 season now drawing toward the finish, the distributors promised a maximum of 444 features, 40 westerns and four foreign-made. They have delivered 370 features, 44 westerns and 11 foreigns against that maximum commitment. This leaves a deficit at present of 74 features and 16 westerns, but an oversupply of seven foreign-made.

Only 34 Behind Minimum
The minimum commitment was 404 features, 40 westerns and four foreigns. Based on deliveries so far against that minimum requirement (1937-38), only 34 features are yet to come to create 100% delivery of features. In the minimum column, deliveries on westerns and shorts are over by four westerns and one foreign-made.

Shorts have been flowing at an unusually surprising rate against commitment. The distributors promised 470 one-reelers and have delivered 580, leaving only 111 to go. In the two-reel division a total of 122 were sold, this including March of Time, and to date 116 is the total delivered, leaving the balance of six yet to come for complete fulfillment of contracts. (See box on this page).

Taking the producing-distributing companies in alphabetical order, this is the way they stand:

COLUMBIA

This theatre-less distributor sold a maximum of 40 features, 16 westerns and one extra picture against a minimum of 30 features, eight westerns and one extra. It is behind by 10 features, six westerns, two extras and one carryover from the prior (1937-38) season. The balance of its minimum requirements.

GAUMONT-BREITSH

Announcing a program of 22 features, distribution of (Continued on page 54)

Kanin Draws 'Passport'

Hollywood, July 4. Oerson Kanin's next piloting job at RKO is "Passport to Life," with Cary Grant in the star spot. Director recently finished "Bachelor Mother."

Patterson OK'd By Court; RKO's Treasury Post

The appointment of Richard C. Patterson, Jr., as chairman of the board of directors of RKO was approved by Federal Judge William Bondy in N. Y. Friday (30). Bondy in passing on Patterson's appointment, declared:

"The court is satisfied that the qualifications and affiliations of Richard C. Patterson, Jr., who has been proposed as a director of the debtor upon consummation of the plan of reorganization in place of Floyd B. Odium, have fully been disclosed, and that his appointment to such office is equitable, compatible with the interest of the creditors and stockholders, and consistent with public policy."

The new RKO chairman was born in Omaha, Neb., in 1888, and was formerly Assistant Secretary of Commerce, a member of the monopoly committee, executive of the National Broadcasting Co. and Commissioner of Correction of N. Y. Civ.

Richardson's Office
Charles E. Richardson, former trustee of Paramount Pictures and now handling financial affairs of the reorganized RKO Corp., is slated to take place of Patterson in the U. S. Circuit court of appeals. The disposal of the several actions now pending which seek to stop legality of the plan of reorganization.

Post of treasurer is vacant at present, although there are three assistant treasurers, Gordon E. Youngman, O. R. McMahon and W. J. Kernan.

CROMWELL DIRECTS RKO'S 'LINCOLN' PICT

Hollywood, July 4. John Cromwell gets the directing chore on RKO's film version of "Lincoln," starring Raymond Massey.

Announcing a program of 22 features, distribution of (Continued on page 54)

PRE-RELEASES TO OFFSET SHORTAGE Need for Films in Certain Sectors—Much Product Being Eaten Up—Summer Proved Strong Boxoffice in the Past

N. Y. FAIR A FACTOR

With a shortage of product becoming acute in some sections of the country, notably in highly competitive situations where a lot of pictures are eaten up steadily—and due to general conditions, suffering from shortened runs—a lot of pre-releases may become available the end of this month and during August.

Exhibitors throughout the country are urging the distributors to give them 1938-40 pictures, if ready, as early as they possibly can so that the first run situation, at least, may be protected prior to the time, usually around Labor Day, when product goes on national release everywhere.

In 10 years' time some of the distrib have found that July and August releases have done terrific business. Metro has been the victim of the fact that this is the middle of summer and the level of grosses is at its lowest. Metro has been willing than most companies to let go with big pictures during the hot weather, an outstanding example in recent years having been "San Francisco." Another midsummer release gave the crying theaters was "Saragosa," two years ago.

Most of the producer-distributors now are 1938-40 pictures completed now and will have more by Aug. 1, notably Metro, Warner Bros., Paramount and RKO. This year also, the shortage may be more short-lived than ordinarily with some of the pictures being spring '39-40 season earlier. WB probably is starting rolling its pictures on general release around the middle of August, while 20th-Fox will start its new 1938-40 releasing schedule still earlier than that. 20th's first '39-40 picture will be available Aug. 4. Metro is also expected to roll its new season's product earlier than usual. This very likely will mean some pressure toward the end of July from such companies.

New York is figured a natural for pre-release bookings, due to the fact that the World's Fair is still going on and the peak of the tourist influx should be hit during July and August.

How Certain Cos. Affect
Present shortage affecting the theatres is caused not because there isn't a fairly good supply of pictures from major sources—United Artists being the major exception—but largely because the quality of the pictures has been low. UA has had neither since May 16, but the quality of its picture has been low. Its accounts with a resumed flow of product until July 15. The account depends on the company that has suffered since the end of May, while it is the unlucky enough to have the picture in the hands of other majors whose product isn't panning out well, the shortage is not so acute.

With film getting weak during May and June, theatres have been forced to close the book on releases in order to get by, playdates having been shortened a lot due to the failure of boxoffice brought of what has been supplied. Where a picture formerly might go a week during the past two weeks, many have been reduced to only three or four days. Similarly policies of split weeks and three change weeks have been resorted to, making it almost impossible to operate with what has been available.

Toying with the idea of releasing big pictures during the hot weather, Warner Bros. is making a check of the country to determine (Continued on page 12)

Repercussions on Allied's Turndown Of the Code Continue; Merits of Plan Admitted; New Selling Continues

Pair Pass 'Passage'

Hollywood, July 4. Robert Young gets the role originally assigned to Robert Taylor in Metro's "Northwest Passage," which goes into work this week at Payette Lake, Idaho. Another change in the original cast is Walter Brennan for Wallace Beery.

Picture was ready to shoot last fall but early rains in the Idaho mountains stopped work for the winter. Shift in dates caused the shifts in the cast.

Schaefer's H. Q. At RKO Studio Starting Sept.

Hollywood, July 4. George J. Schaefer, RKO exec, will set up permanent headquarters for himself and his staff at the company's studios here in September. Ned Deplinet, distribution head, will be in charge of the New York headquarters.

Schaefer declared that he wants to be in closer touch with production and sales work. He can function more advantageously at this end.

RKO sends a pair of \$20,000,000 pictures into production this week, "Hunchback of Notre Dame" and "Allieghen Frontiers" Friday (7).

Charles Laughton stars in "Hunchback" and John Wayne shares top spots with Claire Trevor in "Allieghen."

L. W. FOX'S \$2,000,000 BUDGET FOR 'JACKSON'

Lawrence W. Fox, Jr., of General Films Co., Hollywood, is lining up a budget of \$2,000,000 to produce "Marquis James" book, "The Life of Andrew Jackson." Fox is backed by William W. Wake, Jr., of Hollywood and Bill Rowan, Los Angeles capitalist.

Who paid \$50,000 for film rights to the James book two weeks ago, he signed the author to a 10-week contract to adapt his work to the screen. James will leave for the Coast tomorrow. He is the writer to have won a Pulitzer prize twice.

Deals are also on for John Ford to direct "Jackson," and for the loan of two stars, one of whom may be Gary Cooper.

Darrioux Rolled Off 'Rio,' Gurie Moves In

Hollywood, July 4. Top role in Universal's "Rio" originally intended for Danielle Darrioux, goes to Sigrid Gurie. French to be filmed up with legal problems in Paris.

Pictures rolls Saturday (8) with Robert Cummings and Leo Carrillo in supporting roles.

Lombard-Aherne Teamed

Brian Aherne plays opposite Carole Lombard in "Viel of the Night" RKO.

Shooting starts July 20 with George Stevens producing and directing.

Repercussions of Allied States' turndown of the trade practice code are still the chief topic of conversation among distributors and exhibitors. One angle is the feeling that things could be quickly adjusted between buyer and seller if it weren't for the hindrance and tactics of legal advisers.

Film attorneys are said to have the distributing companies thoroughly scared, and are said to have even been against letting the distributors sit down with exhibitors to discuss arbitration and other practices of clearance, allocation, etc., for fear it might be construed as a conspiracy.

Now the feeling is general that if the distributors can get something acceptable to both sides, into the hands of exhibitors quickly, the exhibitors might be satisfied. Most exhibitors want and will take the code because they have needed some arbitration and boards can be established, a great forward step will have been taken.

Another thing that needs attention is for exhibitors to have the code as far as it goes at the present time, explained and carefully analyzed for their own benefit. Minneapolis, only highlights were gone over.

Speaking of the distributors, William F. Rogers of Metro, last week, "In the main, most exhibitors have a kindly feeling toward us. In a short time, we will have a program that will make all of us happy."

Inquiry among sales heads this past week developed that no usual amount of product buying of next season's lineup from all companies has been experienced, although many big circuit deals have been closed since the windup of all distributor conventions.

Regarders of affiliations, any exhib may participate in the trade practice code, says Rodgers, spokesman for the distributors. He charges (Continued on page 45)

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Vol. 115 No. 4	
INDEX	
Bill	46
Chandler	53
Dance Bands	36-40
15 Years Ago	42
Picture Book	43
Film Reviews	14-16
Film Showmanship	8
House Reviews	44-45
Music	46
Inside-Legit	48
Inside Pictures	21
Inside Radio	21
International	22
Legitimate	47-51
Literati	52
Newspapers	49
New Shows	45
Night Clubs	41-42
Obituary	54
Outdoor	45
Pictures	2-22
Radio	23-27
Radio Reviews	26
Radio Shows	28
Unit Review	45
Vaudeville	41-43

WB-National Theatres Product

Breach Encouraging New Building

By Indies in Opposition to F-WC

The building of new houses and remodeling of those now existing is encouraged via the National Theatres (Fox) campaign as result of the availability of Warner product, caused by the open breach between WB and the Skouras-operated F-WC in all probability the Warner organization will attempt to influence spot that it can and, if the WB-National Theatres break continues beyond this season, it is not beyond what that Warner itself may invade some of the cities and towns in which the NY circuit operates.

Warner has several theatres on the Pacific Slope where, about 10 years ago, it began construction of a circuit to combat Fox-West Coast, but stopped after conditions became unfavorable for further expansion. Though the status quo in their acquisition is supposed to be maintained under the U. S. antitrust suit against majors, Warner might be conceded to have justification for going deeper into National territory in view of the present situation.

The circuit has 11 houses in California, one in Oregon and 12 in Wisconsin—states in which the National outfit operates.

In addition to reports that several independent theatres are planned in the southern California territory, where Fox-West Coast is powerful, a new house is being built in Jacksonville, Ill. P. W. Dickson, who has already bought the Warner circuit for 1939-40, is in opposition to National-center at that, erecting a 1,900-seater.

Warner also asserts that Warner pictures who will remodel houses of J. Pennington, of Topeka, Kansas, who will modernize his two houses in that situation.

During the past week 15 additional deals with Indies in National territory were closed under the supervision of Ben Kalmenson, eastern division sales manager, and W. E. Callaway, Pacific Coast district manager. Kalmenson returned to New York Monday on the Coast settling up deals in that territory following the National campaign. Deals also being closed in the midwest away from National.

Warners Selling Away From Fox-Wisconsin

The Warner-Fox West Coast break has had a tremendous effect on WB product sales in Wisconsin. Warners has a direct outlet for its new product in the southern part of the state but Fox-Wisconsin controls all first runs throughout Greater Wisconsin.

Bob Smith, WB district manager, says, "We are selling Warner product in all situations where a western - southern division under Creson E. Smith, is in competition with Fox-Wisconsin as involved in the picture has equal buying power. The partner, of course, by buying the same formula we offered Fox. The same only two competitive spots in the area, one at Fitzgerald, Wis.-Wisconsin, and they are already sewed up."

L. Roy Pierce, right hand man to the late Fitzgerald, Wis.-Wisconsin, says: "Most of our film contracts are handled through the new office, but we can't afford to run Warners' present asking price. If they won't negotiate with us, and independently of Fox, we will pay, I guess they'll have to get it. Grand Sears (Warner general sales manager) can get the money he's asking for the Warner product, he is certainly a good man."

Brands Ad Chaloner, N. Y. Chaloner theatre on 8th Ave. N. Y. is repurchasing pictures by William Grady, really operated by William Grady, has been leased to the Brandt (Continued on page 16)

No Barter

Hollywood, July 4. Universal wanted to borrow Bob Livingston from Republic for the title role in *My Love, My Ranger*. Republic said, "Sure, we'll swap him for Deanna Durbin." Deal is off.

MERGING WB-FN UNITS IN BRITAIN

London, July 4. Major executive changes in Warner Bros. foreign and European fields are likely to follow the merging here of the First National and Warner Bros. distributing organizations, which for some years have been operated as individual and separate units.

Consolidation is said to boost Robert Schless, company's European representative, into the top spot abroad. Unverified, but reported in the film trade, it is said that Schless may succeed to the general management of the company, which is headed by E. Morris, vice, in charge of foreign, in the New York home office.

Max Miller, of the British WB forces, would succeed Schless, and David Griffith, now in charge of FN, would head the combined office, according to understanding.

Midler is booked for an early trip out to New York.

Sam Morris was among the first of the foreign sales chiefs to place future values on the South American market, and sails July 29 to make a thorough personal survey of the field.

Chances are Miller will defer his trip until after the arrival in N. Y. of Midler.

RKO FURTHER REALIGNS ITS SALES DISTRICTS

For greater efficiency, RKO has realigned its various sales districts, now numbering eight, with creation of a new one to cover a portion of the northwest and midwest. As a result of the shifting of branches, Lewy has placed Detroit and Indianapolis in the district under Walter Branson, who headquarters at Chicago. Thus these two exchange territories now become a part of the western - southern division under Creson E. Smith.

Nat Levy, district chief at Detroit, will have Philly, Cincinnati, Cleveland and St. Louis under his charge, these branches being part of the eastern Canadian division of E. J. McCarthy.

Buffalo, which has been under Lewy from Detroit, under the switch goes into the district under J. H. (Herb) MacIntyre, who has all of New England, plus Albany, and southern New York, under his wing. Northwestern district, with Chicago, E. J. Goldhammer was appointed, based in Minneapolis, De Moines, Omaha and Sioux Falls.

WB'S ARM PIC

Hollywood, July 4. Olivia de Havilland co-stars with George Brent in *Eye of the Eagle*, slated for late summer production at Warners. The picture, directed by Michael Curtiz, is being produced by Bernard Ray, authority on military aircraft, is working on the script.

HOT STUFF IN THE BOX

Keepers of the B's Have Plenty of Wrinkles to Keep the Production Nut Down—Ingenious Twists on Physical Investiture, Action Plots, Scripts, Etc.

DOMESTIC TRADE ONLY

By BOB MOAK

Hollywood, July 4. The play-date's the thing. That's giving the Bard's old saw a new twist, but modest of B pictures on the Hollywood back lot still twist more than a mere aphorism in keep production costs low in the six-figure bracket. No magician ever had a fuller bag of tricks than the B boys who know every twist that there is to know. They've got a lot store standby for every colorful gimmick.

Shakespeare's tip about play itself, however, isn't exactly laughed off by those who seek to keep their budget bare. Only too impressively have they had hammered home in past year the fact that, in order to garner needed number of bookings, they must cover and sell what they've got to and a script—a good one, at that.

Consolidation to make up in story what we can't afford in way of marquee names, agree those responsible for producers' money. Most of the major players, including 20th-Fox's M. J. Wurtzel, Warners' Bryan Fox, Paramount's cover man and Metro's Lee Marcus and Metro's Joe Cohn. There are some other points, also, but for B movies, the bottom line is just as there are still more on which they strongly disagree.

Wurtzel, for instance, is convinced that aside from series features and B special—high rating slightly above average material, standard B picture domestic comedy dramas are best suited to the smaller cost brackets. Fox, on other hand, argues that action, which he considers as much an international language as music, is tops. Both will tell you that well-made mystery dramas are surefire.

Search For New Ideas

Search for plots with a breath of newness is No. 1 problem for all program moguls. Wurtzel maintains a staff of experienced writers, who connect script acquisitions ideas supplied by himself and his associate producers. They have been told since they have purchased an original or novel. Fox gets part of his ideas from an in-house writer, but he also weaves some around basic threads of material previously written in scripts based throughout the years by his company's A producers for one reason or another. Cohn and Marcus are no exception. Most of their tales in the open market.

Wurtzel goes on theory he gets nearer perfect script by expending funds by others for story buys. In Fox's opinion, the writer is not for development of screen plays.

"By saving original story cost, we have a lot of script leeway in terms of writing and rewriting until we get what we want," he declares. He added that vehicle require expensive location jaunts are beyond reach of B builders.

Wurtzel goes on to observe that to script is to cast and direction, he observes, "because we are unable to assimilate salaries of stellar personalities for development of screen plays. By saving original story cost, we have a lot of script leeway in terms of writing and rewriting until we get what we want," he declares. He added that vehicle require expensive location jaunts are beyond reach of B builders. Wurtzel, Fox and Hurley refuse to make calculations, that's our hard luck."

Wurtzel, Fox and Hurley refuse (Continued on page 20)

Peremptory Intermission for All 135 Min. Shows Seen as a Likely Means to Finally End Chit Duals

Deanna's 'Command'

Hollywood, July 4. Deanna Durbin will join next season in London at a 'command' performance for a hospital charity event.

Her parents sail next week to complete the arrangements.

Chicago, July 4. Elimination of double features, which has been the aim and hope of the independent exhibitors of Chicago for the past two years, may finally be brought about by the state legislature. That body is on the verge of putting through a bill which would almost automatically kill duals by ordering an intermission on all shows which run longer than 135 minutes.

This act, already okayed by the senate, states that, in the interest of the public health, all theatrical performances which run longer than two hours and 15 minutes shall have a 15-minute intermission at the conclusion of the first two hours and 15 minutes, and that there shall be a 10-minute intermission every hour thereafter. It would also provide the halting of a picture in nearly every instance in order to comply with the proposed regulations.

MISS DURBIN'S NEW \$975,000 CONTRACT

Hollywood, July 4.

Deanna Durbin's new Universal contract, first minor pact under the new 'Jackie Cogan law,' calls for \$975,000 over a period of five years. Document is being signed by Junior Judge Emmett H. Wilson for official recognition.

New contract sets aside 50% of a miss's earnings after allowance for taxes, maintenance, education, agency commissions and attorney fees. Durbin's father and Junior Wilson are working out a schedule for her care and training.

Contract fixes for three pictures a year, with a \$40,000 bonus for each completed film in addition to her weekly salary. Pact is retroactive to September, 1938, and runs until Oct. 18, 1943.

AUTRY, WITHERS ON ONE PIC 20-FOX DEAL

Hollywood, July 4.

Gene Autry has signed a one-picture deal to co-star with Jane Withers in *Double* at 20th-Fox. Picture is sagabrother's first away from the Republic lot, where his new contract permits him to do outside pictures. Camera grind about Sept. 10 when Autry returns from his tour of England.

Mo Siegel, Republic proxy, says he has been in a "hot" tussle with Herbert J. Yates before the latter leaves for England with *Double*.

Mo Siegel, producer, takes eastward at the same time to look talent for *Bill* Parade of 1940, first of his four pictures for Republic's 1939-40 program.

Autry's Foreign P. A.S

H. J. Yates, Gene Autry and Europe on July 29 for a personal appearance tour, now being set by William Hall, special representative for Republic. The horse is travelling de luxe in a special trailer.

Tour will last one month in the principal cities of England and France.

'Storm' for Sullivan

Hollywood, July 4.

Margaret Sullivan's next starlet in *Metro's* *Storm*, based on Phyllis Botten's novel.

Shooting starts within six weeks, with Sidney Franklin as producer.

Phil Rosen at U

Hollywood, July 4.

Universal has signed Phil Rosen to direct one picture, with options for two more.

First assignment is '\$1,000,000 Ruckst.'

Andrews Renewed By Dole; Complicates Deal For Hollywood Film

Andrews Sisters, current at the Broadway Paramount, are stymied on a couple of picture bids by their newsworthy deal with a dilettante (Phil Barker) show which switches to a Wednesday spot starting tonight (5). The deal is with the Par and Metro Amusement offer.

Hollywood, July 4.

Jack Kapp, press of the Republic, who has the Andrews Sisters exclusively under contract, has wired Louis B. Mayer a dilettante from Nita Blumberg for a Universal film.

Sam Wood's 3d Move in 24 Yrs.; Directs for Goldwyn

Hollywood, July 4.

Sam Wood looked a direct contract with Samuel Goldwyn after 14 years with Metro. First job under the new deal is *Double*, with Olivia de Havilland and David Lewis.

Wood was at Paramount 10 years before he joined Metro. His move to the Goldwyn lot is his third in 24 years.

Agent Sues Chatterton

Los Angeles, July 4.

Ruth Chatterton was sued for \$4,850 in superior court by the Feldman-Bum Co. director, an agency contract made in 1938.

Agency asks 10% of the \$65,250 she acted has earned since then and an additional \$2,000, which it contends was a loan.

Radio Serial

Miss Chatterton made her debut Monday (3) in a daytime serial, 'Big Sister' (Lever Bros.) over CBS. It's for a series with a character actor playing her in a script plot which has the program's regular characters rolling near the end in a Hollywood background.

Hurry Back, Una

Hollywood, July 4.

Warners sent a hurry-up call to Una O'Connor, British character actress, for a part in 'We Are Not Alone,' Paul Muni starring rolling next week.

She was ordered to report here pronto.

FILMS SHOWS

'Career' Draws 75,000 To Des Moines Preen And 'Gateway' Finals

By BARNET OLDFIELD

Des Moines, July 4.

"Career," a flick, was given an A grade (1-2). Kicked off with a boom, about 75,000 people gushing in the initial greeting at station and during the five-mile parade, which covered the big district of both East Des Moines and the city proper.

First day the Howlers appeared in a luncheon at Younkers, the town's elite spot, presented trophies to winners of the national collegiate golf tourney, were banqueted at the Hotel Ft. Des Moines, and danced with 23,000 in Drake Stadium to Glen Gray, with Sunday (3) there was the Jesse L. Lasky's "CBS," with 4,700 onlookers in Shrine auditorium, and the premiere of "Parade" and "Gateway" with about 3,700 laying out \$2.24 each.

Honors were heaped on Phil and Mrs. Sheng, Joy Hodges, James E. Eason, and Mr. Palmer, wife of RKO's top master, all townsmen.

About 25 newswriters from as far east as Chicago and as far west as Wichita, Kans., were on hand. The parade ran close to 18,000 yards on the two days.

Yeoman chore was done in fanning RKO tribune in front of RKO house organ by Louis J. Altemann and Charles Levy, who were on the ground to swell.

RKO's special from Hollywood carried Gene Herscholt, Anne Shirley, Patricia E. Moore, and Dorothy Reynolds, Peggy Carroll, Joy Hodges, Dorothy Lovell, John Erol, Robert Ales, Bob and Mrs. Palmer, Leigh Jason, Barbara Reed, Jesse L. Lasky, John Archer, Alice Egan, Robert Rogers, Lee Thompson, Bobby and Michael Brown, Edward Ellis, Phil and Mrs. Eason, and Ben Earenbault, with Lin Unterker and Frank Healy of public and radio and the CBS group, including the eight CBS stars to Hollywood. Hostesses Marilyn Louis, Robert Sheekton, Germaine Wilton, Norman Russell, Louise Smith, and Mrs. Grant Dorothy Howe, and Harry Stafford, with Ken Niles, Paul Snell, Sterling Allen and Gwen Sutherland.

Patricia Ellis joined the eastern contingent in Chicago to come on and swell the personality list. In the eastern segment were Ralph Roan, Cresson Smith, S. Barrett and Arthur W. Walker, Jr., of Chicago, Mickey Goldwyn, Frank and Fay Denney, Minneapolis-Sydney Elich, Sioux Falls, Minn., Omaha, Tommy Thompson, Kewanee, and R. V. Nolan.

PARAMOUNT LIKES THE SPECIAL PREEM IDEA

Special premieres of high-bracket pictures on the 1939-40 schedule, in the keys and along the line of the 'Union Pacific' opening in Omaha though probably not on such a scale, is the plan of Paramount. Bob Gilliam has taken the matter up on the Coast and, an arrival in New York today (Wed.) is expected to further the special premiere plans with Nell F. Agnew.

New season's pictures that are presently getting for special premieres a selected key picture, "The Sea," "Gerónimo," "Diagnosed Passage," "Sturmacker" and probably "Ben Geete."

Booklet of Stills Popular

Oklahoma City, July 4. Termed by E. A. Patchen, advertising manager of the Oklahoma firm has used, is a new 'Souvenir' Souvenir booklet showing pictures of forthcoming summer pictures at Standard houses. Patchen noticed that moviegoers kept looking at the take home after being given them at the theatres as they were found in the city streets.

Reason was neat size, 3x6, and excellent printing job on heavy coated stock.

When Jack Cohen invited a few friends who had been in the film industry for 25 years to meet with him and discuss the possibilities of a permanent organization, dedicated more or less to the highly commendable idea of fostering friendship and the exchange of ideas, perhaps a score of 'old-timers' would take to the idea. More than 100 attended the first meeting in New York City, and the idea was so popular that it was decided to hold a street. The group formed the Picture Pioneers, with the avowed purpose of meeting informally at least once a month to acknowledge publicly the industry's debt to some of its earlier showmen.

There was no special guest at the first meeting, as hostmaster and Joe Hornstein provided some hilarious entertainment in the nature of an old-time members save themselves in reproduced photographs of a quarter of a century ago. Illustrated songs of the kind sung in nickelodeons provided mirth, noise and some uncertain harmony. Speeches were brief, and several of them pleasantly nostalgic.

In the cocktail room was an exhibit consisting of two theatre projection machines the contrast of which more eloquently told of the film industry, past and present, than any of the speakers were able to suggest by words. The smaller of the machines was an Edison Kinetoscope, of the type successfully used in film theatres about the turn of the century. It stands about 34 inches high, and the picture is projected on a screen by hand propulsion, the film was drawn through simple mechanism and discharged into a cloth bag, suspended under the apparatus. The larger machine was a modern film projector and sound reproducer, and was placed a modern film projector and sound reproducer. It was another visualization of the 'old and the new' in the film industry, but always interesting, to a generation which has lived through the industrial revolution.

INVENTIVE PIONEERS

Edison invented the Kinetoscope in 1889, and in the same year that he filed patents in Washington, Louis and August Lumiere invented the Cinematograph in France. An English inventor, Robert W. Paul, in 1896, perfected a projector which he called the Theatrograph, later the Animatograph. It was these pioneer machines.

It was interesting to listen to comments of American film-makers on the early pictures and their acquaintance with the Kinetoscope. Some of them gave practical demonstration of their familiarity with the early pictures. The Kinetoscope was a simple, ingenious early theatre operators made improvements to suit peculiar needs. All agreed that it was necessary to have a picture that was so small that it could be seen in a small room, and that it was necessary to have a picture that was so small that it could be seen in a small room, and that it was necessary to have a picture that was so small that it could be seen in a small room.

Golf, Baseball, Parade; Bob Hope a Busy Actor

Minneapolis, July 4.

Local record for number of theatre tie-ups was smashed during the Bob Hope engagement at the Shubert, with Bill Sears, theatre manager, and Mack Miller, head of Hope, taking the prize.

Hope participated in an exhibition golf match at the Trans-Mississippi women's tournament, tossed out the ball at a benefit baseball game that drew a 3,000 attendance and appeared in a number of radio spots for the American Legion met him on his way to the parade. He was a sight for a night at the theatre and he was the guest of honor at a banquet.

Local newspaper columnists were exceedingly generous in their mentions of the comedian's stunts.

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By John C. Finn

slipped into the aperture a glass slide reading, 'One Minute, Please.'

Not a test for the present day streamlined film industry to contemplate. 'One Minute, Please,' might be devoted profitably to measure the distance picture business has traveled since the first Kinetoscope. But the illusion of motion in photography. One might marvel at the technical excellence which has brought the medium to the point where it is now, that it is possible to displace the nickelodeon by the modern film theatre.

But the film is the business structure, but greater is the contribution of films to the national life, to the enlightenment of millions and to international understanding. In view of the trend in world affairs, perhaps, too much might be said for films as a pacifier of nationalistic greed and ambition, but none will deny the potential of the medium.

TALKING A COAST BRANCH

Had the Picture Pioneers been founded in Hollywood (Cohn declared a branch of the organization will be set up there soon), talk at the tables no doubt would have revolved around the early days of production. Despite the fact that film production began in New York and Chicago before the California sunshine lit the trigged Col. Bill Selig, Francis Boggs and Tom Parsons, who went to the Coast in 1907, to make some exterior shots for 'The Count of Monte Cristo,' reminiscence at the New York meeting was confined chiefly to the birth and growth of exhibition.

Fochs, the originator of the store-show thrived in big city neighborhoods. The firmly established and higher priced legitimate theatre flourished in downtown sections, and the audience houses had main theatres. Films went to the customers in outlying sections. The foundation of the business was built solidly on the American family trade. It rests on that business today, half a century since the first Kinetoscope clicked smoothly.

Scanning more recent years, one views with some misgivings the current trend in the business where most emphasis is placed on the proving of films, and the theatre management has been relegated to a secondary position.

It is not always so, but the true estimate of the contribution which some of the earlier exhibitors made to the industry has yet to be properly valued. Sid Grauman, in California, and S. L. (Roxy) Rothe, in New York, raised the standards of exhibition to such heights that the task of keeping pace with marketing films and the production of new pictures during the period when films made their greatest bid for public recognition and support, the theatre man held the domination.

Picture Pioneers promise much constructive good as a forum for exchange of liberal thought and ideas of the industry. The committee was organized by a group consisting of Marvin H. Schenck, George J. Schaefer, Herman Robbins, Joe Hornstein, Harry Brandt and Harry Brandt.

Next meeting some time in the autumn.

BLONDES STILL HAVE THAT BOXOFFICE PULL

Minneapolis, July 4.

Males booked the traffic to get a view of blondes entering the Century theatre after Charles Fox announced through the press that the first 100 of the fair-tressed maidens would be seen in the new picture of 'Maise' (M-G) would be admitted free.

There was a show outside the theatre for members of the sterner sex who apparently prefer blondes to the more numerous brunettes getting eye-tells.

Par to Show 'Citizen' To Nation's Governors

Lincoln, July 4.

Par plans to book 'Leading Citizen' in national notoriety this week in July by a series of special showings in the 48 state capitals with Governor of the state's governor as the honor guest.

Arrangements are being made by exchange managers, who know the inside on the politico situation, and in which houses to spot the previews. Par's management is well known to the house honored will be the first run spot which will not get pie on the parade. It is scheduled to be the first run. Happens in this instance, and probably will be in others, that the industry's rule is the industry's lobbyist and sits at the governor's right hand.

Ascherat's Stunt Backfires

Philadelphia, July 4.

John Ascherat, Metro exploiter, thought he had a great idea for a stunt for 'The Circus.' He invited the city's 10 oldest school teachers to be his guest at a showing of the film at the Boyd.

Stunt stopped, however. The 10 oldest oldies would not reveal their ages.

Talbert Making Bid For Family Trade By Careful Booking

Sparksburg, S. C., July 4.

Exploiter Earl W. Talbert, who has been hitting a new high with hopes hot weather 'lull' won't strike him, but he is not at all at the picnic.

Carolina and State are stepping out with a major portion of the state and good will build-ups.

Policy of Bob Talbert, city manager, is to put shows on clean, wholesome basis with a strong slant towards family entertainment. Such as 'The Circus,' 'Jones,' and others of similar type get stout billing and favorable play in the cream of Disney and other animated cartoons are being booked, also 'March of Time,' 'Strange as It Seems' and musical shorts. Stage shows are being booked steadily but the picture attraction takes a prior grader at some out-of-town spot and cuts down on blue shirt heavily needed.

Mossy Turner, assistant manager, successfully used two Great Danes with an act, but he takes a keeper in charge for an about town parade advancing 'Hound of the Baskervilles' and other detective, man and dogs attracting much attention in business districts.

N. Y. FAIR TRIPS AS PRIZES TO AUDIENCES

Ohio Paramount theatres, operated by the 'Barium,' will give away 12 round-trip, all-expense, year-end New York World's Fair, under a tie-up with the fair's merchants, as a box-office stimulant.

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Good Campaign Ideas In 'Daughters' Press Book

Stunts, stories, ads and accessories are contained in a large press book on Warner Bros. 'Daughters Courageous' which the home office advertising and publicity department is distributing to exhibitors.

Cover of the book illustrates the handsome costume, title and copy as related to the previous 'Four Daughters.' Inside are trade press releases, a list of the movie's most potent personalities of the picture above that of 'Four Daughters,' negative publicity, and a copy of the campaign are presented. Because of the success of the 'Four Daughters' campaign, the picture is being marketed on an 'Daughters Courageous' in the campaign.

Each day's contest which points up several situation highlights of the picture and is an interesting newspaper feature for the exhibitor. The remainder of the book proper carries accessories and posters for 'Daughters' and 'General Wilby.'

A twelve page advertising section presents a variety of ads for use in all situations and for large and small budgets. The ads play up the 'Four Daughters' cast, with special emphasis on John Garfield, the Lane Sisters and Gale Page.

Ripley 4 Lions in Biz

Boston, July 4.

Ralph Ripley, manager of the Codman Square theatre in Dorchester, Mass., closed his 1939 season with business and his 40th wedding anniversary as guest of honor at a testimonial party given by the 'P' and 'M' home office execs and a group of local managers. Harry manning, the district manager, was toastmaster.

Zoo Lions Yawn At Tarzan, But That's Copy

Pittsburgh, July 4.

Most unusual preview site on record was the zoo at Pittsburgh, where with showing of 'Tarzan Finds A Son' at the Stanley when publicity people decided to screen the picture at the zoo here. Audience consisted of two lions, a couple of porcupines and a few newswriters. Ideas was to see what reaction kinds of jungle showed to some of the film's most exciting scenes.

From that standpoint, the stunt was a flop. Lions simply looked, didn't stare, and with single exception, a just sat back on their hind legs and yawned.

However, from a publicity angle, the behavior of the lions was all to the good. Gave the stunt a humorous twist, and the zoo manager and theatre collected several columns of space on the disinterested lions in the local gazzettes.

DAUGHTERS COURAGEOUS
DAUGHTERS COURAGEOUS
DAUGHTERS COURAGEOUS
DAUGHTERS COURAGEOUS
DAUGHTERS COURAGEOUS
DAUGHTERS COURAGEOUS

The top 2-week gross of the past 6 months in first date (N. Y.)!

JOHN GARFIELD

CLAUDE RAINS

JEFFREY LYNN • FAY BAINTER • DONALD CRISP

MAY ROBSON • Frank McHugh • Dick Foran

and THE "FOUR DAUGHTERS"

PRISCILLA LANE • ROSEMARY LANE

LOLA LANE • GALE PAGE

Directed by MICHAEL CURTIZ

Original Screen Play by Julius J. and Philip G. Epstein • Suggested by a Play by Dorothy Bennett and Irving White • Music by Max Steiner • A First National Picture

Jack L. Warner
In Charge of Production

Hal B. Wallis
Executive Producer

Henry Blanke
Associate Producer

Commission and it seems certain that no more frees will be permitted.

LEWIS TO M-G HUDDLES
David Lewis, Metro's managing director in the Argentine, plans to visit New York for homeoffice huddles next month.

SING OUT THE NEWS BOYS,

it's great!



"Gay comedy aimed directly at the risibilities . . . Ginger is at her best and she is splendidly supported by David Niven, Charles Coburn, Frank Albertson and E. E. Clive."
— Kate Cameron



As inspired a production as you will often witness . . . I recommend it as a vastly satisfying entertainment . . . Whether Ginger is dancing or being a Cinderella, she is an utter delight."
— Howard Barnes



"Witty dialogue, speed, slick direction and capital performances make it one of the most amusing screen frolics of the year . . . A film that has sparkle, liveliness and fun."
— William Boehnel



"Thoroughly entertaining comedy . . . Takes its place as one of the high spots of the Summer season . . . A smooth succession of hilarious incidents . . . Players are exactly suited to their roles and writing is genuinely humorous. You'll enjoy it."
— Rose Peliswick



"With Ginger Rogers setting a devastating pace, a troupe of expert comedians has come simple if not always pure, and we must call it one of the season's gayest shows."
— Frank S. Nugent



"Not this year and not last year has an audience laughed as it does at 'Bachelor Mother'. It hits on all sixteen cylinders, becoming a powerhouse of amusement. Ten to one it will prove itself to have been the best screen comedy of 1939."
— Archer Winsten



"Just the proper nonsense . . . Neat . . . completely frivolous, and just the thing to take your mind off Fourth of July excitements . . . Will keep you mighty amused."
— Eileen Creelman



"Applying the simple charm which distinguished his 'A Man To Remember' and 'The Great Man Votes', Director Kanin makes 'Bachelor Mother' a delightful farce . . . As suitable for the family trade as for the smart set."
— Bland Johanson

GINGER ROGERS

DAVID NIVEN

Bachelor Mother

with
CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

DIRECTED BY GABSON KAHN

PRODUCED BY R. G. B. STEIN

SCREENPLAY BY S. S. GERMAN

BASED UPON THE PLAY BY S. S. GERMAN

R. K. O
PICTURES

FIRST DAYS BEAT RECORD-BREAKING "GUNGA DIN"... RADIO CITY MUSIC HALL'S BIGGEST OPENING IN ALMOST 6 MONTHS.

INFORMATION PLEASE!

(an easy one to answer)

QUESTION:—it ran 41 weeks on Broadway!



—it was cheered by thrilled audiences!

—it was acclaimed by all the critics!

—it became the most discussed entertainment of last season!

—motion picture companies competed to buy screen rights!

—it has been made into a motion picture that you'll be proud to exhibit!

ANSWER:

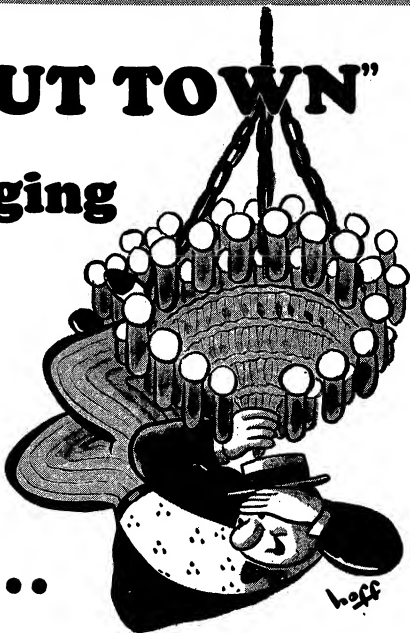
**"ON
BORROWED
TIME"**

An M-G-M Triumph!

with Lionel Barrymore · Sir Cedric Hardwicke
Bulah Bondi · Una Merkel · Babs Watson
Nat Pendleton · Henry Travers · Grant Mitchell
Screen Play by Alice D. G. Miller, Frank O'Neill
and Claudine West · Directed by Harold S.
Bucquet · Produced by Sidney Franklin.

"MAN ABOUT TOWN"

has 'em hanging
from the
chandeliers
at the N. Y.
Paramount...



Paramount's "MAN ABOUT TOWN" opened to biggest week-day business in 9 months at New York Paramount. Last night's tally of first week's business shows "Best of the Benny pictures" way out in front of "Union Pacific" . . . that's something to brag about! . . . We tell you, Paramount's got the big ones! Paramount's rolling those naturals, "Midnight," "Union Pacific," "Invitation to Happiness," "Man About Town."



It's a PARAMOUNT year!



Managing director Bob Weisman of the New York Paramount, Jack Benny and Dorothy Lamour demonstrate that "Man About Town" box-office smile as they watch the crowds pack into the Paramount.

Philly Allied Endorses Mpls. Move Rejecting the Film Code

Surviving are Jess, the widow, formerly on the stage; one son, Edward and two daughters, Bernice and Angela.

Business which De Angelis founded will be carried on by Mrs. DeAngelis, Edward, the son, and Tony Zito.

*The show that
licked the
World's Fair!*

**SECOND
FIDDLE**

Roads jammed!
Beaches packed!
But at the Roxy
Monday's business
beats Friday's
record opening!

RAMISH GROUP HAWAII CHAIN

FILM BOOKING MART

Slant on B's

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of the American distributing companies for the current quarterly period. Date of release as given in Variety and the running time of picture included.)

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Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T. Film—Running Time in Minutes

M—Musicals; C—Comedy; G—Comedy-Drama; W—Westerns; D—Dramas; M—Musicals

WEEK RELEASE	Rev. Var.	TITLE	TYPE	Co.	TALENT	M. In.
4/21/39	4/19	THE HARDY RIDE HIGH	M	M-G	M. Rooney, J. Stone, F. Holden	80
	4/12	WANTED BY SCOTLAND YARD	M	M-G	J. Stevenson, H. Lynde	80
	5/10	FRONTIER	M	RKO	L. Tracy, F. Shannon	80
	4/12	WINNER TAKES ALL	C	W	G. Ball, S. Drew, H. Merrick	62
	4/12	THE FLYING DUTCHMAN	M	RKO	M. Tracy, G. Sina	62
	4/12	INSPECTOR MORRIS	M	24th	G. MacFay, A. Sim, H. Williams	62
	4/12	ZENOBIA	M	24th	C. McGovern, R. Barke	62
	4/12	BIG TOWN GAY	D	W	H. MacFay, E. Sullivan	62
	4/12	DARK VICTORY	D	W	B. Davis, G. Street	62
	4/12	OKLAHOMA TRAIL	W	C	C. Stretch, L. Meredith	62
4/28/39	5/2	CALLING DR. KILDARE	W	M-G	A. Ayres, L. Barrymore	62
	5/2	BOYS' MEMORIAL	D	Monop	Frankie Darro	62
	5/2	LADY FROM KENTUCKY	W	RKO	G. Ball, S. Drew, H. Merrick	62
	5/2	BLUE MONTANA SKIES	W	RKO	G. Ball, S. Drew, H. Merrick	62
	5/2	YERKON AND DEER CASTLE	W	RKO	G. Ball, S. Drew, H. Merrick	62
	5/2	THE ROOKIE COP	M	RKO	E. K. Hill, S. Shaw, V. Weidner	62
	5/2	RETURN OF DISCO KID	M	24th	W. Baxter, L. Bari	62
	5/2	FOR LOVE OR MONEY	M	W	J. Lane, R. Crane	62
	5/2	CAN'T GET AWAY WITH 'NEMER	M	W	H. MacFay, C. Paige, R. Halep	62
	5/2	OUTSIDE THESE WALLS	M	W	C. D. Cappel, M. Whalen	62
5/5/39	5/3	THE LUCKY KID	M	W	L. Taylor, L. Taylor	62
	5/3	UNION PACIFIC	W	RKO	A. Shirley, J. H. Hinton	62
	5/3	ORPHAN HOUSE	M	RKO	A. Shirley, J. H. Hinton	62
	5/3	MAKING DANCE	M	24th	W. V. Verr	62
	5/3	THE CONFESSIONS OF NAGI SPY	W	W	M. Carey, F. Thomas	62
	5/3	BLIND ALLEY	D	W	E. G. Robinson, F. Lederer	62
	5/3	TELL NO TALES	D	C	C. Morris, R. Barrymore	62
	5/3	DOWN WYOMING TRAIL	W	W	M. Dore, L. V. Verr	62
	5/3	THREE TEXAS STEERS	W	W	R. Barry, R. Ross, G. Kraps	62
	5/3	ROSE OF WASHINGTON Sq.	W	24th	R. Barry, R. Ross, G. Kraps	62
5/12/39	5/10	TOUCHT RINGS FOR MAYOR	W	W	G. Garret, R. MacLane	62
	5/10	IT'S A WONDERFUL WORLD	W	M-G	C. Corbell, J. Stewart-Ribbee	62
	5/10	WOLFE	W	W	M. Dore, L. V. Verr	62
	5/10	HOTEL IMPERIAL	W	W	L. Meredith, L. Meredith	62
	5/10	MAN OF CONQUEROR	W	W	L. Meredith, L. Meredith	62
	5/10	SOUTHWARD, NO!	W	W	L. Meredith, L. Meredith	62
	5/10	NO FRENCH	W	W	L. Meredith, L. Meredith	62
	5/10	SWEEPSTAKE	W	W	L. Meredith, L. Meredith	62
	5/10	MISSING DAUGHTERS	W	W	L. Meredith, L. Meredith	62
	5/10	THE SWEETEST SINNER	W	W	L. Meredith, L. Meredith	62
5/26/39	5/24	ANGEL ANGELS HAVE WINGS	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	EMERALD SUITE	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	UNHAPPY	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	STOLEN LIPS	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	THE ZERO HOUR	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	RACKETEER'S RANGE	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	THE GORILLA	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	THE ALPINE FOR IT	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	THE CAPTAIN	D	M-G	A. Shirley, J. H. Hinton	62
	5/24	CODE OF SECRET SERVICE	D	M-G	A. Shirley, J. H. Hinton	62
6/2/39	5/30	TRAPPED IN THE SKY	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	THE FLYING DUTCHMAN	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	GRACE ALLEN MURDER CASE	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	THE FLYING DUTCHMAN	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	GIRL FROM MEXICO	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	JONES FAMILY IN HOLLYWOOD	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	INSIDE INFORMATION	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	MAN WHO DARED	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	ARIZONA COWBOY	D	M-G	A. Shirley, J. H. Hinton	62
	5/30	SHOULD A GIRL MARRY?	D	M-G	A. Shirley, J. H. Hinton	62
6/9/39	6/7	UNDERCOVER BOSS	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	MOUNTAIN REDEMPTION	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	YOUNG MR. LINCOLN	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	SUN NEVER SETS	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	JUAREZ	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	Q PLANNED	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	THE FLYING DUTCHMAN	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	INVITATION TO HAPPINESS	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	THE FLYING DUTCHMAN	D	M-G	A. Shirley, J. H. Hinton	62
	6/7	GIRL AND GAMBLES	D	M-G	A. Shirley, J. H. Hinton	62
6/16/39	6/14	CHARLIE CHAN IN KONG	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	NANCY DREW, THE SPOOKSTER	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	PARENTS ON TRIAL	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	MAISIE	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	HERITAGE OF DESERT	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	FIVE CAME BACK	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	GIRL FROM BROOKLYN	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	KID FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/14	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
6/30/39	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
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	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
	6/28	GIRL FROM KOKOMO	D	M-G	A. Shirley, J. H. Hinton	62
7/7/39	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
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	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62
	7/5	THE MAN FROM SUNDOWN	D	M-G	A. Shirley, J. H. Hinton	62

to attempt making features in less than 21 shooting days. In cases of Wurtzel and Hurley, majority of their offerings run in 18 to 21 minimum. Some of Marcus' pictures are pushed through in two weeks. Cohn brought his record "Within the Law" in 18 days, a low for his unit.

Use Old Sets

Often the B crowd is able to stem outrage by revamping sets that have been built for one picture. If possible, they generally expend as much money saved on high-cost supporting players. Wurtzel keeps close tab on daily rushes, sends production through to final fade, then does a lot of retouching if he finds he can effect a saving. He says he has been saving 50 cents. For half his films upon reaching the 85-6 mark, he has 60 scenes assembled, and then multiplies the situation for a week before finalizing his plans for the home stretch. He can do this without added expenditure, he avers, because he uses old sets and directors whose salaries go down. He is neither whether or not. He keeps a check on his editing, moving on conviction speed in B motivation compensates somewhat the risk of a picture in later. Per 60 minutes. He feels, however, drag—on the basis of causes of current turntable anime.

For U. S. Trade Chills

"Stay away from problem picture" is the word passed on by the boys. "Public goes to shows to forget worries, not to increase them." They also stand together on questions of advertising, with the exception of the 12, moving on conviction speed in B motivation compensates somewhat the risk of a picture in later. Per 60 minutes. He feels, however, drag—on the basis of causes of current turntable anime.

Good by Headlines

Foy, Burt Foster and others, depends on newspaper headlines for suggestions. He shortly will send "The Fighting 69th" to the press, because he says people are momentarily war-minded. Crime pictures are popular today, he says. "It has been, he finds. Costume dramas are not for B organizations, he declared, because they are too expensive, because world press had stirred unusual curiosity on part of public to see a picture of a picture, because they are barred. "Crime School," he felt, was a natural following on the heels of Samuel Goldwyn's "Dead End." He said that Hollywood's "Dead End Kids."

Budgets at 20th-Fox, Warners

Executive producer in the reilly, wood B hives has the nearest approach to a 24-hour-a-day job to be found in Hollywood. It is a pit between production planning and supervision on one side, and keeping a check on the picture's changeable pulse on other. Grooving B's for greatest mass appeal is a highly important factor in the picture.

Attend any 20th-Fox sneak or press preview, or visit one of the picture's public relations desks, and you'll find Wurtzel

out front rubbing shoulders with exhibitors and other kids who buy ducks. When visiting exhibs come to town, you'll glimpse Fox executives in the lobby, looking for info on audience likes and dislikes. That briefcase Hurley takes with him when he leaves work at night contains his home work—exhibitor and sales department comments on his picture. Marcus scans daily reports from RKO drummers forwarded to him by C. B. Depina and keeps up eagerly as a stock broker analyzes figures on ticker tape. Cohn keeps up on B's trends through huddles with Al Lichtman.

OAT BAGS FOR PARSONS

Lindsay Parsons dropped production of the Frankie Darro series at Monogram to join a new series of Frank and Ned westerns for next season's program.

Another producer will be assigned to the four remaining Darros.

Schine Conv. Aug. 1-4

Gloversville will play host to more than 350 theatre managers and personnel Aug. 1-4 for the annual convention of Schine Enterprises, Inc., from upstate New York, Ohio, Kentucky, Maryland, Illinois and Pennsylvania. The convention will be held at a barbecue at J. Meyer Schine's summer home, West Caroga Lake.

Indiana Exhibs Meet

Associated Theatre Owners of Indiana will swap alibis at Spink-WaVasee Hotel, Syracuse, Ind., on July 8-9 when 150 exhibitors and their wives will attend the annual convention.

Several business sessions will be held, but most of time will be devoted to outdoor activities in charge of J. Ross Rosier, executive secretary, who heads the committee on arrangements.

A. B. MARINER BROKE

Albion R. Mariner, film director and producer by studio contract of Long Island City, N. Y., filed a voluntary petition of bankruptcy in N. Y. federal court, Tuesday (29) listing assets of \$250, and liabilities of \$15,400.

During the past two years the picture star has salary to be \$5,330 and \$5,480. The largest liability is to the Home Owners Loan Assn., 270 Broadway, N. Y., \$14,322, on a real estate mortgage.

Curbs Gifts by Extras

(Continued from page 1)

Guild over proposed licensing of all agents was averted by a tentative agreement to modify certain clauses in rough draft of the Guild's new contract. The Guild would be made to compromise demand that all existing contracts be modified to conform with standard pact to be approved by the actors.

Agents suggested that contracts be modified to stand as is. In return for this concession the agents would oppose the Guild's demand to limit future contracts, probably to 12 months. This, however, would not apply to contracts with top dog salesmen written since announcement of licensing program. Two groups generally agreed these contracts were prepared with the understanding they would be revamped to conform with SAG requirements.

Laurence W. Beilenson, SAG counsel, and Kenneth Thomson, executive secretary, represented the actors at showdown meeting with the agents. Committee representing the Guild included M. C. H. Brown, president of AMG, Bert Allenberg, Asst. General, Arthur Lyons, Ralph Blum, Asst. General, and Charles H. Brown, Jr., Asst. General. Negotiations are being continued this week in an effort to agree on a new contract. The Guild agrees on a new contract to be submitted to members of two organizations.

Browne Action Approved
Committee of Technicians Local 37, that George E. Browne, prize control of General Athletic Association of Stage Employees, seized control of local union without consent of General Athletic Association, has approved a Superior Court here by testimony of IATSE executives. Five of seven IATSE vice-presidents testified they gave their consent for Prexy Browne to declare an extreme emergency on July 13 and take over affairs of Local 37. Another vice-president, Floyd Billingsley, had previously testified that he gave his consent when called by Browne over long distance.

James J. Brennan, Ramsey, N. J., and Edward Walsh, New York, testified that they gave their consent personally at Browne's room in the Hotel Hamilton, New York, on July 13. Walsh, who is of Cleveland, William Patrick Colbert, of Toronto, and Roger M. Kennedy, of Detroit, also testified they gave their consent when Browne called them long distance from New York. Walsh was indicated as the one who testified that Browne had the consent of John P. Nick, of St. Louis.

Brennan stated he left Browne's room when the IATSE prexy called Hollywood to ask how things were going. After the conversation, Brennan said Browne turned to himself and Walsh and stated:

"Those people have gone completely crazy again. It has got to a point where they have started a riot on the treasury. They held a meeting this afternoon and freed three of the local officers, including the business representative, Lew G. G. Blix. They are now giving away our jurisdiction. I think we should declare an extreme emergency, and I have given their consent, and that is my recommendation." Walsh testified he gave his consent, and that he heard Browne call four or five vice-presidents to get their consent to an emergency. He then consented to an emergency. He then said that Louis Kroger, IATSE general secretary-treasurer, had advised him to go to Hollywood. He then testified at the trial now in its seventh day.

Harold V. Smith, former Coast head of IATSE, told Judge Henry M. Willis he had called Browne on Sunday before the takeover to give him information about a meeting of the board of directors of Local 37. Witnesses testified he advised Browne that board had freed three of the local officers, and he proposed to withdraw funds of the membership. When the banks opened next morning, Smith stated he recommended that Browne immediately declare an extreme emergency so the board would not have an opportunity to "grab the funds." He stated that John T. Carver, International representative, and Congressman William Schulte, head of an IATSE investment committee also agreed that action.

Early Verdict Expected
An early decision in the IATSE case has been promised by Judge Willis, who stated that he would give an oral decision at the completion of the testimony. Tips on both sides had expected he might require several weeks to consider the evidence and prepare a written decision. Judge Willis stated he had kept abreast of the testimony daily and

would be ready to render his verdict when the case is completed.

Contempt citations issued against IATSE tips in connection with the revocation of the charter of Local 37 and issuance of new charter to five studio locals have been transferred by Judge Emmet Wilson to Judge Willis. Judge Wilson stated the hearing had been postponed several times, and that Judge Willis was thoroughly familiar with all the issues since the case is now being tried in his court. Judge Willis ordered the hearing set for July 15.

Negotiations are now under way between Coast advertising agencies and American Federation of Radio Artists on new regional and local radio wage scales for actors, announcers, singers, news and sports commentators. Naylor Rogers is chairman of agency committee, with B. Kornblum supervising negotiation for AFRA.

New five-year agreement between producers and the American Society of Cinematographers provides for elevation of second cameraman to director of photography. Section covering advancement follows:

"If a producer desires to elevate an operator of photography (also known as second cameraman) to director of photography, the Society will, upon written request of the producer, grant such operative cameraman a temporary permit covering his services as a director of photography for one picture only. If the same producer assigns such operative cameraman to act as director of photography for a second picture within

90 days from the date of the completion of his services on the first picture, then the services of such party shall be considered as having been satisfactory to such producer, and he shall, upon application, be accepted as a member of the Society."

Minimum wage scale for directors of photography for productions of more than 4,000 feet are: golden hours, \$15.13; daily, 8 hours, \$54.45; 8 1/2 hour consecutive week days, \$27.25; weekly, 4 1/2 cumulative hours, four-week guarantee, \$217.80; weekly, 60 cumulative hours, 6 months guarantee, no Sundays or holidays, \$163.35. Minimum rates for productions of 4,000 feet or less are: golden hours, \$13.17; daily, 8 hours, \$49.45; weekly 8 1/2 hour consecutive week days, \$217.80; weekly 34 cumulative hours, four-week guarantee, \$163.35; weekly 60 cumulative hours, six months guarantee, no Sundays or holidays, \$163.35.

When director is assigned to distant location the producer has the option of substituting a rate of 33.3% in excess of the studio minimum, in which event the director of photography is required to perform services at any time while on location without overtime, except studio golden hours provision shall apply.

The Society agrees not to engage in a strike during the life of the contract provided the producer fully performs terms of pact, and to require its members to perform their services for the producer regardless of the existence of any strike.

Al Speede has been re-elected business representative of Local 40 of International Brotherhood of Electrical Workers. Other officers are Frank McDonald, president; Louis Berg, v.p.; Earl Counter, financial secretary, and Harold Pross, treasurer.

Inside Stuff—Pictures

Newspaper reviewers in Pittsburgh are doing a burn at Harris Amv. Co. here because of churl's decision to open its new pictures at the Alvin on Sundays for remainder of the summer. Critics argue that being forced to cover up on that day will ruin their weekends. It's the first time since seven-day week was legalized in Pennsylvania that a first-run theatre has opened its new bill on a Sunday. Harris execs countered with statement that move was imperative on account of conditions. Previously they had opened on Thursday, but that was only because of Bank Holiday. Harris management insists those days can take care of themselves without an opening.

Federal Judge Alfred C. Cox on Friday (30) approved a request of Paramount Pictures, Inc., and authorized the New York Trust Co. to redeem its new bill on a Sunday. Harris execs countered with statement that move was imperative on account of conditions. Previously they had opened on Thursday, but that was only because of Bank Holiday. Harris management insists those days can take care of themselves without an opening.

Out of a total of \$31,157,734 in allowed claims, against which Paramount issued the debentures and scrip, some \$16,457 are not claimed. Paramount is desirous of redeeming the debentures and scrip outstanding on this account.

Plans of Mayflower Productions, British producing unit, to make "Admirable Crichton" for Paramount release reduce the number of big name stars in the original script, turned out about 11 years ago. It was generally regarded as the top all-star cast up to that time. Thomas Meighan, Bob Daniels, Gloria Swanson, Lila Lee and Wallace Reid were in the Cecil B. DeMille script. Charles Laughton will be the name player in the British picture. It will not get under way until after September next.

The \$500,000 action by Milton Spitz against Motion Pictures Greatest Year, Inc., the film company, Bobbydick, and the Moredell Reedy Corp., claiming the plagiarism of his copyrighted game, "U-S-O-L-I-T" in a booklet released by the Motion Pictures Greatest Year, was discontinued in the N. Y. federal court Friday (30). Plaintiff withdrew the action without settlement.

Louis-Galento fight pictures at the Palace and other RKO metropolitan N. Y. theatres opened to brisk business Thursday (29) on the heels of interest aroused by press and radio reports of the fight, but lost a chance to step up grosses through quicker turnover and more shows due to the lengthy dual bills.

After six months as an international film diplomat, James Roosevelt was handed a new contract as production exec by Samuel Goldwyn last week.

From THE ETUDE

"The instrument simulates the piano, the harpsichord, the steel guitar, the organ, horns, reeds and strings. It also has instrumental timbres which are distinctly new. Its possibilities are almost infinite. It gives the estimate them. It should be very exciting to all who have acquired a keyboard technique."

From Natusweek

"The Novachord not only imitates known instruments but produces sounds which have no equivalent on the conventional palette. As for the piano, the piano tones very similar to the piano over the radio. And its imitation of the harpsichord led one noted pianist to say that he considered it better than some of the best harpsichords he had played on."

From Esquire

"WE SING OF... a new musical instrument that is proving to be a thing to all men! Looks like all things, has a single manual keyboard of 72 notes, is played as a piano, yet its volume is con-

In the opinion of the PIANO TRADE Magazine

"The unique, dramatic and artistic character of the music from the Novachord... gave the instrument a send-off nationally such as no other instrument has ever had, at least in the history of the music trade of the present century... Millions of people have already heard the Novachord, most of them over the air... A great popular band leader has just been named, as have many other famous musicians and Hollywood studios... To sum up, it appears that the Novachord has gone over with a bang."



Announcing a brand new musical instrument for entertainers

The HAMMOND NOVACHORD

These editorial comments will give you an idea what it could add to the effectiveness of YOUR music

trolled by a swell pedal similar to that of an organ, while its tones are produced electrically by means of circuits of ordinary vacuum tubes. If you have learned to play a piano you can improvise to your heart's content on this... work a little rudimentary effect into a bit of Haydn; turn out a sentimental Altona; put the Hawaiian steel guitar; put a little marimba in your music with a blurt of bassoon, turn

your Bach into a flat foot foggy. This versatile invention is already making its appearance in smart hotels and night clubs, they tell us, as well as being the life of the party in our better homes."

From The SPUR

"We, however, are living in a labor-saving age, and at this very moment, if you can play the piano you can also, whether you know it or not, tear off a piece for a Hawaiian guitar, 'cello, violin, horn (French or English), harpsichord, clarinet, etc. ... Such genius will be effected not through your own hyper-dexterity but by virtue of the Novachord, which is a recent development of the Hammond Instrument Company, who are best known for their manufacture of organs."

From the MUSICIAN

"It is going to be about as easy to keep the Novachord out of EVERY orchestra as it would be to bar a sax from a jazz band. It isn't only that it produces several instruments in one, but it produces tones that no one ever imagined outside of a Thorne Smith alcoholic extravaganza, and in a potential variety that will afford an undeveloped realm of discovery to keep the intrepid musical explorer busy for the next year to come."

OUTSIDE NEW YORK

Hammond Instrument Company
2947 N. Western Avenue, Chicago
Please tell me where I can see and hear the Novachord.

Name.....
Street.....
City.....
State.....

IN NEW YORK

See and Hear the NOVACHORD at

HAMMOND ORGAN STORES

50 West 57th Street
Telephone Circle 6-2290

MILKSHAKE AND BLUE

OMIT FLOWERS

One thought may be worth underscoring as the members of the National Association of Broadcasters assemble for the Atlantic City convention. Let nobody have any qualms about the power of the quips and quibbles to "salvage" against the radio industry. They can't really do a thing.

The greatest possible show of unanimous industry refusal to be bulldozed by preachers of hatred and intolerance is highly desirable. Radio should not hesitate a second in using language of the utmost plainness in calling bigots and bigotry by their right names, in unmistakably repudiating any sympathy with such narrow minds and vicious practices, and in courageously ending the reign of the demagogic abusers of the free speech privilege to continue to put radio on the spot.

For it should never be forgotten by N. A. B. and its members that the bigots are putting radio—nobody else—on the jumpy seat. They may prattle glibly about free speech but 90% of this argument, coming from them, may be dismissed as tongue-in-cheek double-talk. Radio is under no constitutional, moral or other obligation to lend itself to the conveniences of men intent upon making trouble between one religion and another, one kind of human being and another kind.

The clause in the proposed broadcasting code that makes clergyman stick to their pulpits and get off the soap box or, conversely, get down from the pulpit when they want to mess around with politics and economics, is a reasonable and fair setup. No legitimate accusation of censorship or opinion denial can be leveled against it or at the industry. But there may be those who will seek to frighten the broadcasters into pussy-footing, sticking in qualifying weasel words, leaving loopholes and ambiguities. Such a weakening would be unfortunate. No doubt should be allowed to creep in. Radio should never admit that bigots or bigotry can ever, under any circumstances, have any standing with broadcasting management.

Just now a man is under arrest in New York charged with accepting marked bills from a station owner as a first payment for arranging to relieve the station of pickets which, for months, have been carrying offensive placards. The man under arrest was the one who largely suggested and organized the picket line. The lesson of the arrest and the marked bills should have great illuminating power at this time. It should help dispel any remaining illusions as to the nature of the gentry who would like to use radio for propaganda, or profit—usually both.

Tell them to go jump in the lake.

Spitalny Draws 75,000 in Chi Outdoor Concert

Chicago, July 4.

Phil Spitalny and his all-girl orchestra premiered the season of free concerts at the Chicago Federal Reserve Bank here to a record turnout of 75,000. The heavy attendance made page one local.

These are the concerts co-sponsored by James C. Pettillo, pres of the Chicago Federation of Musicians, and also the city's Park Commissioner. They are underwritten jointly by the musicians' union, the city and always features a big orchestra and topflight soloists such as Thelma Foss, et al.

Pettillo altogether has some 175 free concerts of such caliber lined up all over the city in its several mammoth parks. From the musicians' and soloists' viewpoint these are clean engagements, payment being unstinted. Chi is the only city in the U. S. which does these concerts on such a lavish scale.

Film Personalities in New Transcription Series

Telecast Corp. of America, Inc., Hollywood, Calif., distributor of transcription programs, has obtained the representation of two more series. They are "The Showmen," starring Jimmy, Lucille and Russell Gleason, and "The Musketeers," with Victor Jory, Jack Mulhall and Herbert Rawlinson.

Kemper-Gordon, Inc., will do the selling and distributing in the east.

CBS WOSU PHIL BARRY

Will Like Playwright to Write One for Summer Series

Phil Barry is being sought by CBS for an original radio play for the network's Columbia Workshop series late this summer. It would be his first elder work. Already set for the series are Lord Dunsany, Dorothy Parker and William Saroyan. Each will do an original play. Fifth in the series of new scripts hasn't been set.

Besides the five new plays, the series will include eight classics, the series will include eight classics during previous seasons.

Ed Thorgersen Back

Ed Thorgersen returns to the air this fall to do a football comment on the expanded National Football League. It will be a Mutual hookup of 20 stations, with the broadcasts originating from WOR, Newark.

World Broadcasting System will seek to obtain modification of its contract with affiliates of the Gold Network during the convention of the National Association of Broadcasters at Atlantic City next week. Move stems from difficulties that World has encountered in trying to collect commissions on the expanded Stanco campaign. Some of the stations in the Gold group have refused to pay the 15% because, they contend, World has not in this instance enforced the provision in the Gold contract which makes it mandatory

PERT TRAMMEL PER-UP STRATEGY

Latest Step in Streamlining NBC's Second Network Calls for Separate Competitive Staff

KIGGINS' IMPORTANCE

NBC's latest move to strengthen the blue (WJZ) network is to set up a separate operating identity for it. In an order issued by Niles Trammel, executive v.p., Monday (3), Keith Kiggins was named to a newly created post, director of the blue network. His previous assignment was manager of the NBC station relations department.

Under the new system, which has been under discussion in NBC circles for a couple of years, the blue network will have in each department distinct staffs that will devote themselves exclusively to that particular network. The blue will have not only its own salesmen but station relations men specializing in blue affiliates. Other such groups will be represented in the program, sales promotion and press departments. Heads of these units will report through the department heads to Kiggins and he will report direct to Trammel.

A. E. Nelson remains as sales manager of the blue link, but Kiggins will be his staff in the various other departments in conferences this week with the heads of such departments. The man under arrest move puts Kiggins, who is still in his early thirties, into one of the four most important key positions in the organization.

NBC's initial strategy to bolster the commercial standing of the blue network was its appointment of Nelson, formerly manager of KDKA, Pittsburgh, to his present post about a year and a half ago. Subsequent moves in the same direction included the offering of special discounts to advertisers using certain blue supplementary groups, the interchanging of blue and red supplementary groups and the allocation of extra talent budgets for blue sustaining programs.

JIMMY WALKER OFF AIR WHEN 13 WEEKS ENDS

Ex-Mayor Jimmy Walker ends his three-night weekly news comment spot on WJZ, New York, at the conclusion of his 13-week term. The end of this month. Sponsored by Crawford Phelps, he may return to the air in the fall. A. J. Paul, general agency, Philadelphia, which handles the account, is desirous of putting Mac Farland in the spot, however, if it can be arranged.

Parker is a former Philadelphia newspaperman who is now executive of the Lefton agency.

World Seeks Modified Contract As Result of Stanco Non-Exclusivity

For a Gold Network account to continue to gold stations in those markets where the Gold group is represented.

Per Gold affiliates point out that Stanco, through McCann-Erickson, was permitted to select non-Gold stations for six markets on the Gold list. This, they say, is contrary to the exclusivity clause in the World contract. The stations in the Gold group have refused to pay the 15% because, they contend, World has not in this instance enforced the provision in the Gold contract which makes it mandatory

Chain Income from Time Sales

NBC

	1939	1938	1937	1936
January	\$4,033,300	\$3,793,518	\$3,541,969	\$2,861,815
February	3,748,900	3,668,025	3,465,005	2,714,300
March	4,170,856	3,806,831	3,614,283	3,007,883
April	3,580,884	3,310,505	3,277,837	2,741,928
May	3,705,102	3,414,702	3,214,819	2,551,720
June	3,382,404	3,200,550	3,063,287	2,323,456
Total	\$22,598,941	\$21,923,974	\$19,948,007	\$18,061,102

CBS

	1939	1938	1937	1936
January	\$2,878,057	\$2,479,845	\$2,278,820	\$1,901,823
February	2,541,822	2,690,334	2,364,317	1,809,146
March	2,925,884	3,034,317	2,559,718	1,172,382
April	2,854,026	2,424,180	2,363,478	1,950,850
May	3,082,829	2,442,285	2,260,255	1,746,317
June	2,860,184	2,121,495	2,476,567	1,502,763
Total	\$19,819,822	\$15,842,555	\$14,803,258	\$10,185,770

MUTUAL

	1939	1938	1937	1936
January	\$315,178	\$288,984	\$213,748	\$180,466
February	276,505	253,250	231,280	190,446
March	306,976	323,877	247,621	190,446
April	265,636	189,545	200,134	150,446
May	234,764	194,201	154,633	150,446
June	228,188	202,412	117,388	150,446
Total	\$1,824,235	\$1,342,179	\$1,164,610	\$810,446

CBS' \$2,860,184 Is 34% Over June, 1938; NBC's 2 Webs Grossed \$3,382,404; Mutual \$228,186

EICKELBERG TO NEW JOB WITH DON LEE

San Francisco, June 30. Wilbur Eickelberg, manager of KFCB, here, is new general sales manager of the Don Lee network, with headquarters in Los Angeles. William Pabst, assistant manager, has replaced Eickelberg at KFCB. Ward Ingrin, KFCB sales manager, may get added title of assistant station manager.

TRUDY WOOD IN A. S.

San Antonio, July 4. Trudy Wood, songstress, formerly on the Packard Hour with Fred Astaire, heard in a quarter hour program of songs over station KITSA, San Antonio.

Assistant is Buster Bryan, program director of station.

Jennison Leaves WEAN

Providence, July 4. James S. Jennison, manager of station WEAN, has resigned. According to reports Jennison has not been up to par lately. He has no immediate plans. A successor is expected to be named this week. Jennison held the post for seven years.

Columbia grossed \$2,860,184 in time billing last month, which was 34.5% better than the turnover for June, 1938. It's the biggest percentage gain since the network has had since August, 1937. NBC's time billings for this month amounted to \$3,382,404, an increase of 8.7% over the tally for the like month of 1938. As compared to the first six months of last year, CBS is now ahead by a 8.5%, while NBC's margin is 7.5%.

Mutual last month did \$228,186, or 15% over the previous June's gross. Of the total billings accumulated by NBC this month \$2,864,837 is credited to the red (WEAF) link and \$75,747 to the blue (WJZ) network.

In June '38 NBC's billings were \$3,200,589, while the year before they figured \$3,803,287. Columbia garnered \$2,121,495 for June, 1938, and \$2,476,567 for June '37.

L. B. WILSON THRES SYKES

L. B. Wilson, of WCKY, Covington, has advised NBC that all future contracts with the network, if entered into, must include a clause permitting him to guarantee time to one of his own accounts once the contract is closed. Wilson is also asking for more compensation.

Under the new release allocation for the Cincinnati territory WJW has become the exclusive outlet for red (WEAF) network commercial while WCKY is the exclusive outlet for the blue (WJZ) link. WSAI also becomes available to red clients. WCKY is on the way to going \$5,000 wats.

John Moses, WHKC, Columbus, announced, last week lost a finger on the turntable.

6 THEMES FOR N.A.B. SALES CLC

The Sales Managers' Committee is participating in a NAB Convention with a special program on Monday, (10). There will be a luncheon Monday noon at the Hotel Ambassador. All sales managers and broadcasters who wish to attend, at which time Ed Rizzo, director of the Bureau of Radio Advertising, and Paul Peter, director of Research at NAB, will outline the work of the Bureau of Radio Advertising. They will discuss some of the projects already completed, those which are ready completed, those which they have planned for the future.

Immediately after the luncheon, they will have an afternoon meeting with one outside speaker, i.e. Dr. Herman Kettinger of the Wharton School of Finance at The University of Pennsylvania, who will present a summary of the recent survey made by one of his associates and which deals with the selling policies of radio stations. This was a national survey and covered stations of varying sizes in all parts of the country.

Immediately following this, there will be panel discussions dealing with a list of subjects which is the outcome of various Sales Managers' District meetings and the first of these. These will include:

1. Is there any audience measurement which we can all follow? Discussion led by Bill Cline of WLIS, Chicago.
2. How can we make effective selling methods used on department stores, clothing stores, insurance companies, ready-to-wear stores and other retail stores? Discussion led by F. J. Purnell Goff of WFFB, Baltimore.
3. What can we do to get more manufacturers in all lines to do cooperative advertising with local stores such as they do in other parts of the country? Discussion led by Charles Cline, WMBD, Florida.
4. Effective Sales promotion ideas in the local and national field. Discussion led by Ed Flanagan of WSPD, Toledo.

How can we increase radio billings to chains in dry goods, foods, clothing and other lines? Discussion led by New Avery WGB, Buffalo.

6. Successful methods of selling union musical talent to make the most effective contract as profitable as possible. Discussion led by Ken Church of KMOX, St. Louis.

Church Hears Clash with Air Favs; May Alter

Toronto, July 4. With a large number of the clergy of all denominations, openly admitting that the Jack Benny and Charles McCarthy programs are having a serious effect on Sunday evening service attendance, matter of fact the board of trustees of the United Methodist Church is currently under consideration. Inter-denominational group conference of clergy and church officials is being arranged to determine union in the proposal to push back the hour of Sunday night church services from 7 p.m. to 9, at least during the summer months. Number of churches have gone ahead with the proposal without waiting for the round-table decision. The program was carried in Scarborough hour are carried in Canada over the government network.

Eckley With Columbia

Hollywood, July 4. Amory Eckley has been named in charge of radio relations for Columbia Management.

He formerly conducted his own talent agency here.

John A. Bolman, general manager of WGB, Boston, will report for two weeks active duty with U. S. Signal Corps Reserve in Ft. Belvoir, Y. Y., starting Aug. 14. His routine military assignment relates to communications and censorship.

THOSE RADIO DOORS

One Has to Be Broken Down—Engineer Locked In With High Voltage

Boston, July 4. Two door stories came out of WEEZ last week. Charlie Hinkleband had to break down the door to the instrument room, when they lost the key, to make the schedule for their matinee broadcast, June 28. Al Teasdale, WEEZ engineer, left his keys outside the door to high voltage room at the Medford transmitter and the door snapped shut. He was imprisoned several hours in a nest of live wires until he managed to get attention of passersby at Medford. The door was opened. This sort of accident is fairly common in radio business.

Omaha Quiz Uses Local Names Cuffo

Omaha, July 4. A new quiz program titled "Answer Please" is on KOIL here under sponsorship of the Foster-Baker Insurance Co. and runs from 7-9:30 Sunday nights. Permanent board of experts on the show is composed of four local prominent, all of whom have been in the service of the city. Walter Byrne, v.p. of Kilpatrick's department store, who is interlocking with the service of the Chamber of Commerce, Mrs. Paul Gallagher, social leader, Dick Stewart, auto dealer, and Allan McDonald, architect.

Program is tied in closely with the United States promotion setup with the League getting a set coin figure from each program. This sum is included in the general layout of the show. League assists in getting the board members and guests. Questions are sent in from listeners in the territory, with those questions used on the show being worth a buck piece to the sender.

WSPA and Newsmen In Joint Move; Make Peace

Sparksburg, S. C. July 4. Hatfield having been buried between station WSPA and local newspapers after several years intermittent and mutual mayhem, Arthur Gurley of Herald-Journal, and John, joined with James Murgold, station's m.c. in special program seeking successfully to save city's radio franchise by drumming up 3,000 customers for night game at a buck a throw.

First time in years a local press man has faced a WSPA mika.

WCAU Now Pa. Chartered

Philadelphia, July 4. Approval was given by the FCC last Thursday to the Pennsylvania Broadcasting Company to dissolve its charter as a New Jersey corporation and assign rights to the Pennsylvania chartered corporation of the same name.

Assignment includes licenses of WCAU, WXXAU, short wave, WXXIR, experimental high frequency transmitter, and WXXHW, used in remotes.

CBS and BC Cautiously Weigh ASCAP Demand To End Song Feeds To Montana

American Society of Composers, Authors and Publishers has failed to get immediate action from either NBC or Columbia on its demand that the networks cease feeding programs containing ASCAP music to the stations. The networks are having the request sent the web's after the Society had decided to cancel the music from stations in that state and force a showdown on the latest place of Montana anti-ASCAP legislation by bringing WGBZ broadcast in the federal courts to obtain injunctive proceedings.

Columbia answered the request

O'CONNOR PUTS RADIO CODE CLAUSES AS 'BROT'

Lobby Talk

By ROO REED

Atlantic City, July 4. Radio comes to broadcast at Whelan's Wonderland. The effort of Tomorrow presents the Jokes of Yesterday.

Hillbilly battle over television fights. Last one in a city slicker.

James Alberici's band will have a tap dancer as part of the percussion section. He'll play foot notes.

Indian claims the eye is injured by omission, so, first time silence ever hurt anybody.

Air men wary of 'pink ribbon, Easter egg' shows for mopeds. Alford if you give a kid pinballs, the plays will lay their own eggs.

MILLER BOLLS THE ASCAP FINDINGS

Copyright committee of the National Association of Broadcasters, July 10, at the Ambassador Hotel, Atlantic City, for a final discussion of their recommendations on the terms of a new contract with the American Society of Composers, Authors and Publishers. Following this meeting President Neville Miller will make his report to the ASCAP conferences for submission to the NAB convention which opens next Monday (10).

Miller has during the past several months met with John G. Paine, ASCAP general manager, on various occasions to get his reactions to certain formulas and clauses that the committee would like to see included in the next ASCAP contract.

GABBER'S PENALTY IS TO GO ITTY BITTY

Philadelphia, July 4. Rupe Werber, gabber of WING, made a bet over the air that Galeato would win last week. His penalty for losing was liping all night during his morning show. "The World's Worst Program."

Al with hit-baker gontherka plugging therawberry thornika, it thertainly wathn't eatby.

Gotta Hear 'Em, Too!

Hollywood, July 4. Office here of American Federation of Radio Artists is without a radio.

Maurice Lery making debut on web with The Music Makers, 30 minute feature for BBC.

With a letter to ASCAP setting forth its legal position in the matter, while NBC's lawyers decided that they would do nothing until they had changed the state of the suit which A. J. Mosby, of KGGV, Missoula, Minn., has brought against ASCAP. Mosby charges copyright monopoly, extortion and fraud.

Mosby's action followed the passage by the Montana legislation of a bill forcing ASCAP to register and file with a state official and also stipulate the price for performance of each of the hundreds of thousands of works. This measure took

Apparently Linked to Boake Carter—Makes Sensational Charges of Radio Industry in Collusion With Administration Tactics

Washington, July 4. Attempt to make political capital out of the broadcast industry had front men frothing this week. Fearful of inviting attention, both network people and the NAB were maintaining a respectful silence toward the charges of former Representative John F. O'Connor of New York, who managed the futile 1958 attempt to send a Congressional committee on the probe.

Virtually confirming suspicion he was the source of information used recently by Boake Carter, ex-military phonist, for a column blasting the New Deal, the former Tammany man, now engaged in legal practice and lobbying here, denounced the NAB's proposed code as "hosting censorship" and sought to use a letter to the trade body as weapon in his fight with the New Deal.

The letter attracted attention in trade circles, although not generally published, because of the peculiar circumstances surrounding its transmission than for its contents. Couple of weeks ago, a purged legislator wrote Ed Kirby, press relations boss at NAB headquarters, asking for a copy of the code and indicating he was sympathetic toward the movement to lift radio program standards. Quite a surprise Saturday (1) when the long blast was received, carrying a footnote that it would be released to the press and one was being sent Neville Miller.

Purpose in O'Connor's mind was apparently to cause a newspaper furor. Since being linked to the 1938 campaign, the former Congressman has been out of public gaze, but Boake Carter piece, which mentioned some tongue-clucking in Congressional lobbies, is regarded by industry observers to be the explanation for the non-securitization of Kirby.

While he voiced opinions about the NAB pact, O'Connor evoked the full force of the code and the ad blast at the "radio trust" which he frequently denounced while in Congress after sitting on the Coney investigation resolution for a long time, and at the Roosevelt Administration. Still buried under its defeat at the polls last November.

After reading, gabber of interest in radio, his "conceal" over administration of the Communications Act, and the unsuccessful attempt to probe the industry and the FCC, O'Connor let loose with the charge that President Roosevelt was endeavoring to fail the investigation efforts. He said that at the outset the Administration was endeavoring to fail the investigation efforts. He said that at the outset the Administration was endeavoring to fail the investigation efforts.

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'about 'political censorship,' which he laid at the door of Chairman of the House Committee on Education and Labor, J. P. C. McKeen, the NAB, however, for fighting the international rules. Principal squawk was about a recent payment given to CBS during the 1938 campaign.

After the purge was started, Columbia offered him a national hook-up to reply to a speech in which the President flayed him, O'Connor said. When these plans were announced, the White House sent for the web's Washington representative. At charged, and a Presidential secretary said CBS was in the Administration dog-house for giving him access to the microphone. About the same time, he elaborated, Secretary of Commerce Hopkins told one of our most eminent citizens, a CBS vice-president (not named) that 'the boss was mad as hell' because the web offered him a national hook-up to reply to a speech in which the President flayed him, O'Connor said. When these plans were announced, the White House sent for the web's Washington representative. At charged, and a Presidential secretary said CBS was in the Administration dog-house for giving him access to the microphone. 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THIS WEEK IN WASHINGTON

Bewildering Lack of Consistency Noted in Arde Bulova FCC Case

Washington, July 4. Bewildering in radio ranks as the apparent FCC abate-face on station sales and leases and on newspaper ownership. Another set of decisions last week heightened confusion in the industry by watching gaping over the logic behind the latter rulings.

While pleased at the presumable evidence the Commission is giving a broader view of ownership and others were anxious to follow the reasoning on which the FCC granted Arde Bulova's request for permission to take over WPG, Atlantic City, the sudden cancellation of a lease expected to be an important policy-maker—on proposed merger of WSN and WCHA, Allentown, Pa., and the transfer of KEHA, Los Angeles, to Earle C. Anthony, owner of two Los Angeles outlets.

The principle established in the WPG and KEHA sales cases was particularly confusing. Although observers long have been accustomed to inconsistency on the part of the regulators, it was next to impossible to understand why the FCC, in view of its recent attempts to broaden jurisdiction over financial affairs of licensees, split hairs over the applications for its consent to purchases. In apparent complete contradiction of its previous concepts, the Commission seems now to be following the theory that swapping of equipment is a matter of no concern. Trend of the two puzzling opinions is to establish a view that there is no relation between apparatus and a frequency.

If the view is sustained in subsequent decisions, members of the industry will be free from official scrutiny over the fairness of prices paid for transmitters. For more than two years the Commission has taken the stands—although there are several notable exceptions, chiefly where politics was involved—that it can pass judgment on the reasonableness of amounts paid for stations, and that it can sue to prevent what it considers "trafficking" in licenses. Now the FCC seems to be following the old caveat emptor (let the buyer beware) philosophy. As long as the transaction is not subject to public operation, the Commission apparently cares nothing about how much is paid to acquire a transmitter.

The FCC's decision, handed down a week before, followed the same lines but presented another novel slant. While the FCC allowed Anthony to buy the Hearst outlet and approved his plan to substitute it for KEHA, it in effect ruled there was no frequency transfer in this case. Inasmuch as Anthony frankly admitted he wanted KEHA solely for the right to operate on 750 kc, his conclusion was unambiguous. More consternation over the demand that Anthony surrender the ticket to KEHA, which now operates on 1430 and which he planned to sell to Worcester Broadcasting Co., with view to its removal to San Diego.

The back-tracking on newspaper ownership—particularly important in view of repeated reports administration wants the press invasion stopped—was significant but still did not indicate a complete change of policy. In the past year, the Commission has been noticeably cool, if not outright hostile, to publishers. Now for it to suddenly call off the Allentown dog, which was fought bitterly several months ago by Commissioner T. A. M. Craven, and simultaneously to approve the combination of the two stations under a corporate plan eliminated by a newspaper industry, is more than inconsistent. The surprise was amplified by the decision approving the sale of WFAS, White Plains, to the Macy interests.

Anticipate That FCC Will Adopt Rule Against Multiple Ownership in One Area

Curb on multiple ownership of radio stations, at least in the same community or service area, appears a likely outgrowth of the FCC chain-monopoly inquiry. Tentative formula for checking concentration in the industry being discussed by regulators who have dusted off policy suggested periodically during past four years.

Sentiment is developing in favor of a rule-of-thumb saying no licensee can own two or more transmitters serving the same population. But probably would be carried farther, with provision that no single individual or corporation can operate—either by lease or management agreement—several outlets in a single area.

The question of accepting some such restrictions has been up before but the Commission always has sidestepped or denied applications on other grounds than public interest would not be protected by multiple control. About two

years ago, at the height of agitation over alleged monopoly, Commissioner Norman H. Case sought to put over this view, but with a few exceptions the principle never received serious attention. More recently, Chairman Frank B. Rowley, after a hearing on the subject, which was applied with much thumping—in a New Orleans situation and then more or less forgotten.

Not ready for formal discussion but data being compiled in checking the financial and corporate reports of the various licensees and institutions are tracing the so-called lines of ownership portrayed in special studies offered by the Accounting Department as showing which was applied with much thumping—at the hearing, chiefly by CBS, but nevertheless are receiving serious consideration.

Equipment Manufacturers Foresee Boom As Consequence of Engineering Rules

Boom days ahead for radio engineers and equipment people as a result of final FCC action on long-agoed changes in allocation principles, operating rules, and technical standards. Present members of the industry and prospective recruits expected to write checks for several hundred thousands of dollars, with outlay for new and improved plants possibly running into seven figures. Biggest lift the manufacturing and construction end of the business has seen in nearly 10 years.

Approval of the new creed last week, after deliberation dating back to the fall of 1935, opens the way for action on many pending applications and will allow hosts of other ticket-holders and potential operators to seek better assignments or to enter the field. Lawyers look to get a good slice of the melon, for many hearings will be inevitable since the FCC intends to ogle each request carefully and contests are certain.

The rules will break a long-jam which has had the effect of preventing new stations from entering the industry. Estimated around 500 applications are on file, having been docketed in the last 18 months in anticipation of the changes now going into effect August 1. The delay was caused by the FCC's refusal to further consideration, although the bulk have been pigeon-holed since receipt because of the need to decide what the Commission was going.

Immediate effect on the industry unquestionably will be a hypo for regional and local. During the past year or more, know that more wattage was probable, the Commission has been grinding out permits for regionals to jump their daytime power from 1 to 5 kw. In a good many instances these transmitters will receive power constant to operate after dark with the top strength.

The outlay for directional antennas will run, engineers guess, from \$10,000 to \$20,000, with additional land and buildings required in a good many cases. While some present radiators may be adopted with relative ease, it is more likely that entire new installations will result, with material expenditures for towers, apparatus and structures.

Washington Declares Owners of Two 50,000-Watt Transmitters Missed Opportunity

Owners of two 50 kw transmitters have only themselves to blame for FCC's failure to list their channels in the Class I—available for only one station after sunset—category as set forth in the new rules. Sentiment was substantial in favor of listing 680 and 710 ribbons in the select group. But WGR, Newark, previously had voiced no objection to letting KIRO, Seattle, use 710 as a "special authorization" and KPZ, San Francisco, had allowed WPTZ, Raleigh, to increase time on 680 (in return for an unexercised option to buy the plant). Another angle in the 710 decision was the interest of Senator Homer T. Bone of Washington, whose wrath the regulators did not want to invite by taking action which might upset KIRO.

Industry Protest on International Rules Now Scheduled for July 14

Concerted assault upon the restrictive features of the new rules governing international stations is planned by the licensees of the DX plants at the hearing scheduled now for July 14. Two-day postponement voted by the FCC on its own motion last week, with the NAB receiving another slap when the regulators snooted its petition for a continuance.

Broadening of the scope of the hearing—now confined to 42.8, dealing with "culture" and "goodwill" programs—was sought in the appearances filed by the ticket-holders. Besides protesting against this requirement, the operators want to voice views about several other clauses which they feel are contrary to the spirit of the statute and which will make operations unnecessarily difficult.

While principal dissatisfaction was caused by 42.8, the members of the industry affected by the new principles are irked by the rule which prohibits simultaneous airing of the same program by more than one DX station except when two plants of a single licensee are being operated.

audiences and the policy against short-waving of programs designed primarily for domestic consumption. Both of these requirements will greatly increase the expense of the operations, without providing any compensating benefit to the licensee fees. Limitations on the type of sponsorship allowed are a minor irritation as well as the arbitrary requirement that at least 100 hours of DX programming be given on for several years and, in another form, is ruling at the moment.

Religious Station (KFUP, St. Louis) Was Properly Treated by FCC, Court Decides

Denial of more time for KFUP, St. Louis, was proper and sound, the District of Columbia Court of Appeals held Monday (28) in decision ratifying the issuance of renewal tickets to the station, which has been operating since 1926.

Agreement that KFUP failed to present any reason for upsetting the FCC decision was voiced by Associate Justice Henry W. Edgerton in affirming the Commission action. He pointed out that KFUP, a religious outlet, disputed none of the regulators' findings except the carry-all conclusion that public interest would not be served by allowing more time. There was no basis for contending that the application should be granted, he said, and the Commission's decision was supported by "substantial evidence." Judges cannot substitute their judgment for that of the FCC as to the relative importance of different types of programs and public need for service from particular plants, he said.

Station Won Court Case, FCC Then Ordered Rehearing, Now Respondents

Still another spanking for the FCC is the result of its persistent attempts to pay off victors in court proceedings against FCC by holding "rehearings" at which late-comers, not originally involved, are allowed to produce evidence. The District of Columbia Court of Appeals last week handed down orders to the FCC to show cause why it should not rehear the case in the light of the new evidence. The FCC cannot bring in slow starters when reopening records where the decision was upset by the judiciary.

Latest "rehearing" decision granting petition of the Hannibal (Mo.) Courier Post for a writ of mandamus forcing the Commission to reconsider its application for papers covering a new station, was a reversal of the original record. While the judges did not block another hearing, they said it is obviously improper to take up simultaneously other applications not filed until some time after the rag's plea was docketed.

Rehearing on 'Corporate Structure' Angle in WTIC, Hartford Situation

Possible back-tracking on another controversial policy matter was foreshadowed last week when the FCC ordered argument next Thursday (11) on petition for rehearing of the Travelers Insurance Co. plan to transfer its five outlets to a new subsidiary.

The rehearing plea was filed several months ago after the Commission, in an opinion which stirred up much legal debate, held public interest would be violated by the bookkeeping transaction which related principally to WTIC, Hartford. Regulators looked askance at details of the accounting procedure which some felt would amount to insinuating the value of the WTIC plant and putting a price on the operating franchise.

The unfavorable action blocked the insurance company's plan to simplify the corporate structure, under which ownership of WTIC would be shifted to Travelers Broadcasting Co. At present, there is an intricate relationship affecting ownership and operation of the 50 kw transmitter, into which the parent concern has pumped large sums of money to counteract operating losses.

The ruling aroused attorneys, who felt the FCC went far out of its way to condemn the Travelers' business methods and who feared the precedent would have adverse reaction on the industry generally.

Trying to Speed Up Administration, FCC Slipshod in Publicizing 'Reasons'

In attempting to speed up administrative procedures and save both money and labor, the FCC is inviting another spanking from the courts. Recently the regulators have been slipshod about obeying the order, embodied in several District of Columbia Court of Appeals opinions, to make public their reasons for granting or denying applications before they issue the orders winding up cases. Glaring example of disregard for the judges was last week's action on petition of Earle C. Anthony for permit to buy KEHA, Los Angeles, from Hearst Radio, and to sell KECA, Los Angeles, to Worcester Broadcasting Corp. Four days after the decision, approving the plan, was released, the regulators made public their "proposed decision and order." Previous week a "proposed decision" and a "final order" in the case of WHTY (Hartford, Conn.), came out simultaneously.

RADIO'S FIRST LADY

"Still unsurpassed in her field" Rocky Clarke—Bridgeport "Post"

For the
Lydia Pinkham Company
WOR and Mutual System
Mon.-Wed.-Fri.—1:45 P.M.
By transcription—WNCA
Mon.-Thurs.-Sat.—7:30 P.M.

25 WEST 51st ST.
NEW YORK CITY

SPOT CAMPAIGNS

(New, Renewed or Considered)

New Biz, at WTMD, Milwaukee
Miles Laboratories, Elkhart, Ind.,
(Alka-Seltzer), 207 spots, through
Wade Advertising, Chicago.

Blue Breeding Co. M.I. w a u k e
(beer), 38 quarter-hour programs,
through Henri, Hurst & McDonald,
Chicago.

Omar Baking Co., Omaha, Neb.
(bread), 312 quarter-hour programs,
through Bayless-Kerr, Cleveland.

Railway Express Agency, New
York, 12 spots, through The Caples
Co., New York.

Poonchona Fuel Co., Cleveland
(stokers), 13 quarter-hour programs,
through Bayless-Kerr, Cleveland.

Double Cola, new nickel San Anto-
nio, 15 minute spot programs on KZLW
for the week known as "The
World's Fair Club." Account was
placed direct.

Ward Baking has renewed Charlie
Frostwater's Tip Top Bandwagon
on WHKC, Columbus, for 13 weeks.
Contract specifies 27 personal ap-
pearances. Bud Sweetney is m.c.

Stephens Bros. Philadelphia (Mar-
vel Cigarettes), through Alden-
Kynast Co., is sponsoring Ira Blue in
a quarter-hour Sports Mirror three
times a week on KPFO, San Fran-
cisco. One year contract.

Gallenkamp Stores Co. (shoes)
through Long agency, has renewed
for 13 weeks its five-a-week "Roving
Reporter" broadcasts with Bill Bal-
win and Jack Gregson on KSFQ, San
Francisco, originating two programs
at the Golden Gate International Ex-
position and three at Gallenkamp
stores each week.

Maryland Pharmaceutical Co.,
Baltimore, (Rem and Rel), spotting
seven one-minute transmissions
weekly on KSFQ, San Francisco,
starting Sept. 25, through Joseph
Katz agency.

Citizens Federal Savings Loan Co.,
through Long agency, using spot an-
nouncements on KY, San Francisco.
Ditto Albert S. Samuels Co. (jewel-
ers), through Will Russell agency.

Goodrich Silvertown Tire being
plugged in 18 spot announcements

Full Transcription Story
Of King's Visit Goes
Into Canadian Archives

Toronto, July 4.

Preserved for posterity, complete
records of all its Royal Visit broad-
casts have been presented to the
Dominion Government by the gov-
ernment-owned Canadian Broadcast-
ing Corp. and will be placed in the
Dominion Archives Building, Ot-
tawa.

A similar set of platters goes
into CBC's own archives at Toronto.
Particularly, of course, the Govern-
ment had requested records of the
King's five radio speeches and the
Queen's two. CBC suggestion
records of the individual receptions,
complete with cheers, as broadcast
by CBC during the trans-Canada
jungle and the U. S. visit, was later
scotched upon.

CBC taped some 30 commentators
across Canada and in the U. S. in
addition to over 200 engineers and
other technical men. Last week,
they and Major Gladstone Murray,
CBC s.m., received thank-you mes-
sages from Their Majesties express-
ing extreme pleasure at the radio
arrangements and coverage of their
tour.



NATIONAL REPRESENTATIVES
EDWARD PEIRY & CO.
ON THE NBC RED NETWORK

placed direct on KSRO, Santa Rosa,
Cal., by Goodrich.

Union Pacific Railroad, Omaha,
through Caples Company, Los An-
geles, sponsoring three five-minute
transcriptions (dramatized reels)
titled "Surprise Your Husband"
weekly for 13 weeks on KSRO, Santa
Rosa, Cal. Starts July 5.

Nebi Bottling Co. (Royal Crown
Cola) bankrolling Italian American
Hour musical quiz one quarter-hour
for the 18th panelmen. Present
contract expires Oct. 1.

WCAU, Philly, started talking this
week to American Communications
Association, CIO, on a new term for
the outlet's 18 panelmen. Present
contract expires Oct. 1.

Irwina Johnson has been named
chief announcer of WBSN, Colum-
bia, succeeding Jim Yerian, who
will devote his time to promotion.

MURRAY CONFIRMS CBC WEB MONOPOLY;
PRIVATE STATIONS SEEN EASED OUTBroadcasters Meanwhile Do Nothing—They Favor
Railroad-Like Board for Arbitration—Wrapped
Up in Politics

Montreal, July 4.
In response to queries from Cana-
dian newspapermen Gladstone Mur-
ray, general manager of the Cana-
dian Broadcasting Corp. on June 30
confirmed the report appearing in
Vancouver last week to the effect that
the government intends taking com-
plete control of advertising on pri-
vate networks after Sept. 24. Spon-
sors may buy time on individual
Canadian stations without hindrance,
but must apply to the CBC in future
if intending to use a network of
selected private stations. The CBC
will then determine if, when and
which stations can be used.

Latest development, in opinion of

political observers familiar with the
objectives of the CBC is called an-
other move in campaign to quietly
ease private broadcasters out of the
business without rousing too much
public criticism. Openly expressed
views of CBC officials at various
times during the past year that they
had no objections to private stations
functioning purely in a local way is
regarded as window dressing which
covers up important factor that with
dividing revenues and severe gov-
ernment regulation radio broad-
casting in Canada must suffer radical
changes.

Meanwhile broadcasters received
sufficient warning of impending trou-

ble last year when pronouncements
were heard before the House of
Commons Radio Committee that
broadcasters were making too much
money out of the business and that
something should be done to see that
they made less in the future.

Question now is whether private
station owners are sufficiently inter-
ested or fully cognizant of eventual
results to go to bat against the gov-
ernment on the issue in the coming
federal general elections.

Attempts of government at Ottawa
to shrug off responsibility for the
CBC have been received sarcastically
by the initiate. The government is
not responsible for the activities of
the corporation as a whole or other-
wise, and should federal elections
come this year chances are that im-
portant station owners may yet de-
cide to defend themselves, especially
(Continued on page 45)

"WE DROVE 80 MILES IN A BLIZZARD TO SEE YOU"

● Cities, small towns, and rural hamlets are all included in the circuit made by WLW Boone County Jamboree entertainers. To the thousands of homefolk—before whom these artists have appeared since last October—they are infinitely more than mere radio "voices"—they're friends. Their pictures occupy honored places on the family piano. Boone County Jamboree and Top of the Morning are programs that are, to use listeners' own words, "looked forward to as much as their meals!"

● Between July 4 and September 15 these WLW personalities have been invited to appear at 36 State and County Fairs in 7 States. We consider this striking evidence of the ever-increasing friendliness and loyalty to WLW...

"WE DROVE ABOUT 80 MILES TO SEE YOU."
We warmly enjoyed your personal appearance here, only that we found some one that isn't a long crowd. We drove about 80 miles to a blizzard to see you. We think you all are fine in your department.
Mrs. H. H. H.
St. Louis, Mo.

"WAS ANYTHING BETTER WE HAVE HERE IN DETROIT IN THE MORNING."
I am an ardent fan of the U.S. Top of the Morning program. We, in Detroit, are very glad that we have here in Detroit in the morning.
Mrs. H. H. H.
St. Louis, Mo.

"ON MY PIANO TO EVERYONE CAN SEE YOU."
The folder with all your pictures now presiding over me. It's a night folder. It's a good as you are smiling. It's a night folder. It's a good as you are smiling. It's a night folder. It's a good as you are smiling.
Mrs. H. H. H.
St. Louis, Mo.

"SO PROUD THAT I HAVE FRAMED IT."
I am very proud of my folder - so proud that I have framed it and it holds a very precious place right over my radio.
I love "Top of the Morning" and look forward to hearing it each morning.
Mrs. H. H. H.
St. Louis, Mo.

"I LOOK FORWARD TO THE 'TOP OF THE MORNING' AS MUCH AS I DO MY MEALS!"
We have heard almost all of the "Top of the Morning" program since it has been on U.S. I believe that this folder is a good as you are smiling. I look forward to the "Top of the Morning" program as much as I do my meals.
Mrs. H. H. H.
St. Louis, Mo.

"I DON'T THINK I EVER MET A NICER BUNCH OF PEOPLE."
I have enjoyed your program and enjoy every minute of it. I have enjoyed your program since it has been on U.S. I believe that this folder is a good as you are smiling. I look forward to the "Top of the Morning" program as much as I do my meals.
Mrs. H. H. H.
St. Louis, Mo.

"THESE THINGS TOO, WE THINK ARE PART OF THE STORY OF WLW"

RADIO'S \$19,000,000 PROFIT

(Continued from page 1)

gate of \$2,223,185 for the deficit reporting stations.

Specifically, the figures on radio revenue for 1938 released last week by the FCC underscored heavily two angles—entirely new and one old.

1. Local revenue took a beating in 1938 to tune of a \$3,500,000 decrease as against 1937. But national spot revenue made a terrific climb, overshooting the prior year by just about \$4,000,000.

To make a long story short, the radio industry shoves almost \$10,000,000 into the bank during 1937 and 1938 (each), and the machinery generating this amazing profit was barely worth \$34,000,000. The rest was free air, hard work, and showmanship.

2. The radio industry still is the next best thing to striking oil in the back yard. Last year the boys showed a net profit (that is, excess of revenue over expenses) of \$18,854,794. In 1937—a year loudly proclaimed as a great vintage year for bank accounts—the industry had barely \$30,000 more in profits.

If the FCC's rather intricate mathematics are turned into one-time and rates—which is the measuring stick that ought to be applied in the last analysis—it would be safe to state that 1938 had a gross time-sale intake of \$145,500,000, whereas 1937 would hit about \$141,000,000.

Everybody Happy
As regards that big climb in national spot revenue, it is no secret that everybody—including the FCC—is most happy to see it. Radio stations use national spot biz as humans use bread. It's the staff of life. Stations depending entirely on local biz are riding a wild bronco that seldom gets anywhere. The big take is in the national category, and as a result of last year's mighty showing

the industry can now expect Washington to have a swell factor in its favor for issuing another batch of licenses to new stations or granting power increases to existing ones.

Perhaps the national spot figures have been tempered somewhat, however. Since the FCC this time omitted one category ordinarily labeled "revenue" and by secondary and other networks; some of this regional network revenue may have been sloshed into the national spot category.

pretty accurate. The local drop-off was mirrored all year in declining base rates of the smaller stations—showing that the big customers were pinched and that they were cutting rates to attract the thinner pocket-money. The FCC's contention that in 1938 revenue was around 99.5% of 1937's is also reflected in ASCAP's radio intake, which showed 99% of 1937's.

Regarding the profit (or excess of revenue over expenses) it's the same

said for its net figures. For one thing, much local business is carried on without benefit of any kind of rate card. That's no industry secret. How could this business ever be reported as gross? Patently, any attempt to get a gross out of this muddle would be too phony for anyone to digest.

For another thing, when radio is viewed from an economist's standpoint—and any industry watched directly by the Government is—then this gross rate story is apt to run head-on into trouble.

1938 Versus 1937
The years 1938 and 1937 are perfect examples of this statement. Last year the industry had a bigger gross than in 1937—but actually more money went into the bank in 1937. The simple reason is that you get a bigger gross from a national business than out of local, which means you get a bigger quantity when you do a lot of national business.

An ill-advised economist might deduct from this that the radio industry is making more money, but less profit, perhaps due to the law of diminishing returns (costs rising faster percentage-wise than profit). This is far from the truth. What actually happened is that radio did more business in a category where one more figure is easy to take, and less business in a category where it is hard to phone-up the figure. That's the line between the net of it so far as 1938 and 1937 are concerned.

What is needed now by the industry is not a revision of FCC accounting methods—which are definitely good—but of terminology. That, plus establishment of a conversion scale, so that net can become gross without too much wildcatting.

Radio's Employees

In conjunction with its data on 1938 revenue, the FCC issued employment and payroll figures for the week of Dec. 11, 1938. These compare with employment-payroll figures for the week of March 6, 1938 (the previous FCC investigation period in this field) as follows:

	Dec. 11, 1938	March 6, 1938
Fulltime employees	18,359	17,085
Part-time employees	4,377	8,820
Weekly pay full-time employees	\$45,200	\$45,120
Weekly pay part-time employees	\$23,555	\$19,917

The rise in part-time wages is quite considerable and is believed to be due to new union regulations.

CKCA, Kenora, Blown Down

Winnipeg, July 4.
The 163-foot antenna of station CKCA, Kenora, was leveled to the ground following a rain and wind storm of twister proportions which struck the western Ontario city last week. Winds snapped one of the guy wires supporting the tower.

CKCA was out of commission several days.

New York office of BBC has recorded a dramatic program titled "Tegeberg," dealing with work of the International Ice Patrol, for ethering here July 2. Material was prepared by Ronald R. Macdougall and Felix Greene and latter produced.

In SALT LAKE CITY

SHOWMANSHIP
is the ship
to sail on—
and
SELL on

Alert advertisers
are booking
passage on the
station that wins
FRIENDSHIP
through Show-
manship.

3000
WATTS
DAY—1000
NIGHT

KDYL

The Popular Station
SALT LAKE CITY
Representative: John Blair & Co.

Net Radio Time Sales: 1938

\$35,455,510 retained by NBC, CBS, MBS by secondary net- works*	\$35,455,510
\$35,455,510	
\$19,483,369 paid stations by NBC, CBS, MBS	
NETWORK.....	1,185,596 paid stations by secondary net- works
\$20,668,995	
175,379 "in transit" payments by major networks to stations	
31,371 inter-station payments	
\$21,157,415	
745,452 deduct: inter-station and/or network payments	
\$20,411,963	\$20,411,963
NETWORK TOTAL.....	\$55,887,473
National and Regional Spot.....	28,109,240
Local	33,492,801

GRAND TOTAL 1938 TIME SALES.....\$117,739,459
* This classification now dropped by FCC.

story. At the very outside, however, such above-over couldn't have hit \$30,000,000, making the national spot biz still \$3,000,000 better than in 1937.

It must also be borne in mind that the added national spot biz was quite evidently not distributed throughout the industry evenly. Of the 680 stations included in the FCC calculations, 35% or 240, went into the red. That means that the other 419 (the 420th station being even without profit or loss) got the bulk of the added national spot, and the unfortunate 240 were depending largely on local biz. Which again reiterates the truism that stations existing solely on local biz are existing on chicken feed. (The FCC figures show that 316 stations affiliated with national networks did \$25,164,615 in spot biz, whereas 152 unaffiliated stations did only \$2,764,584.)

Very Accurate
On the whole, it seems apparent that the FCC's calculations are

old story—very few industries can point to such enormous receipts on such tiny investments. The whole property lock, stock and transmitter, isn't worth any more than \$47,000,000 at depreciated values. And that's only that which is sold by the lenders. Out of that \$47,000,000 must be subtracted some \$11,500,000 which is largely one of those bookkeeping guesses, euphemistically labeled "good will." Almost another \$1,000,000 must also be subtracted because that represents the excess of sale price of stations over actual value in the hands of the seller. In short, that's what sellers jacked up actual values simply because they found willing buyers.

Since the National Association of Broadcasters quit issuing annual revenue figures, the FCC has taken over the job, and with this take-over the whole rignomure of annual revenue has become so complicated that perhaps no two accountants would ever agree on the figures. What happened, in short, is this: The NAB used to compute "gross" revenue, while the FCC now computes "net" revenue.

"Gross" revenue is measured by simply multiplying all units of time sold by their single-time card rate. The figure is thus a gross money. It's miles above what went into the cash box. However, "gross" computations are nevertheless probably still the most desirable. Here are some reasons why: (1) All other advertising media make gross, and not net, computations; so radio revenue should be figured the same way if any comparisons are to be made; (2) media owners do not like to give out net figures because everybody likes to issue big, robust figures. An ordinary, unofficial research staff can most generally get pretty accurate gross figures. But such a staff could rarely get net figures which would be much smaller and would disclose special deals, package prices, etc. A gross figure is for all the world to see; a net figure is private.

However, when the FCC got into the picture, it had the official power to get the industry to show that actually went into the books. But the fact that the FCC has been harassed the possibility of making revenue comparisons over years back, or with other media. Thus, the industry is now faced with the task of translating the net back into a gross. This can be done after a fashion, by augmenting the regional network and national spot net by 20% and local listener by 10% (the major networks issue gross figures for the industry). This is the augmentation method used by the VARIETY RADIO DIRECTORY, and—if anything—it is on the low and not the high side.

But in all fairness to the FCC and its purposes, there is plenty to be

STANDS
OUT

WBNS
COLUMBUS

All you need in Central Ohio
5000 WATTS DAY
1000 WATTS NIGHT
John Blair & Co., Represented

5000
WATTS
(DAY)

Granted by the FCC June 2, 1938, 5000 Watts are a lot of watts in any man's language. WBNS has 5000 Watts in Everyman's language!

NEW YORK
5000 WATTS DAY
1000 WATTS NIGHT

"The Station That Speaks Your Language"

"Plus" Services

Maybe we're a little naive, but WNOX still believes in giving you "MORE FOR YOUR MONEY." You receive additional benefits of a daily column in our affiliated newspaper, the KNOXVILLE NEWS-SENTINEL . . . strategically located billboards . . . movie trailers in Knoxville's leading theatre . . . taxi-cab covers for promotion . . . dealer calls which aren't just routine . . . direct mail to read . . . merchandise displays in street level windows of the WNOX studios located on Knoxville's main street . . . and many other services.

1010 KILOCYCLES
CBS AFFILIATE

5000 WATTS DAY—1000 WATTS NIGHT
KNOXVILLE, TENNESSEE

Represented by
THE BRANHAM CO.



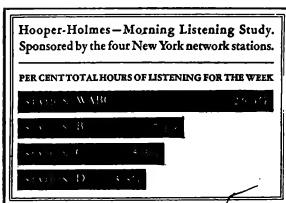
TEST-TUBE OF THE NETWORKS

is jointly analyzed by all four
New York network stations!

SINCE 1930, different research organizations—using many different techniques—have measured New York's listening habits.

Now, for the very first time, ALL FOUR New York network stations jointly sponsored a new study of morning listening in Greater New York...employing Hooper-Holmes to make personal "aided-recall" interviews throughout 19 metropolitan New York counties during the week of April 16, 1939.

WABC WAS WALK-AWAY WINNER as usual. Here is an analysis of the figures submitted by The Hooper-Holmes Bureau: WABC was a dominant FIRST in New York...with over 50% more quarter-hours of listening than the nearest competitor—72% more listening than the third ranking station—98% more listening than the fourth ranking station!



This is the FIFTH major study in SEVEN years to show WABC is FIRST in New York!

Different techniques. Different years. But the answer has never changed. WABC comes out FIRST, year after year!

1939: Personal "aided-recall" interviews by Hooper-Holmes.

1938: Coincidental telephone study by Crossley, Incorporated.

1937: Personal interviews by Dr. Daniel Starch and Staff.

1933; and 1932: Mail questionnaire by Price-Waterhouse & Co.

NEW YORK IS THE TEST-TUBE of radio networks. In New York each of the major networks operates its own 50,000 watt key station, controls the time, and originates all but a few of the programs of that station. Each major network competes on practically even terms for the favor of the New York audience. This direct local rivalry makes possible a "deadly parallel". The relative appeal of network schedules can be isolated and measured with almost laboratory precision. And it has been. With the result you've already read.

WHY IS WABC FIRST? That's easy. It sets the highest standard radio has ever had...Big-Name network shows of CBS plus a sparkling pageant of Columbia-created local WABC programs.

But CBS leadership hardly stops with New York. There's a great deal more evidence of CBS leadership throughout the rest of the country. We'll be glad to show it to you.

WABC 50,000 WATTS • 860 KILOCYCLES

OWNED AND OPERATED BY THE COLUMBIA BROADCASTING SYSTEM,
WABC IS THE KEY STATION OF THE WORLD'S LARGEST RADIO NETWORK



Experimental' Emphasis by FCC In Future Will Be on Programs, Not Television Engineering

Washington, July 4. Broad licensing policy covering television and following the suggestions of three-man committee which recently examined the visual broadcasting field, will be sought soon by the FCC. Hints may be forthcoming next week when the regulators decide whether to hold hearings on a host of plans for permits to build and operate sight-sound, etc. The Commission already has decided

to continue the existence of the television committee, headed by Commissioner T. A. M. Craven, the only technician on the panel. At the next Tuesday (11) to take up its report which advocated a flexible policy and opposed fixing of engineering standards for television operations at this time. First real move would be a definite policy to be the action on the many requests, notably those of Don Lee and the Milwaukee Journal.

It things turn out as expected, the Commission will step into what the committee termed the second phase of development—experimentation along program, rather than technical, lines. The committee came to the conclusion, after lengthy discussions with all groups interested in the subject, that engineers have reached the point where television on the whole is feasible, although susceptible to much refinement, but that nothing is known yet of the public's tastes, the practical considerations in program building, talent supply, etc.

It is thought possible the Commission will act favorably—perhaps without the formality of hearings on the applications from persons who want to

(Continued on page 30)

Blueprint for a Local Safety Drive

By WILLIAM A. SCHUPT, JR.
General Manager WKRC, Cincinnati

Some 80,000 Cincinnati school-children are now members of WKRC's Safety Patrol, which is being held each Saturday morning, month in and month out, on the Cincinnati Columbia station. These men are adding by the five-point safety pledge and helping Cincinnati erase the black mark on its record for motor fatalities. Partly because these 80,000 boys and girls are practicing the ruler of WKRC's Safety Club, Cincinnati is pointing with pride to the decrease in its traffic accident record.

The first WKRC Safety Patrol broadcast was aired September 6, 1938, and on June 10th, Al Bland, chief of the Safety Club received the recognition of City Manager C. O. Sherrill, the Cincinnati Chamber of Commerce, the press and safety organizations in the Queen City on a nationwide Columbia broadcast.

These men recognized the good propaganda spread to school children and took this means of telling a coast-to-coast audience how WKRC is aiding in the city's safety campaign. All of this, I believe, is station-worthily because it helps community standing and is obviously in line with the station's policy.

Every civic-minded citizen realized that something had to be done to cut down the number of accidents. Social agencies, safety clubs and other organizations were formed and we gave of our time and efforts to make Cincinnati's safety

record respectable. Many of these organizations have done and are doing smart jobs in getting to the heart of the message of safe conduct but such groups are limited in their effectiveness because of lack of state safety authority to contact and press a large percentage of the population. WKRC stepped in and filled the void.

In 1937 alone, 187 persons were killed and thousands were injured in metropolitan Cincinnati. The majority of these were children who were run down by negligent drivers, or seriously injured, killed or maimed for life through their own carelessness.

"Be Careful—Be Safe—Be Happy" is what Bland told both the children who came to WKRC's studios each Saturday morning to take part in the half-hour broadcast and the children who were at home at their radio listening to what he said to say. Now, during the summer months, his Safety Patrol broadcasts emanate from playgrounds in the city, where large groups of children are gathered and where Bland and an officer of the Highway Traffic Bureau, especially appointed by Cincinnati's Safety Director, demonstrate safety precautions. Other stations, VARNER believes, will be interested in the modus operandi.

Method of Enrollment

The basic idea of the WKRC Safety Patrol is simple. Every child who signs his pledge of safe conduct becomes a member; he is then given a Safety Patrol folder containing the pledge to show his family and friends. The pledge contained therein is as follows:

1. I shall always stop and look both ways before crossing the streets.
2. I shall always cross at crosswalks, intersections, never between blocks.
3. I will never ride, ride or double on a bicycle.
4. I will never play in the streets.
5. I will always obey my school-boy safety patrolman in going to and from school.

Also contained in the folder are the WKRC Safety Patrol group address and a personal letter from Chief Al Bland. Finally, the new member is given an attractive patrol badge. This is for him to wear to interest others to join; and to be a constant reminder of his pledge.

Swamped by Memberships

A few days prior to the first broadcast in September, 1938, Bland told his WKRC listeners that he would enlist all children who were present at the initial broadcast and those participating, as charter members. In spite of the fact that it was the Saturday before Labor Day, and that the children were to be at the studios at 7 o'clock in the morning,

(Continued on page 35)

JEWS ASK OWN PART OF PALESTINE RADIO

Jerusalem, June 18. National Council for Palestine Jews (Vaad Leumi), highest internal Jewish body in Palestine, has asked the Government to turn over to it complete control of the Hebrew section of the radio system. Council not only asked for control but a much larger budget as well, so as to run that section as it deserves to be run.

This precipitate action was preceded by a summary action on the part of the Palestine Broadcasting Service in washing out the Broadcast Advisory Council, made up of representatives of the British, Arab and Jewish sections of the population, to advise and aid the PBS in drafting programs. The PBS gave as its reason for dissolving the Advisory Council the fact that for the most part these supposedly representative people rarely if ever attended a meeting. Their use was at an end, according to the PBS directors.

The Vaad Leumi cracked back that the Advisory Council was the only direct contact of the broadcasting service with the public and, in lieu of it, asks that the whole of the Hebrew section with an enlarged budget be given it. Vaad Leumi went to great pains to point out that over 85% of the license holders in Palestine, some 30,000 out of 40,000 were Jews and therefore they should have the brighter end of the budget.

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4. I will never play in the streets.
5. I will always obey my school-boy safety patrolman in going to and from school.

Also contained in the folder are the WKRC Safety Patrol group address and a personal letter from Chief Al Bland. Finally, the new member is given an attractive patrol badge. This is for him to wear to interest others to join; and to be a constant reminder of his pledge.

Swamped by Memberships

A few days prior to the first broadcast in September, 1938, Bland told his WKRC listeners that he would enlist all children who were present at the initial broadcast and those participating, as charter members. In spite of the fact that it was the Saturday before Labor Day, and that the children were to be at the studios at 7 o'clock in the morning,

(Continued on page 35)

Jockey Club Opposes Television

English Authority on Turf Introduces Unexpected
Opposition—Racing Staff in England

London, June 27. If the Jockey Club, which is a high authority here where horse racing is concerned, puts up the bar on television, that's the end of the matter where telecasting of the turf classics is concerned. And that's what they have done.

BBC planned to let viewers in the Empire States, run at Sandown Park July 14, and had in fact completed all preparations with the track owners. As an act of courtesy, latter body informed the Jockey Club, which thereupon advised BBC it was "against the wishes of the Club stewards that the race should be televised."

Decision is a bad setback to British television, which has made invaluable publicity out of the Derby programs this year and last, and fears are that if Jockey Club holds this decision as a precedent, home

viewers will lose some of the most thrilling athletic broadcasts in its calendar. BBC is still to air a sound commentary on the race.

JOSEPH RINES

And His
ORCHESTRA
Hotel St. Regis
Viennese Roof
2nd Consecutive Year
NBC—THREE WEEKLY
WM. MORRIS AGENCY

NAN WYNN

ON
"TIME TO SHINE"
Tuesdays 10 P.M., EDST
CBS Network
Mgt.: Columbia Artists, Inc.

Allen Prescott's "DON'T FORGET" is attracting deserved attention. He is a deft Master of Ceremonies.
DINTY DOYLE,
New York Journal-American.

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

WBAL
means business
in Baltimore

Cuban Flips

Havana, July 4. Dr. Nicholas Mendoza has been replaced by Juan Govea as head of the radio department in the Communications Ministry. Govea is the personal rep of Col. Batista.

Cuba's going day-time savings time forced the dropping of the CBS re-broadcast of '99 Men and a Girl' (S. Tire) over CMCK-COCO.

'THE O'NEILLS'

By JANE WEST
NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap "99" in a pure

LISTEN TWICE DAILY
NBC Radio Network, 12:15 to 12:30 P.M. EDST
CBS - WABC - 2:15 to 2:30 P.M. EDST
IN... COAST TO COAST

DR. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Greetings to N.A.B.

PARKE LEVY
ALAN LIPSCOTT
Radio Scripters*

'Ben Bernie
Low Lehr
Ed Wynn
Joe Penner
Willie & Eugene Howard
Bert Lahr
Etc., Etc.

Management: HENRY SOUVAIN, 30 Rockefeller Plaza

Lyn Murray

and His Orchestra
on
PHIL BAKER'S
"Honolulu Bound"

Extra facts if you want 'em:

CHOIRS ON: Chesterfield, Chrysler, Sealtest, Rudy Vallee, Heinz, U. S. Rubber, Fred Allen, Socomey, Griffin, Ford, Gruen and Lucky Strike.

ORCHESTRAS ON: Woodbury and CBS sustinings.

HILDEGARDE

RADIO
TRANSCRIPTIONS
TELEVISION
DECCA RECORDS
THEATRES

Currently Appearing
PIERRE HOTEL
Return Engagement
SAVOY PLAZA
July 27
For Indefinite Engagement

Par. Mgt.: ANNA SOSENKO Ex. Rep.: JACK BERTELL

Management:
A. & S. LYONS, Inc.

Exact Wording of Music Rights

Transcription licenses issued by the mechanical rights bureau of the Music Publishers' Protective Association have been revised in wording so as to limit their use to space radio. Special licenses will hereafter be required for transcriptions to be sent over wired radio stations, making the first time that copyright owners have asked for a fee from such users. The wired radio right was previously included in the regular license on the ground that wired radio is still in its experimental stage.

The MPPA's bureau will not issue licenses for television use so as to avoid any conflicts of contractual jurisdiction with the American Society of Composers, Authors and Publishers. Latter is currently negotiating an agreement covering television with NBC.

Internet News (Distributors) Will Explain To Publishers Idea on New Outlets

Representative publishers will meet at a meeting which has been called by the Music Publishers' Protective Association for this afternoon (Wednesday) when the International News and Feature Syndicate will engage in the distribution of sheet music among stationery shops, drugstores, and other little outlets. The INC estimates that it will be able to furnish the publishing industry with 90 new retail sources.

It is International's proposal that Music Dealers Service, Inc., at the central shipping bill point for its sheet music sideline. An International News Co. representative was on hand at the meeting to explain how this distributor intends to develop the sheet music market and how it will finance the placement of music racks in these new outlets.

ASCAP AWARDS TITLE TO GEORGE HOFFMAN

George Hoffman, who was promoted from office manager to acting general manager of ASCAP, has become general manager of the American Society of Composers, Authors and Publishers, got the newly created title of compiler at a meeting of the ASCAP board last Thursday.

Hoffman holds an accountancy degree.

Will Grosz, From Vienna, Team With Sam Coslow

Will Grosz, ex-Viennese composer, is headquartered in New York and has formed a songwriting collaboration with Sam Coslow. Latter, long on the triumphant side of pennylane, came east, like many another Hollywood songsmith, to write songs, during the last musical boom.

Grosz, as Hugh Williams, long collaborator with Jimmy Kennedy for Peter Maurice of London, just that partnership has split, the Viennese deciding to take up U. S. residence.

Frank Harding, 75, Ill

Frank Harding, 75, who started in the publishing business in the East in 1879, is recovering at the Broad Street Hospital, N. Y., from a heart attack. He had been transferred next week to another hospital for convalescence and rest. Harding was found by friends several weeks ago helpless from the attack in his shop on East 22nd street, surrounded by his seven cats, with whom he lived and worked alone.

Harding's published hits included "Molly and I" and the "Say Say Revoir But Not Goodbye," and "Sweetheart's the Man in the Moon."

Sam Myron, Coast manager for the Music Music, came to New York last week for his annual check-up. He's staying a couple weeks.

Murray Baker, formerly New York professional manager of the Music Music, has been upped to general professional manager.

Fred Fisher's Operation

Fred Fisher, writer-publisher, was operated on for ulcers of the stomach at Mt. Sinai hospital, New York, Thursday (3).

After the operation the previous week under observation by Mt. Sinai specialists.

Kyser Into Expo On Strength Of Theatre Mop-Up

San Francisco, July 4.

Kay Kyser will collect \$125,000 for 30 performances at the Golden Gate International Exposition where he will open a week's engagement.

His new production (14). Figure is revealed by Dr. C. H. Strub, managing director of the Fair. He follows Benny Goodman, who got \$100,000 for the week of July 2.

Kyser was signed by the Exposition Company following his record-breaking run at the Golden Gate theatre here last week where he broke all existing box records, pulling in a gross of \$46,000. Kyser's cut on the take for the week at the Gate came to \$17,500.

Following his stint on Treasure Island, where he will perform in Building G, Kyser will keep his home to work at the Bal Tabarin here for old friends Tom Gerum and Frank Marshall. He will get \$2,000 for the week.

Changed Detroit Dates

Detroit, July 4. Benny Goodman, skeddied into Eastwood Gardens here July 7 and Westwood whither July 14, has been cancelled and Glenn Gray's Casa Loma orchestra, playing at Westwood 21, Goodman is tied up on the Coast.

Artie Shaw's outdoor dance spots, won't come to town until late in season, if at all due to his engagement at the Ford Astaire-Eleanor Powell flicker.

ROLLINI TRIO TRIPLES

Newark Dept. Store, N. Y. Hotel and New New 324 St. Spot

Adrian Rollini trio currently are doubling between the Piccadilly Hotel, N. Y., and Bamberger's dept. store in Newark, open at the Trocaire, 324 St. N. Y., and tomorrow (Thursday) along with Betty Hackett's orchestra, Meade Lux Lewis, Albert Ammons, and Pete Johnson, the latter the original "boogie-woogie" trio.

Rollini's band includes Frank Victor, guitar, Harry Clark, bass, as well as merriment. Rollini in the vibraphone, plays at Bamberger's from 12 to 2:30 p. m., jumps to the Piccadilly Hotel, Newark, and ends up at the evening at the Troc from 10 to 11 p. m.

AMBITIOUS RITES TOP SOLO TOOTERS

Some 25-30 Ensembles Starting, Rehearsing or Casting—Some Call It 'Ridiculous' But Strong Confident Note Is Reflected

THE LIST

The music business is currently apprehensive over the hysterical activity in the forming of new orchestras. During the past several months there have been about 25-30 embryo outfits announced, some of which have been launched, others are in rehearsal and still more on which no work has yet been done. Some of those announced are to be led by known maestros who are simulating the style of John Philip Sousa, but others are by persons who are coming back to cash in on the current band craze, but others are to be led by stand-out instrumentalists exiting from other bands.

Many of the bookings indicate the frantic founding of new aggregations as "ridiculous," yet those who have heard recordings of themselves in that way are contributing to the list. It's admitted, however, that there is more for more top-flight bands of the sweet-swing category, and out of the wealth of new material may emerge several very important names.

But for those who fail entirely, or fail in the average class, there will come a rude awakening to themselves and their backers. It costs money to maintain a band, and to get an outfit started, depending on its size, arrangements, and the caliber of the men hired.

Where this cash is coming from isn't seems to know. Booking offices, by American Federation of Musicians edict, are not supposed to finance new bands, and leaders of the better known outfits, from which stand-out men have sprung to form their own crews, deny advancing support or retaining a piece of the new-born. But it's fairly well known that some of the current faddies have a finger in the new outfit pie, despite the denial.

Building a band around an exceptional instrumentalist is not as difficult today as it was years ago. That's due to the band public being much more familiar with the ace musicians of the past. As a result, several have announced that a Harry James, Gene Krupa, Jackson Teagarden or a Bob Zurke, playing a solo, will be used to await its debut. More often such bands click because of its leader being a soloist, but it's not unusual to get a new outfit hatched up the stiff-thumbs down. In the case of the latter, the mentioned crew, time, money, etc., went into their formation.

Most of the activity in taking star instrumentalists from other bands to lead their own setups is based on the fact that the music business is in a lull. As a result, many of the Miller Shaw, Tommy Dorsey, Glenn Miller, Woody Herman, Gene Krupa, Duke Ellington, and Bob Crosby. Some of the new bands set to be banded by such musicians are Bob Zurke, playing a solo, will be used to await its debut. More often such bands click because of its leader being a soloist, but it's not unusual to get a new outfit hatched up the stiff-thumbs down. In the case of the latter, the mentioned crew, time, money, etc., went into their formation.

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(Continued on page 60)

Publishers Got Six \$5 Tickets In Mail for Dorsey Spot; MPPA's Quick to Warn Members of Code

Indianapolis Hoof Boat

Indianapolis, July 4. Town is to have its first dance boat in 20 years, with Broad Ripple Park launching a "Moon River Dance Boat" Monday (5). Boat has a deck space of 5,600 square feet, and will play White River.

Chuck Smith, orch., with Doris Jones, singer, will play.

Krupa to Jive It With Philly Symph In All-Fresco Date

Gene Krupa's jive crew will combine with the 90 men of the Philadelphia symphony in a joint concert at Robin Hood Ball Field, July 21. Johnny Green, pop band leader and composer, will direct the combo and plans to do one or two of his own numbers. Jane Pickens, who was included in the original booking, will be unavailable owing to a summer camp commitment in Milford, Conn.

Setup will be the sole deviation of the season from the dress class policy. Won't be entirely in nature of an experiment, for Paul Whiteman last year jammed the same natural amphitheatre to overflowing. However, it remains to be seen how the booking will go over. Dell's carriage and art trade, inasmuch as Whiteman has a more or less symphonic background while the gum-devouring Krupa has been entirely identified with jive and jitterbug.

Dell association approached Whiteman this season in regard to a repeat but the deal fell through because he was offered insufficient guarantee. Benny Goodman also was unavailable because of a four-week engagement at the Golden Gate expo.

RECEIVERSHIP DENIED FOR VINCENT LOPEZ CO.

Supreme Court Justice Ernest Hammer in N. Y. Monday (3) denied James Russell, music publisher, a receivership in Vincent Lopez Enterprises, Inc., a receiver for the company. The judge declared that "the issue presented cannot be determined on the conflicting affidavits."

James Russell, who owns 35% in the company, claims waste and mismanagement on the part of Lopez, who pays salary of excessive wages to employees and use of corporate money for himself. Besides a receiver is the asking an accounting.

DOLLY DAWN LEADS BAND

She Fills In As George Hall Has Sudden Openings

Pittsburgh, July 4. Stricken ill in Cleveland last week Dolly Dawn, New York's first emergency operation, George Hall sent his band to Pittsburgh yesterday (3) for a fortnightly engagement at Kenwynwood park with Dolly Dawn on the baton. Gal is the band's singer but she is her first job at mastering in public. She has her own recording company in the city, although actually it's Hall's band. Latter also heads his own band.

For a time booking was up in the air but Kenwynwood management has been able to get a crew full minute rather than bring in substitute outfit. It's expected that Hall will be able to give up a week of his band at Kenwynwood before engagement ends on July 15.

Music Publishers Protective Association last week stepped in with a new way of settling its membership when it board that the operators of the Meadowbrook Country Club, Cedar Grove, N. J., had mailed packets of tickets for an event at the spot tomorrow night (Thursday). In a round of phone calls to publishers July (3) the MPPA reminded the recipients that by accepting and paying for these tickets they would be violating the code of ethics which the industry is currently in process of adopting.

The tickets, priced at \$5 each, were mailed in a round of phone calls to publishers July (3) the MPPA reminded the recipients that by accepting and paying for these tickets they would be violating the code of ethics which the industry is currently in process of adopting.

The message from the MPPA stated that it would be best for the publishers to return the tickets intact. The cited provision in the industry code has to do with the taboo on accepting attendance for other than opening and closing nights. Dorsey, the MPPA reminded the publishers, is appearing at the Meadowbrook May 17.

ASCAP BOARD HEARS OF N.A.A. TALKS

Board of directors of the American Society of Composers, Authors and Publishers discussed the question of a new radio contract at length during its monthly meeting last Thursday (2). John G. Paine reported the talks that he has been having with spokesmen for the National Association of Broadcasters.

The board queried him on thought and ideas that he had, but took no action.

Also aired at this meeting was the significance of ASCAP's of new copyright law which Dr. James T. Shawell has submitted to the U. S. Senate. No official action was suggested or passed.

The board also discussed the plan for a two-monthly adjournment of the board will try to hold a meeting on Wednesday, August 2, July 19, and quorum can be gathered. The idea is to avoid too much of an accumulation of off-peak business during the summer months.

ASCAP'S OWN OFFICE SET FOR ROCHESTER

Licenses of the American Society of Composers, Authors and Publishers in upper New York State will be taken over by the MPPA's own offices, located in Rochester. Under the previous setup the district offices were in New York City. The new offices, with offices in Syracuse. Messes the eight districts. The MPPA has brought under homeoffice administration during the past week.

Richard Powers is temporarily in charge of the Rochester office. It will be taken over by Lawrence Schlusman, who has been working with Powers in the field. Indications are that the MPPA will be in charge of that supervisor of all the district offices.

Andrew Selars writing music score for "The Cat and the Canary" at Paramount.

In the Name of the King—"Carry On!"

♦ IN KEEPING WITH THE WISHES OF THE LATE CHICK WEBB, WE CONTINUE AS A UNIT, MAY WE BE A CREDIT TO HIS NAME AND MAINTAIN HIS HIGH STANDARD OF MUSIC!

*Ella Fitzgerald
and Her Boys in the Band*

♦ OUR OPENING ENGAGEMENT WILL BE AT THE THEATRE WHICH WAS THE FIRST TO SPOTLIGHT THE MASTER'S GREAT ABILITY—

LOEW'S STATE
THEATRE
WEEK OF JULY 6th

THE FIRST LADY OF SWING
Ella Fitzgerald

AND THE FAMOUS
Chick Webb Orch.

STILL SOME

FTP'S CASE HISTORY

Considerable money was appropriated to the WPA Federal Theatre Project during the four years that the Government continued to include the stage in the relief setup. Compared to the total amounts allotted to work relief, however, the theatre end was a drop in the bucket. That the FTP was ruled out for the coming season therefore should be explained.

That a number of the nation's legislators had thumbs down on theatre relief is chargeable to a press that, not infrequently, smeared Communism in connection with FTP activities. Congressmen stated, after the appropriations bill was finally passed, that the aim was to withhold relief from 'radicals.'

From the start it was intimated that radically-minded people were in charge of the Project, or at least, they were 'pink.' It was by that such individuals were sprinkled among the rank and filers, probably fomented by the Workers Alliance, a so-called union. But it certainly is not true that the average actor had un-American ideas. Because of the tactics of a mere handful in the FTP many luckless performers and those who have passed the age of general usefulness on the stage, are forced to suffer.

In the first year of the Project, reports of agitation cropped up aptly and some of the shows were charged with radicalism. That any plays actually were career propaganda was never proven. Perhaps it is more to the point that the FTP was not headed professionally though for some months Elmer Rice was in charge in New York and later showmen were assigned similarly. Rice is anything but orthodox and has been quoted expressing radical ideas, but too far back to figure in the present situation.

The FTP started cleaning house, but appears to have been too slow to stifle Congressional opposition. It was not until heads of the Theatre Project became aware that their jobs were in danger that they came forward to talk things over with leaders of stage organizations. They either refused to take advice, or could not because of the maze of WPA regulations. Fact remains that when they were sought for information and adjustments of complaints, there were too many instances when they could not be reached, either being away, in conference, or they would call back. The latter didn't happen enough times.

Attacks on the FTP in the House were hardly warranted, because the committee would accept only unfavorable evidence. That Rep. Woodrum, the chairman, referred to actors in the House as 'fish-peddlers' was one of the extraneous remarks. In the same case, opposition to the relief theatre was almost as severe and some speeches were without basis. Senator Rush Holt, of West Virginia, was particularly charged with being at fault in this respect. He referred to 'The School for Scandal' and 'The Bishop Misbehaves' as being salacious plays, evidence that he didn't know what he was talking about.

Those in the FTP and those still striving to obtain Federal relief may take some consolation from the President, who commented without equivocation that the elimination of the FTP was distinct discrimination against a class of citizens who have just as much right to aid as any others. They may also see a gleam of hope in the support of Senators Wagner, Pepper and Downey, who re-introduced the FTP only to have it kicked out at the last minute. Congress is pointing to an adjournment, and succor this season seems slim.

Appropriations to the relief theatre averaged around \$100,000 yearly, or less than four-fifths of one per cent of the total appropriations. From Oct. 1, 1935, to Dec. 31, 1938, the FTP got \$39,993,000 and paid back \$1,482,000 in theatre admissions. During 11 months of the fiscal year ending June 30, the amount used was \$9,000,000. Of that, \$3,048,793 was used in New York, the balance going to out-of-town theatre Projects, particularly those in California.

STAGE RELIEF CROSSED \$29,722 IN 16 BENEFITS

At the conclusion of its seventh season, John Golden, as treasurer of the Stage Relief Fund, announced that 16 legist performance benefits, played principally on Sundays since the fall, grossed \$29,722. The average gross was \$1,857, slightly above the mark for the previous year, and for the first time since the fund started, no benefit fell below the \$1,000 level.

The money was drawn by 'Ab Lincoln in Lillove,' with \$2,741, with 'The Little Foxes' the runner-up, with \$2,472. Other fund performances which topped \$2,000 were 'Misses,' 'I Married an Angel' and 'The Boys From Syracuse.'

REPLACES MARY MARTIN

Agnes' Recommendation Wins Mildred Fenton Job in 'Leave It'

A recommendation to producer Jean Freedley, from a theatrical agent who caught her warbling on 'Heart Belongs to Duddy' in a Detroit play, won the week-end Mildred Fenton, the spot held by Mary Martin in 'Leave It to Me' at the Imperial.

Miss Fenton, singing at the Club Powatan, planned to N. Y. on a phone call from Freedley. She flew back the following day, continuing her Powatan assignment until Sunday (3) night when she again aired to N. Y. for her Monday evening debut on Broadway.

Miss Martin will 'Leave It' for a Hollywood film commitment.

NEW LEGISLATION TO BE SIGHTED

President's Criticism of House's Action, Calling It 'Discrimination of the Worst Type,' May Be Opening Wedge—Committee Obviously Prejudiced Against Theatre Project for Alleged Communist Leanings

HEARINGS ONE-SIDED

Although Congress ruled out the WPA Federal Theatre Project, there is hope that legislation will be introduced before adjournment which will save the relief stage. Speculation. This expectation is based on the words of President Roosevelt, who said the action of the House in insisting on the ousting of the FTP was palpable discrimination. A last-minute reversal was made by White House asking the president to repeal the appropriations bill, but this he could not do without scrapping the entire relief measure.

When the Senate committee asserted an amendment providing for three-fourths of one per cent of the FTP appropriation to be used for FTP, expectation was that the project would continue. The amount which would have been available would have approximated \$1,000,000, insignificant compared to the \$17,755,000,000. Prior to the vote on Friday (30) when the House refused to accept Senator Wagner's FTP bill, the Senate voted to suspend all theatre activities for three months.

The FTP actually ceased on that date and it appears doubtful that any of the performances will be given in the near future, despite the brazen promise for the 7,000 persons on the project in New York and elsewhere. The administrators are expected to announce plans for winding up the FTP tomorrow (5), when all hands will report. The administrative department of the project is given 30 days' grace on the payroll, while the others, including actors, stagehands and directors, will be retained for 90 days, expiring date being October 1.

Saviers Flabbergasted Committee which strived to save the FTP were bewildered when definite news came that the project was out. Sessions of the Federation of Arts Unions started Monday (3) and it is expected that when the situation cools off somewhat, that attempts to secure further federal relief will be made during the 90-day deadline. The other arts projects, including writers and musicians, are usually considered as a unit, but to continue provided that local communities or states delay 25% of the time. The Federal Theatre Project, which has been the subject of a cure equal consideration the outlook would be less gloomy to those affected.

WPA theatre has long been something of a headache for Equity, yet it has been a godsend to many of its fortunes in the profession. Equity always was prominent in getting federal relief early in the depression. Emily Holt, now with the Federal Theatre Project, was recognized in Washington and the all-potent changes in the relief theatre. Originally the sums so granted were considerably larger than in the last two years when the program was reduced.

At first Equity kept its activities for the most part in the background. There was plenty of criticism of the FTP administration, but despite the changes in the government heads, claims and controversies continued to attract too much attention to the small segment of relief out. Speculation was aroused whether the project would not have faced a fourth year there but for the changes.

(Continued on page 48)

'Mikado' and Aquacade Having Actor Trouble at Fair; Equity, AFA Involved

Tangled Apron Strings

Boston, July 4. Lew Brown, the producer, finally cracked down last week when he issued an ultimatum that stage mothers stay away altogether from the 'Yoloid Boy' backstage. One of the gals of the many mothers trailing this show missed a cue, resulting in the general ban.

Apron strings got tangled in the wings.

'HATS' OFF; YALE BOYS OUT ON ASPHALT

A group of Yale boys was reported stranded in New York last week when rehearsals of 'Hold Your Hats, Boys' were called off by Ted Peckham, who claimed his backers would. Peckham was recently ordered to discontinue an escort service which he started. N. Y.'s license commissioner, ruling it an employment agency for which no license was required, Peckham claimed his activities in supplying escorts to unattended women were under strict review, but two of the staff complained they did not get their rightful share of the fees.

Understood that 'Hats' was strangled due to the lack of \$1,000. Show was announced to open tonight (5) at the American Music Hall, on Broadway, church, operated by John and Jerrold Krinsky as a cabaret where old style music was given. Spot has been dark for some weeks. Show is a satire on college life, with a score. Most of those caught in the writing are Yale Juniors. It is not the show 'Hold Your Hats' by amateurs in Pittsburgh last year.

Lewis E. Gensler is reported having been interested in the venture following Peckham's withdrawal.

Original Straus Scripts For Sale in St. Louis

St. Louis, July 4. 'The original manuscript of Oscar Straus' opera, 'Waltz on a Dream,' current in the Municipal Theatre, the Assn.'s actresses' theatre, in the Straus' collection. The collection, containing the first melody sketches of 'The Chocolate Soldier' are being offered for sale here. Darius P. Goswami, a librarian for the English version of 'Lost Waltz,' and a close friend of the 68-year-old Straus, said the composer had sent the papers to him from Paris for some time.

They included a sheet on which Straus pencilled the entire chorus of 'Waltz on a Dream.' The original 'Dream' was written in 1906-07. The papers are photographed by Straus' South English and German editions and are accompanied by two autographed photos of the composer at the time of the opera's being staged in Vienna.

Men Working

Stowhegan, Me. July 4. Clifford Odets and William Kozenko are both here Odets is putting the finishing touches on 'Silent Partner,' a new play which the Group Theatre expects to put into rehearsal in five weeks, and Kozenko is trying to get some work done on the first draft of an untitled three-act play. Kozenko, who has considerable actor's work to his credit, already had a full-length drama, 'Utopia Heights,' making the rounds.

Performer trouble cropped up over the weekend at the N. Y. World's Fair involving Mike Todd's 'Hot Mikado' and Billy Rose's 'Aquacade.' Although the latter is known to be cleaning up and the former reported to be flourishing, it was a matter of wages in both instances. Monday (3) Equity sent Dorothy Richmond of its chorus branch and George Boswell of its staff to the Hall of Music, on the Fairgrounds, under which was a jail the 'Mikado' people out before the matinee, unless Todd paid the colored players the scale agreed on.

Agitation at Rose's marine show is a matter over which the American Federation of Actors has charged. Curtin was held Monday afternoon until the management agreed to pay \$100 a week.

Sunday (2) Todd paid cast and chorus of 'Mikado' a flat \$33 each 'to there would be no discrimination.' The show was scheduled with Equity when he closed the show at the Broadway and booked at the Fair, the show was on was a lot for chorus and \$50 for principals (excluding Broadway and booked at the Fair). Todd was paid \$100 a week. Todd was granted permission to play Sundays at the Broadway and booked at the Fair, the show was on was a lot for chorus and \$50 for principals (excluding Broadway and booked at the Fair). Todd was paid \$100 a week. Todd was granted permission to play Sundays at the Broadway and booked at the Fair, the show was on was a lot for chorus and \$50 for principals (excluding Broadway and booked at the Fair). Todd was paid \$100 a week.

When Todd sought concessions from Equity, he presented a petition signed by 100 actors, who said they felt they would be willing to

(Continued on page 51)

PLAYWRIGHTS FIGURE ON 7 FOR '39-40

Members of the Playwrights Co., who scattered through the S. and Europe after their season was underway last spring, are again converging on New York. They have seven shows more or less scheduled for production during the coming season. S. N. Behrman, author of 'No Time for Comedy,' Barrymore, N. Y., and the only member not known to plan to stay for all seasons in October (Wednesday) from a vacation in London. Sheridan, whose 'Ab Lincoln in Lillove,' Plymouth, N. Y., copied the Pulitzer prize and was to go to Broadway, the cast at RKO, is due from London about July 15 and will immediately go to the Coast to work on the film. He is believed to be doing a new play. Reports that it might be 'The Luntz have not been confirmed.

Sidney Howard has been back and forth between Broadway and his Tynningham (Mass.) farm, trying to cast his new play, 'Madam, Will You Walk?' (previously called 'Summer Night'). Maxwell Anderson is on the Coast with Kurt Vile, casting by Straus, with English and German editions and are accompanied by two autographed photos of the composer at the time of the opera's being staged in Vienna.

In a lead part, Elmer Rice, remaining member of the company, is still in the month of the year. He is back in New York late this month. He has one play, 'Seize of Berlin,' that is being believed readying an. As tentatively discussed at the meetings of his two new members, he would run in the following order: Howard's 'Madam, Will You Walk?' (previously called 'Summer Night'), Rice's 'Seize of Berlin' and then the Anderson-Vile musical, the Howard adaptation of 'The Day After Tomorrow' (previously called 'The Day After Tomorrow'), the new Sherman Franklin biography, the new Sherwood play and the second Rice play, 'The Day After Tomorrow'.

Broadway

George M. Cohan's 51st birthday Tuesday (4).
Dick Maitland visiting parents at the C. W. Wash.
Gordon Hanson back to Canada after brief stay in U.S.
Edward Gallagher around after long period in Hollywood.
Roy L. Johnson back from the Coast today (Wednesday).
Tommy Martin, on his way to Hollywood Monday (4) from Los Angeles.

Don Sears is a champ troupe-leader, having shown those at the top in the act.

Ruby Blair, with a broken bone in her arm, getting ready to sing in the new musical.

Burley Bahalan returned to New York Monday (4) from the Thousand Islands, N. Y.

Helen Kane on air first time in years via Value program Thursday (6).

William Harris, treasurer of Miller, on similar duty at Deetors theatre, Fordham Me.

Honore MacMahon came back to Hollywood after one week in the States.

Chin Lee gives it valance billing to the new production of "The Sign of the Cross" due back at the Playwrights Co. office this week from Surry, Me.

Sunny Weisbord, of the William Morris office, goes to the Coast July 10, to stay four weeks with the Jean Galais, French theatre owner, here studying presentation before the main body.

Jack Whitney delayed his departure for the Coast until after the late this week.

Dave Burns, of RKO Radio City, has been visiting N. Y. mail back to London, July 10.

John Underhill, 20th-Fox eastern story editor, just over a long stay at Doctors House, New York.

John Brooks, play-reader for Brock Pemberton, vacationing in the Catskills, is headed for the Pavilion at the World's Fair.

Pre-July 4 influx boomed the theatre district, but was dissipated over the holiday weekend.

John Street, bridge player between the RKO and Music Hall, made a terrific pitch for those Fair attractions, including a match of Friday (30) by car for the south, with the coach of the RKO.

T. X. Jones, Far auditioning executive, is headed for the Coast after beating a tough pneumonia case.

William Howell, former eastern story editor for Samuel Goldwyn, recuperating from a second operation.

Sam Burger, Metro home-office trouble-shooter, back to New York July 8, from Johannesburg, South Africa.

Mrs. William Faversham, second wife of the star, back from Detroit where she was with a Federal charge.

John Turgen, Oklahoma City actor, back for J. M. Cooper-Far interests.

George D. Lottman, Broadway film producer, is coming to New York Beach because of his family, doing a picture for the Alcyon for King Features.

C. C. (Corky) O'Keefe, manager of the Casa Loma band, sponsoring the PCA tour at the Pomona Coliseum, Flushing Meadows, L. I., which opens Sunday (8).

John Madden, play agent for the Lyons & Lyons office, left Friday (6) for about six weeks' conference with O'Neill O'Neil, Porter, and Martin Flynn on the Coast.

Sam Siro, of the RKO Players, who was SRO at the new Broadway with the Jack Benny, nurse and baby, back to the Coast after the trip. New York Black and Sully and the Jack Fleckers on the Coast.

Morris office taking entire first week, and extending leave 10 years, which constitute some sort of a reprieve from the Rockefeller.

Charles Burton, Paramount head, on his way to the Coast, on a plane a couple weeks ago as a "Thank You" tour.

Mrs. Evelyn M. Chaplin, who was SRO at the new Broadway with the Jack Benny, nurse and baby, back to the Coast after the trip. New York Black and Sully and the Jack Fleckers on the Coast.

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convened by attending son's graduation from Antioch college.

Fred Winkler, up to assistant manager of the RKO.

RCA and W. L. Jones made national service manager.

Warner Bros. finally got their picture, "The Sign of the Cross," the first annual Vitaphone shorts drive.

Lakota, current at the Little Theatre here, being delayed by the weather.

Levin Forester, United Motion Picture Theatre Owners' prez, to Washington tomorrow (Thursday) to confer with Department of Commerce officials on picture problem.

Suit has been filed in New York by Mike Levine for damages from the European Film Co. for failure to play "Lash of the Whiplash" as per an alleged agreement.

Victor Francon to N. Y. by train, the Negro player, in from N. Y.

Wesley Ruggles in from Vichy and Marcel Carné planning to do Emil Zola's "The Golem" with the French.

Soja Henne has en route to London for vacation.

Francis Ford, producer, departed for South American tour.

John C. Sedgwick, producer, in from N. Y. to see the new film "The Sign of the Cross."

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Jack Walker on a Scottish going holiday; Hickson gave birth to her second child.

Marion Harris in sudden return from the Coast.

G. W. Hodehouse received honorary degree from the University of California.

Cecil Ciolek, Paramount talent scout, office.

Clifford Odets at Hollywood putting finishing strokes on "Silent Partner," which he says Group plans to put into rehearsal in four weeks.

Ever Abbot, lately of "American Beauty," back to the Coast.

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England web out of WCHS, with Billy Smith interviewing.

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Barcelona

Antonio Quintero, the author, co-producing "The Sign of the Cross."

Tarsila Crado and Jose Tordella, co-producing "The Sign of the Cross."

Robert Roy, the film star, to return to the stage.

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Hollywood

J. Donald Willson sued for divorce, Irving Riva to Sierra for a month, Robert Armstrong granted a divorce.

Paul Hurst back to work after accident, Gabe Conn recovering from the studio.

Ed Thomas joined Principal's back after a long absence, Gabe Conn recovering from the studio.

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OBITUARIES

BOBBY VERNON

Bobby Vernon, 40, slapstick comedian in the silent screen days, died of a heart attack in Chicago last Wednesday (28). Of the screen's early pie-throwing days, Vernon had key roles for a number of comedies, among other early comedy producers.

Vernon first broke into show life when Dill, of Koll and Dill, for whom he was a call boy, broke a heart attack and he substituted for the comedian. From there he shifted to Hollywood, where he played comedy roles for a number of comedies.

Surviving are his mother, the former Dorothy Vernon, widow of Harry Burns, editor of a former picture daily; his widow, Angie, and a daughter, Barbara.

U. J. HERMANN

U. J. (Sport) Hermann, 66, one-time theatre operator in Chicago and a familiar and colorful sporting figure there, died Sunday (2) of illness received in an automobile accident at Sturgeon Bay, Wis.

In Chicago, after some theatrical ventures, he partnered with H. L. Frasse, Hermann built and managed the Cort theatre, where he designed the theatre more like a restaurant than the Shuberts box attractions in his home. He once owned an interest

United States at the age of three. He was in the hotel business and for many years conducted the German Hotel in Chicago for 25 years ago.

Hammer was former member of the Philadelphia Broom Club, was arrested and charged with the slaying upon his confession.

He was later married to Josef Swickard, film actor, but later divorced.

MARGARET CAMPBELL

Margaret Campbell, 54, silent screen player, was found dead June 27 in a Los Angeles boarding house, victim of a hammer attack. Her son, Campbell, 36, was arrested and charged with the slaying upon his confession.

She was later married to Josef Swickard, film actor, but later divorced.

NELLIE BENO

Ellen G. Cobb, a member of the Florida Society, who played the name Nellie BENO, died in Cambridge, Mass., last week. Mrs. Cobb had played various times with George M. Cohan and William A. Brady and toured the U. S. and Europe with the Cobb family, with her late husband, George H. Cobb.

Two brothers survive.

Survived by a nephew with whom he lived.

HARRY A. TALGE

Harry A. Talge, 71, former legitimate silent screen player, died Philadelphia last Thursday (28). He was treasurer of the Walnut street theatre, Chestnut street opera house and the old Garrick, all in Philadelphia, at various times before his retirement.

ASHLEY STERNE

Ashley Sterne, 63, humorist and comedian, died in London, June 1. His right name was Ernest Halsey. The British Broadcasting Company, which produced his radio series, Sterne composed the music and collaborated on the books with A. T. Widdow.

BOBBY HIGGINS

Bobby Higgins, 52, vaudeville producer, died in London, June 1. His right name was Ernest Halsey. The British Broadcasting Company, which produced his radio series, Sterne composed the music and collaborated on the books with A. T. Widdow.

CHARLES W. GUTHRIE

Charles W. Guthrie, 68, former stage screen player, died Friday (3) at his home in Washington, D. C. He played the rabbi role in a road company of 'Abe's Irish Reel' and then became a Methodist preacher.

MRS. BEVE REDFATHER

Mrs. Beve Redfather, 38, wife of the owner of the Redfather Indian Shows, died last week in a Columbus, Ohio, automobile accident following an operation for appendicitis.

WILMA WINTKES

Wilma Wintkes, a dancer, known professionally as Wilma Wintkes, died at Saranac Lake, N. Y., on June 1.

JAMES A. RICHARDSON

James A. Richardson, 54, owner of various western Canada radio stations, died in Winnipeg, 1939, of a heart attack in Winnipeg.

PAUL D'ANGELIS

Paul D'Angelis, 58, veteran motion picture exploitation and advertising man, died June 28 at his home in Hollywood.

ALICE HILL

Alice C. Hill, 62, legit player, died Thursday (28) in Hollywood.

WILLIAM'S NEW HOUSE

Member of the late Will D. Cobb, Chicago, who had been the operator, died in Philadelphia last Thursday (28). Born in Rutledge, Hammer came to the

the business as the administrator of her son, Will, estate.

Clifford Junkin, 38, motion picture professional, died June 25 in Columbus, Ohio. He was employed by Sheboygan, Wis. theatre. Survived by his widow, daughter, stepson, mother, three brothers and three sisters.

Edgar Miles McKinnon, 66, a member of the Old Star Cornet band and for many years a cornettist with the McKinnon orchestra, Sheboygan, Wis., died June 24. Survived by three brothers.

Joseph M. Heibel, 20, associated with the Appleton theatre, Appleton, Wis., died June 26 in that city after a three-week illness. Survived by parents, a brother, two sisters and grandparents.

Clyde McCloy, 44, extra player, died Friday (3) in Hollywood after a long illness. He was crushed by an army tank.

Daniel F. Miller, stage manager at the Columbia theatre, Sharon, Pa., died of a heart attack backstage Tuesday (2) at his home in the theatre for more than 35 years.

Mother of William A. Schott, Jr., general manager of WKNC, Cincinnati, died June 27 at her home in New York.

Eugene Mahoney, 55, property man, died June 28 of a heart attack at 404 of the Orpheum theatre, Los Angeles.

Father, 75, of William Wyler, film director, died in Hollywood Saturday (1). Two other sons also survive.

George Mathews, 63, father of Jack Mathews, British film player, died June 27, in London.

E. A. (Pop) Fisher, 82, pioneer California theatre owner, died June 28 in Los Angeles.

Grandmother, 81, of Betty Grable died in St. Louis Friday (30).

MARRIAGES

Joan Violette Murray to Byron Ryan, in Los Angeles, June 30. Bride is daughter of John P. Murray and son of John P. Murray, now in pictures; he's in WB's sound now in pictures.

Bernice Schaeffer to Henry Garrison, in Yuma, Ariz., June 28. Groom is a screen writer.

Charles W. Guthrie to James Brown, in Santa Barbara, June 28. Groom is stage director in Hollywood.

Robert O. Klemmer to Andrew Eng in Trenton, N. J., June 28. He's saxophonist in staff orchestra at the University of Pennsylvania.

Frances Williams to Frank Lovejoy, in Teaneck, N. J., July 30. Bride is the former musical comedy dancer, currently with Aqueduct at N. Y. City's Fair; he's a radio actor.

Maxine Louise Chapin to H. H. Hays, Jr., in Indianapolis, June 27. His father is the film czar.

John P. Duer, in Greenwich, Conn., June 28. She's a dancer at Radio City in New York; he's the music hall treasurer.

Glenn Sornborn to Robert William Austin, in Beverly Hills, Cal., June 30. Bride is daughter of Gloria Swanson; he's a radio actor.

Dorothy Fields to Ely Lahn, sketched for July 14, in New York. She is a radio writer and producer of Lew Fields; he's a playwright.

Kevyn Volmer to Harvey Peterson, in Los Angeles, June 28. He's conductor-violinist at KFO-KGO, San Francisco.

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Film Deliveries

(Continued from page 3)

This English producer's pictures were subsequently taken over by 20th-Fox. Records indicate that of the 22 pictures made by the producer, 14 have been delivered. This leaves a total of 15 on the under-side.

GRAND NATIONAL

In difficulties during the past two years, last season under contract to this company began supplying 1938-39 pictures. The company has delivered eight features and five westerns. The company sold no fixed number for the season.

METRO

A maximum of 52 and a minimum of 44 features was promised. Excellent showing on deliveries is the release already of 51 features, with Metro seven pictures above its minimum requirement right now.

MONOGRAM

W. Ray Johnston's revived independent company offered a minimum of 25 features and 16 westerns, a minimum of 20 features and 10 horse pictures. It has delivered 22 full-lengths, 13 westerns, one foreign-made and one carryover from last season (W-38-1). It has placed it only six under the 53 feature promise, and only one western, but against that the company has delivered two extras in the form of 'The Lone Ranger' and 'Stolen Life,' with 'Jamaica Inn,' also British, already in New York, awaiting release.

PARAMOUNT

Maintaining a fine releasing pace, Paramount has delivered 47 features out of a promised 53, and five westerns. It has delivered a total of six feature pictures. It has placed it only six under the 53 feature promise, and only one western, but against that the company has delivered two extras in the form of 'The Lone Ranger' and 'Stolen Life,' with 'Jamaica Inn,' also British, already in New York, awaiting release.

RKO-RADIO

Records of this company is not as good as most of the others. Its program being 48 features, six westerns and 24 westerns. It has delivered 37 features, being 11 under, but has completed its commitment on the westerns. It has delivered 37 features, being 11 under, but has completed its commitment on the westerns.

REPUBLIC

Another distributrix with a maximum of 48 features, Republic has delivered 47 features, being 11 under, but has completed its commitment on the westerns. It has delivered 47 features, being 11 under, but has completed its commitment on the westerns.

FOX-FOX

This company delivered its full quota on the prior 1937-38 year and is virtually certain to do the same again for 1938-39. Scheduling a minimum of 54 and a maximum of 45 features, already delivered is a total of 52. This places is seven over the minimum promised.

UNITED ARTISTS

With no releases available from this major from May 28 to July 15, nearly two months, deliveries are away behind. A total of 29 features were promised but only 19 have been delivered. Leaving a total of 10 features to be delivered by the moment of 11. Breakdown in 1938-39: 10 features, 10 westerns, four and has delivered 20. Alexander Korda promised five and has delivered three. Leaving a total of 10 features to be delivered by the moment of 11. Breakdown in 1938-39: 10 features, 10 westerns, four and has delivered 20.

UNIVERSAL

A perfect slate shows up on this company. It has delivered a maximum of 46 features and a minimum of 33 full-lengths and six westerns. It has delivered 46 features, six westerns, two extras and one 7/38 film that was held over from last year.

WARNER BROS.

The last two seasons having a fine record on deliveries, this company again is meeting its promise of a program with a steady, uninterrupted delivery. Among other things, WB is notable for the fact that it seldom changes release dates, once they are set, and the account may be

Louis May Give

Galento 2d Try

After Pastor Go

BY JACK FULASKI

What was considered a foregone conclusion, but which turned out to be a slugging match in which Joe Louis' fists landed the last blow, kayoted Tony Galento at the last of his last days (28). Actually, it was the thumping of the customers' money against the rugged contender, who was 6-1 underdog.

It was a gooding match from the bell, both the winner and loser sitting the deck. One ringman turned his head to tell a cop he could do better than Galento, but at that precise second, the saloon owner of Orange, N. J., dropped Louis' money. Later, over the radio, the announcer explained he didn't win because 'smoke got in my eyes.'

The event was anything but a financial fiasco, for it drew a gross of \$33,500. After deducting taxes and other tricks were deducted, the net was \$28,500. Out of that the Chicago Stables, who owned Galento, collected about \$45,000.

There's talk of rematching the men, but first Louis has another date in Detroit, to fight Bob Pastor, who is expected to win. Distribution of back-peddling by Pastor through the Chicago Stables.

Twenty-three athletes had to be taken on Galento's mug after he had a fight with the last of his last days (28). Actually, it was the thumping of the customers' money against the rugged contender, who was 6-1 underdog.

Right off the reel the tubby one clocked a left hook to Louis' jaw, which was the only blow he delivered. The first round he had a big lead, but he was knocked out when he spilled Louis. In the second, when he went down, Galento was knocked out.

Galento has been technically kayoted twice before, but he never has been kayoted by a professional. He has been kayoted by a professional. He has been kayoted by a professional. He has been kayoted by a professional.

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WHAT DO YOU THINK MEN NOTICE FIRST ABOUT A GIRL, PRISCILLA?

WELL, GALE, I REALLY THINK NICE, SMOOTH SKIN IS MOST IMPORTANT

YOU'RE RIGHT, AND USING LUX TOILET SOAP HELPS TO KEEP SKIN SMOOTH AND SOFT

I ALWAYS USE IT, TOO. ITS ACTIVE LATHER CLEANSES THOROUGHLY, HELPS GUARD AGAINST COSMETIC SKIN

9 out of 10 Lovely Screen Stars use Lux Toilet Soap

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IN "WARNER BROS."
"Daughters of Courageous"
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Gale Page

Lola Lane

Rosemary Lane

THE NEW YORK TIMES

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NEW YORK, WEDNESDAY, JULY 12, 1939

66 PAGES

THE NEW YORK TIMES

Nation's Film Critics Mulling U. S. Org.; Supplant Venice's Pix Expo

Memphis, July 11.

Motion picture scribes of the nation's press may band together into a national organization similar to the New York Film Critics' Circle. Several critics on important papers have discussed the proposal at some length. Chief hitch seems to be some agreement as to how and where scribbles could be brought together for the purpose.

One film editor has gone so far as to contact the Will Hays organization in quest of co-operation in launching project. MPFDA diplomatically refused on grounds that any such move might be regarded as an effort to regiment or intimidate the film press by the industry. Hays office said it would be glad to help in every way if the critics themselves should get together on such a scheme.

Plan was discussed first among the writers on the Warner Bros. "Dodge City" junket. Intended further contacts looking toward possible action.

(Continued on page 18)

RKO SEEKS TAX CUTS; ARGUES VAUDE PASSE

Predicting a suit on the contention that theatres equipped with stages are now obsolete, RKO is instituting action against the city of New York for a reduction of tax assessments on its theatres in the metropolitan N. Y. area. The action has been in preparation for some months.

In its affidavits, the circuit is laying great stress on the decline and fall of vaudeville, which at one time was circuit's major entertainment product. To vaudeville, this suit is something of a final death knell. RKO, once the leading major stage show circuit, is disavowing its stage show circuit as an entertainment factor once and for all.

Taxation of theatre property in New York is based on cultural content in pointing up the fall of vaudeville, RKO is trying to prove that taxation on that basis is necessarily wrong due to the numerous theatres in N. Y. city are now using their stages.

The suit is of great importance because of the precedent it may set with respect to other circuit and indie stage-entertainment theatres in New York. Loew's, for instance, is in the similar situation as RKO, having many houses in the city and suburbs formerly played vaudeville. The Shorlows, operating the former Fox houses and the Broadway theatres are likewise greatly interested in the outcome of the action.

MEXICO STATIONS SPIKE AIR TREATY

Piqued

A number of English players on the WPA Federal Theatre Project received hints to become naturalized and some applied for citizenship.

When the Project was legislated out, one overseas girl was reported complaining: "The way they're treating us has made me so mad I don't think I'll take out my second papers."

Stoki, Whiteman, With 'Mechanical Music' May Be Very Revolutionary

Philadelphia, July 11. The American Federation of Musicians has thrown up its guard to protect itself from another blow from "mechanical music," since it was revealed here last week that both Leopold Stokowski and Paul Whiteman have achieved considerable success in experiments with electrically-amplified orchestras.

Stokowski said he has been working in Hollywood for the past year on amplifying devices by which a handful of musicians and sound engineers can produce more complete symphonies in any way than the New York Philharmonics or Philadelphia Orchestras combined. Whiteman also noted that he had found that by placing one violin near a mike and six saxophones in

(Continued on page 32)

United States Now Forced to Adopt New Tactics—Mexican Politicians Stall on Ratifying North American Reallocation Agreement

BORDER COME-ONS

Washington, July 11. It is now clear to the U. S. Department of State that the long-stalling by Mexico on ratification of the North American radio treaty is solely due to the tender sympathy held by certain Mexican politicians for the so-called "border" stations, which continue to maintain, just below the Rio Grande, high-powered transmitters that spray over much of the United States a continuous fire of quasi-scientific come-ons. The State Department now hopes to out-flank the Mexicans and, with the aid of the Canadians and the Cubans, break through the log-jam.

The world's greatest medicine show, dwarfing all previous efforts in this field, operating in Mexico. Many of the broadcasters are "dog" literature pour from the printing presses owned by these stations. Patent panacea, symptom chalk, booklets, and questions answered in a plain sealed envelope are other forms of the mail order industry in wholesale medical advice. But more particularly the radio stations are

(Continued on page 30)

N. Y. Fair's S.O.S. to Up Attendance; Talk 5c Kid Day and Other Hypos

For Future Crix

Sam Lyons, the Broadway agent, has an angle on television. When it arrives importantly from a talent compensation angle, he thinks some of the actors who pioneered, although still young, will seem as old as Methuselah. He imagines future comment:

"Why she—or he—was one of the original blonches."

If It's Not One Thing It's Another; Saratoga In a Tough Spot Again

Albany, July 11. Gambling will be okay again in Saratoga this season (August), but another snag has come up which may again affect the bookings of names into the Spa's class spots. The pickings weren't good for talent last summer because of the complete ban on gambling, but this year the State Liquor Authority is making things tough.

While it's understood the gamblers will lay off the games this year, the ABC liquor board has notified the joints that their liquor licenses will be yanked if there's gambling. The operators are waiting to see if this order will be relaxed before committing themselves to any expensive name and band bookings, via their N. Y. City agencies.

The S.O.S. signal is flying high over the New York World's Fair midway, and the expo management is giving heed to it. This may take the usual red-top route but the campaign is for far larger attendance at Flushing Meadows, or else. Reported that top officials have decided that a cure-all for the ailing amusement zone is a series of 350,000 daily games.

Opening gulf in the drive probably will be a widely publicized 5c day for children. Second and probably more important from money gross standpoint will be a Greater New York day, with downtown stores and business houses asked to shutter for a half-day so as to smash all attendance records. Later is still in the air the hypothesis that is up for final consideration, because exposition execs believe the fair is not getting the attendance break from nearby territory.

With the announcement of these two plans for bolstering a gate that admittedly has been disappointing, (Continued on page 55)

O'NEILL'S SOLO PLAY DELAYS TRILLOGY

San Francisco, July 11. Eugene O'Neill, reported a bit tired from working on his trilogy for two solid years, may interrupt himself with an individual play. He has it outlined, just as he has almost all of his nine plays in the trilogy. Latter is four-act comedy, starting with the Landing of the Pilgrims; play No. 3, the Revolutionary War; 3, the 1840s; 4, the Civil War period.

The central character, descendant of a Pilgrim, has three sons—one a naval officer, one a lawyer, one a railroad tycoon, and their lives are traced in plays No. 5-7. Last two plays start with the children of these three and play No. 8 brings in their attitude of present-day problems.

While the trilogy is still untitled and no producer is mentioned, the Theatre Guild will probably do it, as it has most of O'Neill's works. The Guild would probably also do the odd play "O'Neill, the children of these three and play No. 8 brings in their attitude of present-day problems."

Although his plans have been changed from time to time, it is believed Eugene O'Neill now figures on completing his cycle of nine plays some time next season, with possible production of at least two of (Continued on page 52)

Laurie's 'Caravan Unit' Plan to Make Up for FTP Bow-Out; No Gov't Dole

NAME BANDS ON WAX TOP FLESH WEAKIES

Pittsburgh, July 11. Out at Edie Peyton's roadhouse on the Suburbville Pike, they're advertising the music of Wayne King one night, Benny Goodman the next, and Artie Shaw, Guy Lombardo, Kay Kyser, etc., on successive p.m.'s. But there's a catch to it. When Peyton decent his wasn't going to well with just ordinary bands, he chucked the whole idea, had a super-sound system installed, and is giving the customers an evening of discs from the same name band on each night.

He's still leaning a suggestion of flesh, however. Has a couple of acts performing to the recorded music in accepted big show style, and has reduced the price of drinks from two bits to 10c.

By Joe Laurie, Jr.

Now that the Government has deserted the actor, I believe that the actor should help himself, through his organizations and the help of all the other allied branches of the theatre. In other words, I believe that if the Four A's, the musicians, the stagehands, scenic artists, managers and press agents would appoint a representative committee they would be able to make a plan to help the theatre. I believe that some of these branches of show business would benefit greatly and be able to make decent living in the branch of the theatre to which they have devoted most of their lives. I offer the following for anything that may be worth, realizing that it is in a very rough form, but knowing that it can be put into working form by the cooperation of all branches of the theatre. There are wagons known as (Continued on page 22)

FIVE BARRYMORES IN THE MAINE WOODS

Portland, Me., July 11. Last week saw five members of the Barrymore clan in the Maine woods. Ethel was in Harrison, appearing in "Whiteheads." Diana, daughter of John, was on U. S. Route 1, several miles south of Ogunquit, adorning Walter Hartwig's Manhattan Restaurant. At Lakewood, Louise Drew Devereaux, first cousin of Ethel, Lionel and John, was at her summer home with her husband, Jack Devereaux. Their son, John Drew Devereaux, joined his parents last week on his last night (Monday) in the Lakewood theatre's production of "Family Portrait." George Devereaux, another first cousin of the main branch of the family, was at Deerees with Ethel.

Cross-Sections on New Selling

First-hand information as to film conditions throughout the country, coming into the majors through its field salesmen, gives an idea on prospects to be faced in selling the coming season's product. Cross-section of reports from one of the major reveals that conditions are similar to those encountered in past years, and that no unusual obstacles have cropped up to interfere with the usual optimism with which sales forces face the start of another new film season.

Varied conditions confronting sales forces are reflected in divers sectors. From Memphis, for example, one salesmen found exhibitors exulting that they would be long relieved to buy shorts with their features, and complaining that they already had paid for a greater number of short subjects than could possibly be used during the coming season. The shorts situation this coming season is naturally causing sales resistance because of expectations that the forthcoming trade practice agreement will ban forced selling.

From Washington one report is that exhibitors are a bit too eager to request reductions. Requests are countered with a willingness to discuss adoptions, but exhibitors are reminded that out of 40 short pictures sold, it isn't fair to pick out four or five on which money was lost and refunds requested, without first taking into consideration the business done on the whole deal.

In Omaha, Neb., reports were that in that particular part of the country theatre owners seem to be getting used to hard times, as there hasn't been a profitable crop for the past eight or nine years. Other than some difficulty in getting releases on shorts, not much difference in selling is encountered over previous years.

In the Detroit zone, salesmen found exhibitors unable to buy all the shorts lineup offered as had been sold in previous years. Reason: double-edged policy. Consensus, however, is that exhibitors admit better results from a hit feature, with good shorts, than from doubles.

Kansas City report extended this same policy. Arguments were made that exhibitors had hoped to get shorts from distributor representatives. Another K. C. report was that in all situations closed for next season, not one exhibitor wanted to cut his shorts for that of last year. From Milwaukee adverse conditions are reported with things in a transition period. With the territory mostly composed of small towns there is a demand for action pictures, and a diverse line of shorts. Considerable sales resistance in negotiating rentals has been encountered because no fair trade practice code has been signed, and there is some tendency on part of exhibitors to wait. Arguments were countered by promising to give theatre owners all the advantages of any new provisions which may be incorporated in the code when it is finally consummated.

In Minneapolis, reports were that economic conditions in that territory were at a very low ebb, and exhibitors are in a very cautious mood. They seem to be sceptical of the industry's prospects as a whole.

Speculators

On major circuit deals which spread over various territories, resistance is felt when it comes to terms and playing time to cover the theatres in the various sections. In the conditions, the time to play in the various sections on terms where the conditions are bad, adding for a balance in the sections where the houses, based on present business, can stand the gap better.

In Upper New York, Michigan, and the Northwestern Territories the going is least easy due to the present conditions and the struggle the theatres are having in these zones. Nebraska is also under normal, although in a neighboring state, Iowa, is in good shape. Portions of Iowa and land are also more affected than other territories. Western Pennsylvania is another tough spot for the salesman right now. Most of the south, and especially the middle of the south, although in good shape, is still in the northern Kentucky and some other mining regions, it's no pipe. The far west is reported fair-to-middling.

From New Jersey concrete example of how film business is on its toes. Seven or eight accounts called on by one salesman found managers at their theatres attending to business and willing to discuss deals.

In the St. Louis territory, salesmen found that the coming season would be an exceptional one in that territory, with less resistance to sales efforts. In the Colorado area, the good word was that the territory is sold practically to the saturation point, although business at this time is below normal. At this time last year, there was only one unmet account and new theatres were to open, it is expected as many contracts would be closed as formerly.

In Minneapolis, it was reported that in the first four and a half weeks of selling, 47 contracts were obtained by one exchange in the face of worst business decline in several years. Exhibitors seem to realize now that in order to be sure of a steady flow of new pictures and big pictures, producers must put more money back into production.

In St. Paul it was found that selling is better than before, with establishment of new sales records this coming season expected.

BACKLASH ON PRODUCTION OF MONOGRAM, REPORTED

Hollywood, July 11. Richard Rowland, head of the studio, is going back into production as an indie with a possible United Artists contract. Rowland is being provided by Guaranty Trust of New York, and is being a financial capitalist who is remaining in the background. Rowland is reportedly resigned as executive manager in charge of all production and distribution with U. A. He starts rounding up new week.

Since entering the film business in 1910, Rowland has been a distributor, theatre owner and production executive. He was organizer and producer of the movie "Fleeter" in 1910, selling out to Marcus Loew in 1910. He was with First National, Fox, Universal and Paramount.

ST. GROUPS

To Finance Legit Producers Via Eastern Service Studios in Astoria, L. I.—Golden, Pemberton, Abbott, Shumlin, Hopkins and Group Theatre Favorable to Idea—Use Original Play Casts

DAY 'N' DATE SHOOTING

While Broadway is looking forward to the consummation of a new deal with Hollywood, the legit production, favorable reaction has been registered by managers to the proposal that they produce film versions of their plays in the east. Such activity has been contemplated by a number of legit producers for some time, but for the first time a workable plan has been devised. Of course in every case the playwright would have to approve the eastern production deal, since under the minimum basic agreement the author and not the producer, has final say on picture sales.

Eastern Service Studios at Astoria, Ore., offers complete financing of manager-produced pictures. The plan is provided by the West Street group, it being pointed out that the latter has no connection with studios, and that neither the National Electric, nor its affiliate ERPI, have any connection with the financing. Bankers are not interested in backing legit productions, but believe that legit showmen are qualified to transplant stage attractions to film form more effectively here than on the Coast.

General idea to make the screen version during the stage engagement, using the same leads and casts when practical and, in some cases, to the picture complement, if necessary. Should the film version be made during the engagement, it is understood that the manager is to have full say as to the release of the play and to protect the value of the stage end on Broadway and out of town.

Only 'A' Pictures

Some of the showmen to whom the proposition has been disclosed are essentially producers, others being directors. ESS will secure any directors desired, bringing them from Hollywood. Astoria is planned to produce A product only and is not interested in B product, and is of lesser rating. ESS also agrees to guarantee the distributing end and is on the whole, very favorable to the completed with top releasing organizations.

Exclusive production in the Astoria studio is not anticipated, but the plan is ample to shoot two features a time, present plan is expected to make about 12 pictures from stage plays per year, and to have two or three feature films a reasonable amount of film production in New York. ESS has 200 at the plant. Managers who have expressed interest favorable to the plan are Clyde John Golden, Brook Pemberton, (Continued on page 18)

JACK SKIRBALL OUT AS GN-EDUCATI V.P.

Jack Skirball is resigning as vice-president of Grand National Educational Pictures because of differences with Earle W. Hammons, president of the company. Skirball will continue Arcadia Productions, which he organized to produce features for G. N. and Spanish films for 20th-Fox. Skirball is now in New York to arrange a release of two Arcadia pic, which he withdrew from G. N. when that outfit suspended all selling activity.

Heat Really On to Push New Film Selling as Top Home-Office Execs Go Out in the Field to Close Deals

Muting the Critics

Hollywood, July 11. Curbsome oratory by production execs at one studio was brushed by its publicity director after the biggies had spilled their personal sentiments within the hearing of village papers at the end of a sneak preview. Head flick protested that the yokes heard too much inside stuff for their own good. Suggestion was that the insiders move to a secluded spot when they tear a picture apart.

With competition in sales unprecedentedly keen and with every company on its toes not only trying to get new accounts but also to negotiate contracts that will carry the maximum possibilities, in terms as well as playing time, distribution executives right down the line are giving their personal attention to deals this time. This includes not only the sales heads of the home office, but the higher distribution men in the field.

Burning up more than the customary amount of energy and lengthening the expense account, the sales biggies are leaving their swivel chairs while they go out into the territories, pushing the picture executives right down the line are giving their personal attention to deals this time. This includes not only the sales heads of the home office, but the higher distribution men in the field.

INTERSTATE'S TABUN 'A' OR 'B' TYPING

Dallas, July 17. The Interstate Circuit has decided that classification of product, other than by its actual boxoffice performance, is a costly waste. All pictures have entertainment values in different degrees, according to circuit execs, who have taken steps to see that the organization changes its present policy of selling and showmanship.

All managers of the circuit have been advised that classification of '39-40 season, all companies' films will no longer be considered as 'A' or 'B' classifications.

"Because this is an unfair distinction, which we have built up in our minds, unconsciously we say to ourselves that an 'A' will do business and a 'B' won't is a circuit broadside."

There are great pictures, big boxoffice, entertaining pictures, boxoffice pictures and bad pictures. We are not concerned with bad pictures as there is nothing we can do about them. But we must distribute from our minds the thought that pictures are either one or the other classification.

Irving Trust, Like Bank of America, To Do More Pix B.Ring

Irving Trust Co. of New York is planning to follow in the footsteps of the Bank of America on the west coast and other banks which have been identified with financing of motion picture production. The bank is taking the initial plunge through financing of three Harry Edington-Famous Productions pictures, Universal and four Ted Williams (Marcia Mae Jones, child actresses) pictures for Universal. Irving Trust is negotiating deals with other producers, some of which may involve pictures to be made at Hollywood and General Service studios in New York. Edington and Williams are producing in Hollywood.

Andrew Christensen, in charge of film financing for the Irving Trust and actively handling all trust matters for the bank in the RKO record, is planning to set up a proper setup and suitable distribution financing pictures should be a profitable field for investment. The bank of America has been doing it for years. Regarding the Edington setup, Christensen reveals that the producer's financing comes from Universal via a revolving credit agreement that Irving Trust and a group of other banks have arranged with Universal Pictures.

In addition to visits from the h.o. distribution men in high posts, district sales managers in their various territories and also by the branch office salesmen, many cases such as peddler farther out of it than he is accustomed to being. The h.o. executives in sales are coming to those of the field district chiefs are also being visited by frequent trips around the various exchanges to discuss approach to sales, heading being made, local trouble, etc., with the branch office managers and their sales crews.

Newville, more and more big out-of-town buyers are coming to New York or into district points to negotiate their deals for the coming season. In many cases such as are begun in N. Y. and carried through by h.o. distributor officials (Continued on page 22)

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INDEX	
Advance Production Chart	16
Bills	45
Chatter	50
Dances	39-40
10 Years Ago	46
Radio	14
Film Reviews	12-13
Film Showmanship	36
House Reviews	45
Inside-Bands	40
Radio	14
Inside-Radio	37
International	11
Legitimate	47-51
Literature	52
Radio	14
New Acts	45
Night Clubs	41-44
Outdoors	55
Pictures	2-22
Radio	14
Radio Reviews	28
Radio-International	41-44
Yasdeville	41-44

See Earl Hudson as Successor To Trendle's Par Detroit Post

DELUXERS' COIN CROSSING PRESS

Voluntary Golden Jubilee Idea, Exhibits to Self-Administer

Desiring to promote from within, Paramount is considering the appointment of someone from the ranks of the Trendle-Par organization in Detroit as successor to George W. Trendle, who has resigned as director of the theater line of theatres in that key, effective Sept. 1. Earl Hudson, next in charge to Trendle over the United Detroit Theatres Corp., Par subsidiary, set up over the houses there five years ago, is a leading candidate for this post. It is declared highly unlikely that the Detroit houses might be swung into the Babylon & Katz set-up although they were sought under a partnership deal by John Balaban during the reorganization.

Although Trendle's resignation is effective Sept. 1, Par steps in to take over the houses on Aug. 1, by which time it is expected the future operator of the Detroit group will be named, either under a new management deal at Trendle hand, or as an operator for Par under straight salary.

Trendle's parting with Par by resignation marks the expiration of a five-year deal he made with the general trustees during bank reorganization. It called for a set salary against a sharing arrangement, based on gross profit for the theatres in the United Detroit group for each year. Understanding it that in view of the conditions in Detroit during the past two years, Trendle desired to step out to devote all his time in Detroit to his radio station (WDET-1300) and broadcasting work, and other Detroit interests.

The United Detroit group embraces 17 theatres, all of which are in Detroit excepting one, located in suburban Detroit. They include former John Kunkin's houses, taken over by Par around 12 years ago, when Trendle was with Kunkin, as well as others, including the United Artists, built by Joe Schenck and associates.

Following Trendle's resignation, Louis Goldensohn, executive vice president, in constant contact with the field, left for Detroit last week to size up the situation locally. He will probably remain out there for a week or so. Leon Netter, general manager of the Par theater department, following Goldensohn's return, is expected to go to Detroit to handle on the situation.

Storm Vice Lawrence As Goldwyn Studio P. A.

Appointment of Fred Storm, veteran United Press correspondent in Washington, as new head publicity for Samuel Goldwyn Productions was announced by James Roosevelt yesterday (Times).

Storm has resigned from U.P. and is taking over his new duties at the Coast next Monday (19). Before coming to Washington, Storm was correspondent in Albany, N. Y., during governorship of President F. D. Roosevelt.

His new assignment is relinquishing his present publicity duties at the Goldwyn studio to become general sales representative handling Goldwyn pictures are John Miles on the East and Ben Washer in New York. Understood that the firm has not been signed to a contract and will work without one for time being.

Rambeau's Thriller

Marjorie Rambeau plays her first role in "Medicine Man," starring William Boyd for Paramount release.

The Sherman production rolled yesterday (Mon.).

ROGAN'S DAUGHTER
James Hogen has been named the principal assignment on Martha Raye in "The Farmer's Daughter" at Paramount.

It's an original by the late Harry Leon Wilson.

Ol' Strike Thrower

Hollywood, July 11. Alice Faye stood up manfully under a barrage of censure pieces in "Hollywood Cavalier," at 20th-Fox until Buster Keaton was called to the plucking for a stand-in.

Kaeson, a professional, she said.

WOOLF - KORDA LONDON PROD.

Charles M. Woolf and Alexander Korda have practically completed a deal here by which Korda will make six high-budget pictures for release by Woolf. Included in the negotiations is a plan by which Universal will put up money for American release of the films.

In another deal which has been actually consummated Joe Seidman arranged with Arthur Dent for Universal to distribute the Mayflower picture, "Beachcomber," in Australasia against the biggest advance ever made to American distributors. Universal will also distribute 20 ABP pic on a percentage plan in Australia.

Seidman leaves for home on Saturday (15).

MARY PICKFORD NOW MULLS THE BAT' PROD.

When, as if Mary Pickford turns to production of pictures, "The Bat," stage play on which own rights as well as a sequel, "The Bat Whispers," will be her first picture. "The Bat" is scheduled to go before the cameras in London early in 1940 and will be made at Denham studio in collaboration with Alexander Korda's production staff.

Talk of remake of "Alexander of Haddon Hall" is still up for consideration and would follow "The Bat." If made, she would like to do it in color. Miss Pickford's Jeanette MacDonald and Nelson Eddy starred, if Metro will loan.

Before leaving on her European trip with her husband, Charles "Buddy" Rogers, Miss Pickford was considering production of another story which George Cukor was to be in charge of and which she could not be obtained from another major company.

Pickford will return to the Coast in August to start story and cast preparation on "The Bat." Directed by Rogers would go to London in January. Rogers may also go back to London in January as he has ready for work on the "Charles Chaplin" to do pictures on the other side.

The Set's Ready, Sir

Hollywood, July 11. Two-acre European townement street set, designed for most of the scenes in "The Great Dictator," is ready for work on the "Charles Chaplin" lot. Actual shooting starts some time this week.

Faulette Goddard has the female lead, but Chaplin has not announced the rest of the cast.

ROONEY'S N. Y. PERSONAL?

Loew's is dickering for Mickey Rooney to personal at Loew's State. Date being discussed in Labor Day week, opening Aug. 31.

Downtown No Longer the Lure It Used to Be—De- cline of Stage Shows—a Primary Factor—Neigh- borhood Houses Just as Attractive, or More So

SPEED CLEARANCE

Philadelphia, July 11. Trend of audiences away from deluxers and toward the naves makes a general change in film sales policy throughout the country. The imminent success or later, Frank McNamee, RKO branch manager, opines, McNamee's thesis is that it is impossible now, and will grow increasingly more impossible in the future, to get from midtown houses the rentals on which the picture industry is currently based. He said that in Philly now the total gross taken in by any house is less than the exchange's 35% share formerly amounted to.

As a result, the situation, he maintains, "it is necessary that the distributors get considerably greater speed in the naves, a situation which exhibits in the outlying areas must be prepared to face, if not now.

In turn, he said, the deluxers must be prepared to give up part of the advantage they now hold in lengthy picture clearance. "The situation, not only to give the naves a better break (and enable them to pay more), but get rentals from a subsequent run houses into the exchanges faster, inasmuch as the coin is coming in from early runs.

A double cause is behind the trend to the naves, McNamee declared. First is the decline of vaudeville. Flesh attractions used to give the downtown houses something additional to offer. Now all they can give the patron is the same thing he can see in his nabe, but a few days earlier.

Second, and more important cause of the drift, McNamee said, is the modernity and excellent physical facilities now offered by many naves, and increasingly so as the old ones are gradually torn down and replaced. Newer houses, he maintains, have sound systems and projection equipment that is precisely the same as the deluxers, chairs that are equally comfortable and an aesthetic appeal that has been taken into account to such an extent that the theatres are even more beautiful than the old ones.

Anent the clearance situation, which is controlled here by the old circuit, McNamee declared that WB must be prepared to give an equal break to Indies with houses in the club community. "It is quite an admission from an exchange man in this Warner stronghold.

TONY MARTIN'S 3 COL. MUSICALS, STARR PROD.

Hollywood, July 11. Tony Martin has signed to star in three musicals to be produced by Irving Starr for Columbia release. First of trio goes into preparation as soon as Starr finishes his big "The Club Commitment" Universal. Martin recently returned from a personal appearance tour.

Can't Get Off Ground

Hollywood, July 11. Story troubles caused further delay in the launching of "Flying Deuces," first Boris Morros production for RKO release. Original slated to roll last Wednesday (3), comedy is now set for July 17.

Charles Crichton and Oliver Hardy are sitting in on story confabs with Harry Langdon, scripter.

Moppets No Like

Hollywood, July 11. Film moppets fare worse under the new "Jackie Coogan" law than they did under the rules adopted by Superior Judge Emmet H. Wilson before the bill was introduced. Under the new statute a trust fund of 50% of a minor's earnings is set aside after deducting living expenses, agency commissions, attorney fees, schooling and other bills. Judge Wilson's system handed 95% of the total earnings.

TINTERS BOOM, NO ENOUGH CAMERAS

Hollywood, July 11. Sudden vogue of tinted film has caused a shortage of Technicolor cameras, with only two of the company's big supply left available in the local lab. Outfit is rushing several new cameras to completion.

Among the tinters in production are "Northwest Passage" at Metro, "Gone with the Wind" at Selznick-International, "Dr. Cyclops" and "Unlabeled" at Paramount, "Hollywood Cavalcade" and "Drums Along the Mohawk" at 20th-Fox, "The Lady and the Knight" at Warners and "Flamingo" at Walt Disney's. In addition, the plant is handling several briefs and cartoons.

Manufacture of natural color film at the new DuPont plant in Maryland is slated to start Aug. 1. Building was completed last week and equipment is being moved in. Now all they will have capacity of 10,000,000 feet of tint film per year.

LYOUD DRAWS TREE AS STARTER AT COL.

Hollywood, July 11. Frank Llyod's first producer-director job at Columbia is "The Tree of Liberty," based on Elizabeth Page's novel and slated to roll in Oct. 1.

Currently working on Paramount's "Ruler of the Sea," Llyod plans a vacation before reporting at Columbia Oct. 1.

Thanks Million Plot Settled in N. Y.

The plagiarism action of Morgan Wallace and Lawrence Shubert Lawrence against 20th Century-Fox Film Corp. has been dropped by the U.S. N.Y. federal court Monday (10). Sui claimed the plagiarism by Fox was a "fair use" of the "Million" (Missouri) Shores and How, produced by the Shuberts as a play, titled "The Millionaire" by the 20th-Fox film, "Thanks Million."

Soaking for Sarong

Hollywood, July 11. Dorothy Lamour and Robert Preston are teamed as a new co-starring duo at Paramount and assigned to "Typhoon" as their first job.

Picture rolls in October with Louis King directing.

Landers Out at RKO

Hollywood, July 11. Low Landers has checked out of RKO after three years there as a director. He has just completed "Conspiracy" for the studio.

Intends to freelance.

Advertising-publicity managers of

major companies yesterday (Tues.) approved an industry plan for a voluntary Golden Jubilee campaign led in the hands of exhibitors for execution. Main feature of picture business' observance of Thomas A. Edison's discovery of the motion picture in 1889 will be the completion of a campaign manual to be mailed exhibits some time in August. Discussion of such a book idea has been up and down.

Climax of Golden Jubilee, as outlined by this manual, will be the week of Oct. 1-7, but Will Hays will make a general announcement of the industry observance sometime in September.

Committee headed by Kenneth Hays of Motion Picture Producers & Distributors Assoc. publicity and advertising, has been named to include Harry Goldberg, Ben Grifflin, Lou Pollock, W. R. Ferguson and Joe Swenson. This committee will compile and edit the Jubilee manual. This will be available to all exhibitors but will be a "must" for individual effort as to what is done in each theatre.

At the joint meeting of publicity heads and foreign department publicity chiefs in the Hays office yesterday, it was decided to go ahead with foreign short-wave program for NBC and CBS networks, following a test period of about two weeks. All detail and recommendations were worked out by Charles E. McCarthy's committee, named about three weeks ago.

All major companies are to submit publicity material through their foreign publicity departments with the Hays office when whipping it into shape for forwarding to the networks. This material is to be made available in six different languages.

SELWYN-GAIGE CLAIM 'LAW' PICTURE RIGHTS

Selwyn & Co. and Crosby Gaige have retained Louis Nizer to bring action against Bayvel Yellner, author of "Within the Law" for sums allegedly has received from Metro-Goldwyn-Mayer in connection with this story. Suit is to be brought on the grounds that all rights to that play now belong to Selwyn and Gaige.

Entire action hinges on renewal rights to the stage production, Selwyn and Gaige claim they own the rights. Plaintiff's charge that sums Yellner is alleged to have obtained from Metro were secured because the picture company believed that renewal rights rested with the original author.

NO BABY VACASH

Universal's Baby Sandy into Another Fix After "Father" Premiere

Hollywood, July 11. Baby Sandy, infant star of Universal, gets no vacation this summer. Even a rubbery summer break, another picture as soon as a suitable cast can be rounded up.

Following a break after a sneak preview of "Unexpected Father."

Lamon's New Pact

Hollywood, July 11. Charles Lamon was handed a new director contract at Universal. He was handed the "Typhoon" look at "Unexpected Father."

Picture was Lamon's second for the studio.

Sweeps Film for Rosen

Hollywood, July 11. Phil Rosen has handed the plot's job on the Universal picture tentatively titled "Billon Dollar Racket." Cary Grant and the Irish Sweepstakes, is slated for August lensing.

**Chi on the Upbeat; Jack Benny-Vaude
Strong \$35,000, 'Hardys' Riding High
To \$13,000, 'Murder'-Unit, Same, Good**

First Runs on Broadway

Week of July 13

**B'way Knee-Deep in Holdovers;
'Bachelor Mother' \$80,000 2d Wk.,
Benny 40G 2d, '5 Came' OK \$10,000**

Back' (RKO) (2d-final week). Ra-

35-40)—'Borrowed Time' (M-G) and
'Stronger Desire' (M-G), Good
\$5,000. Last week, 'Malice' (M-G)
and '8,000 Enemies' (M-G), nice
\$4,500.

**'CHIPS,' \$12,000,
TOPS MILD
BALTO**

'Squadron' (RKO) (reissue combo).
Good \$4,000. Last week 'Five Came Back' (RKO), fair \$3,500.
'Palace' (RKO) (2,600; 35-42)—
'Good Girls Go to Paris' (Col). All right \$9,500. Last week 'Invitation to a Happy Birthday' (Par), fair \$8,000.

**Good Pix, But No
Biz in Pitt; 'Chips'
3d Frisky \$5,000**

That's plenty okay. Last week, 'Tales' (M-G) and 'Hotel Innere' (Par), not bad at all at \$4.700 b twin-bill take here in some time.

JACK BENNY DANDY
\$12,000 IN CINC

Good \$4,000. Last week 'Five Came Back' (RKO), fair \$3,500.
Palace (RKO) (2,600; 35-42).
 'Good Girls Go to Paris' (Col). All right \$9,500. Last week 'Invitation to Happiness' (Par), fair \$8,000.

'Chips' 18G, OK in K. C.

Kansas City, July 11.
Town seeing some sturdy summer
figures reported from the Midland

**OKLAHOMA CITY DULL;
TEMPLE POOR \$3.200**

(Par) big winner at \$8,000. United Artists (Parker) (1,000; 30-35-40)—'Borrowed Time' (M-G) and 'Stronger Desire' (M-G), Good \$5,000. Last week, 'Malice' (M-G) and '8,000 Enemies' (M-G), nice \$4,500.

'Time' Registering OK
\$5,000 in Portland

'Stronger Desire' (M-G), Good
\$5,000 First week. 'Malice' (M-G)
and '8,000 Enemies' (M-G), nice
\$4,500.

Strike Shuts Indpls. Vaudeilmer; Tarzan Sweet \$10,500, Others Off

Indianapolis, July 11. Though the 1,600-seat vaudeilmer Lyric is shuttered because of a stagehand walkout, can't go on either house at night is expected. Natives are taking the heat at the beaches, and nabes are getting some of the heat.

Loew's is topping the downtown area with 'Tarzan Finds a Son' and 'Missing Daughters,' latter picture hindering instead of helping by slowing down the weekend turnover. Apollo is getting along nicely on a movie from the Circle of 'Man About Town' and 'Undercover Doctor.' Circle, dudling, and 'Sun Never Sets,' is suffering from lack of pull in both cities.

Apello (Kats-Dole) (1,100; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Circle; net \$3,800. Last week, 'Five Came Back' (RKO) and 'Mexico' (RKO), fairish \$2,000.

Circle (Kats-Dole) (2,000; 25-30-40): 'Milagro' (U) and 'Sun Never Sets' (U). Okay over weekend, but sagging on week end; net \$1,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.), picture hindering.

Loew's (Loew's) (2,400; 25-30-40): 'Missing Daughters' (Col.) and 'Tarzan Finds a Son' (Col.). Topping the town with \$10,500. Last week, second week on 'Tarzan' (Col.). 'Tell No Tales' (M-G), fair \$5,000.

Midway (Midway) (1,000; 25-30-40): Closed this week to stagehand strike. 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'CLOUDS,' 'MAN ABOUT TOWN' \$6,000 EACH, MONTL

Montreal, July 11. Vacation time and outdoors coming in with heat wave emptying theatres past week and will repeat currently since there is nothing standing in town. Net take last week for 'Clouds' and 'Man About Town' and 'Undercover Doctor' and 'Sun Never Sets' are both pacing on 'Man About Town' and 'Clouds' and 'Undercover Doctor'.

Estimates for This Week
Capitol (C) (7,700; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Capitol; net \$4,000. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

Capitol (C) (7,700; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Capitol; net \$4,000. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

Capitol (C) (7,700; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Capitol; net \$4,000. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'CHIPS,' \$12,000, BENNY \$11,500, DENVER TOPS

Denver, July 11. 'Goodbye, Mr. Chips' and 'Man About Town,' at the Orpheum and Denham respectively, are running close for lead, with both set to hold on. Both houses are having standouts every night.

Both spots are average.

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

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Both spots are average.

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'And Stronger Desire' (M-G) good \$8,000 in six days.
Estimate (Fox) (2,200; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Circle; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

Public Sings, But Omaha B.O.s Sad; 'Career' Good 5G

Omaha, July 11. Summer doldrums hit the big smack in the nose with the first week of typical weather. Omaha is not doing well.

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'Desire' Very Weak \$3,000 in Hot Philly; 'Daughters' Socko \$18,500

Philadelphia, July 11. With the local heat wave coming in for a discouraging weekend, it's all a case of product in Philly this time. 'Desire' is the only picture that is at least one of the deluxers, so the 'Desire' is the only picture that is at least one of the deluxers.

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'CHIPS,' \$12,000, BENNY \$11,500, DENVER TOPS

Denver, July 11. 'Goodbye, Mr. Chips' and 'Man About Town,' at the Orpheum and Denham respectively, are running close for lead, with both set to hold on. Both houses are having standouts every night.

Both spots are average.

Estimates for This Week
Adlio (Fox) (2,500; 25-30-40): 'Man About Town' (Par) and 'Undercover Doctor' (Rep.). Moving from Adlio; net \$3,800. Last week, 'Man About Town' (Par) and 'Undercover Doctor' (Rep.).

'Southward Ho' (Rep), Made Her
'Southward Ho' (Rep), Made Her
'Southward Ho' (Rep), Made Her

Det. July 11.
Little upbeat noticeable at the
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'Chips' Big \$11,000, Dix Fine \$4,000, 'Girls' Good 4G, 'Career' NG 2G, Mpls.

St. Louis, July 11. 'Goodbye, Mr. Chips' and 'Man About Town,' at the Orpheum and Denham respectively, are running close for lead, with both set to hold on. Both houses are having standouts every night.

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Goodbye, Mr. Chips' and 'Man About Town,'
St. Louis, July 11.
Goodbye, Mr. Chips' and 'Man About Town,'

Minneapolis, July 11.
'Mr. Chips' and 'Man About Conquest'
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'Mr. Chips' and 'Man About Conquest'
Minneapolis, July 11.
'Mr. Chips' and 'Man About Conquest'

TWO OF THE BIGGEST SUMMER WEEKS ON RECORD FOR RADIO CITY MUSIC HALL!

First seven days skyrockets the year's hit comedy way up into the \$100,000-a-week class—and this is JULY! . . . Second week holds close to that same astonishing figure . . . as RKO RADIO'S sensational grosser readies to sweep pre-release showings in other important key runs coast to coast!

BOY, IT'S GREAT TO HAVE A SHOW LIKE THIS IN THE GOOD OLD SUMMER TIME!

Ginger
ROGERS
David
NIVEN

**BACHELOR
MOTHER**

RKO
RADIO

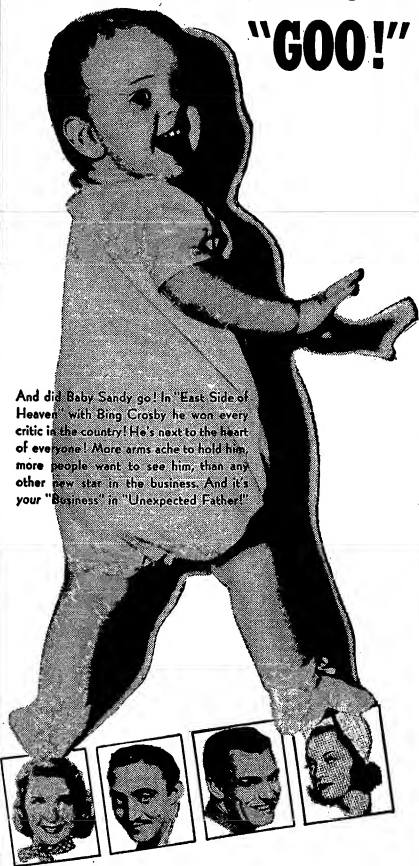


DIRECTED BY GARSON KANIN
PRODUCED BY B. G. D'SYLVA
PANDRO S. BERMAN
IN CHARGE OF PRODUCTION

with
CHARLES COBURN
FRANK ALBERTSON
E. E. CLIVE

Lotions of box office for sunburned houses . . . from Universal

A hit from the word "GOO!"



And did Baby Sandy go! In "East Side of Heaven" with Bing Crosby he won every critic in the country! He's next to the heart of everyone! More arms ache to hold him, more people want to see him, than any other new star in the business. And it's your "Business" in "Unexpected Father!"

The New Universal presents
"UNEXPECTED FATHER"
with
SHIRLEY ROSS • DENNIS O'KEEFE • MISCHA AUER
Joy HODGES • Donald BRIGGS • Anne NAGEL • Dorothy ARNOLD
Screenplay by CHARLES GRAYSON & LEONARD SPIGELGASS • Original story by Leonard Spigeltass
Directed by CHARLES LAMONT • Asso. Producer: KEN GOLDSMITH

RELEASED NOW!

HARD GUY!



He had a swell start. Born in the gutter, graduated to be a city savage! Life wore thin the way he lived it... his arms that reached for love embraced sudden death instead! **HE HAD TO BE HARD!**



THE NEW UNIVERSAL presents

"I STOLE A MILLION"

starring
GEORGE RAFT • CLAIRE TREVOR

with DICK FORAN • HENRY ARMETTA • VICTOR JORY,
Directed by FRANK TUTTLE • Associate Producer BURT KELLY
SCREEN PLAY BY NATHANAEL WEST...Original Story by Lester Cole

RELEASED JULY 21st

Yesterday (11) the first meeting of the joint committee to amend the basic agreement between the Dramatists Guild and the managers' League of New York Theatres was held in the offices of Sidney Fleisher, publisher. Committee is made up of three authors and three managers. Changes necessary to make way for the anticipated new pact with Hollywood were discussed.

(Continued on page 20)

"CHIPS"!

Those who are about to play M-G-M's "Goodbye Mr. Chips" will be interested in the early extended run record of this superb picture and will wish to adjust their booking schedules to allow for additional time. It's a Hold-Over in every one of its 17 engagements to date. Based on this achievement it is predicted that "Goodbye Mr. Chips" will establish a new high in extended time. The first 17:

New York	. 8th week	Indianapolis	. . 2 weeks
Los Angeles	. 7th week	New Orleans	. . 2 weeks
Cleveland	. 4 weeks	Chicago	. Indefinite run
Dayton	. 2 weeks	San Francisco	Indefinite run
Cincinnati	. 2 weeks	Seattle	. Indefinite run
Columbus	. 2 weeks	Worcester	. . 2 weeks
Pittsburgh	. 2 weeks	(Opens July 14th; already booked for 2nd week!)	
Toledo	. . . 2 weeks	Boston 4 weeks
Oklahoma City	. 2 weeks	(Playing day-and-date at State & Orpheum; held over 2nd week in both spots)	
Philadelphia	. 2 weeks		

THE FRIENDLY COMPANY

HOWDY, PARD!

There's more to
this business
than meets the
eye —

The NATIONAL SCREEN TRAILER running in advance of your show is the only medium of advertising that gives you that double selling-punch!

For while newspapers, magazines and posters MAY be seen by your customers—how can you tell *how many*?

And though radio advertising MAY be heard by your customers—how can you tell *how many*?

But — with NATIONAL SCREEN TRAILERS on your screen — you are CERTAIN that your customers SEE and HEAR your sales message.

You KNOW because they are inside your theatre watching your screen. A 100% audience every time you run the trailer.

That's what makes NATIONAL SCREEN TRAILERS the cheapest, most effective, most consistent advertising you can buy!

NATIONAL
Screen
SERVICE

PRIZE BABY OF THE INDUSTRY

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

WIDE-ALLERGENIC MEMBERSHIP

By BEN BODE

Atlantic City, July 11. Gradualism in adopting yardsticks and rules of good taste and business practices for the radio broadcasting industry carried the day when the National Association of Broadcasters got around this afternoon (Tuesday) to discussing the ratification of the proposed code. While the document submitted to the convention by the code committee was but a pale distillation of the agenda distributed among the membership several weeks ago, steering element felt that their moderate course stands a chance of gaining a success and has averted severe repercussions within the association. Vote was 148 to 34.

Broadcasters complained that compliance with many provisions of the originally proposed code would result in severe hardship as far as their advertising accounts were concerned. They declared that unless the document was softened all along the line they would have no alternative but exit from the NAB.

With the network spokesmen joining the majority, the code which finally came out of committee was as follows: It would be the help of the radio industry to put through a set of rules that could not be enforced. In the event of failure the door would be wide open for the Federal Communications Commission of Congress to take the land that since the industry was not able to enforce something of its own adoption it was high time for the Federal government to step in and take over the situation. A sander and more judicious approach to the proposition would be to adopt a set of rules that had the vast majority of broadcasters behind them and that would be easy to enforce. The code committee was careful basing its on adding more stringent layers with the succeeding years.

Penalties Dilemma

Prevailing opinion in the committee also held that moral and business persuasion would prove far more effective than a stipulated set of penalties. It was also agreed that the question of determining whether a member station had violated the code should be left solely to the NAB board of directors.

The code as submitted by the committee was a decidedly radical one in that it would have provided at least three departments, namely, controversial public issues, commercial programs and public affairs programs. The committee drafted the non-sale of time for the discussion of controversial issues, but stipulated that this taboo shall not be interpreted as an absolute prohibition of the public forum type of program when such program is requested and approved by the board of directors and when the control of fairness of the program rests with the broadcasting station or network.

The long and detailed list of national day-radio programs provided contained in the section on children's programs has been reduced to a single prohibition on advertising appeal which would encourage activity of a dangerous social nature to be prohibited.

The whole question of what should or should not be tolerated in the radio commercial program is now boiled down to one terse sentence. The recommended draft states that "no program shall be broadcast or announced which is limited to products and services offered by individuals and in the nature of legitimate commerce; where advertising products, service and radio advertising testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste."

As for length of commercial copy (Continued on page 30)

12-Baby Men Feted

Philadelphia, July 11.

Annual "big family" party tossed by a "bigly" restaurant for Mao Parker, agency executive and WCAU commentator, and Don Ross, Philly Ledger columnist, was held Sunday (9). Parker and Ross each have 12 kids, all of whom were on hand for the gathering.

Added starters this year were Emmet O'malley, American League umpire and his family, Ormsby has 12 mopets, too.

COWLES' WMT GOES COLUMBIA

Atlantic City, July 11.

One change-of-network deal has been closed here. Cowles Bros. WMT, Cedar Rapids, has moved to Columbia.

Move was not entirely a surprise, inasmuch as the station, while with NBC, has recently been carrying transcriptions of Procter & Gamble programs recorded by the latter.

KRNT, Des Moines, and WNAJ, Yankton, S. Dakota, are CBS. KSO, Des Moines, the fourth of the Cowles stations, is NBC.

No Immediate Intention Of Withdrawing WLW From N.A.B., Says Shouse

Atlantic City, July 11.

A report according to the convention that WLW, Cincinnati, would withdraw from membership in the National Association of Broadcasters, with WSAI, the smaller Crosby station, remaining in, was called into question by James Shouse, WLW-WSAI general manager. The matter was considered, but no decision reached. Shouse conceded.

WLW apparently feels that the N. A. B. has more benefits for a smaller station than a larger one. This is an echo of the "big vs. little" fellow point of view that has always been more or less volcanic at all N. A. B. conventions.

WILL HAYS TALKS SANS CALL LETTERS

Hollywood, July 11.

To duck charges of possible favoritism, Will Hays has ordered a "waiver" made set up in his Hollywood apartment tomorrow (Wednesday) for his broadcast to the NAB convention in Atlantic City.

Setup will give NBC and CBS an even break.

Ted Sills Quite Greenback Ted Sills, president of J. W. Greenback, Inc., radio producers. A former film director he plans to re-enter that field.

N. Y. DAILY NEWS RAPS 'ANY CODE'

New York Daily News, which consistently editorializes on radio matters, came out anew Tuesday (11) morning with some pointed comment on the proposed code (radio). Daily branded the whole undertaking, "in contrast to the spirit of business independence and freedom, contraverting, to ever-widening assumptions of responsibility."

Numerous telephone calls from interested parties in New York City were put through to Atlantic City delegates to apprise them of the editorial. It read, in part, as follows:

"In our estimation, the radio leaders have put into the proposed code practically every prissy, priggish and piousfearing 'verbote' that the Federal Communications Commission has been trying to fasten on broadcasters for the last couple of years."

This government organism, headed by Van R. O'Connell, has repeatedly tried to wish its particular ideas of good taste, propriety and decency on the radio industry. Next logical step would be government censorship of the radio, and now radio's leaders allow as how McInch's ideas are practically perfect, and propose to moderate them in a strict, detailed code.

This writer's guess is that radio's leaders think they are being strategic in offering this code to their fellow broadcasters. The idea seems to be that radio can duck government censorship by making its own code the censors' principles on radio.

"We can assure the radio people that the code will be a way in which American newspapers in which the generations have kept themselves the only really free newspapers in the world. We don't think it will save the radio from the would-be chain stores' sales activities."

The newspaper tactic has been and is to get up and fight like a tiger whenever anybody so much as hints at any kind of official press censorship in connection with radio.

Press Shut Out

Atlantic City, July 11. All members of the press were excluded Tuesday afternoon when the broadcasters went into a huddle on the code question. This had been forecast in the winter months as a probable tactic.

Steve Early's talk and Carl Milliken's remarks were thought to have been the likelihood of a code of some kind being endorsed. Milliken in discussing the theme of "self-regulation" as a "lookout from the WPA's" office pointed out that it was the government's job to keep the cupboard in case company called.

Gordon Baldwin, WEEC, Rochester, staff organizer for the last five years, says to join Morden Buch's station in Wichita Falls, Texas.

Boss' Open House

Columbia, S. C., July 11.

Staff of WIS has a paternalistic boss. W. Frank Jimmie, WIS's head of Liberty Life Insurance Co., which owns the station, and has a standing invitation to staff members to weekend at his summer home any weekend and all summer.

Bid raves fried chicken, loafing and use of the lake.

KIGGINS' AIDES AT NBC SET

Atlantic City, July 11.

Benson R. Pratt has returned to NBC, this time as publicity man for the blue (WJZ) network. He becomes part of the Kiggins' staff. Other assignments to specialization on blue network matters are station relations, and sales promotion; Peter Zaphin, sales promotion, and Phil Carlin, programs. Zimmerman, former Aug. 1 from the Book Magazine, where he is sales promotion manager.

James L. Jahncke, Jr., is being shifted out of the traffic department to station relations as a result of Norton's promotion. Jahncke is a graduate of the Naval Academy.

Jimmy Walker Doing Other Air Shows; May Remain with Crawford

New York's former mayor James J. Walker, who features "Up to You" Thursday (13) evening over WJZ-NBC, and will participate in other programs with the suspension of his present broadcasts for Crawford Clothes. Commentator is to be a contract for a year to Crawford, but the clothes go off the air until October because of the slack season in the chain stores' sales activities.

Walker agreed to the suspension, but stipulated that he have the privilege of contracting with another sponsor, since the discontinuance of his pact with Crawford can be considered a breach. Whether he will resume with the clothes in the fall however will be decided before October.

CARBORUNDUM MAY RETURN TO RADIO

Niagara Falls, July 11.

Carborundum company may return to radio this winter. After nine years of silence on Columbia the usual brass band-Indian lore program was missing last season. The company's withdrawal from radio was due to the fact that the company is now being sold. The idea is, however, it is likely that the Mutual Broadcasting will get the program.

Carborundum is owned by the family of which actor Franchot Tone is a member.

MEMORANDUMS ON ISSUES

By BOB LANDRY

Atlantic City, July 11. The 17th annual convention of the National Association of Broadcasters now in session here at the Ambassador hotel seems to be proving all over again that:

1. Broadcasters are rugged individuals. That they are slow to accept other people's ideas of what they ought to do.

2. That to escape the possibility of withdrawals from membership no drastic measure on any question of controversial character can ever be forced through the association.

3. That the standards for the industry as a whole are determined individually by the decisions of the networks as best able to "afford" and best able to enforce good standards and that all broadcast activity is colored by the example from above shading down to the markets and stations that lag behind the parade.

Upstream revisions of the code have been made in the last several days. It took the arrival of delegates to make clear that the code did not, as was feared, resignations seemed an unpopular document or (b) as an insincere acceptance has prompted a glare. In general the changes seem shrewd and sane.

The proposal to outlaw sponsored religious broadcasts seemed out to be a very ticklish matter. It was admittedly aimed to neutralize the attacks on other religious or other uses of the speakers at Father Coughlin and Judge Rutherford on an iron-clad rule that all religious broadcasts be made in the public place developed opposition from several sources.

Others who have a paid 60-station hook-up on Mutual have been particularly resentful of the blanket rule proposal. If the radio could sell beans and deploriates the Lutheran idea is that the radio ought to be available for selling the soap.

Smaller stations that sell time to churchmen, evangelists and similar churches without any real offense to, or opposition from the public or other creeds also deplored kink mackerel to hit back.

Other broadcasters put their point of view on a wider basis than religion or no religion saying "we object to a set going on with any money sell or give away. That is our business."

Any particular convention is notable for the absence of any speaker from the Federal Communications Commission. One observer (an arate story) the trade association intervened to protect the FCC's attempt to bring suit against the arate story the trade association intervened to protect the FCC's attempt to bring suit against the arate story the trade association intervened to protect the FCC's attempt to bring suit against the arate story.

The absence of an FCC speaker (Steve Early, former FCC speaker) was a little awkward, so the Federal government is represented) is matched by a similar absence from the convention counts: the absence of office-seeking and lobbying to elect their successors to office. The present paid president system veritable politics deals more with the FCC than the industry.

The three D's of broadcasting conventions, dissent, dissent and disillusionment, are again noted even though these remarks are set down though these remarks are set down (Continued on page 27)

Transamerican Segregating Sales Rep And Production; Each Has Own Staff

Transamerican Broadcasting & Television Corp. is splitting its operations into two distinct divisions. One will be devoted to program building and sales while the other will concern itself exclusively with the representation of a selected group of 50,000-watt stations. Each division will have a separate staff and there will be no interlocking of activity between the two setups within the Transamerican organization.

James Grabhorn, who resigned last week as national sales manager of WFIL, Philadelphia, will have a key spot in Transamerican's division representation division. John L. Clark, Boston, former president and v.p., respectively, of Transamerican, will visit Chicago next week for the purpose of establishing a new staff in that city's branch office.

Grabhorn Begins

Philadelphia, July 11. Murray Grabhorn, WFIL's national sales manager, resigned last week and will leave the station Saturday. George H. Johnston, national sales manager, will head the new

consolidated national and local department as sales director.

Although in announcing Grabhorn's resignation, Jim Rogers, chief declared the need for a national sales manager is completed, his departure will be the fourth in a series of the outlet to go within the past year. Constant shaking up of the staff has caused other WFIL stations to quit. There's never a dull moment at WFIL.

Others who have gone are Don Withcomb, general manager; Jack Stewart, sales manager; and Margaret Softer, assistant general manager and program director.

REVISION OF BLUE NETWORK MIGHT BE OK WITH NBC BUT OTHERS FEEL IT HELPS MUTUAL

'Won't Build Up a Competitive Network' Is NBC Attitude on Affiliated Stations Demand for More Time Exempt From Recapture

Atlantic City, July 11. — Despite NBC's latest organizational maneuvers to strengthen the sales end for the blue (WJZ) link, the network was faced at the NAB convention with much agitation among blue station affiliates who revision of their contracts. Initial pow-wow on this score was held Sunday night and out of the two hours of palaver came a decision to invite top spokesmen for NBC to meet with the affiliates tonight (Tuesday) and listen to their grievances and suggestions.

What appears to be the main objective of the agitating affiliates is a revamping of the schedule of hours guaranteed NBC. The more of the choicer daytime and evening periods will be available to blue outlets for spot business or sale through another network, i.e. Mutual. These affiliates want the guarantee of a 15-minute spot or more to be able to guarantee that accounts booked by the station or Mutual for these choicer spots will not be subject to removal on NBC orders.

The Reasoning
It was pointed out Sunday night's meeting that while the NBC contract as it stands allocated to the station 40 hours of air time, the time NBC has disposed of but 10 hours of this quota. The suggestion was made that the station be guaranteed to guarantee as many as 60 hours a week, providing that NBC will spread out this network blocked time so that alternate daytime and evening hours can be sold on a guaranteed basis by the affiliate to other sources.

NBC's first official reaction to this criticism was that it might be agreeable to revising the schedule of local option time for blue stations. It would not mean anything that might benefit or strengthen the position of its competitor (Mutual). The NAB spokesman stated that the blue network will be able to handle this now as the result of the new organizational setup and that any time commitment made by the affiliate would have to be predicated on the assurance that such move would not serve to build up another network.

PIERRE BOUCHERON JOINS FARNSWORTH

Pierre Boucheron, formerly of RCA, has been named general sales manager of the Farnsworth Television & Radio Corporation, Fort Wayne, Ind. He will direct sales and merchandising of the Farnsworth independent division which will manufacture photo-radio combos and radio and television receivers and transmitters.
Boucheron for the past four years has been general merchandising manager of the Remington Arms Company, Inc. He is a former editor of Radio News and v.p. and g.m. of Wireless Press Inc., an RCA subsidiary.
Farnsworth last week appointed W. W. Ayer & Son to handle advertising and publicity.

Al Shayne Returns

Al Shayne and Jerry Baker, both singers, form a team again starting July 23 on WMCA, New York, for Sally's Fuz. The team, which has worked for five years, the account is being given a ten-yearer for radio. Fair will have a new show, the musical, 4:30-5, and will hit the WMCA audience twice Sundays at 1:30 and again at 4:30 p.m.

Malcolm Parker m.v. of WEAN in New York City moved yesterday (10) from managing WJIC station in New Haven to become general manager of WEAN, Shepard Yankee-Colonial outlet in Providence. Replaces James H. Quinn, resigned because of bad health.

Parker was with WJIC about a year and a half, taking over the new studio as was constructed. New WEAN manager was formerly an announcer at WJIL, New Haven.

Ask RCA Election

Philadelphia, July 11. — The International Brotherhood of Electrical Workers, A. F. of L., petitioned the National Labor Relations Board last Friday (7) for an election to select the bargaining agent for the 6,000 employees of the RCA plant in Camden, N. J.

Petition is the result of an intralabor dispute. Employees are now represented by the CIO's United Electrical, Radio and Machine Workers, A. F. of L. union claims 4,800 members.

JOLSON HEADS LUCKIES AUDITION ON COAST

New 45-minute program for Luckies was auditioned at Columbia's KNX last Friday night (7) before a studio audience of 100 m.c.d. and was joined in the vocalizing by Betty Jane Rhodes, to the accompaniment of George and his piece crew. Karl Schullinger, who produced for Lord & Thomas, denied the rumor to replace Hilt Parade next Fall.

After the sample program was waxed, Sam Wright, producer and Frank Wilson, scripter, flew back to New York with the aircheck for review by George and his piece crew. Karl Schullinger, who produced for Lord & Thomas, denied the rumor to replace Hilt Parade next Fall.

Herbert, Ex-WMCA, In Pre-Trial Quip of Flamm
Ira Herbert, former salesman for WMCA, New York radio station, was granted the right of examination before trial of Donald Flamm and William Weisman, of the station, in his suit against WMCA. He is suing for damages claimed to be due him for accounts handled while he was working for the station.

George Ryan, in city court, New York City, ordered Flamm and Weisman to appear for examination as to whether he claims damages from the books of the station. First examinations of Donald Flamm were conducted by attorney Louis Nizer, in latter's counsel chambers Tuesday (6). Weisman probably will appear for examination later.

Refurbish to new a station for Radio Station WIN, New York.

N.A.B. Boldness On Short Wave Issue Now Reaping Some Ill-Temper at FCC

Continuing FCC resentment toward American short-waves is seen in its refusal to permit a hearing on the hearing on the new international rule requiring 'cultural' and 'goodwill' broadcasts to the industry. Taking goes ahead as originally planned on Friday (14) despite serious objections to the industry. Court order denying joint petition of seven DX-ers was issued Thursday (6) almost as soon as it was received. Commitment to the bewildered front men is talking about 'without prejudice' to the filing of a petition requesting a hearing on the matter. The industry is the Commission's rules or regulations applicable to international broadcasts.

With their fears confirmed, industry spokesmen grumbled lately about the FCC's refusal to admit blunder. But now that they realize how seriously they are in bad, some industrial front men are talking about presenting stiffer resistance in the future in order to prevent the FCC from continuing to exercise their control in ways that are possibly beyond the statutory limitations. The FCC's attitude in this is evidence of 'bureaucratic run riot.'

The refusal to expand the issue

WGY ENTERTAINER DIES

Leland Hancock Victim of Odd Accident on Lake

Troy, N. Y., July 11. — Leland F. Hancock, 26, who with his brother Don formed the 15-year-old standard, turn on WGY, was drowned in Saratoga Lake last night. While rowing on the water, a woman companion, Hancock, a non-swimmer, slipped over back of boat to get a throw through the water. A mile from shore, his companion, who had been at the oars, dropped them to take a dip. Hancock lost his grip on boat and suddenly sank. Friend dove but she could not bring up the Troy musician.

While her cries brought lifeguards from a nearby beach, they were unable to locate the body, swept into the river's channel. Grappling boats also proved futile.

Hancock, who started to make personal appearances with his younger brother 15 years ago, had played many theatres in the WGY area. He was broadcasting from WOKO in 1931, as banjoist-guitarist-singer.

Mutual Denies Asking 5-Tr Station Deals

Atlantic City, July 11. — Mutual officials deny a rumor (10) the report around the convention that this network was talking about offering a 5-tr station deal to affiliates. Other terms cited in the report had to do with income guarantee.

In disavowing the rumor these officials stated that Mutual has always been a 1-tr station. It is a policy. Stations would have to receive 80 to 85% of the card sales in turn assuming the line changes.

Judy Garland With Hope

Judy Garland was contracted last week by Lord & Thomas for a regular spot with Bob Hope on the Pepsi spot (NBC-TV) starting Sept. 26.

Same agency Friday (7) auditioned Al Johnson for Lucky Strike's Saturday night spot on CBS.

was reported due to the vengeful feeling of certain members of the body and the staff. Exasperated because of the policy, the industry stand up and protest publicly and lately over the editorial condemnation heaped upon them several individuals want to narrow the question to whether or not the DX-ers are willing to help improve the nation's foreign friendships and desire to pay off grudges by firing blows against a single line. That want to be diverted at this time. The industry is talking about petition for reconsideration of other rules may be filed later.

The seven licenses—CBS, NBC, Crosley, General Electric, WCAU, Westinghouse and Life of Dream Broadcasting Corp., Miami—asked to have the effectiveness of the whole set of rules suspended because they were denied opportunity to voice serious objections to the 'uncertain, indefinite and ambiguous' character and wish to make clear the 'practical operating difficulties' which may result. Behind the good-will-mining requirement, they listed six other principal features which they maintain should be thought over more carefully.

The other objections were: Portion of Rule 42.02 stipulating

Nazimova's \$21

Alla Nazimova, who starred on last Saturday night's (8) Arch Oboler's dramatic show over NBC-TV (WEAF), did the broadcast sustainer program for the AFRA minimum of \$21. It was her first radio stint in some time as she had been turned down all offers, including bids for the Lux, Vallee and Kate Smith shows.

Actress contacted the author after hearing several of his Arch Oboler's films. When the scripter expressed doubt about paying her a large fee, she replied that she wasn't asking any money—she'd be willing to do it for nothing for a chance to do a program she liked. AFRA closed shop contract required the network to pay her \$21 and Oboler turned out a special script, 'The Ivory Tower,' for her.

NBC BUYS RIGHTS TO DELL CONCERTS

Philadelphia, July 11. — NBC last week purchased exclusive rights to the remainder of the season of concerts by the men of the Philadelphia Orchestra at Robin Hood Dell. First airing will be piped into the home (WJZ) web on Friday (14) from 9:30 until 10:30 p.m. WIP, which occasionally carried the orchestra from the la fresco dell, was refused further permission for the broadcasts last week. It used them on a for-free basis, merely as publicity for the Dell.

Execs of the Orchestra Association are now busy ferreting out a source for weekly concert recordings the winter. Heavy coin paid by the Associated Banks during the seasons 1936-37 and 1937-38 paid off a large portion of the orchestra's deficit.

BILL HEDGES BEANED

Struck by Golf Ball Off Bill McGuinness' Iron

Bill Hedges, NBC v.p. in charge of m. o. stations and station relations, was hit in back of the head last week by a golf ball driven at him by Guinness, New York sales rep for WGN, Chicago, at the Bonnie Briar country club for wedding. Hedges went to the ground from the blow, but an examination by his physician later called when he got home, failed to disclose any injury.

When McGuinness phoned and told him he hit Hedges, remarked that just because they had competitive stations in the same town was why Hedges should try to kill him. NBC v.p. McGuinness was told while WGN is Mutual's local ally.

Hedges was just walking off the golf course when McGuinness cut loose with a long iron shot.

Some are trying to figure out how to protect the network, NBC does in dry goods—others increasing hotel billings on wet goods.

Convention looking for yardstick to measure audience. It found, can be used to spank big.

Beach scenes here televised for NAB. NAB's new series: 'The playground's the thing.'

Radio made \$19,000,000 in hard time. To broadcasters, PWA, FWA and CCC are just call letters.

Philly pickups carry radios. Great spot for a bun-ion-cure commercial.

Krupa's date with the Philly symph makes the three B's of music: B.B. King, Beethoven and Boom-Boom.

Since social workers slipped the stool on the network, NBC doesn't less will lighten its birth-control control.

London Jockey Club opposes television. Prefers to breaks news more gently to losing bettors.

Doc Brinkley seeks \$50,000 from the suit to get the ghost out of his pants.

No, Aubrey, 'White Sails' isn't another version of 'Red Sails'.

Radio ed figure that if p.a. is like average newspaperman, he knows more about opposition than about NBC clients.

NBC shifting good men to bolster Blue web. Figure a chain is no stronger than its weakest link.

No. 1 on ASAP Hilt Parade: Yes We Have No Montana.

PHILIP SPALNY'S GEN'L ELECTRIC

For the fourth successive year, Phil Spalny and his all-femme orchestra have been renewed on General Electric. Meanwhile the GE lamp account has switched agencies, from Maxon to BBD&O. Same 'Hour of Charm' idea is being retained for Spalny and his 9 girls. He starts Sept. 17.

Another switch is from a Monday night hour opposite the Lux show to Sundays at 10 p.m. for a half hour, opposite Lux Spalny had been averaging a 4-5 C.A.B. and 4-11 Clark-Hopier rating.

Maxon retains the bulk of GE's account (refrigerator, radios, etc.) but BBD&O which had been handling the General Electric lamp space since August now leans on the radio account as well.

Kellogg Time Sold
Hollywood, July 11. — Kellogg Circle Annals Sunday with John Erskine in the guest niche. Sponsor still undecided on Fall resumption.

First half of current time has been bought for next season by General Electric.

HOOPER EXTENDING ITS RADIO RESEARCH

C. E. Hooper, Inc., research bureau, disclosed Monday (11) it was making wide improvements and extensions in its radio reports for July. In addition to publishing national listening averages, it will separately report ratings for each of the geographic sections of the country: the eastern, north central, south central and Pacific zones.

Hooper's B. Reports, the Hooper method of checking program popularity relies entirely on the coincidence of radio bills and advertising. The C. A. B. combines both the coincidental and the reclusive.

Shifting Sands

By ROD REED

Atlantic City, July 11. — National Association of Broadcasters meeting here.

Some are trying to figure out how to protect the network, NBC does in dry goods—others increasing hotel billings on wet goods.

Convention looking for yardstick to measure audience. It found, can be used to spank big.

Beach scenes here televised for NAB. NAB's new series: 'The playground's the thing.'

Radio made \$19,000,000 in hard time. To broadcasters, PWA, FWA and CCC are just call letters.

Philly pickups carry radios. Great spot for a bun-ion-cure commercial.

Krupa's date with the Philly symph makes the three B's of music: B.B. King, Beethoven and Boom-Boom.

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WALKER

With the N.A.B. in Swimming

Advancing maturity of the broadcasting industry is emphasized by the current N.A.B. annual convention which is the 17th. To those newcomers who directly or indirectly have gotten into radio within the last four, five or six years (and there are perhaps a majority) the fact that the trade association itself was organized in 1923 is like a link with the stone age. "Remember-when" was rather more noticeable this season. Some of the boys began counting out the number of conventions they've been to, still able to get around without a cane for support some of these broadcasters, and others, count the passing years with growing pains for their departed youth when, as they say, they could take it.

The absence of one playboy-broadcaster was noted as a sign of the new times. This went went home, not to the convention, unable to carry on after four bright days in New York last week. This was apparently interpreted by his contemporaries as an omen of an approaching day when one broadcaster will greet another broadcaster with the salutation, "My God, you look terrible!"

Edward Klenner scores another first for CBS. It's the first time that a Columbia executive v.p. has attended an NAB convention.

Matinee played shy of the rest of the network mob by taking quarters in another hotel. NBC and CBS anchored at the Ambassador, while Mutual checked in at the Ritz Carlton.

Norman Selig of the Cleveland Press used only paper radio editor covering convention.

John S. Young, radio director for the N. Y. World's Fair, delegating for the show, Springfield, Mass., of which he is part owner.

Leslie Caldwell, Washington barrister, specializing in steamed claims during his convention stay.

Lambdin Kay, WSB, Atlanta, will spend several weeks motorizing around New England after the NAB meet.

Bob Berger, Federal government's radio program co-ordinator, around to get the reaction of broadcasters to the newest series now being distributed by various Washington departments.

Fred Brokaw, of the Rayner of CBS, scrambling back for the New Hampshire wild get the convention out of his system.

John Shepard Jr.'s new musichase almost thrust him into obscurity until the Ambassador lobby. The tickler had many foisted into thinking he was some one else. Shepard is from taking at the Traymore in eight rooms.

Low Weiss of Don Lee network, California, arrived at Penn Station, New York, for the Atlantic City Express completely outfitted in heavy tweeds and a vest and professing consternation complaining about hot weather and his host, Mrs. Weiss and daughter along.

Slidney Kaye, copyright attorney (CBS, et. al.), wearing the delegates with stories in dialect.

Ben Pratt was working for Rip's of the Believe It or Not! Odditorium Saturday and on Sunday was back on the NBC payroll for NBC ball publicity chores.

Frank Mullen of RCA golfed Sunday morning with Mr. Blinnke club and on Sunday with Mr. Miller's pants and is rained.

Mrs. L. B. Wilson, former dramatic stock leading lady, at the convention, finding herself, upon arrival, forsook his customary cane and went on a salt water larky barge.

Ed Kirby of the N.A.B. staff had an extra dose of worry during the convention. He was extending word of fatherhood momentarily.

Owen Urdig of WJR, Detroit, and Gene Carr of WGB, Cleveland, did a pre-convention gander at the Waterside Fair. Both of them were wanted made Atlantic City the last, not the first, stop on a swingaround of the east.

Kenneth City bunch at NAB include Denis Fitter and John Sweeney, general managers respectively of WDAF and WHB, who are combining vacation trips with families in

Atlantic City, July 11. As part of its campaign to crash the Don Lee Network's monopoly of commercial kid shows NBC will now allow the broadcasting of transcriptions over the blue Pacific link. It's the first time that NBC has made any sort of exception to its policy against clearing a recorded program over a station hook-up. Two juve series that NBC expects to sweep over this fall through the change in policy for the westcoast are "Little Orphan Annie" (Ovaline) and "Jack Armstrong" (Wheat). NBC officials explained last week that the deviation from the network policy on transcriptions would not apply to any other of the company's hook-up operations. Also that it was quite probable that the exception in the case of the westcoast would be restricted to kid shows.

Clay stations represented at the NAB convale by: Don Show, Bob Duvinsky and Dewey Long for WLW-WSAI. L. B. Wilson, Lloyd Venard, WFLY. Bill Schudt, Bill Williamson, of WKRC.

WNEW, New York is represented by six star members, viz: Richard O'Brien, Shorliff, Herman Bee, Max Weinler, Marvin Dewitt, and Tom Hamilton.

Scripps-Howard present include Jack Howard from Manhattan, and Don Show from WPM, Memphis. Dick Westergaard of WNOX, Knoxville, and Mort Waters of WCFO, Chicago.

L. B. WILSON

TALKING WITH CBS

AS CBS does not contemplate going along with NBC in making an exception of its no transcription-originating policy as far as its westcoast kid is concerned.

L. B. Wilson of WKCY, Covington, Cincinnati, has been negotiating with the Columbia network with a view to switching his station, due to go 50,000 watts, from the NBC bus. Wilson was in New York City for three days prior to the Atlantic City convention and the issue was fully discussed. While reports of Wilson and CBS getting together have been heard intermittently for the past several years and the present deal is in no sense consummated, the openly avowed dissatisfaction of Wilson with the deal in Cincinnati recently signed by NBC and WLW is thought to give the switchover a probability presently lacking.

If and when going through a WKCY-CBS deal would likely call for Wilson to acquire the WKCY in Cincinnati by purchase or, alternately, for WKRC to be moved to another market. Idea that WKCY with 50,000 watts and moved under WLW would strengthen Columbia.

WKCY's being licensed to Kentucky and WKRC to Ohio would presumably facilitate such a deal.

Kleener Ends Serial

Kleener (International Celluloid) is dropping his serial "The Honor, Navy James" series (CBS) July 28.

Thompson Invasion

Heavy round of J. Walter Thompson executives converging here. See Smith, European head, and Fred Field, head of agency's picture department, barged in, preceded by Cal Swanson from New York.

All are mulling problems with Danny Danzer, Coast radio head.

STRATEGY FOR BAG KID SHOWS

First Time That Major Networks Have Allowed Exception to Traditional Requirement That All Broadcasters Employ Live Talent

OFFSETS DON LEE

As part of its campaign to crash the Don Lee Network's monopoly of commercial kid shows NBC will now allow the broadcasting of transcriptions over the blue Pacific link. It's the first time that NBC has made any sort of exception to its policy against clearing a recorded program over a station hook-up. Two juve series that NBC expects to sweep over this fall through the change in policy for the westcoast are "Little Orphan Annie" (Ovaline) and "Jack Armstrong" (Wheat). NBC officials explained last week that the deviation from the network policy on transcriptions would not apply to any other of the company's hook-up operations. Also that it was quite probable that the exception in the case of the westcoast would be restricted to kid shows.

When thought it started out about a year ago to attempt to chip away some of Don Lee's kid schedule, NBC had been unable to make much headway because of Blackett-Sumner's demand that it follow the Don Lee procedure in feeding a westcoast link from transcriptions. Don Lee has 90 minutes of kid commercial shows five days a week.

AS CBS does not contemplate going along with NBC in making an exception of its no transcription-originating policy as far as its westcoast kid is concerned.

JOHN BENSON OF 4A'S ASKS CODE COMMENT

John Benson, president of the American Association of Advertising Agencies last Friday (7) sent copies of the proposed NAB code to radio directors of member agencies to get their reactions to the provisions.

The recipients were asked to send back their opinion by mail or in their written comment Monday (10).

Funkhouser Back to FCC

Considerable Mystery Over His Absence and Status—Industry Attorneys Spotted Him as 'Antagonistic'

Washington, July 11. Another three-month tenure for S. King Funkhouser, special counsel to the Federal Communications Commission, was voted last week by the FCC after much "inside" commotion over employment of the Virginian who has infuriated some members of the industry by his apparent antagonism toward chain-monopoly.

Funkhouser, reported to have been prejudiced in favor of stringent program controls. Lawyer had been technically out of the payroll for a month, despite denials by some members that he had been dropped. Funkhouser, reported to have been of Rep. Clifton A. Woodrum of Virginia, was rehired Friday (7) and given back his office for a few days in the previous month when he actually was on the job. Previous re-hiring expired June 1, although the evidence is finished and preliminary report has been framed. Hot tit over his status when the Commis-

IRNA Group Bitter on Network 'Spots'

Practice of Using Time Breaks for Little Children of Big Advertising Families Resented

LA SCHEUBEL'S PARTY

Three Girl Time-Buyers Recommend the Convention

Atlantic City, July 11. Contingent of femme agency time buyers counted up to three for the convention. Besides the two regulars, Reggie Scheubel of Milton Blow and Beth Black of the Joseph Katz Agency, there was Linae Nelson of J. Walter Thompson.

After Scheubel pulled a man-bites-dog routine Sunday night (9) by leaving a party for station reps and broadcasters with her two contemporaries also present.

Girls got together on the chorus of "I want to be loved for myself, not my billing."

'NO CENSORSHIP,' EARLY TELLS N.A.B.

Atlantic City, July 11. Steve Early, secretary to President Roosevelt, addressed the N.A.B. (July 11) at noon today (Tuesday) in advance of the industry's scheduled convention this afternoon of the proposed code of ethics and program practices. Early thought most of the worries of the broadcasters over Government censorship were needless and unwarranted. He believed that the existing practices, if followed, would assure radio of its prerogatives.

Obviously referring to Father Coughlin, he spoke of 'prejudice' and 'voluntary censors' and 'special axes to grind.' His thesis was that anything that violated the American concept of fair play was self-destroying in the end.

Early deplored the friction between broadcasters and FCC because of the State Department's eagerness to have shortwave programs. Early pointed out that domestic was one thing, foreign another, and that out-of-the-country 'interpretations' of actions here had to be borne in mind.

N. W. Ayerles at convention: H. L. McClinch, C. H. Cottingham and Jake Briel.

Practice of big national radio advertisers sponsoring several contiguous quarter hours to insert non-related spot announcements between the programs and the sanction or encouragement of the practice on the part of the major networks drew bitter comment here yesterday (Monday) and is due to be brought up for further discussion tonight. Sounding board for the squawks was the Independent Radio Network Affiliates (IRNA) which is a wheel-within-wheels organization of N.A.B. members.

It is the firm belief of many broadcasters that the practice, growing in the last two years, of scheduling hundreds of thousands of dollars they might have received directly from radio stations and stations hundreds of thousands of dollars they might have received indirectly from radio stations, has previously come to regard the brief fade in and fade out pattern of the big sponsored entertainments. Advertisers and some advertising agencies have resented this as a case of small fry (advertiser) getting a free ride on the tailboard of the big sponsored entertainments. Stations in general have been reluctant to accept the practice. Meantime IRNA broadcasters assert that the recent trend of Lever Brothers, American Home Products and others to buy, say, two or more different programs for two or more different brands and then ally third or fourth entirely different product in the entreache ought to be met by radio stations. Stations have previously come to regard the brief fade in and fade out pattern of the big sponsored entertainments. Advertisers and some advertising agencies have resented this as a case of small fry (advertiser) getting a free ride on the tailboard of the big sponsored entertainments. Stations in general have been reluctant to accept the practice. Meantime IRNA broadcasters assert that the recent trend of Lever Brothers, American Home Products and others to buy, say, two or more different programs for two or more different brands and then ally third or fourth entirely different product in the entreache ought to be met by radio stations.

Preliminary discussion tended to become both heated and confused with little inherent in the postulated radio industry code so it was tabled until the latter question is thrashed out (this afternoon).

SNEEPCARD APPEARS AT N.A.B.

Atlantic City, July 11. NAB convention wasn't even under way and already the blue bus broadcasters at the Ambassador Hotel were treated to an exhibit of typographic art. The exhibit, which morning (10) NBC distributed a small blue card referring to the Louis-Gale card, which reads:

5235.
New All-Time
C.A.B. Audience Record
Blue Bus Blue Spots
Keith Klippen.
Couple hours later after a rash print job another card of similar size and color being handed out around the Ambassador. It read:

All Audiences
GUESSED WHAT
NETWORK?
We Wiggins.
This was the first outbreak of printed harshness propaganda since the N.A.B. convention since the Colorado Springs convention in 1935 at which Ernie the Levy of WCAU, Philadelphia, was pelted with random words concerning his ASCAP representation.

NBC's blue network staff has kept up a running fire of promotional material and press releases and attention-getters all designed to enhance its prestige and suggest high standing in the radio industry and pending network has been noted.

Ken Sparrow's Streamlines, six-piece novelty group from WHEC, Rochester, N. Y., to Seneca.

ALEC TEMPLETON
With Conrad Nagel, Edna Odell,
Billy Mills
Music, Songs, Comedy
30 Mins.
JOHN'S FLOOR WAX
Tues. 8:10 p.m.
WEAF-NBC, New York

(Needham, Louis & Brorby)
Johnson's wax products has got it
self a pleasant and entertaining little
show for the summer. It also can
boast of a quality not so common in
radio, namely, charm. The program
star, Alec Templeton, projects lots
of it. His is a versatility that has
become pretty well established among
network listeners through guest
appearances on the Magic Key, the
Saturday Night Barn Dance, the
Chase & Sanborn Hour and other
commercial. Templeton's outstanding
asset is the illusion of impromptu;
a parlor entertainer who seeks to run
the gamut of all tastes.

On his introductory stanza (4),
Templeton put forth his highbrow
hand first with a dulcet interpreta-
tion of Chopin's "Fantasy Impromptu,"
but immediately thereafter got down
to the folksy level with his idea of
how Handel might have treated "Three
Little Fishies" as an oratorio. Other
imitations of his that clicked were
those of the Guy Lombardo aggres-
sion and Mendelssohn's "Spring Song,"
as ground out by a disquidated celli-
player-piano. Templeton also made
a likeable interlude of his blending
four different pop tunes into a melo-
dious improvisation. His accompan-
ing patter was tersely effective all
the way through.

Edna Odell, who hails from Chi-
cago, does impressively well with
the vocal moments. Her style is slightly
throaty and the output is both clear
and melodic. The only holdover on
the show is Billy Mills, the maestro,

JOHNNY MACK BROWN
With Tex Rangers, Isleta Gayle
Songs, Plays, Flute
30 Mins.
Sustaining
Friday, 8 p.m.
WEAF-NBC, New York

This is a summer filler for Colum-
bia's Friday 8-8:30 p.m. niche. It
consists of film actor and ex-football
player Johnny Mack Brown, an in-
genue, Isleta Gayle, and a group
of cowboy singer-musicians. The pro-
gram comprises prairie jodeling by
the singing group with a running
background between Brown and the
girl, in which they describe the
noon and the fine evening and plant
the eye-picture generally. It's all
down on the ranch. Also there's a
dramatization designed to paint the
legendary origin of a western
chantie.

"Tex Rangers" is a well-integrated
unit of its kind, far ahead of the
usual cowboy giver-outers and showing
evidence of discipline, rehearsal,
and musicianship.

Bearing in mind that there is a
large body of devotees for this kind
of ranger-and-toneli entertainment,
the Gullars deliver a good grade of
hits.

Sophisticates may tune out a show
like this on the first hint of its dis-
tinctive. Actually, if judged by what it
sets out to be, the results are self-
justifying. Brown hasn't a lot to do
but his Southern accent has west-
ern overtones and he's a name. "The
girl laments herself well. Land."

and his is a good, workmanly pit job
included in the sales copy is a sug-
gestion to women that they use
Johnson's floor wax to polish the
singer's car.

ALLA NAZIMOVA
The Ivory Towers
Dramatic
30 Mins.
Sustaining
Saturday, 8:30 p.m.
WEAF, New York

Alla Nazimova, working for the
minimum AFPA scale of \$21, added
plenty punch to the necko Arch
Ooble style in this specialty-
written-for-TV "Ivory Towers."
There were other characters in the
playlet, but they were minor and it
was almost a soliloquy for Mme.
Nazimova, withal captivating radio
entertainment.

Besides being an excellent frame
for Nazimova's talent for tragedy,
"Towers" was a fiery blast at the
Naz regime. In indictment of cur-
rent Germany, with Nazimova in the
star role, was reminiscence of another
time long ago when Nazimova also
indicted Germanism in the wartime,
Herbert Brenon-made "War Brides,"
a lurid, anti-Hun propaganda film.

In "Towers" Nazimova portrayed a
German school teacher in the pre-
war and World War periods,
through the Republic and finally into
Hitlerism. She sees her former
pupils march off as cannon fodder;
she teaches her later pupils a pledge
to the new republic; then her teach-
ings are directed by the Nazi state,
whereby the penalty of death if she
disobeys. Finally, when Hitler visits
the school and she hears the chil-
dren moulting a new pledge of
hated and incitement to war, she
flees publicly. The film ends with
her waiting for the Nazi soldiers to
come and take her away.

Tom Bennett's original score also
rated bens.

The Kati Agency, N. Y., on August
21 will take over national representa-
tion of WSPD, Toledo, O.

'DETROIT O'MALLEY'
Mystery Playlets
15 Mins.; Local
FEDERAL THEATRE
W-W-F; 10:15 p.m.
WOB, New York

Federal Theatre Radio Project
makes these quarter-hours stand up
nicely as okay whodunit stuff. One
called (?) concerned homicide in the
Italian colony of New York. It was
an adaptation of a Collier's short story,
with credit given to mag. and writer
fore and aft.

O'Malley is a somewhat confused
characterization of a mug who talks
Told avocet, but reasons with the
tight logic of a mathematician.
Scenes were swift and tied to-
gether ably. Showed indications of
careful preparation all the way. No
cost credits given, as is conventional
with Federal programs.

TOMMY THOMAS
Little Black Book
15 Mins.-Local
BEN TIPP, JEWELLER
Mon. Wed. Fri., 8:15 p.m.
KERO, Seattle

Tommy Thomas' chatter for local
Jeweller Ben Tipp deals strictly with
radio and stage personalities. Thomas
uses crisp delivery and solid talk is
broken up by frequent interjections
and lead quizzing by staff blabber.

Thomas does the commercials with
brevity and scripts his own stanzas.
Black Book is only one of the four
shows over this station for the ac-
count. Others are "Performance" (a
band and orchestra; Tommy Thomas
Entertainers, informal song and chatter
with small cast, and a second Little
Black Book. Thomas major domo
calls the Tipp shows. Smith.

BENNY GOODMAN Orchestra
With Charlie Parker
20 Mins.
Columbia
Saturday, 10 p.m.
WEAF-NBC, New York

Shifted to a Saturday night groove
on the Camel program—the clegg
Wendell Wilkie. Benny Goodman's new
jive show (penned up this time from "Joe
Golden" and "Charlie Parker") ex-
plains a swing-instruction pattern,
and the several other super-
linguistics explaining by pointing up
the musical intricacies of out-of-this-
world.

Goodman tests off with "St. Louis
Blues" and "Swing Low, Sweet Chariot."
The "daddy of all the blues" and
"Swing Low" are several other super-
jive discourses. Fletcher Henderson,
the maestro explaining in answer to
Parker, inquiring, that the de-
tension his hand sounds like is be-
cause its arrangers—namely Hen-
derson—know the fine technical
processes of each crack musician.
Accordingly scores for them. Hen-
derson, residing less July at the
ivories, is featured herein.

Thomas' first such
widespread emphasis on orchestra-
tion and Goodman, the average
fan, an impression that the ultimate
in swing is improvised, in jam
sessions. That, of course, is so, but
the music is so good, it's hard to change
their stuff, or else.

Thomas' second new business the
account and the Esty agency is
at an end. At this pattern and
Camel's "Performance" is a
cartoon dramatization on Mondays,
Tuesdays, and Wednesdays. On
Tuesday, all the shows are strictly
theatre. Thomas' job is to see the
shows and girls in their teens and
boys in their chain-smoking, it's
seemingly a constantly fertile mar-
keting field which an ac-
count must woo and can attract. Cer-
tainly the audible-through-the-mike ac-
claim greeting Goodman, from his
Fricco Expo broadcast, sounded like
no 'tad, elderly bunch. Abel.

'PARKER FAMILY'
With Leon Jany, Jay Jocelyn,
Lynne Caplan, Gerald Gould
Family Episodes
15 Mins.
WOODBUKE
Friday, 7:15 p.m.
WABO-Columbia, New York
(Lenses & Mitchell)

Author Vera, Oldham tells her
story with a radio-trained economy
of means. It's only a quarter-hour,
yet the story is told with the best
acting and direction ("Transami-
can" to achieve a lot.

Once a week and only a quarter
of an hour listeners will be of the
usual, tuneless sort. The show
entertainment is okay in the familiar
groove of a grown-up Fernow, who
stumbles and postures but comes out
a hero. Ready contrast will be to
the Aldrich Family, but actually
it's a standard type of American
folklore, a small town, middle-class
family life.

It's a compliment to say, if that
it's a nice little show. Land.

FOLLOW-UP COMMENT

Walter O'Keefe's last session be-
fore going on a six-week leave from
Elmly had a peppery laugh content
concerning a good detective, Paolo
Panta. After piling up laughs, the
substantive associates, and the
crowd couldn't think of a tag. The
wind-up was as silly and pointless,
yet to mention drinking of a tag. The
as the main part was fast and clever.

Such are the uneven results of
modern radio conking.

"Big Town" powdered last week
until September and the bow-off
playlet was a typical sample of the
Lux formula. In sharp, crisp scenes
the tale of injustice was outlined—
innocent boy sent to reform school
because his mother, a shoplifter, left
him behind as a public charge; out-
raged girl reporter (Claire Trevor)
induces her sweetie (Edward G. Rob-
inson) with indignation only to have
him take a comical turn; a nurse
editor then has to go out and get
the goods on the esozoob who runs
the reformatory. Do they "do the
goods"? They get a photograph of
the latter thing upraised to make
and all ends well with two minutes
to spare for commercials.

Robinson plays the editor with
plenty of glib and Claire Trevor
who was a tough to re-act gives
the part of the girl a wealth of con-
viction rare for women is essentially
just a "feeder" role.

Raymond Gram Swain on WOR,
N.Y., three weeks this summer
(N.Y.-W. 10 p.m.) attracting much
attention for his commentaries on
Europe. (Actually he's been busy
pretty much with Asia recently.)
While he is at a disadvantage when
the news is thin, his clear presen-
tations and explanations are about
the best heard lately, a remarkably
free of the hoke showmanship some
of his contemporaries are guilty of.
Swain, long a fave with British
listeners, is just now coming in
comparable acclaim over here due
to an oddity of the business.

FREE LANCE PRODUCERS AND PROGRAMS REGISTER YOUR PROGRAM MATERIAL WITH PATENT RADIO RECORD

**PROGRAM CREATORS—To protect your own
interest and avoid general confusion within the
broadcasting industry—it is urged that you avail
yourself of Variety's File—Only one of its kind
in the industry—and already including 25,000
program titles.**

Title of Program.....

Name

Address

**WARNING:—Send Title
only—not complete scripts
—Send titles as soon as
completed:
154 WEST 46th STREET**

NBC-AFRA Hearings on Commish Dispute Ends; Verdict in 2 or 3 Wks.

Decision in the dispute between the American Federation of Radio Artists over the question of collection of commissions on minimum wage contracts is not expected before two or three weeks. Hearings before the American Arbitration Assn. were conducted last week and attorneys filed their briefs Monday (10). Arbitrators immediately took the case under advisement.

AFRA claims that under its contract with NBC the network's artist bureau may not collect commissions on minimum fees, since all such amounts are specifically stated to be net. However, NBC argues that the contract refers to 'producers' and that the artist bureau doesn't come under that classification. Also claimed that contrary to any language of the contract, it was the use of the negative word 'net' that the network could collect commissions.

Case is considered vital to both disputants. Because of the bulk of its placements are at minimum fees, the collection of commissions is essential to the continuation of the NBC artist bureau. On the other hand, the great preponderance of all performer contracts now on a minimum fee basis, so an adverse ruling would involve terrible expense to AFRA members.

CBS Neutral

Although it is watching the case, CBS isn't directly involved and is unlikely to follow NBC's example if the latter wins and resumes collection of agency commissions on placements. Unlikely to follow the work, CBS never collected commissions for sustainer bookings and is not known to have any intention of beginning such practice. Like the matter of commissions charged by AFRA for its performers on contracts in Blackett-Sample-Hummert program, the agency rap by NBC was one of the complaints most frequently heard during the formative stages of AFRA.

There is little to indicate what the arbiters' decision will be. Both sides appeared confident before the hearings began, but none of the years concerned would make a prediction after the hearings were concluded. Most critics, however, of the whole situation, however, is the apparent fact that few AFRA members, presumably, are actually concerned in the result, are aware that the case is going on, let alone worrying about the outcome.

Convention

(Continued from page 23)

Tuesday with Wednesday and Thursday morning to go. There has been the same old and inevitable division of labor and little more than the same old convention inter-plot and by-plot between anxious network of radio and rampaging mob of the familiar blue-baiting by Mutual and the trade association, pointing out the networks and directly contrasting this by-the-murderous constituents from the networks.

But, perhaps the seeming weaknesses have in them the sources of strength. The tendency to talk in any code reflects a healthy and healthy self-confidence. There has been a lot of punning and nifty nifty-punmy work in the past. The network on government officials which was an unending spectacle of past conventions is omitted this time.

Dale Drake to WRR

Dallas, July 11. Dale Drake, radio director of the Crook Advertising Agency, Inc., has been named manager of WRR, municipally-owned station. He has over 10 years of experience. Drake would commercial copy for the station before joining the Crook agency four years ago.

MILLER CHECKS IN

Paid President Meets His First N. A. B. Convention

Atlantic City, July 11. Ed Craig, of WSM, Nashville, presented Neville Miller, president, to the first N. A. B. convention he has seen at the start of today's (Tuesday) meetings. Miller, in reporting on his activities, stressed that no adverse legislation affecting radio has recently been enacted and no strike or lockouts have occurred. As regards American membership in the copyright union, his position is similar to the music publishers.

It cost \$24,178 to run the N. A. B. for the fiscal period reported and the revenues were \$230,735. With \$20,500 in the N. A. B. is more heeled than at the last convention, when it was running short of postage money.

SIX DIRECTORS DUE FOR N.A.B.

Atlantic City, July 11. NAB membership for Thursday morning (13) for six new directors-at-large. Slate turns in Monday (Tuesday) was as follows: Clear Channel Group: Frank (Dick) Nelson, NAB; W. H. Hedges, NCB, and Harold Rough, WBAF, Fort Worth, to Lambdin C. Regional Channel Group: George Norton, WLAF, Louisville, to Don Seale, KATL, Nashville; Ed Crane, KGBR, Butte, to Don Ellis, WNCN, Asheville, N. C. Local stations: John Elmer, WCBM, Baltimore to Gilbert Freeman, WTAL, Tallahassee; William West, WTVL, East St. Louis, to Harry Spence, KXBO, Aberdeen, Wash.

Y & R Takes Over Prod. On Fels' 'Hobby Lobby'

Young & Rubicam is taking over the production on Fels' 'Hobby Lobby'. This will not affect the work of Elmer, the originator and maestro of the novelty show, who continues to reside and to collect. More is in line with Young & Rubicam taking over the production detail of Phil Lord's 'We, The People' (Sunka) after the program had been originally launched as a free-lance effort.

Bridges' Trial on Air

San Francisco, July 11. Deportation trial of Harry Bridges, Pacific Coast labor leader charged with illegal entry into the United States, is being reported nightly over KFRA and KZD, Los Angeles, KJW, Portland, and KZEN, Seattle, in a series of quarter-hour broadcasts.

The summary of trial proceedings is prepared by a CIO writer and is each day's session at Angel Island in San Francisco Bay, where the trial started yesterday (Monday). Advertising placed the account.

Ebenstein on Coast

Hollywood, July 11. Herbert Ebenstein has set up quarters here for Radio Attractions, Inc., and invited Ed Grogan back to his division manager. Bob Collier is handling publicity and sales promotion. Ebenstein's first place here was 'Fu Manchu' for Eno salts on KRLD.

GENERAL MILLS KNOX REEVES AGENCY HAS WORKED OUT NEW 'EDUCATIONAL' FORMULA WITH AUTHOR TALBOT MUNDY—MEETS NBC'S AND CLUB-WOMEN'S IDEAS

STARTS IN FALL

General Mills will have a completely revamped 'Jack Armstrong' series when the KRLD show returns to NBC Sept. 25 next. This is in response to NBC's own children's program and the clamor of the public and other critics of kid production. Sponsor hopes and believes that its effort to interpret criticism will convince the world at large that 'Armstrong' merits a new formula, excepted from gibb fault-finding of children's programs.

Talbot Mundy, the author, is under instructions from the Knox Reeves agency of Minneapolis to follow a plot pattern that, while not serious action and mystery elements, will be 'healthily stimulating.' It won't hurt General Mills feeling if some of the groups that he's critical in the past pass a resolution on a basis of recognition for their efforts.

As Knox Reeves agency sees the revised series, which will be heard daily at 5:30 p.m., these 'plus signs' will be present:

1. Education, introduced by dramatic sketches.
2. Travel. The author has suggested to the places he will write about.
3. Children will learn from 'Jack Armstrong', for example, about 'diamond mining' with high-powered rifles, or the African ostrich is threatened with extinction due to hunters.
4. The author's history in geography, history and real-life adventure is the general plot formula that has been decided upon. Most of the action will occur in foreign countries.

All Kids Shows Affected

NBC's tightening up on the script contents of kid shows has resulted in the reduction of but three juvenile commercial series for the coming fall. They are 'Orphan Annie' (Wander Co.), 'Jack Armstrong' (General Mills) and 'Tom Mix' (Ralston). The first two of these will be the red ink, while the third will have a cross-country blue book.

Sponsors of the surviving four have been advised that their scripts will be subject to the most thorough scrutiny during the coming season and that many elements permitted to remain in the red ink will be marily lost. Two kid series that will be among the missing this fall are 'The Window' and 'Terry and the Pirates'.

'Dick Tracy' (Quaker Oats) will have to remain in the red ink, though show or else. The account will have no choice, resuming a late afternoon spot as was contemplated, on a basis of five quarter-hours a week.

BLIND DRAMA ACTORS MARK NEW RADIO 1ST

San Antonio, July 11. For the first time in radio history, a cast of blind players were the two original plays through WOAI Thursday (6). The broadcast was a dramatization of current drama of \$10,000 to finance the activities of the local LightHouse for the blind. The script was translated into braille and the plays were directed by Elias, a blind girl, is heard weekly in a quarter-hour program of songs through WOAI, San Antonio.

Night Baseball Due in Chicago And It's Already Messing Up The Local Program Problem

STAHLMAN BY REMOTE To Pick Up Publisher in Europe for Round Robin

Atlantic City, July 11. James G. Stahlman, publisher of the Nashville Banner, is expected to play his scheduled part in the N.A.B. round robin broadcast that is to include Will Hays from Hollywood and Neville Miller from Atlantic City. Arrangements are in progress by the networks to pick up the publisher from either Paris or London.

He went over to the new Yankee Clipper air line.

DISK BIZ BRISK ON RECORD TALKS

Seattle, July 11. A complete transcription of every song sent out through the record outlets by persons in Seattle public life, and resale of the platform after getting to the extent of the outlets which might not have heard the talk, is developing into a paying sideline, by the Seattle Recording Studios.

The recording outfit picks up the air staff in its own studio, files it and takes a chance of interest people wanting the disks. So far business has been good and promises to increase as the boys begin to throw their adjectives at the dialers.

A bitter campaign by public officials and a minister is now underway with different interests taking sides, and hot copy is sizzling through the press and over the outlets. Prosecuting attorney B. Gray Warner has purchased and installed a transcription outfit in his own offices and has admitted publicly that he has recorded a conference he had with the chief of police in which the cleanup campaign was discussed.

When the chief denied that he had discussed certain matters with the prosecutor, the latter stated that he had recordings of the chief's words. The prosecutor's mike is planted in a box on his desk which appears to be an ordinary radio set and he turns his switches from his top drawer.

KFDA, AMARILLO, TEX., PRIMES FOR AUG. 1

Amarillo, Tex., July 11. KFDA goes on the air here Aug. 1 as a Mutual station and as one more of the radio and newspaper properties in ties which the Mutual Broadcasting Co. is interested. Cornelius Gooch has 100 watts unlimited power.

Since their original connection with WDAG, Amarillo, Gooch, Nunn and his father, J. Lindsay Nunn, have been interested in other holdings, WCMJ, Albany, and WLAF, Waco, (Ky.).

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New Faces at WABC

WABC, New York (CBS) has three new faces. Edna Marshall to write; Richard Goggin, to direct; and Miss O'Keefe, to handle traffic, have joined the payroll. Miss O'Keefe is from WHTM, Hartford.

Chicago, July 11. Night baseball will invade Chicago soon time in August when the Chicago White Sox will inaugurate a series of games under the candescents. Already the problem is causing insomnia among the radio station operators and sponsors. Whether to carry the night games or not, is the question; and not so easy to answer since the stations all have schedules set up on the basis of strictly daytime baseball.

WDBM can't carry the night games since such broadcasting would kick holes in its regular Columbia network schedule. The station will pick up the out-of-town games of the Chicago Cubs (National League) that afternoon.

WGN and WCFL each will carry the evening games of the Sox. However, no decision is yet made as to what they will do after the afternoon left open by the switch of the ball game from day to night. It is likely that they will carry the out-of-town games of the Cubs also, though some are now looking ahead to 1940. The program department (showmanship, remember)—that this will mean a rather large loss of baseball.

Ralph Auld has a different problem on WJLD since that station is out of the air each evening at 10 o'clock. He decides, the station has switched to his WJLD, if the schedule on latter can be revamped to square in with his plans.

Sox are figured to play at least seven night games this season, which means seven headaches, but the stations are now looking ahead to 1940. Should the Cubs also go to night ball and the league raise the permitted number of evening games from the present seven to 14, it would mean at least 28 games in Chicago would be played at night. That is practically one-third of the regular schedule of 77 home games. It would be impossible for any station with top network commitments for evening commercial to clear.


Plane, Mobile Units Give WLW Scoops On Kentucky Flood

Cincinnati, July 11. Airplanes and mobile unit coverage enabled WLW to score radio and facsimile news beats on the cloud-burst-flood Wednesday (5) in the Morehead (Ky.) area, which claimed more than 90 lives and caused severe property and agriculture losses.

Michael Hinn, announcer, and a C. C. Hinn, photographer flew from the station's office about 125 miles from here, in a chartered plane. Hinn, who had been in the disaster area, returned promptly. Hinn broadcast his story over Crosey's 50,000-watt transmitter. NBC and Mutual network airings. Hinn came out that afternoon with a first-hand report of the disaster. Hinn and Morehead and credited WLW for the special airplane photo.

Don also did a from-the-scene broadcast that afternoon via his mobile unit for spread to Mutual. The broadcast was handled by Cecil Carmichael, WLW's chief engineer, and publicist director; Bob Mason, announcer, engineer, and Ed the program on its Front Page.

In its facsimile transmission that afternoon from 2:15 to 3:15 o'clock, WLW broadcast five aerial pictures of the disaster. Hinn's report was Star's Peter Koch, along with a brief description.



**"AS GREAT AS 'MONTÉ CRISTO'
VERDICT OF THE
SMALL'S PRODUCTION
IMMORTAL ADVENTURE**

**THE WORLD
DAY, JULY 13th**

"Showmen who have been waiting for another picture like 'Monte Cristo' needn't wait. This is it."

"Small delivers a winner to U.A. in this picture. Top-flight box-office entertainment class."

"Box-office dynamite . . . one of the most of the year. Small who won distinction in 'Monte Cristo' has lost none of his flair for bringing immortal Dumas."

"Appeal to a wide following indicates high popularity at the box-office."

"Romantic adventure accomplished in a daring manner. Rip-roaring action."

"Highly entertaining. Substantial entertainment appeal."

"For those who like roistering melodrama, a

—Louella Parsons, *Anti*

**"MONTE CRISTO!" IS THE UNANIMOUS
E PREVIEW CRITICS ON EDWARD
DUCTION OF ALEXANDER DUMAS'
ENTURE MASTERPIECE. WATCH FOR
IS OVERWHELMING CONFIRMATION
PREMIERE ENJOY IT THURS-
L...**

ll to give them
wait any longer.

Motion Picture Daily

uring, splendid
for mass and

—*Daily Variety*

pressive pictures
making 'Monte
to the screen the

—*Box-Office*

expectations of
Hollywood Reporter

ing and engross-

Los Angeles Times

ment for general

—*Variety*

s just their meat."

National News Service



EDWARD SMALL

presents

The Alexander Dumas Classic

THE MAN in the IRON MASK

A James Whale Production starring

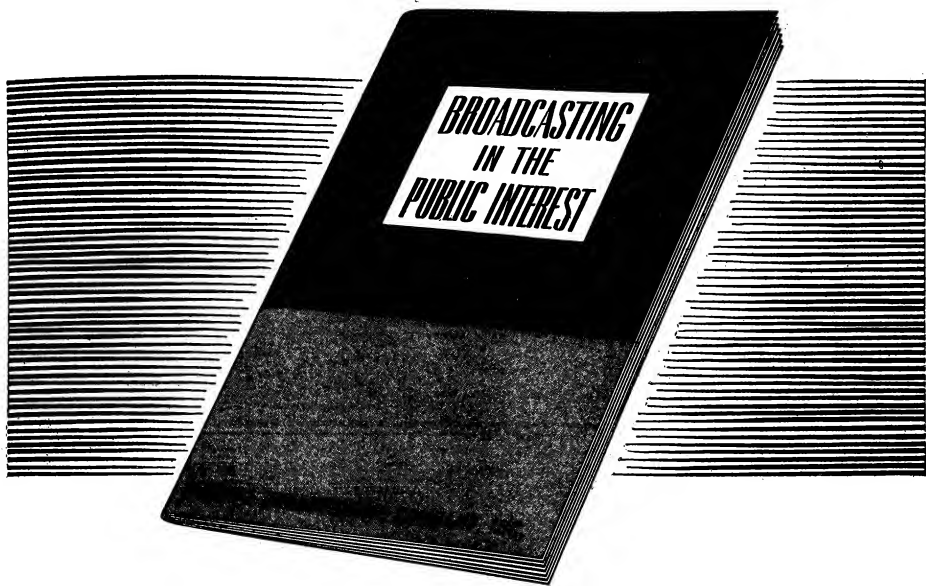
LOUIS HAYWARD and JOAN BENNETT

with Warren William • Joseph Schildkraut • Alan Hale

Directed by James Whale • Screenplay by George Bruce

RELEASED THRU UNITED ARTISTS

Jack Gregson airing thrice-weekly sports commentaries titled 'Sports Lines' over KSPQ, with script authored by himself...Tro Harper's 'Madhouse' comedy sketches were a hit with KSPQ viewers...Don Thompson and Rob KGO and his bride, the former Margaret Hanley, secretary to CBS sales man Clyde Coomba, had a two-day honeymoon. Don Thompson and Rob KGO were in the city on newscasts during his absence...Manager Reiland Quinn of KYA sought to hire a line producer for the station; instead was sold a suit. One of the station's lineaments ditto'd in a hat store, bought himself a hat...Jack and Mrs. Sayers of KNKX, Hollywood, were in the city on newscasts during his absence...The station was in town briefly en route to Des Moines, Iowa, for final 'Gateway to Hollywood' audition...David Vaile has been upped to production manager at KYA. He was previously a production assistant...Fred Briggs, formerly with KGU, Honolulu, now KSPQ, Honolulu, was in the city on newscasts during his absence.



NBC goes on Record

In its new book "Broadcasting in the Public Interest" will be found important statements of policy for all those interested in radio

WHEN you read "Broadcasting in the Public Interest" we believe you will agree that it is an outstanding example of self-regulation on the part of a business. In the 80 pages of this volume you will find NBC policies and standards covering every phase of broadcasting. They have been planned to cover all contingencies that can arise in broadcasting, as near as that is practicable, from the viewpoint of the public interest.

Almost the moment that copies of "Broadcasting in the Public Interest" were sent out we began to receive commendatory letters from distinguished citizens. Members of the Cabinet, Senators, Representatives and other

government officials express approval. So do leaders in education, industry, welfare work, medicine, religion and other professions.

In addition to its statement of policies, NBC includes in this book an account of the developments which led to their adoption. There is also a brief prediction of what lies ahead. No man can forecast the future with any certainty. NBC believes, however, that sponsors and station owners can look forward with confidence on the basis of the policies now on record.

Every person who is connected with broadcasting in any way should have "Broadcasting in the Public Interest" in his library. A request to NBC will bring you a copy without charge.

NATIONAL BROADCASTING COMPANY

The World's Greatest Broadcasting System

A RADIO CORPORATION OF AMERICA SERVICE

AS FAVOR FOR PAL SEN. WHEELER ACTS AS ARBITER IN ASCAP-MONTANA CASE

Gene Buck and Louis Frohlich Go to Senator's Office
Today—NBC and CBS Refuse to End Service
to Montana

Feud between the Montana broadcasters and the American Society of Composers, Authors and Publishers has been tossed into the lap of Senator Burton K. Wheeler. Faced with infringement litigation and threatened loss of their network program services, the Montana station men have prevailed upon ASCAP reps to meet them today (Wednesday) in the Washington office of Senator Wheeler for a discussion of their counter grievances. It's the first time that a Washington senator or representative has been placed in the position of acting as arbitrator of a dispute between ASCAP and its licensees. Senator is a warm personal friend of Ed Croney of KGIR.

Gene Buck, ASCAP exec, and Louis Frohlich, of ASCAP general

counsel, will do the talking for that organization at the meeting in the Montana Senator's office. Spokesmen for ASCAP declared last Friday (?) that they welcomed this opportunity to air the issue before a lawmaker of Senator Wheeler's standing. They propose to have Buck and Frohlich tell of the campaign of legislative legal harassment to which ASCAP has been subjected for the past five years and the huge expense in legal fees and loss of license fees that all this has meant to the Society.

Networks' Stand
Both NBC and Columbia have so far declined to act on ASCAP's demand that they stop feeding network programs containing ASCAP music to their Montana affiliates.

ASCAP submitted this notice after it had cancelled the local licenses of the Montana stations in retaliation against the latest anti-ASCAP measure passed by the Montana legislation.

NBC and Columbia have refused to recognize the validity of ASCAP's argument that the licenses held by the networks' originating stations make it mandatory upon them to cut off the service of any station not holding an ASCAP license. Copies of correspondence on the subject have been sent to the Montana outlet concerned.

Another angle of the Montana ruckus is the conspiracy and fraud action which A. J. Mosby, of KGVO, Missoula, has filed with a justice of the peace in Heligate Township against ASCAP and the networks. The suit followed the cancellation of local ASCAP licenses.

Gwen Lammus, exec 2 UW, Syd. nev, now on way to London.

• Radio Daffodils •

Philadelphia—Doug Arthur, who spies by day on WIBG, goes to WIP nightly as m.c. of the "Cotton and Blues" show. Doug Art tells, "It's okay when he remembers. But listeners get slightly muddled when he talks on WIP as Art Douglas and then forgets and signs off as Doug Arthur."

Kansas City.—During an early morning broadcast recently Bob Gray, at the mike of KCMO, saw one of station's pet canaries, used on various programs, escape cage and fly out the window. An announcement as to canary's loss and proffered reward of five theatre ducks brought bird back before close of program.

Kansas City.—Station WHB has sponsor who called to say he should be charged \$55 on announcements instead of \$4 as billed. Re-check by station left bill at \$4. Station in five year sponsor has claimed bill too small.

Alfonso Act

Cincinnati, July 11.

WSAI extended record of sharing in Mutual's All-Star game (11) broadcast to its local baseball-airing contemporary, WCFO, of Scripps Howard Radio, Inc. Tie-up was by Mutual's nod. It's the first such linking by these stations.

Red Barber, chief miler of the American National Ull, did baseball chores for WSAI before joining WOR this season to cover the Dodgers' diamond clashes.

Spot Campaigns

Stanco, Inc., through McCann-Erickson, is running a series of daily quarter-hour transcriptions on KFSO, San Francisco—"Meet Miss Julie" for Fili (insect spray), and "Career of Alice Blair" for Daggett & Rumsdell cosmetics.

Cook's Products Co. (Gerard's French dressing) is running a series of daily quarter-hour transcriptions on KFSO, San Francisco—"Friendly Housewife" program over KFSO, San Francisco.

New Biz: At WTAQ, Green Bay, Wis. International Harvester Co., Chicago, 26 spot announcements, through Aubrey, Moore & Wallace, Chicago. Northland Greyhound Lines, 5 programs weekly through Beaumont & Hohman, Cleveland. Babson Bros., Chicago (Surge Miller), 18 transcriptions, through Matteson-Fogarty-Jordan, Chicago.

Nash motors is placing a new spot announcement campaign. It's for 26 of them at the runoff rate of two a day.

Ez Lax has extended its announcement campaign through the summer.

Marvel cigarettes (Stephano Bros.) has bought the CBS Pacific northwest for three quarter-hour a week starting July 24. Program will be Tom Breneman's Sports Popoffs, originating from San Francisco. Aikin-Kymet, of Philadelphia, is the agency.

BC Remedy Co. has signed another year's contract with WSM, Nashville. It's for two sports reviews weekly plus three afternoon minute sports bulletins.

RANEY, O'DELL APART

Schenectady, July 11. The Hi-Boys, Max Raney and Dove O'Dell, have split their act. Raney is now heading Radio Rangers on a morning sustainer over WTIC, Hartford, and O'Dell is doing a single daily on same station.

They teamed at WGY after playing at that and other stations, as well as under canvas, with Doc Schneider's Texans.

Reggie Foert back at BBC theatre organ July 9 for his 1000th broadcast.

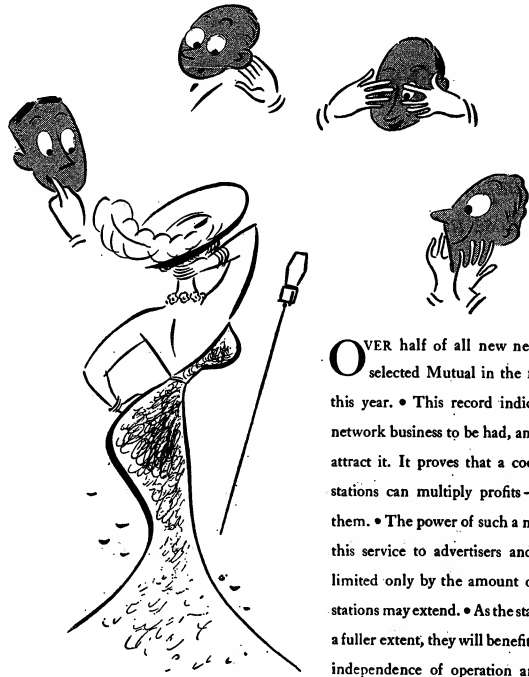
WWJ

Leads All
Radio
Stations
in Detroit

1. In Listener Interest.
2. Advertising Preference.
3. In Community Service.

WWJ
Owned and Operated by
The Detroit News Co.
America's Pioneer Station
National Representatives
Geo. F. Hollingsbury Co.
New York, Chicago, San Francisco

'T ain't just what you do
It's the way that you do it!



OVER half of all new network advertisers selected Mutual in the first six months of this year. • This record indicates there is new network business to be had, and that Mutual can attract it. It proves that a cooperative group of stations can multiply profits—as well as share them. • The power of such a network to increase this service to advertisers and listeners will be limited only by the amount of cooperation the stations may extend. • As the stations participate to a fuller extent, they will benefit increasingly from independence of operation and profit-sharing.

The Mutual Broadcasting System

HOOPER-HOLMES SURVEY SHOWS "WNEW AUDIENCE TWICE THAT OF ANY OTHER NEW YORK INDEPENDENT STATION"

Like Johnstown took the Derby . . .

Like the Yanks took the pennant . . .

Like America took the polo cup . . .

That's how WNEW took the other New York City independent stations in a contest to determine which had the greatest audience.

It wasn't even close. When Hooper-Holmes tabulated the results, WNEW showed up with well over twice the listeners.

Other independent researches, too, prove WNEW's great sales-building power. We will be happy to send you these surveys—even happier to show them to you. Our address—501 Madison Avenue. Our phone number—Plaza 3-3300.



WNEW NEW YORK

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY • 1000 WATTS BY NIGHT • 1250 KILOCYCLES

CBC's Control of All Canadian Radio Starts Ahead of Time By Banning Lowell Thomas Show

Toronto, July 11. While the Canadian Broadcasting Corp. does not officially take over blanket control of radio in this Dominion until Sept. 24, preliminary edict has banned Lowell Thomas of the Canadian ether; that is, no Canadian station may carry his commentary-report on news of the world inasmuch as he has a sponsor.

Solution, of course, is that Canadian set-owners are twirling the dial to a U. S. station which carries the Lowell Thomas spiel; but that defeats the aim of nationalized radio in Canada, namely that Canadians will be lured to listen to programs of Canadian origin when these are sugar-coated, prior to or subsequently, by the top-notch programs emanating on an exchange basis from NBC, CBS, or Mutual.

Edict of CBC that it will take over all privately-owned radio stations in Canada on Sept. 24 has aroused radio listeners in this country, but no outlet for concerted squawk is evident. The Canadian press, now seeing the restoration of advertising

revenue which, since the advent of radio, had been directed to a new advertising channel, is manifestly jubilant. And the Canadian press has given up its formerly feeble battle over that issue of freedom-of-speech on the air. For instance, The Toronto Daily Star, largest circulation-getter in the Dominion, gave less than two sticks to the announcement that, after Sept. 24, CBC would control all broadcasting in Canada, not only advertising but all program material.

The privately-owned radio crowd are waging feeble resistance, despite the loss in advertising revenue to independents. There is the occasional rebel, but Horace Stovan, go-between for CBC and the private owners, will shortly start on a trans-Canada tour to swing the isolated protestants into line. The point is that no major independent is battling this new September crisis. The plan is supposed to increase listener interest in Canada in that CBC will sandwich into the independent's pro-

N. Y. (NBC) Television

JULY 12

12-June Hyde, Sarah Wheeler.
12-15-Film.
12-20-George Ross.
12-25-Newscast.
8:30-10-Film; Jessie Matthews, Owen More in "There Goes the Bride" (English).

JULY 13

12-Madge Tucker children's revue.
12:15-Film shorts.
12:45-Alice Maslin interviewing Drewes Cochran on diet-modelling.
8:30-Phil Loeb, Three Sailors, Jim Wong, Tramps, The Virginians.

JULY 14

12-Basilide Day program.
12:15-Film shorts.
2:30-Vaughn de Leath, Pamela Neal, Jane Burkhalter, Dr. C. C. Clark.

grams the cream of the American stations' series.

That CBC will, hereafter, control all ether advertising in Canada, with resultant loss in revenue to private stations, is evident the Indies, nevertheless, refuse to fight. CBC officials state that they are not yet ready to divulge all plans in connection with the taking-over of all Canadian broadcasting control; yet the privately-owned bloc are content to

stand wide-open. The penalty for non-compliance with CBC decision is that the Indies will be ploughed under in connection with chain broadcasting.

No Separate Time Deals

Henceforth, private stations will not be permitted to negotiate with advertisers. And they will knock under to CBC in program presentation. They will hand over a percentage of their time to CBC and receive a basic rate which, on the most part, will be lower than their previous advertising card-rate. The CBC alibi, accepted by the privately-owned stations, is that the standard of programs will be higher. In that CBC will shoulder increased production costs.

In the past, private network hook-ups in Canada were made by direct negotiations between the advertisers and the station, offering the former specifying just what Canadian coverage they desired; henceforth, all such matters will be referred directly to CBC for CBC approval; in other words, private negotiation between the station and the advertiser will no longer be permitted; the would-be buyer of Canadian radio time will in future, dicker with the Federal-appointed CBC.

Such an announcement of dictatorial control should interest the press in Canada, but it has not; it has, however, interested the Canadian public. Via the trade papers, the Canadian Publishers' Assn., has announced that it is in harmony with the CBC ultimatum, that "this similarity of ideas has created a happy partnership" between the CPA and

CBC; which would indicate that an encroachment on freedom of speech via the ether is no affair of the press in Canada so long as this is not a threat to the advertising revenue of newspaper publishers.

Meanwhile, the Goebel-like announcement has gone out that Canadian set-owners will hear only broadcasts as the Government-appointed agency decides the should. Henceforth, Canadian listeners have an alternative; because of their proximity to the United States, Canadians may desire in what ever programs they desire; which is their right. The CBC, however, which, fundamentally, defeats the aim of nationalized radio in Canada.

GEO. TRENDLE STICKS TO RADIO BIZ 100%

Detroit, July 11.

Concurrent with resignation late last week of George W. Trendle as president of United Artists, it was revealed that King-Trendle Broadcasting Corp. is mapping series of brand new studios for WXYZ here, with a view to television and an expected boost in power. Also planned to remove the station's present offices to a twenty-acre site recently selected in Detroit suburbs.

Trendle, who purchased WXYZ in 1930 with John H. King (Kunsky), former head of the old Kunkin Radio Co., is planning to build a 100,000 watt station to devote all its time to radio enterprises, which include "Long Hauler" ether shows and allied connections. Trendle, after buying WXYZ, formed the Michigan Radio Network, which now includes WBCN, Bay City; WEL, Battle Creek; WFDF, Flint; WJMB, Jackson; WJLM, Lansing; WKZO, Kalamazoo, and WOOD-WASH, Grand Rapids, the latter under direct release to King-Trendle corporation.

One of the major reasons for relinquishing his theatre connections was development of "Long Hauler," Trendle's original idea, into an annual million-dollar enterprise including besides the ether shows and film serials, thousands of sideline articles ranging from newspaper comic strips to theatrical reviews. Green Hornet, another of Trendle's air serials, likewise has developed into a nationalized enterprise.

Proposed new studios for WXYZ, it is understood, will include all new equipment and complete provisions for television broadcasts. Present studios are located in the Macabees building here. With the expected boost in power, station's new transmitter will be moved to the new site outside city, but new studio will be located near heart of Detroit. Present plans are also understood to call for a sizable radio theatre in the new studios.

WXYZ expects granting of five kilowatt power today and hopes to have new transmitter building and equipment in operation by Sept. 15. After that time one kilowatt transmitter in Macabees' building expected to be used for ultra-high frequency broadcasts looking toward television after experimentation. Will use studios and antenna now located in Macabees' building after new transmitter is operational and add further studio later on top of Stroh building downtown, in which WXYZ has its commercial offices at present.

Gerald Ford's Company

Albany, N. Y., July 11.

Ford Marine Telephone & Television Corp. has been chartered to conduct business, with principal office in Manhattan and with a capital stock of \$20,000. Directors are: Gerald W. Ford, New Rochelle; H. Wallace Capron, West Babylon; R. J. Edward Maxwell, Greenwich, Conn.

Nordlinger, Regelman & Cooper, New York, filed the papers.

TAKE A TRIP WITH US TO "NEVER-NEVER-LAND"

WLW has paid the topsy-turvy fare!

Recently, WLW has been making some curious statements—in this and other publications. For example, WLW said, regarding a 13-city "survey" in what they term their "primary market":

"Results show that the average audience tuned in to WLW Monday through Friday is 111.8% greater than that of the dominant local stations serving these markets." WHEW!

And: "The leading local station in each of these 13 markets was able to attract only an average of 22.8%." WHEW!

And: "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." WHEW!

The weather's kind of hot but, even so, our friends of WHAS in Louisville (one of the 13 cities) asked questions. . . SINCE THE "SURVEY" ADMITTED THAT THE WEEK DAY SCORE SHOWED A LOUISVILLE AUDIENCE ALMOST FIVE TIMES GREATER FOR WHAS THAN FOR WLW. The "research organization" explained that LOUISVILLE WAS AN EXCEPTION but "elsewhere WLW does dominate the entire area."

So we took OUR pen in hand (Charleston, W. Va., is another of the 13 cities). "How come," we said, "that in the same weekly recapitulation of the same WLW 'survey' during the mornings-WCHS had 100% MORE listeners than WLW, in the afternoon, 22% MORE, and, for the entire week, 20% MORE . . . how come the 'elsewhere'?"

The "research organization" answered US. "There were two of the cities in which this study was conducted WHERE THE AVERAGE WEEKLY LISTENER PREFERENCE FAVORED THE LEADING LOCAL STATION OVER WLW. THESE CITIES WERE CHARLESTON, W. VA. AND LOUISVILLE, KY."—then they added that WLW's claims were the result of "averaging" markets and stations.

So we who questioned the "survey" are left with the claim of a radio station—WLW—offering coverage of a "Never-Never-Land" to which no one ever journeys except to discuss "averages."

WHAS—a REAL station in a REAL city—dominates ITS markets. WLW proved that!

WCHS—a REAL station in a REAL city—dominates ITS markets. WLW proved that!

All of which leaves WLW supreme with its "average audiences" in a mythical kingdom called "Average." So long as that's clear, everybody's happy.

And, by the way, now that we're back to thinking about REAL people in REAL markets, we are grateful to WLW for proving again that in Charleston, more people listen more hours to WCHS than to ANY OTHER radio station!

WCHS

3,000 WATTS (TX Permit 1S)

580 K. C. CBS

CHARLESTON, W. VA.

THE BRANHAM COMPANY—NATIONAL REPRESENTATIVES

IN BALTIMORE ITS OWNERS

NATIONAL REPRESENTATIVES
EDWARD PERRY & CO.

ON THE NBC RADIO NETWORK

53.2%

**New All Time
Rating Record
for ANY network
on NBC Blue!
(Blue basic and Blue supps.)**

Louis-Galento Fight

June 28th 1939

Thanks to the sponsor,
Schick Injector Razor—and
their agency, J. M. Mathes.

Report Murray-Brockington Regime May Give Private Broadcasters Some Consideration in Canada

By MORI KRUSHEN

Montreal, July 11. A may and if report emanating from reliable sources in Ottawa are to the effect that the Canadian Broadcasting Corp. may permit the establishment of a national coast-to-coast network composed of private stations. But only sometime within the next two years.

Gladstone Murray and other CBC officials huddled with Harry Sedgewick, president of the Canadian Association of Broadcasters in Ottawa on July 7. It is thought that as a gesture towards private broadcasters, to soften blow of stricter con-

trol, it was intimated by the CBC that the Government stations may permit national spot and local commercials as much as possible, leaving way open for private stations to pick up revenue.

Indications were that an official declaration was to be forthcoming from Ottawa to both the CBC and Major Gladstone Murray and L. W. Brockington, chairman of the Board of Governors of the CBC, sailed for England on the Empress of Britain Station (8) without issuing any statement regarding commutation of debt sentence for private network operation.

In regard to limitation of national spot and local commercials over CBC stations it is understood that the two new Government transmitters, in the west and the maritimes, will not take any business of this kind.

Talk of a coast-to-coast net for private stations, under close supervision of the Government, was linked up with the thought that the CBC intends to limit commercial programs somewhere around the previously mentioned figure of \$500,000 annually. Should this limit be adhered to then the CBC would be able to turn over a considerable volume of national business to the secondary circuit composed of private stations.

In an industry talks thought was also thrown out that the President of the Canadian Association of Broadcasters, an organization representing private broadcasters, might be invited to attend all meetings of the Canadian Broadcasting Corp. in the future, thereby giving independent stations representation in any talks concerning broadcasting in general.

With regard to political speeches it is understood that the Canadian Broadcasting Corp. will earmark eight hours free to each party prior

to a Federal general election. Time on the Government stations would be allotted to the various political parties for free, but private stations will be able to sell their time should they wish to do so. Reports also, that the Canadian Broadcasting Corp. will have no time available for provincial or municipal politics, leaving this field entirely to the private stations on a commercial basis.

Reaffirms

A statement issued by the Canadian Broadcasting Corporation from Ottawa, over the week-end reaffirms the decision to take over the operation of private network broadcasting.

The statement says that this new plan is in accordance with the policy stated before the parliamentary committee. But it is not in accordance with what private broadcasters had with CBC officials in Montreal last spring when they were given to understand that there would be greater freedom in getting lines for network purposes if they stayed away from the Parliamentary Radio Committee then in session at Ottawa.

By staying away from the Radio Committee broadcasters lost their only chance to make known their views to the only legislative body empowered to give them relief. They didn't go to Ottawa only because they were told that there would not be difficulties in getting lines for network broadcasting.

Radio 'Drs.'

(Continued from page 1)

identified with solicitations of patients in need of checkups, X-rays, medical and surgical operations, just rest and relaxation. In between the life and death stuff they peddle advice to the lovelorn and the mis-mated.

Negotiations are under way for a supplemental agreement with the dead and the dealbook and bring Mexican ratification of the year-old agreement, permitting early release of war lengths in the United States, Cuba and Canada, and opening up new ribbons for use in this country.

In view of Mexico's reneging on the armistice, the State Department and CCC have taken the initiative in sounding out other chief signatories about the possibility of some concessions to appease the politicians below the Rio Grande. In order to bring things to a head, this country is willing to waive some of the points which have led to a stalemate.

The Mexicans are adamant in refusing to remove some of the objectionable border stations. Under the treaty and a parallel understanding between the U. S. and Mexico, clear channels are supposed to be allocated only to transmitters serving the country's own nationals, so that the expatriate Americans with plants below the border would be deprived of their present choice berths. After much stalling, Mexico now has come out openly with a refusal to confirm the promises of her Havana negotiators without some clause allowing the borderless to use the ribbons reserved for 50 kw operation.

Til for Tai

While not willing to back-track completely, the American position is that Mexico may be allowed to keep the border stations, but U. S. operators will not be obliged to provide as specified in the existing licensing requirements. In case Mexican could take their chances and be subjected to whatever national interference may result from American assignment of stations close to the standards would permit. It's a tit for tat proposition.

Secrecy which customarily surrounds diplomatic relations has been thrown around the newest maneuvers. But it is reliably said the State Department is trying to get Ottawa and Havana to string along on this basis, with assurance that the U. S. will not back down permanently. Nor do the U. S. officials consider any such concession would represent a promise to give Mexico more clear ribbons in the future. Such bridges will be crossed when the various nations actually reach them at a subsequent party, now not expected for several years.

Confrontation came from the State Department Saturday (8) that a proposition concerning Mexican reservations have been submitted to Canada and Cuba. No response as yet, nor any unofficial indication as to their reaction toward such an idea.

Govea, Cuba's Clean-Up Man, Ending Fake 'Cable' News on 96 Programs

Havana, July 5.

The executive committee of the Cuban Broadcasters Association has moved in to the office next door to Juan L. Govea, Cuba's new Radio Director. In order to clean up when Cuba's radio clean-up man wants to consult it. Govea himself made the arrangements for space in the same floor of the Communications Department Building, furnishing the office, desks, chairs, paper and pencils.

Reluctant to appear as a censor when he thinks something must be taken off the air or some announcer called on the carpet for double meanings, etc. Govea gets together the broadcasters committee, suggests the idea and when approved, requests that the committee write him a letter asking that action be taken for the good of the association.

During the past week he added a few more times to the name list and daily called to his office numbers of announcers, masters of ceremonies and singers, known for off-color remarks or bad-taste scripts.

This week he started working on the 'talking newspapers of the air' and immediately his first step was to decrease that news could not be derived from printed newspapers. This step was followed by a conference with delegates of the broadcasters, Press Association, Reporters Club and Air reporters in which groundwork for a campaign to clean up the 96 newspapers of the air in Cuba was laid. Eventually only professional newspapers will work such programs, professional announcers will read them, and unless they can present proof or contract with some news service stations will not be allowed to read 'cable' news. Larry Haas of United Press and

Bene Cantares of Transradio had a conference with Govea regarding the piracy of news from their agencies, that has been going on for years as some of the local rags and that now is being done by some radio stations. Govea requested a full report on the situation and promised to step in also in this breach of the International Radio Law.

Winnipeg Station Pulls Serial Suddenly And Listeners Panic Staff

Winnipeg, July 11.

A minor riot was started around the local Government-owned CKY when the new Procter & Gamble show, 'The Man I Married', started its unannounced broadcast.

Event started off with listeners calling and wanting to know what had happened to 'Continental' which caught the staff of the wave-tosser literally behind the eight ball, as they hadn't the faintest idea, either, and were doing a little questioning of their own. Came the morning mail and still no explanation, just a cryptic note to change the newspaper listings.

Added beefs are being raised on the heads of the station by the unknown public, for cutting the show 'at its most famous' and, in the meantime staff adopting a 'damned if we know' attitude when queried regarding the strip.

Jack Harris' London Casino Band to lead new series of BBC variety shows alternate Wed. nights, titled 'It's That Man Again.' A band show on 'Band Waggon' lines, and Tommy Handley and Cecilia Eddy as comedy team.

Most sponsors of broadcast time on CKCF run year after year. They know from experience that CKCF is the most listened-to radio station in the Montreal area.

CKCF can build sales for you

CFPC and Short Wave CFPC
Owned and Operated by

Canadian Marconi Company

Representatives: NMO AMBRO

ALL Canada Radio Facilities West & Company

CANADA U.S.A.

dominates a

BI-LINGUAL

AUDIENCE

of over

1,000,000

We are very happy to announce that
MR. MURRAY GRABHORN has become
associated with this organization.

TRANSAMERICAN BROADCASTING
& TELEVISION CORPORATION

NEW YORK

CHICAGO

HOLLYWOOD

★ TO COVER
GREAT BRITAIN
You MUST Use
★ RADIO
NORMANDY
Full Particulars of Air Time and
Talent from
INTERNATIONAL
BROADCASTING COMPANY
LIMITED
37 Portland Place
London, W.1.

A 275 County Primary Area? What station? **WNAX** Of course!



If WNAX primary daytime area were a single state, it would be one of the most remarkable states in the country.

First in cash farm income, farm acreage, value of farms, autos on farms, trucks on farms and so on. But that's just part of the story.

It's more than a tremendous rural market. That single state would be tenth in total population, eleventh in total retail sales and twelfth in total radio homes.

The WNAX Primary Area is worth cultivation-intensive Cultivation—through WNAX.

The facts are more than interesting. They're downright important to you. Write us or them—or call your nearest Katz Agency office.

WNAX
YANKEE, S.B. • 570 Kilowatts • CBS
5000 WATTS L.S. • 1000 WATTS HIGH
Represented by THE KATZ AGENCY
Key to a 5-STATE, \$300,000,000 MARKET in the MIDWEST

Inside Stuff—Radio

NBC higher-ups last week denied the report that a drastic shakeup in the sales department was slated to come on the heels of the appointment of Keith Kiggins as director of the blue network. If, it was said, there are to be any changes in that department, they would be in line with the new policy of having people in various departments concerning themselves strictly with blue network activities with Kiggins as coordinator.

As part of the revised setup the station relations department has been divided into three divisions. Sheldon B. Hickox, Jr., will direct stations relations for red network affiliates; John H. Norton, Jr., will have charge of blue stations relations, while Easton C. Woolley will handle all personal services for either network.

Another ex-Chicagoan was promoted into a key spot with the network last week. William Kostka, formerly NBC magazine editor, is now manager of the network's press division. Edwin P. Curtin goes on as news editor and Richard G. Spencer as night editor.

Harry Salter was not credited in VARIETY's recent review of 'Mr. District Attorney' for Pepsodent. Salter provides the musical background for the drama. Meanwhile, Salter has been the victim of a time change of the Phil Baker-Dole Pineapple show, which moved directly opposite 'Hobby Lobby,' which Salter is under contract to. He had to sacrifice the Phil Baker assignment.

N.A.B. Convention Registry

[illegible][illegible][illegible]

WTMJ, Milw., 'Sampling' Early Morn Show, with Sets as Giveaways

Morency, Paul W. WTIC, Hartford.
Morgan, John. NBC, New York.
Morton, Oliver. WENR-WMAQ, Chicago.
Moody, Art J. KGVO, Missoula.
Mullins, John. WABC, New York.
Musselwhite, B. Bryan. WCBA, Allentown.
Napol, E. Johnathon. WRAL, Raleigh, N.C.
New, John W. WTAR, Norfolk, Va.
Nickola, Horacio W. WHAI, Greensfield, Mass.
Nornton, George W. WAVE, Louisville.
O'Dea, Richard. WNEW, New York.
Orr, Wilbert L. WBNS, Columbus.
Orrison, Mrs. Betty. WFAB, White Plains, N.Y.
Pearson, John E. KGBX, Springfield, Mo.
Peters, Royal E. WPT, Charlotte, N.C.
Pfeiffer, John. WTTN, Hartford, Conn.
Michalski, Vernon H. WTAM, Indianapolis.
Pudlheim, Eugene C. WIRE, Indianapolis.
Quarston, Sumner. WXT, Cedar Rapids.
Reed, Vernon. WABC, New York.
Rao, Marvin DeWitt. WNEV, New York.
Reed, Norman C. WPD, Atlantic City.
Reed, Vernon. WABC, New York.
Reintse, Earl. WGT, Fort, Okla.
Reintse, Earl. WGT, Fort, Okla.

Milwaukee, July 11.
It's an old 'sampling' idea with a new twist.

Taking a leaf from the old newspaper book, WTMJ here is 'sampling' the entertainment on its early morning feature, 'Top o' the Morning.' Time was when the newspaper delivered the sample copies over a period of time free to homes, on the theory that the recipients would grow so habituated to the paper's news and features that they'd develop into regular subscribers. Or at least a sufficient percentage of them to make the effort pay.

Now, in much the same fashion, WTMJ is sampling listeners with a promotion that is expected to have the effect of encouraging them to stay tuned in over a period of time, on the same newspaper theory that if they like "Top o' the Morning" well enough, they'll hang on as regular auditors.

The promotion assures a wide 'sampling' locally and throughout the entire state. They have to glue their ears to their loudspeakers to catch the 'glit song,' so that when Bill Evans, m.c., goes out with 10 free radios daily they can tell him whether the number was 'Heaven Can Wait' or 'Three Little Fishies.'

Can wait of three little fishes.
If a listener has heard the 'gift song,' performed and announced by Evans on the program, be or she gets a Philco Transitone right on the doorstep when Evans calls. Evans hops in his car immediately upon signing off each morning at 8:45, with the radios loaded in the back seat.

To assure the largest possible audience, a heavy barrage of promotion in the Milwaukee Journal, on WTMJ, truck signs, etc., is at work drumming up new listeners.

BBC cameras taking a second gander at 'Me and My Girl' from Victoria Palace, July 17, where they're still doing the Lambeth Walk twice nightly.

Addenda

Dale Robertson	Harold Thomas
Sam R. Roanbourn	Don Thornburgh
Mottford R. Hunyon	Robert R. Tincher
Wm. H. Russell	W. H. Tinsley
H. L. Ryan	Niles Trammell
A. B. Sanbrook	Low Trewner
Wm. A. Schell	W. H. Troward
Robert A. Schmid	John T. Verpe
Wm. A. Schudt	Edward E. Voynoy
Wm. C. Schuch	J. A. Wagner
James Shouse	W. E. Wasteff
John Shumberger	George D. Walker
Frank S. Smith	W. H. Watkins
Wm. H. Smith	Polph N. Well
Calvin Smith	Max Weiner
Frank R. Smith	Wm. C. Wenzel
Wm. H. Smiley	Clarence Wheeler
Harold E. Smith	A. D. Willard, Jr.
Neol A. Smith	Wm. C. Willard
Wm. H. Smith	Wm. C. Wilson
Frank M. Stearns	Hal W. Wilson
E. N. Storer	L. B. Wilson
Wm. H. Stutz	Wm. C. Wilson
Sidney Strotz	J. W. Woodruff, Jr.
W. C. Swerley	Samuel Woodworth
Wm. H. Switzer	Wm. C. Wright
O. L. Taylor	John S. Young
John E. Thayer	Donald F. Fiem
Eugene S. Thomas	

Berkshire Playhouse actors travel from Stockbridge, Mass., to Albany every Tuesday to broadcast over WOKO. Mary Ward, p. a. of troupe is the interviewer.
Nance O'Neill miked July 11
Helen Brooks, week before.

Peter Dawson, here for Greater Union Theatres, will do special radio sessions during his stay.

WBT SHOWMANSHIP *(1939 Model)*

3,000,000 Carolina people rely on WBT for its features. Special features—dramatic, exciting headline events from every “ringside” where things are happening. They *tune habitually* to WBT for regular features reflecting the 1939 pace of constructive showmanship.

★ The South's first play-by-play major league baseball.

★ **WBT's Alarm Clock**—5:30 A.M. program (six mornings a week)

for and by the farmers of the Carolinas and their families.

★ **Young America on the Air**—a program designed by WBT to develop the musical talent of the youth of the Carolinas.

★ **The Carolina Radio Forum**—a group broadcast, which reflects public opinion in the Carolinas on questions of the day.

These, among WBT's originations, illustrate our answer to the 1939 call for showmanship of permanent value. Showmanship providing enlightenment, education, entertainment for 3,000,000 people who hold WBT *first in listener popularity*.

WRT COLUMBIA'S STATION FOR THE CAROLINAS

50,000 Watts, Charlotte, N. C. Owned and operated by the
Columbia Broadcasting System. Represented by Radio Sales.

Bornstein Attacks Shotwell Copyr't Law as Damaging Pubs; ASCAP's Factional Interests Made Clear

Acting on the suggestion of Saul H. Bornstein, v. p. and general manager of Irving Berlin, Inc., the publisher faction of the ASCAP board of directors met Friday (7) to examine more thoroughly the implications of the new copyright law as drafted by Dr. James T. Shotwell's committee and to discuss the possibility of Dr. John G. Payne, ASCAP general manager, has been having with spokesmen of the National Association of Broadcasters. What particularly instigated the special meeting was Bornstein's expressed sentiment that the publishers have been somewhat lax in protecting their interests as far as the Shotwell measure is concerned, with the result that the proposed bill strengthens the position of the writer to the detriment to the disadvantage of the publisher.

Bornstein entertains the view that the Shotwell measure as it now stands would do the publisher great damage. Under the present copyright law, the publisher retains all rights to a work which had been created while the writer was under express hire, or contract. A provision in the Shotwell bill would prevent such publisher claiming all rights if the creator under a previous contract assigned the rights of all his future works to some person or organization. Bornstein rejects the idea that all such relations should be treated as made a matter of contract bargaining. He feels that all such relations should be expressly stated in the form.

Bornstein carried his contention at the publishers' meeting Friday to the degree that they agreed it should be a mistake for the United States to join the Berne copyright convention before it had passed a copyright law which would conform to the provisions of this international copyright union. The meeting felt also that all publishers ought put themselves on record as opposed to this country's entry into the international copyright convention until they knew what effect it would have on the rights they now hold under the U. S. law.

Ask Full Report from Payne
As for fraud, the pub-distributors said that Payne submit to them as early as possible a detailed report of all discussions between him and the writer and what sort of contract they want to succeed the one now in effect, and what, if any, points Payne has agreed.

Sharply brought to the fore by this meeting was the underlying conflict of interests that exists within ASCAP between the writer and publisher factions. In question of revising the copyright law. In so-called quarters the contention has been that the writer and publisher factions are represented in ASCAP, such questions should not be brought to the attention of the Music Publishers Protective Association and the Songwriters Protective Association.

(More on copyright revision on Page 6 of this issue.)

BUDDY ROGERS BAND PREEMS IN MEMPHIS

Buddy Rogers returned to New York Monday (10) from a European tour. He is under a new contract built for him by Arthur H. Michael, pres. on Saturday (15) at the Peabody Hotel in Memphis.

Following the Peabody date, Rogers goes into the Eastwood and West Gardens for a new stand. He banded his old outfit shortly before leaving off on the European jaunt with his wife, Mabel, and a band, who returned with him Monday.

Hat's Getting Small

Name bandman's high-handed attitude that he'd rather not have music publishers coming up to see him, and that he'd pick his own tunes his own way, has riled the tinpannery plenty.

There's talk of boycotting the hotel and its affiliates as a means of embarrassing the snooty maestro.

COIN MACHINES \$175,000,000 U.S. GROSS

Philadelphia, July 11. An estimate that \$175,000,000 is the annual gross on coin phonograph machines in this country was made here last week by the National Association of Performing Artists. NAPA computed the figure with the idea that where there's that much coin there should be an additional cut-in for the performer.

KERLAN figures it out. "We have checked numerous sources and find that a coin-operated machine must gross a minimum of \$10 a week. At anything less than that an operator cannot afford to allow it to remain a location. Ads in United States for coin average incomes at from \$7 to \$14. Taking the average of \$10 a week, each machine has a yearly gross of \$520. Now, how many machines are there in the United States? The best guess is that it can be estimated. Four years ago the machine manufacturers counted that there were 350,000 machines. At \$520 a year, 350,000 machines would gross \$182,000,000. To be conservative again, we call it \$175,000,000.

LEE SHELLEY'S LOSS IN PITT NITERY FIRE

Pittsburgh, July 11. A fire of mysterious origin partially destroyed the outdoor pavilion at the Grand Hotel in Pittsburgh last night, last week. Chief victims were Lee Shelley's band and radio station KDKA, both of which lost instruments, sheet music and broadcasting equipment valued at more than \$6,000.

Orchestra shell was also swept by flames but dance floor was saved when a fireman, awakens on a early morning blaze, poured water across the hardwood. Organized by Fire Chief Ben Milbert, who reported finding some dark stains, like kerosene, he said, on the charred platform at the end of the stage. Saved, having been moved inside in a garage half mile away a few days before. At that time, police said, they attributed it to mischievous boys, but in view of the circumstances, they aren't so sure now.

Arson was suspected by Acting Fire Chief Ben Milbert, who reported finding some dark stains, like kerosene, he said, on the charred platform at the end of the stage. Saved, having been moved inside in a garage half mile away a few days before. At that time, police said, they attributed it to mischievous boys, but in view of the circumstances, they aren't so sure now.

TIEP OPENS 500 CIRCLES

Pubs Agreement With Intl. Circulation Co., Hearst Subsid, Opens Up Territory in 24 States—Basing Song Selections on Sales

LONG TERM CREDIT

Representative publishers at a meeting last week in the offices of the Music Publishers Protective Assn., approved a tie-up with the International Circulation Co., Hearst subsid, which will give the industry 500 new sheet music outlets in 24 states. The alliance becomes effective the second week in August and rates as the most energetic effort to date in over 10 years to stimulate retail trade in the popular music field.

International will distribute 500 specially constructed racks with attention given the small towns as well as the cities. The south, where there are few established stores, will receive particular treatment in this systematic drive to make sheet music outlets of stationery shops, drugstores, etc. The Music Dealers Service, Inc., will serve as a central shipping point for the ICC's product, with a separate unit set up within the MDS for the purpose.

The initial shipment will be considered an experimental one and, as such, the outlets will receive 90 days' free credit. After experience with Government-owned rack in the Antipodes can be largely attributed to the youth of the country. Lho have to be paid on a basis of 30 days. In the event the ICC decides to increase its number of rack placements beyond the initial 500, each additional rack-retailer will be at the start get 90 days' free credit. It was agreed that if either side wants to drop the project a refund will be allowed on all merchandise.

Each rack is constructed to hold 24 discs. The selection of the 24 discs to be left exclusively to Larry Richmond, head of the MDS, and Walter Douglas, MPFA chairman. Actual sales will be their first consideration, with performances becoming a secondary matter. The best seller list is to be re-examined every two weeks, with the numbers to be withdrawn from the rack left entirely to this pair's discretion. No guarantee is made to participating publishers that their works will be included in the rack. Each copy shipped to rack users will have the identifying initials, "INT."

It was suggested at the meeting that the tunes listed in the Lucky Strike Hit Parade (CBS) be included in the 24 regularly, but was voted down on the ground that the LS list is allegedly governed by performance. The suggestion gave sufficient consideration to sheet and disc sales. Also that waiters are frowned upon.

NAME ORCHS BUILD UP OLD LAKE ERIE RESORT

Cleveland, July 11. Cedar Point, a Lake Erie resort that literally went to the ground seven years, is winning back its old rep and family clientele as result of \$75,000 of repairs, a new dance hall and improved hotel.

Major factor in putting park back on its feet was reorganizing the room and new policy of name bands, with larger music budget for one-night-only performances at new amusement places. After Sherris Fields and Blue Baron, a Cleveland band, started at the resort, Cedar Point is bringing in Eddie McCoys, who started at the resort. McCoys opens July 21, Casa Lopez, 28, followed by Vincent Lopez, 28, and Buddy Rogers the week after.

Publishers Win Complete Victory In Stopping Opening Night Tap; Spot and Dorsey Both Disavow

E. B. Marks Sues Stasny On 'Rancho Grande' Song

The Edward B. Marks Music Corp. filed a U. S. federal court action Friday (7) against Stasny Music Corp. claiming the plagiarism of its song, "Alla En El Rancho Grande." It is claimed that the song was written in 1927 by Silvano R. Ramos, assigned to Salvador Cubera, who in turn assigned it to Marks in 1934. Stasny is accused of having plagiarized the song by publishing various arrangements of it. An accounting of profits, an injunction and damages are asked.

AUSSIE'S YOUTH HINDERS APRA

Jack Davis, general manager of the Australian publishing firm of D. Davis & Co., who left Saturday (9) to enter an office for three months, declared that the trouble that the Australian Performing Rights Assn. has had in its dealings with Government-owned rack in the Antipodes can be largely attributed to the youth of the country. Lho have to be paid on a basis of 30 days. In the event the ICC decides to increase its number of rack placements beyond the initial 500, each additional rack-retailer will be at the start get 90 days' free credit. It was agreed that if either side wants to drop the project a refund will be allowed on all merchandise.

Government radio operators in his country, Davis stated, have no appreciation of the tremendous repertoire of music that the APRA makes available to them for a ridiculously small amount. Of the \$850,000 collected by the Government in license fees for music, \$10,000 is set aside to cover the cost of programs, and of this amount the performing rights society gets but \$10,000. And even this, added Davis, is regarded by the Government operators as too much. The fees obtained by the APRA from commercial stations amount to \$155,000.

Davis, since leaving home, has spent most of his time in England. While on his visit to this country he arranged for the repatriation of Australia of 10 American pop catalogs.

WRITERS LAY CLAIM TO 'YOKEL BOY' SONGS

Al Sherman and Penn Davenport, latter a British tunesmith, have made claims on Low Brown, Elbee Productions, Inc. and Chappell in connection with the 'Yokel Boy' songs, which show is being produced by Davenport, who also collaborated thereon. Chappell figures as publisher of Brown-Charlie Toback-Sammy Sefton tunes.

Sherman and Davenport claim collaboration on 'I Can't Afford to Dream', 'Jukin' and 'Let's Make Memories Tonight', which are part of the score, and allege copyright of their manuscript back in February. The Ken-Ken in preparing the original 'Yokel Boy' songs.

George Makla's orch at the Blue Room, recent addition to Ramo's Shore Bar, Beach Arlington, N. J.; Deland, ventriloquist.

Victer Young completed scoring for Ken's "Way Down South" with 22 numbers.

After the Music Publishers Protective Association had been successful in stopping the trade from paying for packets of \$5 tickets to an 'opening night' at the Meadowbrook Country Club, Cedar Grove, N. J., last Thursday (8), persons connected with the operation of the spot called publishers to disclaim having had anything to do with the ticket distribution. A spokesman for Jimmy Dorsey, who is at Meadowbrook for the summer, also relayed a similar disavowal.

The MPFA had the previous Friday (3) sent a telegram to leading publishers condemning the stunt and pointing out that acceptance of these tickets would be a violation of the ethics code that the trade is on the verge of adopting. Leaders of the trade in this instance took the reaction to the Meadowbrook event as a cue for renewing their respect of publishers who have hesitated to sign the proposed code. The concerted demonstration of the trade in this instance, the FMMI leader declared, served to convince such publishers that the industry must stand to stick together on matters of trade practice evils.

They also included a warning that if the pub continued to stall on the issue, acceptance of the professions might come to realize that alliance with the American Federation of Musicians would be the only means of securing the future of their jobs.

Barnet Lends His Car to Pat Pal, Gal Both in Bad Crash

Oreb leader Charley Barnet and Consolidated Radio Artists, which books him, turned up over a Greenwell (Conn.) Times story last Thursday following a motor car crash involving Barnet's car. Barnet's band is now filling a date, scheduled to end next week, at Playland, Rye Beach, N. J.

According to CRA and Barnet, the latter had loaned his car to Don McCook's car to drive to the drive. McCook's car companion home. The car smashed into a truck and a house, leaving a motor car severely hurt but otherwise undamaged. Paper is said to have printed the last story of the motor car crash, labeling him 'Lancaster's Boy Friend'. Leader says he was home with his wife and a 17-year-old son in his arm, but remained with the band with no time off.

Jiving Cleric Uses Buff Purge Illusions

Buffalo, July 11. Dr. George W. Cooke, local vigilante clergyman, has given a month's notice to the police to purge the city's niteries. The notice is an investigation unless the deplored and also by an alternative is the cleric is battling 'disorderly' and fifty night club floor shows which flourish played up to a house.

Cooke made the headlines a year ago by conducting church jam sessions to his own accordion accompaniment and also by an alternative is the cleric is battling 'disorderly' and fifty night club floor shows which flourish played up to a house.

Sterling Sherwin compiling 'Barry Clark Ballads' for full publication. Also by an alternative is the cleric is battling 'disorderly' and fifty night club floor shows which flourish played up to a house.

Jack LaRue's Unit Reopening Mpls. 4,000-Seater at 30c Top

Minneapolis, July 11.

In order to get the 4,000-seat Minnesota theatre reopened, owners of the ground and building are waiving a flat rental and will gamble on a percentage of the profits. Shubert Theatre Players Co., headed by the Benz Bros. owners of the Palace (now closed) and millionaire real estate operators, will operate the house with Gordon Greene, who managed it when it first opened, as manager.

Taxes on the property are approximately \$40,000 a year, but efforts are being made to have them reduced. The ground rental had been \$75,000 per annum. Theatre operators will have rental income from a half-dozen stores in the building.

Reopening show July 21 will have a "Hollywood Varieties" unit from California headed by Jack LaRue, of the Almas. Theatre's policy will be stage shows plus first-run pictures with a 15c admission to 1 p.m. and 30c thereafter. House will have an 18-piece local orchestra conducted by Jack Malerick and a permanent line of 12. Big bands and name acts will be presented. Otherwise five acts will be booked each week to work with the line and local band. Joe Griffin will sing with the band and also help Greene produce the stage shows. Patricia Wynne, formerly with Fred Evans at the Chicago theatre, Chicago, will be dance producer.

Opening picture will be Monogram's "Streets of New York." House has six Mono and Republic pictures bought. Its big problem will be to obtain sufficient screen product in as much as the Paramount Northwest circuit absorbs all the major companies' output, with indications that there will not be any sluffs.

Per relinquishes the Minnesota last February after several years' of unprofitable operation. House had been closed for almost a year prior to that time. When it first opened in 1928 grosses ran as high as \$45,000 a week and eventually dropped as low as \$3,000.

Shubert Theatre Players closed its 1,800-seat Palace several weeks ago. Greene says house will re-open in fall with grind subsequent-run double features and 20c week-end vaudeville again.

'Drunkard' Out of Legit House Into Niter in Det.

Detroit, July 11.

The Drunkard, which has been absent from local scene past two years, after hanging up records at the Playhouse, is being revived at the Chene-Trombly niter, with E. A. Ferguson producing.

Same cast as presented meller on previous occasions will be used, including Ferguson, Billy Morrell, Gertrude Wood, Bob Nelson, Dr. W. R. Alford, Charles McCormick and Milburn Bradley.

Besides two performances nightly, cast offers vaude shows burlesquing old style of entertainment, with Morrell as m. c.

Agent's Gypsy Lee Commish Suit Comes Up Tomorrow (Thurs.)

A motion to examine Louise Hickock before trial will be made tomorrow (Thursday) in New York supreme court involving Sherman, who's suing Gypsy Rose Lee (Miss Hickock) for \$10,000, alleging breach of contract. Sherman claims a five-year contract with Miss Lee as her personal manager dating from October, 1934, when she was in burlesque. His complaint stipulates that he was subsequently responsible for her jobs in the "Ziegfeld Follies" and later in securing contract with 20th-Fox.

Ex-stripper currently in T. Must Love Someone, at the Vanderbilt, N. Y., denies generally.

Sherman's managerial contract with Miss Lee included Curtis Allen, to act as her manager and agent for five years. The contract was amended April 15, 1937, to include the William Morris agency, each to receive 1/3%.

Lampkin Out in D. C.

Washington, July 11.

Phil Lampkin, who has conducted pit orchestra at Loew's Capitol for last eight years, stepped out Friday (7).

Maestro, whose future plans are indefinite, and management called it an indefinite leave of absence by mutual arrangement.

10% Commish Suit

Leon A. Friedman filed a \$5,000 N. Y. supreme court action Monday (10) against Harry Stockwell, claiming breach of a managerial contract. Stockwell, who was the voice of the Prince in "Snow White", has secured positions at Metro and Universal through his efforts. Friedman claims under an oral 10% contract.

The singer is in vaudeville at present.

P. NITER Y BILL CURBS NEW OPENINGS

Philadelphia, July 11.

Present niter operators in Pennsylvania need fear no additional competition for a long time. A bill signed by Rep. Arthur E. James has given present holders of liquor licenses a virtual monopoly.

Low restrict licenses to one for each 1,000 population. In as much as Philly now has 2,858 licenses, 807 over its quota, there's no chance of any more being issued. New measure exempts hotels.

Gambling Cafe Named By Bank Prez in Fraud

Detroit, July 11.

Powatan Club here is under surveillance as result of confession of Walter P. Jacobs, former president of the National Bank of Adrian (Mich.), who is charged with embezzling \$126,178 in bank funds to cover stock market and gambling losses.

The Powatan, one of town's better-class niteries, was listed by Jacobs as one of four spots where he lost considerable in gambling. Jacobs also listed the Chatelet, roadhouse in Macomb county, where he said he lost at dice, and several local hand-banks.

Benny Fields goes into the Bon Air Country Club, Chicago, July 20, for four weeks, on a Win. Morris booking.

AFA Trial

(Continued from page 41)

car. At that point it was brought out that when the \$1,700 was given to Whitehead, there was actually less money in the AFA bank accounts than had been received from benefactors. So the money for the cash was actually taken from relief funds at a time when the union was operating at a deficit. Rose explained. Feb. 1939 there were only 5,805 membership cards in the active file, the accountant testified, adding that the latter figure included many persons no longer members, or in arrears. Rose also testified that as of March 31, 1939, when he was last permitted to see the AFA books, an overwhelming majority of the union's council members were not in good standing because of failure to pay dues or death benefit assessments.

Miss Tucker, the current president, was among them, he said.

Mosconi Got \$500 Loan From AFA's Benefit Coin

Although the union's books showed many entries for "loans," expenses for the payments to the AFA out of funds received from the AFA, there were few records of any receipts. According to testimony of Mosconi, AFA treasurer, was the recipient of a number of such "loans," totaling well over \$500. He testified that although Whitehead had stated in a letter to Theatre Authority in 1938 that 7A funds were placed in a separate account, the AFA books showed the never got around to it until 1938. Similarly, the accountant said, the union's books were altered during last March to show that the money raised from benefits and used for general expenses had been "loaned" by one account to another.

Aquade Performers Say AFA Double-Crossed 'Em

Although the testimony at yesterday's (Tuesday) session had to do with alleged abuses and intimidation at the Aquade, the purpose of it was aimed not so much at Billy Rose as it was to show the AFA's failure to live its membership. Ashley, who was the first to testify, called the AFA "grossly neglectful" and said the union "double-crossed us in several instances." He then went into details of how the Aquade performers had been persuaded to submit to arbitration over salary and rehearsal pay claims, only to learn during the arbitration proceedings that Whitehead had already written a \$5 a week wage scale to rehearsal pay. Rose subsequently issued a statement denying charges against the Aquade.

It was then brought out that when the Aquade performers, none of whom had individual contracts with Rose, sought to see copies of the blanket contract AFA had with the showmen, they were given copies of the AFA Reporter, union house organ, carrying a purposeful "copy" of the pact. When a dispute subsequently came up, Rose showed them the contract, the terms of which did not coincide with those printed in

the AFA Reporter. Examination of the actual contract showed that after the publication date of the AFA Reporter containing the supposed contract.

Furthermore, it was testified, the contract was dated after the arbitration which settled their rehearsal pay dispute with Rose, and the terms of the pact were less favorable than those obtained in the compromise. In other words, Ashley said, a secret contract had been drawn giving away the contested rights they had obtained in arbitration.

Smith Denies Charges

San Francisco, July 11.

Al Smith, former local AFA branch representative, declared that he was not responsible to that body for the \$17,500 shortage in the accounts of the local branch, during a speech made by him in a membership meeting of the actors union here last week.

I. N. Padway, AFA attorney, made the charges at the meeting accusing Smith of responsibility for the shortage. It developed at the meeting that a charge had never been formally against Smith, or "snubbed" else.

Smith said that he was not responsible for the money, that its safekeeping rested with the treasurer of the organization.

Smith previously had filed charges against Whitehead, accusing the latter of "whitewashing" his "failure to issue statistics on national membership and finances," and several other acts detrimental to the welfare of the national and local organization.

At first refused admission to attend the AFA meeting here last week because he did not have a name up nominating the card, Smith later was invited to appear and state his case. He said he would answer all questions put to him by the members. He said he was able to prove that all of the money had been committed to the national office, but that he had never received a full accounting from the h. o.

Smith said that he was after Whitehead's job.

CARLOTTA DALE TO FRANCE FOR 6 WKS.

Carlotta Dale, warbler with the Jan Savitt crew in the Blue Room at the Hotel Lincoln, N. Y., will leave shortly for six weeks at the Palm Beach Casino, Cannes, France. Engagement was accepted with the consent of Savitt and she'll return to the Lincoln upon its completion.

Savitt will remain at the Blue Room until December, then playing a week at the Paramount, N. Y., and four days at the State, Hartford, before going into the College Inn, C.H. Will make a return trip to the Lincoln later.

Notes to Jersey Niter

Colony Surf club, West 2nd, N. J., has installed a name floor show policy for weekends during the summer, carrying a purposeful "copy" of the pact. When a dispute subsequently came up, Rose showed them the contract, the terms of which did not coincide with those printed in

Morris agency booking.

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Night Club Reviews

HOTEL ASTOR ROOF

(NEW YORK)

Ben Bernie orchestra, Gracie Barrie, Ames & Arno, Bud Hughes, Baron & Blair, Bailey Sisters (2), Donald Saxon, "Col." Manny Fraser, 52 table dance minimum; \$2-12 cover.

Whether by design or accident, it's good showmanship on the part of the Astor to give extra value. The No. 1 hotel of the Times Sq. sector has long been a landmark for tourists and natives, and with the competition the Roof is well in upping the budget a bit. Ben Bernie as the prime attraction is a natural in view of his hinterland popularity via the radio. Bob Christenberry, the hotel v.p. and g.m., is furthering that by taking ads shots a week on the network, that being counted on to draw.

Bernie has a major dance party with a couple of new specialists in the Bailey Sisters (table dance) and singers in the accepted idiom, and Donald Saxon, young and personableenor soloist. "Col." Manny Fraser continues as the novelty song specialist.

Gracie Barrie heads the floor show proper. She is a mistress of pop-song selling. Incidentally her booking with the ole maestro is a bit of a family affair in that her husband-maestro, Dick Stabile, now leading his own band, is a regular in Ames booking. Is one of Bernie's old boys in the band.

Ames and Arno are a very bright safe interlude with their comedy jokes and knockabout acrobatic stuff. They're the proper radio, that sort of eccentric humor and whom home a neat hit. They're as effective on the club as on stage.

Some goes for Bud Hughes, who is versatile sleight-of-hand, who is the legendary as an instrumental to producing a couple of clever cakes. It's a very neat dog turn.

Baron and Blair are the class touch with their ballroomology. They're a swarthy team, the former particularly loaded with class. He's a nice v.a.v. and between the two they run the gamut of the accepted repertoire.

Bernie's premiere last Monday was highlighted by a very 32-and-a-half club turnout—a medley of safe society and ultra legit theatrical attendance which gave the Roof an air that this spot doesn't usually draw. In the main of course the Astor Roof is a landmark for the mid-town regulars and the floating masses. Abel.

TROC, N. Y.

Bobby Hackett orch (14), Adrian Rollins trio, Claire Martin, Bob Hamilton trio.

New room on West 53d street, in the same category as the original (over across the street) and others of its ilk, has many things in its favor for the swingeer crowd, whether collegiate or otherwise. For one thing it's well air-conditioned, a prerequisite for this torrid weather. The Adrian Rollins trio is a crowd builder. They're the same old crowd, the same old crowd, the same old crowd. For the overflow evening night crowd the Hamilton trio played. Its leader Jitterbuggery caught on long ago, and it may stay in as is, although obviously needing toning down and reassignment.

Troc, which is operated by George McDougall, is rather narrow for its length. It is decorated harmoniously in green, blue and gold. Space for dancing was incredibly small opening night. "Good-sized bar is spotted to the right as customers enter." Rollins' Trio easily provides the most tuneful music, with just enough swingeer to satisfy. Couple of pops.

"Alabama Bound" and "Shoney," highlight the closing jam session. Outfit doubles from the Hotel Piccadilly. Hackett's crew serves neat demonstration with large section of brass band. The outfit is a bit of a size of this spot. Claire Martin is comely and capable as a trumpet vocalist. Needs a platform so the gang can see her. Handy combination of instruments supposed to feature boogie woogie pianists, but for a debut here the electric organ grinds the spotlight. Outfit has a slick drummer, who doubles on xylophone and other instruments. They're up from Cafe Society, but they're intelligent and usually instruments at hand or the addition of a more contrary one. Wear.

Saranac Lake

By Harry Benway

This actors colony found it hard to swallow the local law that prohibited sale of fireworks within the town's limits and making same an offense. The trouper missed the local display.

Cures during the first half of the year should increase over the past year. Saxon to Bryce Lavigne and his Hotel Saranac orchestra, assisted by M. C. Dick Willis, for the Will Rogers entertainment.

Bing Rogers, hailing from Palestine, Texas, a new arrival at the Saranac. He's a new arrival at the Saranac. He's a new arrival at the Saranac.

Cliffie Moore, Bob Burke, Herbert Brown and Helen Mann at the Saranac. They're a new arrival at the Saranac. They're a new arrival at the Saranac.

Among those oping the Rogers and the actors' colony recently are, Eric Landau, Baldwin, L. J. Grafton Stuart, Houston, Dan, Joan and Frank Sullivan, Norman Connors, Harry Arnold, Hugh Smith, all of whom are in the Saranac. They're a new arrival at the Saranac.

(Write to those who are ill).

No Sundays, B'way Nitery

Plan to Combat the Fair

The Paradise and International Casino, the two biggest niteries on Broadway, are almost set on an agreement to shutter their spots Sunday nights during the summer. Six-night decision is due to the bruise. All spots have been experiencing the past month or so, ascribed to competition offered by the World's Fair.

Sunday visitors to the latter area, as a rule, spend the entire day at the expo and are too tired to do much galavanting in the city after that.

Raze Eric Landmark

Eric, Pa., July 11. Park opens house, landmark here for more than 40 years, is being torn down to save taxes. Eric has in recent years been operated on a grid policy and occasional vaude.

15 YEARS AGO

(From VARIETY)

The Democratic Convention in New York continued to knock Broadway for a loop. Twenty-one shows had closed during the two weeks of the session.

An international left circuit for indie producers was the plan of Melville B. Raymond. Would include only English-speaking cities.

The world's worst gross was registered by "Mud," at the Cherry Lane Playhouse, Greenwich Village. On a single night it took a \$7.

The Tivoli circuit, Australia, controlled by Harry Musgrave, Sol Green and George Dickinson, was bought by Sir George Tallis for the C. J. Williamson interests.

A Keltic office survey showed that from 40-50 new foreign acts would tour the U. S. during the coming season. Harry Musgrave's survey for the circuit covered 40,000 miles and 45 foreign countries.

Vaudlin houses were increasing the midwest as patron. Planned for the presentations following several experiments.

Richard Bennett's vaude debut, at the Palace, was given a merry laugh. Harry Musgrave's survey for the circuit covered 40,000 miles and 45 foreign countries.

Chicago was stirred by the brutal attack made by Cicero, police on Rosetta Duncan because of an arrest. The actor treated her to a comedy. Four performances of the Duncan were given. "Topsy and the Circus" by Selwyn, Chl. had to be called off because of injuries to "Topsy."

Despite action by the Ku Klux Klan, Roscoe "Fatty" Arbuckle made his appearance in Long Beach, where the Council denied a Klan petition to ban the actor.

Mich. Niteries to Fight Sunday Closing Ruling

Detroit, July 11. Michigan niteries operators preparing legal action against state run board's new ruling banning liquor sales between 2 a. m. and 5 a. m. Sunday, which went into effect last week despite a recommendation by Attorney General Thomas that the action be deferred until May, 1940.

Board has declared that it contemplates no change in its recent ruling. A legal battle is expected.

Berle Back to I. C.

Milton Berle returns to floor show at the International Casino, N. Y., tomorrow night (Thursday), replacing Harry Richman. Berle and Richman started together when the Casino reopened several weeks ago, but the former was released last Wednesday. Berle is reported to have been held for only one extra week. Berle's renewal is for at least two weeks.

Richman has been rumored as set for the forthcoming George White "Scandals" but nothing has been negotiated. He may return to Europe.

M. C. STRICKEN AT FEET

St. Louis, July 11. Robert J. Weber, who conducted a booking agency here, collapsed and died suddenly while serving as m.c. at the Lion's Club homecoming and Independence Day celebration in City Park at Johnston City, Ill. He had just introduced one of the entertainers when he collapsed. A physician said death due to heart disease. Weber resided with his mother and a sister.

PENNY DEFINES RULING ON NIGHT CLUB PROFITS

Philadelphia, July 11. The Pennsylvania State Run Board has decreed that most of the night club profits must come from the kitchen, not from the bar. Check in Philadelphia revealed that the state food stock of "restaurant" licenses in the city consisted only of a few sandwiches.

Jabin Opening New Cleve. Nitery Desmite the Heat

Cleveland, July 11.

Stanley Jabin, who operated the Torch Club and introduced femme impersonators here four years ago, is tossing his sombrero into the nitery ring again by premiering his new club Stanley July 15. With Jess-egg reaped in Miami last winter, Jabin went out defunct Irish niteries and niteries in Miami, Fla. Located in heart of theatrical sector, it is the only new one to open during the summer. Jabin has shuttered a half-dozen old niteries, only thing keeping majority alive is string of conventions, although willing firemen are spending surprisingly little in the after-dark bistro.

Willie West and McGinty Leaving Rose for London

Billy Rose is on the hunt for a new act to replace Willie West and McGinty in the Palace at the New York World's Aqueduct. He has seen several Herman Citron, the act's manager, to build a duplicate of the turn, but this is improbable.

Willie West and McGinty leave mid-Aug. for a Georgia Black "Crazy Show" at the Palladium, London. This booking was set prior to the act's entering into a contract for Aqueduct.

Adler Quits Down Under

Sydney, June 30. Larry Adler, virtuoso player, leaves for U.S. (23) after a six-month stay here for Tivoli and Hoyts.

Adler was offered additional time by both Tivoli and Hoyts on repeat. He turned down offers in order to do U.S. tour covering about one year. He left major portion of his receipts on play dates in local investments.

DANCER'S AUTO HURTS

Detroit, July 11. Marjorie Weisenberg, 14, dancer, who appeared in films and was sketched to Hollywood next week to appear in other flickers, is recuperating in hospital here from internal injuries suffered last week in a city bus crash. Hooper, who hails from Chicago, was visiting an aunt here.

Her mother, Mrs. Irene Weisenberg, also received minor injuries in the bus-auto crash.

Vi Bradley moved into Marcel's in Los Angeles, following Helen Morgan

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JOHNNIE WALKER

(Continued on page 54)

Elizabeth North, his manager of the Bucks County playhouse here, broke her leg last week in a fall.

Sam Schwartz, another member of the theatrical managers, Agents and Treasurers of the company, was a guest at Moss Hart's farm nearby, was pressed into service to fill in for Miss North.

Eugene Ormandy, conductor of the Philadelphia Orchestra, has recovered sufficiently from a shoulder operation three weeks ago to leave the hospital in Philadelphia for a summer in Maine. Mr. and Mrs. Ormandy will occupy the former home of Josef Hoffmann in Cornberg, Me.

Lammers on Nudity

Howard M. Lammers, new chairman of the Amusement Control committee at the New York World's Fair, has no reform ideas on nudity but he believes the amusement zone must get the family trade if it is to click. He has hit two points that will cause the most trouble, he says, since going into the new job and one of these, on parking, has been definitely patched because he agreed to alter his original drastic rule. Lammers claims that this rule on wearing bras is not his, but it still remains a point of difference as to midway shows. Lammers indicated that he did not intend to operate the midway as the others would, but he would have no cause for police interference or arrests. He felt that any arrests in the amusement zone would give the amusement zone a black eye.

While not outlining his ideas officially, it is understood that Lammers favors a realistic handling of the nudity question at the fair. Elimination of blatant bawdiness from the midway is called for, as well as the shows themselves, and the "substitution of showmanship" is expected to help.

Besides Lammers as chairman, the Amusement Control setup includes George P. Smith, Jr., Frank E. Gates, of the treasury department; John N. Sullivan, director of public safety; and Miss Henrietta B. Smith, director of welfare.

It has been pointed out to the committee that nudity and girl dancers were handled at the Chicago fair by spotting most of these shows in areas of villages such as "Streets of Paris" and Oriental Village. This took away the blatant aspects of any so-called dirty bally, leaving it up to patrons to decide what might be expected once inside the village.

S.O.S. To Up Attendance

(Continued from page 1)

the management hopes to solve two pressing problems: (1) squeaks from the concessionaires' side of the fair; (2) counteracted adverse publicity over high cost of the fair. Both are continuing headaches, with the concessionaires' side being the more serious. Both are continuing headaches, with the concessionaires' side being the more serious. Both are continuing headaches, with the concessionaires' side being the more serious.

First, the management has just asked for the 12,000,000 mark, not including nearly 600,000 school kids who have been and will be included in the pass issued. The average of these issues (which they average about \$2.00 daily). This means that the fair will take \$24,000,000 from its customers in the next 16 weeks. It reaches even the conservative figure of \$20,000,000 for the first year. Attendance now is averaging about 17,000 daily, which reduces to nearly 14,000 paid admissions. It is currently at the rate of 1,200,000 weekly, which is well below expectations. Expositions are slated to shutter the last of October but not too much can be expected the final two weeks of the fair. At present price is maintained, the Fair would lose with little more than \$10,000,000, and not all of this would be paid attendance.

Admission Admission: Although not admitted as yet officially, wrapped up in this sweepstakes for motor attendance, a plan to resign the admission sale. This is definitely on the way, what will be bargained for is a good one each succeeding week, but now tremendous pressure is on to install the new sale quickly.

It will possibly mean a cut to \$6c at 9 p. m. The main exhibit area is slated to close at 10, but the show keeps going till 2 a. m., with the slash therefore helping the concessions.

Another concessionaire plan to prove an automatic builder-upper for the fair. In keeping with the theme, amusement concessions are being urged to reduce their admission prices to take advantage of the new plan, and at the same time, eliminate squeaks from the midway. The plan is being tested to see if it is really too late. Fair already has arrangements whereby tickets averaging \$1.50 to \$2.00 are being sold on Saturdays and Sundays. New bargain arrangement calls for 500 tickets averaging \$1.50 each. The new plan was set for final action this week.

It is being urged that the Fair's attendance, highly disappointing to the concessionaires, be increased by the use of firms with millions invested, in being urged to take advantage of the financial difficulties at several different attractions. Expositions do not want to take advantage of the financial difficulties at several different attractions. Expositions do not want to take advantage of the financial difficulties at several different attractions.

presently and are due to fold unless getting fresh coin or more business. Attendance at Congress Hall, which is elaborately operated show, has been off for some time.

Cutting the Nut
Survey now is being made by the department of the fair. Personnel can be trimmed when new exhibit become effective, July 20. Elimination of the show, which is a heavy pay, time, or both, are indicated in offering it. It does not build much. In winter water stunt show, given last Sunday (9) on the Amusement Zone lagoon, was an indication of the effort to cut down on the show. It is possible to the midway. Show failed to get any heavy advance publicity along, however.

Giant Causeway (fish show), one of the laggards on midway from outset, is being cut down. The show, which is a cabaret set to go in as soon as final act is given by the expo management, has been presented for not definitely decided, though it change will be made or not. Merrie England was recently closed and shutdown of Globe was contemplated. The show is being cut down.

Management of Merrie England was being presented for not definitely decided, though it change will be made or not. Merrie England was recently closed and shutdown of Globe was contemplated. The show is being cut down.

Classified Girls' new Dufour & Rogers attraction, is reported doing nicely bearing out contention that small admission fee is what the public wants (10c admission here).

Girl and dancing shows continue unabated. Not one of the new shows, Amazons are no more. In place of them is Exotic, a midway concession, which is being cut down. The show is being cut down.

Old New York is shaping up and now in the black. It has several small shows inside the outer gate. The show is being cut down.

No Nudes Is Bad News
As Big Kicks Dropping
The World of Tomorrow may be the slogan of the new show, but the concessionaires are concerned it's the squeaks of every day that are the danger from other elites, to be highlighted at the core, sometimes at midnight or later, calls to lengthy meetings and

other alleged hindrances, have caused a group of concessionaires to the point of threatening to quit.

Those principally affected since the order to 'cover up' about two weeks ago are operators of girl shows. Ford has gotten around the nudity is about which they charge is the reason for the steady decline in attendance. Despite the upturn in Fair attendance, other concessionaires are feeling the effect of the ban. All seem to agree that girl shows draw visitors from the exhibit area, but with the fanned covered up partially at least, they are staying in the exhibit zone.

Perhaps the newest complaint is the charge that the fireworks display at Fountain Lake show resulted in showers local only to the Fair. Dis- play is on for 15 minutes starting at 10 p. m., and ended that on occasions lately, rain fell at exactly 10:25. Claimed that the detonation of the bombs caused precipitation from long-hanging clouds, with the result that, instead of turning to fireworks, the rain fell on the show visitors late for New York.

On days of special admission for children, the show is being cut down. The show is being cut down.

During a meeting of show concessionaires with command Howard Lammers, recently appointed, who offered brasserie on all girls, he told the girls that outside the exhibit area left nothing to the imagination. If the still life is ok, the girls are being cut down.

An example of how business has been affected by the restriction on nudity may be had from Crystal Lilies, a Norman Bel Geddes costly penny peep show, which has been turning in profit about \$2,000 weekly. Even at that pace the chances of recouping the investment of \$100,000 to \$110,000 was problematic. For the past two weeks it was stated the net profit was \$200 to \$300 a week. The investment is deemed hardly worth operating.

Protest Meetings
Concessionaires now are worried about the failure to get steady patronage or even the crowds in the exhibit area. The Fair is being cut down.

The amusement zone operators are protesting over the decision to turn to the effect that it abuses and restricts the show. The show is being cut down.

Monday (10) night protesting concessionaires huddled for the purpose of protesting over their decision to turn to the effect that it abuses and restricts the show. The show is being cut down.

Nine girl show operators got together last week and asked for modification of the current standards for the Fair should not be different from those on Broadway. The show is being cut down.

Special Show Big Stunts
Saturday and Sunday business shot the past weekend at the fair. The show is being cut down.

As part of the campaign to have more attention focused on the show, the fair is being cut down.

Big Names and Showmanship Hypes 'Frisco Fair; Goodman Stays Month

DOUBLE TROUBLE

N. Carolina Curles Tamed by All Fours Within Five Miles

Charlotte, N. C., July 11.—It looks like double trouble—or even triple or quadruple—for curries coming into North Carolina this summer. Other curries are being set by the last legislature, the curricula may be taxed by any town which is within five miles of their scene of operation.

Law, as passed, was designed so that towns could levy a tax on curries operating outside town limits. Angle that they might be operating within five miles of two or more towns wasn't considered at the time, but under the interpretation it is perfectly possible that as many as four municipalities could rap a currier at a single location.

FAIRS BIG IN CANADA, WITH BETTER CROPS

Regina, Sask., July 11.

Prospects for touring shows this summer are never better than in years, according to attendance records at first exhibitions at Class B fairs in Pittsburgh. The fair is being cut down.

Goodman Wonder Shows at Moon Jaw fair is good. The fair is being cut down.

Shows at Brandon, Man., first of Class A fairs in western two-month jump, also good.

JUST ORNERY

Bo Barrett Circus' Bull Shot by Zoo Officials

Pittsburgh, July 11.—Barrett Bros' famous elephant, Danny, is no more. He was shot dead by zoo officials. The fair is being cut down.

He created a major riot, nearly kicked in the sides of the trucks and a couple of men with it. Try as they would, they couldn't get him in the truck and he sought his defiance at one and all. The fair is being cut down.

Rose Suits New Ranch
Fits Vs. Sally Rand

Billy Rose acted a \$100,000 N. Y. supreme court action Thursday (8) against Sally Rand, dancer and plagiarist of his "New Ranch." The fair is being cut down.

He asserted that she is now using the idea in the San Francisco Fair, preventing him from doing so in N. Y.

Meyers' Circus Folds

Johnstown, O., July 11.

Meyers' one-ring circus, originally scheduled to show at the Walter L. Main circus at Canton, O., a month ago, has folded because of the circus playing three weeks exhibition's entertainment, would have special events for such groups as the Red Lumsford wild west. The fair is being cut down.

San Francisco, July 11.

Best indication that fairgoers are big exhibitors is the conversion of the set up at the Golden Gate International Exposition is to be found in the fact that the fair is being cut down.

Negotiations are now under way to bring Ben Little, Kathryn Connell, Aris Shaw and Phil Harris—entertainers to appear in the new Music

The new managing director, Dr. Charles Strub is also encouraging big exhibitors to appear in the new Music

On July 4, the biggest day at the Fair, the total of the opening, the expo took in \$170,832 from all sources, including admissions. The fair is being cut down.

Latest financial figures on concession leaders up to June 10 were \$200 to \$300 a week. The fair is being cut down.

Concessionaires Association, which has laid down an ultimatum to the exponents and concessionaires, \$10,000. The fair is being cut down.

William F. Tunney has been appointed managing director Strub's of the fair and kid and a heavy charge of part of the administrative work and will under Gwynne Wilson, Strub's executive aide.

CUSTOMERS STAND AT NEW YORK STRAND
TO SWING AND SWAY WITH

SAMMY KAYE

THREE-
WEEK HOLDOVER
TO PHENOMENAL
BUSINESS JUST CON-
CLUDED, CLIMAXING EX-
TRAORDINARILY SUCCESS-
FUL ENGAGEMENTS IN
NEW YORK, AT THE
HOTEL COMMODORE
AND THE ESSEX
HOUSE

VICTOR RECORDS
EXCLUSIVELY

CBS and MUTUAL
NETWORKS.

PERSONAL MANAGEMENT
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Vol. 135 No. 6

NEW YORK, WEDNESDAY, JULY 19, 1939

48 PAGES

DEPENDENCE THE NEW

Sponsored Vaudeville, New in J. C.; Midwest's Comm'l Acts, Free Films

Sponsored vaudeville, something along the lines of a commercial trial, is getting its first known trial at the Colony, Jersey City, 1,000-seat which was formerly the Keith's Pastime. House has sold its stage rights for 10 weeks to the Public Furniture & Outfitters Co. of Union City, N. J., deal calling for the store to pay for a five-act show every Friday night, getting week-long lobby and trailer plays in return.

It's not the first time for a commercial show on a stage, but all such previous attempts have been hooked up with a commercially sponsored radio program. This is the first time known that a theatre has gone out on its own and signed up a commercial sponsor of entertainment.

Harry Carlin, indie booker of New York, is buying the shows, using chiefly new acts on a very short budget. For Carlin, it's also a show case for material; for the sponsor it's cheap advertising; for the house it's an entertainment giveaway to break the monotony of the Tuesday night Jackpot Luck game.

Last Friday night's (14) show, paid dual play, included Mason and Gene Wardell, Frank Brooks, Moss and Ferris, Baby Barbara, Mack Herbert, who get the deal.

(Continued on page 32)

How to Win Friends And Influence U. S. Good Will for Japan?

San Francisco, July 18. Dale Carnegie said quietly last week for Tokyo, as official guest of the Japanese government. He'll study the Far Eastern situation and gather material for lectures and radio in the U. S. next fall. Due back about mid-September.

Although the Nipponese government undoubtedly aims to persuade the writer-lecturer-broadcaster of the justice of the Japanese viewpoint, and hopes he'll combat the unfavorable sentiment in the U. S. when he returns, there are no strings to the invite, so Carnegie will be free to express any opinion he chooses. Douglas Storer agency, which handles him, is angling for a full radio sponsor. Colgate bank rolled him last season.

Pancho Villa's Second Daughter in Niterity Philadelphia, July 18.

Second of the daughters of Pancho Villa, famed Mexican hero-bad man, has joined the entertainment staff of the Embassy Niterity here. Sister: Celia warbles, while the younger, Ponchita, is a toe-tapper.

Neb. Barter B.O.

Alliance, Neb., July 18. New in admission was the charge made by an exhibit here for entree at his theatre. Put on one show for the farmers to which admission was granted on the presentation of a full quart of grainstoppers at the door. Hoppers are the No. 1 western Nebraska pest.

Coast Tourists Now Butt In On Film Locations

Hollywood, July 18. Annual battle between film studio and summer tourists is doubled in spades this year, with the usual force of vacationists reinforced by a host of Frisco Fair oglers. In addition to their increased numbers, the invaders are taking advantage of new forms of strategy closely akin to skullduggery.

Allied to the attacking army are the hotelkeepers, aided by a flock of snipers in the form of bellhops. In some hotels the managers openly offer their guests free access to the studios. Other hotels do it with bellhops in a roundabout flanking maneuver. Instead of a frontal attack on the gate, they surround troupes on location.

Through spies inside the studio walls the bellhops learn when and where the location crews are going to shoot. For a few they bring hotel guests and split their brains to skullduggery.

(Continued on page 46)

JESSE OWENS ON B.B. TOUR; 4-INNING STINTS

Memphis, July 18. Jesse Owens, Negro spotlight athlete in the last Olympics when he outran everybody in the dashes, now one-nighting through the sandhill country with a baseball team (colored) known as the Crawfords. They play any hometown team, for percentage or on guarantee.

Owens, who has tried politics, leading a band, night clubbing, vaude and state and county fair free-acting, is the headliner. After the 4th inning he hands out the opposing baseball outfit's fastest man by giving him a 5-yard lead and knocks him off at 100 yards. Usually turns in 9.8 seconds time for the event, then circulating the bases in around 141 seconds. Bows and to the showers.

NEED MORE ZING TO TYPE THE B.O.

Producers Heeding Pleas for Speedier Action—Frown on Preachments—Scribes Told to Punch Up Yarns, Even Though the S.-A. Is Under Wraps

THAT BREEN BOGEY

Hollywood, July 18. This is the year of Hollywood's big experiment.

While exhibitors the country over are wondering why film makers haven't done something about hip-hop-raising celluloid's semi-commodious those responsible for studio output are busy themselves with their test tubes, struggling to compound new formulae for marquee lure.

Several times in recent months herders of the studio mines, big tell certain they had the answer, only to change their views when their ideas reached preview stage. Walter Wanger's preachment against war, "Blockade," sounded to him and his associates like open sesame to a solution but they learned too late that John Public dials out coin for its entertainment rather than for sermonizing. RKO's Pandro Berman can be felt the pulse beat of changing public tastes in a number called "Boy Slaves," built around juve offenders (Continued on page 37)

Ripley's Freak Show Adds to B'way's Coney Is. Auro; It Looks B.O.

By MIKE WEAR

Further adding to Broadway's Coney Island atmosphere, the main drag now has a freak show, right in the heart of Times Square. What's more, it looks like a click. It is Robert L. Ripley's "Odditorium," on the site of the former Hollywood restaurant. Opening Thursday night (13) after a swank press review, Wednesday it clocked off \$1,000 opening day and has built each day since.

Intel week looks like \$10,500 which is \$4,000 or more above actual operating expense per week. Scale is 40c, adults 25c for children, with 15-25c, tap till 2 p.m.

"Believe It or Not" Ripley's newspaper and radio rep should give the comic museum and auditorium grind (to eight performances daily) good momentum. Museum pieces represent high spots in his lifetime of collecting unusual "believe it or not" items. Ripley claims the objects on display are irreplaceable. It cost \$180,000 to remodel and fix up (Continued on page 39)

Disney's \$5,625,000 Gross Rental From 'Snow White'; RKO, \$1,875,000

Fore-Armed

Boston, July 18. Sinclair Lewis, who's been active in the theatre for the last couple of seasons, is currently writing a novel with a straw-hat background. Nobel prize-winner explains that each of the principal characters is based on at least four different persons. "But when the book comes out," he adds, "everyone from whom I took even a complimentary trait or mannerism will own the entire character is based on him. I'll have to retire from the theatre for about a year after that."

Latest figures on the total world gross of "Snow White" show that it will run to \$7,500,000, a new high in rentals for any single picture. At \$4,000,000 for the domestic market, the balance of \$3,500,000 is provided by sales in foreign lands, with some territory yet to be played.

Picture cost \$1,650,000 to produce and color prints, of which a high number was ordered, ran to \$350,000. At a world gross of \$7,500,000, the split under the RKO-Walt Disney deal of 75% to the producer and 25% to RKO is \$5,625,000 to Disney and \$1,875,000 to RKO. Out of this division of gross revenue on the feature cartoon comes the cost of the picture, the prints, advertising and the distribution overhead. Disney assumed much of this as detailed below.

While in most cases a distributor has a different percentage deal to cover foreign markets, under the usual desert, the RKO deal for distribution by latter of his picture, the sharing arrangement of 75-25% obtained uniformly for the entire world. Disney is said to have insisted that the 75% slice of gross rental return to him remain that high, not only for the domestic market which (Continued on page 48)

Sponsor Slips Bob Hope Cuffs Trip to Europe

When Bob Hope got his renewal of contract from Peppodent he was handed, along with the covenant, transportation tickets for a European trip to luxie both ways, plus a letter of credit for \$25,000. He sails after his current Par, N. Y., personal, starting today (Wed.). The gesture implied in the gift is not common for radio.

Recently Hope was taken aboard the yacht owned by Kenneth G. Smith, Peppodent press. "That," he was told, "is the ship that Amos 'n' Andy built."

"If I'm on the Peppodent payroll much longer," wisecracked Hope, "he'll be using it as a tender."

ALI-KID PLAY AS ANTI-WAR MESSAGE

Eddie Dowling has an all-children fantasy play idea, with a cast of 10 to 100% young talent—offering of name personages, either in the theatre, literature or the contemporary arts. Titled "Peter Penny Under the Dream Tree," and authored by James F. Hanley and Pat Ballard, it's a frank peace play idea.

The utilization of adolescents in this play is the author's and Dowling's vivid means to point up what havoc war could mean to the youngsters within a few years. Idea is to make adolescents—and their parents—think in terms of their own immediate world problems. Also to debunk any glamour of war, soldiers, conquest, etc. Hitler's in it, too: "King Bully Boy."

First Time in History, RKO Not Booking Any Vaude Out of N. Y., Chi

For the first time in the history of the circuit RKO is without a vaudeville theatre booked out of New York or Chicago. The one house of the once leading vaude circuit now playing stage shows is the Golden Gate, San Francisco, and it's booked on the Coast.

Situation is such that RKO's booking office in N. Y. is currently vitally important. Bill Howard, booker, is on vacation and only his secretary and a clerk are on hand. Recognizing that some of the RKO vaude spots is still uncertain, he's it's figured that the Palace, Chicago, Cleveland, Kansas City, Boston, and the Shubert, Cincinnati, will resume stage shows some time in September.

Self-Made Television

Seattle, July 18. Seattle has television in the raw. A recent check at the gate of the Seattle baseball stadium revealed that 12,000 of the park's ticket-holders were there for the game. It was found they preferred Leo Lesen's (KCF) baseball broadcasts to that of the public address system in the park. They also liked such information as batting averages, the reason for certain rulings by the umpires, etc., not given by the p.a. layout, but obtainable on the air.

Even Money on Neely Now

'Name' Fingerprints Shilling for FBI

MAN ONLY 5'50" TO
HOOD 1 CASH COUNT: 10

guardian. _____

ARRIVALS

(At the Port of New York)

Robert E. Sherwood, Mr. and Mr.

Casey Robinson, Kato Havas, Seve
Robert Alton Girls, Three Stooge
Mr. and Mrs. Eric Greenspan, M
and Mrs. Henry Weiner, John Ba

4 A's AGVA drive.....
Katharine Hepburn's 'Philadelph
May impede Hollywood backing
WPAers get reprieve.....

Won't Be in the Nature of a 'Drive'

Nick Schenck East

film.

.....Page 26
.....Page 31

Golden Jubilee celebration is set to get under way in August when the best of new season's productions will be coming out. It is set to wind up the week of Oct. 1-7.

the excess of receipts over disbursements, excluding the expenditure for accessories (press books, paper etc.), amounts to \$105,740 and that the excess of disbursements on accessories over money taken in was \$13,153. This leaves a balance of \$92,587, which is on deposit in the Chemical Bank & Trust Co. There is no indication in the accountant's report as to what disposition may be made of the final balance, after the matter of the \$19,458 has been cleared up.

This item of \$19,458 represents five different bills totaling that amount that have not been paid. Report t Walker, treasurer of the campaign, states that "there are certain liabilities which have not as yet been liquidated, principally because of the

(Continued on page 16)

THEATRE

5-Day Week a Boon to Film B.O. Years Checkup Shows; See Danger In Any Partial Summer Shutdown

With virtually every industry or line of business now operating on a 5-day week basis, the picture business is checking to see just what effect it has had on the boxoffice. The shorter week and the national wage and hour scale now has been effective for little more than a year, enough time to get a fair reaction. Data thus far collected indicate the 5-day week has helped aim theatre business.

The shorter week gives the great bulk of people additional leisure time and hence more time to spend on entertainment. Industry statisticians hold this situation responsible for the picture theatre income to hold its own when numerous other business industries were off.

Even with a 5-day week, daylight saving time still remains a giant bugaboo for film theatres. The day-light problem, film product and summer outdoor attractions has revived tangle too, of partially shutting down for several weeks during the hot weather period. This idea was seriously mulled by several circuits 12 years ago but nothing came of it. It was patterned somewhat after the theory that it might be well to copy the police or fire department vaudeville houses by using only a 40-week season.

Idea now, as then, was that the shutters would increase the appetites of theatregoers or screen plays. With the result that there would be a huge rush to theatres for the first three months of the year, and then the theatres would be reopened in the fall. However, when exhibitors today are inclined to close the risk of getting steady patronage is too great. That pattern might never become recurring because the attendance at the cinema but would seek other forms of amusement. Also, today the difficulty in the different theatres or groups of houses to abide by closing probably would preclude any wholesale shutdown.

Few Coast Theatres Close; Improved Tone

Los Angeles, July 18. Few film theatres in Southern California territory are slated for summer shutting this year. Better tone at the boxoffice generally, with operators convinced upward trend is setting in, has caused many to keep opening long dark houses instead of closing for balance of summer period.

Only areas that will witness any summer shutters will be the Imperial Valley and portions of San Joaquin valley in Southern California, and portions of Arizona, where summer heat is something to be reckoned with.

Harry Mace, Arizona operator of both indie theatres as well as Paramount partnership, is closing his (Continued on page 14)

New Buzzell Pact

Hollywood, July 18. Metro has handed Eddie Buzzell a new directorial contract and is assigning him to pilot the Marx Bros. in "Go West."

Currently he is directing them in "A Day at the Circus."

YOUNG ARNOLD IN OPERA

Rochester, N. Y., July 18. William Arnold, 19, actor-son of the late William Arnold of the screen, has quit Hollywood for an opera career. He is studying in the opera department of the Eastman School of Music.

GERAUGHY LEAVES REP

Hollywood, July 18. Maurice Geraughy resigned as story supervisor for Republic's Gene Markey, Rogers and Mesquite features. He has been with the studio five years.

RELEASE DATES BEING SET NOW

From Lux to RKO

Hollywood, July 18. Frank Woodruff, radio producer, 8264 to RKO as a director. He directed the Lux program for the last four years.

PLENTY FILMS READY; PROD. HEAVY

Hollywood, July 18.

With 23 pictures ready for release, Paramount has the biggest backlog of completed features in its history.

Production staff has finished the current season's program and all but one of the pictures slated for distribution in the first three months of 1939-40. Studio has six other films before the cameras.

W. Metro's program far ahead of schedule. Metro-Fox is slated for a costing period on a product until September. Studio has enough product finished or in the meet release dates until the end of November.

Currently in production are six Darryl Zanuck features and two for the Fox-Warner unit. Metro is setting in production, with 29 units on nine pictures working and 1,800 extras overrunning the sets. All stages are occupied and two companies have been forced off the lot.

McDONOUGH MAY LEAVE RKO; BENEDICT TO PROD.

Hollywood, July 18. RKO studio personnel is to undergo a shakeup on the arrival next week of President George J. Schaefer from the east. Reported that studio head J. R. McDonough will leave the lot after Schaefer familiarizes himself with the former's duties.

Also rumored that Edward Benedict, publicity head, is to become a producer, with Perry Lerner replacing him.

Estimate Par's 6-Month Net Profit At \$2,500,000; U's Big '938-39 Spurt

Better earnings than last year in the second quarter are anticipated for Paramount by Wall Street financial observers. The second quarter net earnings and net for the first half of 1939 is not due out for several weeks, but the financial district is looking for net profits of around \$2,500,000. If the second three months this year do not greatly exceed net profits of the second quarter, the net for the first half may be slightly under that.

Paramount reported estimated \$1,900,000 net earnings in the first quarter this year, or 41c per common share. Company officials a couple of weeks ago estimated that the second quarter would top the second period of 1938, which would mean \$1,000,000 to \$1,200,000, or about 40c on the common.

Paramount showed 33c on the common in the second quarter last

All Distributors Have a Promising Array of New Product Set to Go—Expect It Will Stimulate Both Selling and the Boxoffice

RUSHING 'EM OUT

By BOY CHARTER

In addition to final deliveries on current 1938-39 season which, in buyer opinion, suggests an improved outlook for the rest of July and the month of August, releases of 1939 pictures are being set up together with numerous pre-releases and further strengthen the position of the theatres. The haste of the distributors in lining up pre-releases and setting out as early as September, and the setting of national dates at this time will also give impetus to selling, it is believed.

That sales may not only pick up sharply from now on, but that releases will be greatly increased, is also predicted in view of the effort to get new product rolling. In many cases word of national schedules, which are being rapidly figured out now. Numerous companies are in good shape on 38-40 product that is ready at the moment, or will be getting into cans for pre-release or regular engagements at an earlier date than usual. Situation resolves itself down to the point of waiting until September for strong August product and plenty of it, with the distribute in turning everything humanly possible to meet this request.

Some distributors are in a better position than others in getting new film to the field before the hot weather bows out, but indications are that waiting until September for 38-40 pictures ready for dating no later than Labor Day week, which is now, if figured as beginning on a Friday, is Sept. 1. Labor Day holiday itself is Sept. 4. While Metro could start rolling its 38-40 product during August, this company feels that it is better to wait until the first of September, next month is such that it would overwork its regular line of accounts if not waiting until Sept. 1 to actually begin the long 39-40 schedule. There may be some pre-release dates, especially selected, however, for new pictures during August.

Metro's Maximum
Meantime, Metro, which is delivering its maximum requirements on the 38-39 season ratings, has just (Continued on page 18)

Circuit Court of Appeals Throws Out 3 Counter-Arguments and Again Okays RKO Reorganization Plan

Goldwyn East Next Week

Samuel Goldwyn will arrive in New York next Monday (24) for conferences with James A. Maitly, his eastern rep, and for the preview of "They Shall Have Music" led the Rivoli, N. Y., Tuesday evening (25). Run of the film starts on July 28, replacing the now-dark "Rivoli."

RKO BOARD OK COMES UP THURS. (20)

Federal Judge William Bondy in New York Monday (17) set Thursday (20) as a date for a hearing before himself, at which time Irving T. RKO's trustee, will request a special stockholders meeting of the company for the purpose of voting on, and the ratification of, the new RKO board of directors. Irving Trust's petition discloses that the last meeting of stockholders for such a purpose was on March 23, 1932, at which time the stock was sold, with the proviso that one-third was necessary for the consummation of any business. There are now only four men active on the board, the application discloses, of whom two remain as members. The balance have either resigned or have died. In order to hasten consummation of the plan, and to give Irving Trust the benefit of their advice, it will be necessary to have the men approved by the court elected to their positions as soon as possible, since all represent large interests of creditors or stockholders. The new officers to be voted on will be Richard C. Patterson, Jr., as president, and the trustees, Raymond D. Hill, Ned H. Depinet, Thomas P. Du-nell, Frederick L. Ehrman, L. Lawrence Green, Conde Nast, Joseph Parsons, of Peter Rathbone, George J. Schaefer, W. G. Van Schmus, James G. Harbord and Lumsford P. Yandell.

RICHARDS, BLANK AND LYNCH IN N.Y. PAR MEETS

E. V. Richards, head of the Saenger circuit in the south and a director of Paramount Pictures, Inc., reached New York Monday (17) and immediately huddled with Barney Balaban, Stanton L. Griffls, Austin C. Keough and others. Also arriving at the Par h. Monday (17) were the Blum major interests, including and his son, Ray, G. Ralph Branton, general manager of the Par-Blank enterprises, followed them in yesterday (Tues.) for theatre administration conferences and product discussions.

In both the Saenger and Blank territories business is holding up very satisfactorily as compared with last year at this time. Richards and the Blank group are expected to remain a week or so. The former does not come up from New Orleans, but because misses numerous board meetings. It is possible he may remain through July 25, if a regular board session, scheduled for that date, is held.

S. A. Lynch, living on his yacht and telephoning from it, is also up north to take up current operating matters with Par officials, look into product deals, etc.

The Circuit Court of Appeals in N. Y. yesterday (Tues.) affirmed Federal Judge William Bondy's decision and approved the RKO plan of reorganization, tossing out all three appeals. Judges Learned Hand, Harrie Chase and Robert Patterson took the appeals one at a time and found no points in any worthy of consideration.

The first appeal was that of H. Casel & Co., holder of \$177,000 of debentures of RKO, which claimed that plan was unfair and violated the Fifth Amendment to the Constitution in that, in giving debenture holders preferred stock for their debentures, it took away their secured position, and was in effect depriving them of property without due process of law.

The Circuit Court found, "The plan as it stands prescribes to debenture holders their existing priority over common stock and stockholders who receive common stock. The plan having met with the approval of the holders of more than two-thirds of the debentures the argument that it is inherently unfair to debenture holders cannot be sustained."

The Federal Court was not called on to say that the plan was the best or the fairest that could be drafted. The problems confronting the parties were not that of a solution. The corporate structure was intricate. The demands of the secured creditors, the holders of preferred stock and stockholders were conflicting. The demands were satisfied in a way that would not deprive the regular majority of each group. The plan did not break the priority of the debenture holders over common stock and stockholders. Under the circumstances we cannot say the rights of the debenture holders were satisfied in favor of junior parties."

In re: Copla Reels, Fabian Asst. to the President of Copla Reels and Fabian op. ting companies, who questioned the fairness of the way the way it dealt with contingent claims, and who asked (Continued on page 14)



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Vol. 136 No. 6

INDEX	
Dances	39
Billboard	45
15 Years Ago	35
Film Booking Chart	14
Film Reviews	12
Film Showmanship	8
Music Reviews	38
Industry Gossip	11
International	11
Legitimate	40-43
Literati	44
Muscle	30-32
New Acts	38
Picture Clubs	33
Outdoors	46
Obituary	47
Pictures	2-19
Radio	20-29
Radio Reviews	28
Radio-International	29
Vaudeville	33-37

RFC's \$400,000 Loan to Grand Nat'l

Plus \$150,000 More From Wall St.

House Features Co.'s Refinancing

Plans for refinancing of Grand National Pictures Corp. came near to consummation last Friday (14) when stockholders of Educational Pictures, Inc., the parent company, ratified and authorized officers of the company to accept a loan of \$400,000 from the U. S. Government's Reconstruction Finance Corp. It also was voted to approve a plan of Felt & Co., Wall Street syndicate, to arrange for a substantial fund to be made available to Grand National.

Stockholders also authorized the directors to make any necessary modification of the Felt plan, in the event of the acceptance of the plan. Such modifications, however, still to be complied with, but will be accepted according to the wishes of the directors of both companies. The original Felt & Co. plan has been changed for the first time, in order of bringing in \$550,000 in money, in exchange for a three-year stock control of both companies, a stock bonus, they will now furnish a much smaller sum of money, in the nature of a private loan, in return for representation on the board of directors of Grand National, plus a convertible note or bond as collateral.

Felt & Co. has consented to a modification of its plan and will provide Educational-Grand National accepts the RFC loan. In all respects, once the RFC loan is accepted, comes an actuality. Felt's participation and security becomes subordinate to the RFC's. Felt's personal and real property which must be furnished the Government as collateral for the loan, consequently, also subordinate to other loans which have been arranged through other sources.

-Payoff to ERPI

Basis of RFC loan is said to be for a period of three years and will be 8% interest. Unofficially, it is understood, Hamiltons plan to pay back the loan out of the proceeds of \$400,000 to ERPI in satisfaction of the mortgage now held by the latter on the National Studio building.

A new mortgage on the studio would be turned over to the RFC. Another \$500,000 immediately will be turned over to Lloyd Wright as trustee for the stockholders and directors of the old Grand National. This provision comes under the Felt & Co. modified plan, involving settlement of the arrangement whereby Educational was to buy back 50,000 shares of Educational preferred stock in order to hold the shares of the old Grand National securities, together with cash, each two years.

In addition to the \$400,000 from the RFC, and approximately \$150,000—the probable extent of Felt & Co. financing—another loan of \$400,000 is being arranged with Electrical Research Products, Inc., and Irvine Trust Co., jointly, at 8% interest.

GN's Distribution Program

Grand National Pictures for the time being will continue its distribution and financing of independent producers only, and will do no production of its own. The plan, Hamiltons is uncertain whether Fine Arts Productions, will continue to produce for the time being, or if GN; other deals with producers are under discussion.

GN has not discontinued distribution, contrary to report, and is still releasing 72 features and two shorts, a number of which became available with the old GN takeover, starting with their first release, "Great Guy," which was grossing in excess of \$150,000, according to best information, and additional revenues are still coming into Educational from 20th-Fox distribution of shorts. So, Edwards remains in charge of distribution.

Lineup may be amplified by some features still due to the Coast and deals for new product now to be worked out through new financing now being obtained.

Fred Kane Now Head Man For Grand Nat'l on Coast

Hollywood, July 18. Fred Kane becomes Grand National's head man on the Coast under the new financial setup. In addition to supervision over production by indie units to be set up, he will be in charge of any pictures that

Yipee, I'm in Pictures

Hollywood, July 18.

Geraldine Spreeches, sugar heir, has signed with Retains Studios in a series of Cinescramore six-reelers. "Trail Blazers," first series, goes into the cameras Aug. 1, with Len Smith producing.

Quartet of Higgins Set For Trio of Gleasons; Par's Aldrich Family

Hollywood, July 18.

Two more stories for the Higgins Family series, featuring James, Lucile and Russel Gleason are ready for shooting at Republic, and two more are in the writing mill. "Money to Burn" and "Calling All Marines" are in shape for the cameras, and "Everybody's Happy and 'Should Wives Work'" are being scripted.

Two more pictures about the Aldrich family, introduced to the screen by Jackie Cooper and Betty Field, are already back at Republic, and the Paramount production schedule. Both will be directed by Theodore M. Inge, who has been working, based on Clifford Goldsmith's stage play.

WELLES WEST ON HIS FIRST RKO PICTURE

Orson Welles, director of the Mercury theatre, accompanied by John Houseman, went to the Coast this morning to meet with executives of RKO. Welles finished details of a single-feature-per-year deal over the next five years.

By terms of his contract he will both act and direct in his own production. Welles delayed signing with any company until he could get a pact enabling him to maintain his activity with the Mercury theatre.

Under setup, he will be able to carry on his repertory season as usual. He will appear in the Campbell Playhouse, via CBS. Welles will put on his broadcasts Sunday nights on the radio, which will enable him to get in a full stage week without midweek interruptions.

Lesser's 'Ice' Cream Beats Schedule; Gets Bonuses

Hollywood, July 18.

Everything's "On Ice" was that way too at the end of the schedule in spite of early delays. As result, Sol Lesser handed bonus checks to 37 members of production staff, and technical crew at Principal Pictures.

Picture was directed by Eric Kennerly. P. Schuller, executive producer, Principal Pictures obtained a lease extension on its office in the new P. Schuller building, Aug. 1. On that date Columbia takes over the space. Meanwhile Lesser is shopping for a new location.

Par's 'Tenderloin'

Hollywood, July 18.

New York's Tenderloin, 1938, of the gay '90s forms the basis of a picture to be produced by Harlan Thompson at Paramount. Fred MacMurtry and Dorothy Leiser are slated for leads. Film is tagged "Tenderloin".

GN may make itself, Kane, with the aid of assistance of the new charge of studio and company's financial changes.

Recent resignation of Ted Williams as GN and Educational treasurer, and stepping out of Jack Skouras' line of vision of the two companies, Kane's duties at studio have materially increased. Skirball will be in charge of Coast for more than a year.

Ain't Bein' Done

Hollywood, July 18.

Least they're accused by their showing of being sinister, their picture heroes rarely like the gal they rescue from fates worse than death.

William Boyd has made 28 pasture epics in five years without once smacking the heroism sweet thing that straightened for his heroes.

CIO's Q. T. ORG. OF PROTESTERS

Though not causing grave alarm as yet, a sudden, unexpected walk-out of others in RKO neighborhood theatres in the Greater New York area and some picketing taking place, is providing a taste of action that has frightening tendency among operators in the face of possibility there a strike could spread to all N.Y. houses.

CIO union, an affiliate of the United Retail, Wholesale and Employees of America, has been quietly signing up uhers in metropolitan New York City, and has pulled them out of nine RKO theatres Saturday (15) when one of their members fired.

The uhers walked out of the Midtown, Yorktown, Chester, Alhambra, House at Newburgh (all RKO), the Republic, Brooklyn, and the Tilyou, Coney Island, while one stepped out of the RKO at Manhattan. Picketing began in a haphazard way at these theatres and two started parading in front of the Coliseum in the Bronx and one each at the Franklin, N.Y., and Albee, Brooklyn, though at these three theatres no new employed did not go on strike.

At the Midtown, three of the four marquee signs were taken down, new employed did not go on strike. At the Midtown, three of the four marquee signs were taken down, new employed did not go on strike. At the Midtown, three of the four marquee signs were taken down, new employed did not go on strike.

Operators in N.Y. are checking on the situation, watching it from the sidelines with some apprehension. Meanwhile, the question is raised whether or not a jurisdictional struggle between the CIO and AFL, which is the union unit of the Building Service Workers union (BSW), has been enrolling members and has been in the time now sought to negotiate contracts with all New York film houses.

Studio Contracts

Hollywood, July 18.

David O. Selznick hosted Harry Studding's campaign, and Bernard Herzburn signed as director for Stephens-Land Productions.

Option on Jack Hively, director, has been taken by Metro.

Sherman Scott, Robert Tansey, and Victor Kopp and Victor Kopp, signed to direct contractors by Producers Pictures.

Baldwin signed terms at Republic. Lou Baum and Lee Huginin, unit manager, new term contracts at Warners.

Paramount renewed William Flawley's contract.

Robert Rosen inked scripter ticket at Warners.

Paramount renewed Rita Johnson's contract.

20th-Fox picked up Lionel Atwill's option for one year.

Lillian Porter's picture ticket renewed for one year at 20th-Fox. Paramount signed Lind Hayes, actor.

Echo of F & M's Anti-Trust Suit

Legal Fees From Its Own Attys.

Raft Under WB Seal

Hollywood, July 18.

Warners signed George Raft to a term contract after ogling his work as co-star with Jimmy Cagney in "The Little Girl."

After a vacation in Europe, his first picture will be "The Patent Leather Kid."

George Raft is in New York from the Coast, on his way to Europe and a brief vacation.

N. Y. City Drive Causes

B'way Marquees to Cut

Down to Legal 9 Feet

Pending more comprehensive action by the City Planning Commission to clean up Broadway, enforcing limitations on signs, billboardage, etc., the first forceful step taken against theatres is to knock out marquee signs that are higher than nine feet.

As result of a flock of violations slapped on Broadway houses during the past week, hand signs have been reached to bring all marquee signs down to the prescribed nine-foot height. Theatres and signs as well as neighborhood houses. This goes for both major-controlled theatres and independent houses.

The marquee signs of all Broadway houses as well as those in the neighborhood, are to be cut down to nine feet. This is the height from the marquee itself upward and takes in all electric signs that may extend beyond the nine feet.

Some theatres have been using marquee signs, with signs, that extend to as high as 20 feet for "effective" signs. Electric signs are also vitally affected by the move.

The next step of the Planning Commission, of which the New York City Board of Estimate is a part, is to clean up Broadway. The former brain-truster, is chairman, is not known, but believed in New York operating quarters that the big cleaning will come gradually, with all non-compliance, program, as at first, to be put into effect right away, not only theatres, but all places of business using advertising.

The Broadway Assn. vigorously protested against the City Planning Commission move and asserted that it be put off the fall to give everyone in the path of the cleanup an opportunity to closely study the proposals it made.

Skouras-RKO Newark Pool Off, House Folds

Pooling arrangement between Skouras and RKO on the Terrence Newark, has been terminated and the theatre closed for good. House Skouras, who has been in the city for years ago before pooling arrangement was entered into and before that time Fox withdrew.

Principal cause for the shutdown was attributed to the fact that House was on its last legs, due to removal of the Pennsylvania R. R. terminal to a new site in Newark, and was affected by change in the few of the crowd toward theatres nearer the Broad and Market streets area.

ZANUCK'S WINGS

Hollywood, July 18.

Darryl Zanuck has ordered 20th-Fox to remove its wings to go up about New York street cleaners taking over the late Otto Kahn's estate on Long Island as a vacation spot.

Plan it as a farce comedy called "White Wings in Clover."

GALE PAGE'S DIVORCE!

Spokane, July 18.

Gale Page, who is the daughter of a well-to-do banker here, new in for a brief family visit.

She would not comment on her reported divorce action against Frederick Trichter of Chicago, NBC executive.

St. Louis, July 18.

Fanchon & Marshall, who are a two incorporated Missouri subsidiary, the St. Louis Ambassador Theatre, Inc., opened in downtown St. Louis, the last week filed in the Circuit Court to recover \$42,200 from the Missouri State, St. Lambert E. Walther and Harold Hecker who represented F&M in the anti-trust suit against motion picture companies and excess several years ago. The petition also disclosed that F&M and Marshall had agreed to pay an additional fee of \$25,000 to James P. Alward, Kansas City attorney, and Democratic leader, after it had been told a Missouri anti-trust action could not be dismissed until it was paid for legal services had been paid.

The petitions asked that the defendant be enjoined from selling or transferring a series of notes totaling \$35,000 and to order return of these notes to the plaintiff, F&M, the petition sets forth, retained Leaky in 1934 as counsel in negotiations to lease and operate the Ambassador Theatre. To accomplish this, F&M had agreed to pay \$105,000, it was stated.

The companies, the petition requested, be enjoined from the refusal of major producing companies to supply films. After a period of 18 months, F&M, under one of those who entered the agreement with F&M, and who had advanced \$25,000 to F&M, had further advances and asked for return of his money. On advice of Leaky, F&M had agreed to return the stock was purchased for \$25,000. Later, according to the petition, F&M had agreed to return the stock was purchased for \$25,000. Later, according to the petition, F&M had agreed to return the stock was purchased for \$25,000. Later, according to the petition, F&M had agreed to return the stock was purchased for \$25,000.

However, while conferences looking toward court action were in progress, F&M entered direct negotiations with the producing companies which promised to settle the dispute with F&M and thereby to stop the filing of any anti-trust suits, as such suits would further complicate the situation. The petition charges that Leaky failed to stop such action, and that the suits were filed, and that the petition of the \$25,000 fee of Alward, after which the suits were dismissed.

The \$42,200 F&M seeks to recover is the alleged amount paid in a \$75,000 fee to Leaky and his associates for their services. The series of notes were to cover the remainder of the \$75,000 fee. The petition action Leaky said. "The suit appears to be quite full of romance. It contains a lot of emotional and sensational statements. We will give our attention to it at the proper time." Leaky said he had been set for a hearing of the action.

Quartet of Tailspins

Hollywood, July 18.

Four starlets, led by a quartet of Tailspin Toppers pictures for Monogram released last Friday (14). The films are "Danger Field," "Transcontinental Plane," "Aces of the Air" and "Over the Amazon." John Trent stars.

MATEELNICK'S TRAILER

Maurice Mateelnic, author of "The Bluebird," forthcoming Shirley Temple release, is expected to make a special trailer for the picture in France.

Ida Lupino, who is George Bernard Shaw's introductory trailer for his first screen story, "Pygmalion" (M-G).

GREENE OK, PE REUNIONS

Hollywood, July 18.

"Here I Am a Stranger" resumed production last week after a two months cessation by injuries to Richard Greene in a motor accident. Fredrick Trichter of Chicago, originally assigned to Nancy Kelly.

Code's Arbitration Machinery Still Snagged, but Expect All Kinks Ironed Out Within Week

Requiring more time than was at first anticipated and hindering three full days during the past week in an effort to reach accord on modified arbitration machinery to govern clearance disputes, the distributors report that they will go to bat among themselves again Friday (21), with progress at the point where the attorneys are ready to be called in. Counsel of the various companies have to be consulted to get their okay on the legal verbiage and other points but doubted that delays, such as occurred in the past through wrangling of a flock of lawyers, will be encountered this time.

While some difficulty was met during the past week at meetings of the distributor heads, and three daily sessions ran into the dinner hour, William F. Raters, president of the distrib committee and general sales manager of Metro, declares that such substantial progress has been made toward a new clearance clause that its official announcement may be expected in a few days. Expected a week ago that could be Friday (21) or after attorneys have had more time, by the first of next week.

Square Shakes Moves
Understanding that the distributors are proceeding toward an arbitration clause covering clearance that will mean more uniformity in the adjudication of complaints arising out of clearance. One report that distributors are expected not to participate in clearance quarrels excepting where revenue is threatened. If that is the official case, then clearance disputes where distributors are not concerned, would be reduced to a two-party dispute. Exhibitors had taken exception to the original clause of the arbitration provisions under which the indie exhib had one vote, the major chain theatre one vote and the exhib a third. The contention was that this would naturally result in the distrib and the affiliated theatres voting together.

Until the distrib have worked out the clearance clause and submitted it to the exhibitors, they are unlikely to go into huddles with Max H. Cohen's committee of N. Y. State Allied on the code itself. Cohen states he is waiting for the distrib to get a date with the group but doesn't expect this to occur until after the modified clearance clause is being proclaimed and exhibitors naturally interested in that the same as others.

Joe H. Allied, of which Cohen is president, went against National Allied's stand rejecting the entire thing and asked the exhibitors for negotiation in an effort to regulate from within rather than through the trade practices committee machinery.

Joe H. Allied, Northwest Allied, Allied of West, Pennsylvania and Independent Theatre Owners of Penna., whose Sidney E. Samson is a national director, have all rejected the code. The Allied States Assn. action at Minneapolis on July 18.

Neb.-Ia. MPTO Stalls

On Code Vote 'Til Sept.

Omaha, July 18.—MPTO of Nebraska and Western Iowa decided to take no action on the trade practice code at a special session called by prexy C. E. Allen of Omaha. The group band together all independent exhibitors in the Omaha distribution territory. The organization is to start work when it holds annual convivia here anytime in September. Definite vote on the Nebraska district are on the fence as far as the code is concerned. Generally, they favor the exhibitors' principle, but object to the code's application by some distributors. Examples were aired at

Come and Go at Par

Hollywood, July 18.—Three players and three scripters wound up their Paramount contracts and checked off the lot. Players were Elizabeth Patterson, Diana Walters and Donald O'Connor. Sidney Kingsley, Frank Parlor and Paul Trivier finished their writing assignments. Scripts added to the roster were Gladys Attwater, J. Robert Bren, Nat Pertin, Garnett Weston and Herbert Shannon.

ILL'S ANTI-DUAL BILL NOW UP TO THE GOV.

Chicago, July 18.—State is seeking to prohibit double features by forcing exhibitors to close their theatres in less than two hours and 15 minutes. Bill has been passed by the state legislature in an effort to await formal signature by Gov. Henry Horner to become a law. On both sides of the measure is being put on the Governor. Circuit leaders generally oppose the bill and have sent long letters and emissaries to the State House in an attempt to influence a veto. The state legislature is leaning in favor and are putting on all kinds of pressure to get the Governor's formal approval of the measure. Indie exhibitors downstate, supposedly closer to the political picture than Chicago, are getting floods of phone calls from Chicago indie exhibitors to get in touch with the Governor so that he formally signs the measure.

Surprisingly, the proposed legislation is not affecting the general procedure of the buying season. The general run of exhibitors are to fill up with legislation and laws that the novelty has worn off completely and exhibitors are in favor of the proposed legislation interfere with the practical operation of their theatres.

Nicholls' 20th Solo

Hollywood, July 18.—George Nicholls, Jr., directs the Jane Wither's starlet, "High Society" over one picture deal with 20th-Fox.

Shooting starts late next month.

WB RENOVES ROBINSON

Warner Bros. has optioned Casey Robinson for another two years. Contract was picked up while scripter was in Europe on an eight-week vacation.

Robinson left New York last Friday (14) for the Coast in a starliner. Manda Aurora, Neb.; Mona Thompson, Riviera, St. Paul, Neb., and Williams, Omaha.

The special meeting which showed exhibitors were charging more rental in order to give 20% cancellation. Another instance, an exhibitor declared he was being forced to take the code and was in contact with a major company in order to get the full-length films he wanted. The exhibitor was dissatisfied at the meeting.

Membership drive committee consists of W. S. Borz, Orpheum, Rock Valley, Ia.; D. R. Goldie, American, Cherokee, Ia.; Harold Schaefer, Omaha, Neb.; Mona Thompson, Riviera, St. Paul, Neb., and Williams, Omaha.

FIGHT TO CONTROL 40,000 WORKERS

IA Runs Interference for AFL to Block Out Invasion—CIO Throws Support to Technicians Guild—Bargaining Rights in the Balance

IA'S VICTORY

Hollywood, July 18.—Fight between the American Federation of Labor and the Committee for Industrial Organization, for control of 40,000 film workers got under way this week, with each demanding right to bargain for employees. Drive to block entry of CIO into picture field is headed by the International Alliance of Theatrical Stage Employees, armed with a court mandate giving it absolute control of 14,000 members of IA Studio Locals.

The CIO is working from behind the scenes by furnishing financial and moral support to the United Studio Technicians Guild of North America. This organization, sponsored by officers of Technicians Local 37, claims to represent a majority of cameramen, sound technicians, laboratory workers, grips, property men and laborers. Claim covers the entire production field of IATSE. CIO plan is to move into the job if the UTSG is successful in winning agreement with exhibitors. IATSE members. Other crafts and workers would then be taken into the union. IATSE, operating since ready been made to Screen Writers Guild, Screen Publicists Guild, Studio Painters and Proprietors. Organization is headed by Howard Robertson, but organizational drive is being directed by leaders in Local 37 who are not sympathetic with IATSE rule.

Guild has filed a petition with the National Labor Relations Board seeking certification as bargaining agent for 15,000 technicians and claiming to represent a majority in each of IATSE locals. Leaders also have filed a request with Pat Casey, producer labor contact, to negotiate a working agreement with exhibitors. Producers against signing a pact with any organization until the NLRB passes on petitions pending. The IATSE has also petitioned NLRB for (Continued on page 16)

Threat of Clipped Commissions Levelled at Agents if AMG Fails To Go Along With SAC Licensing

Settle 'Maise' Tiff

Hollywood, July 18.—Metro and Phil Goldstone reached an out-of-court settlement of the right to the title, "Maise," recently used on one of the studio's features. Goldstone took over a picture of the same name about five years ago, a fact overlooked by Metro's title experts.

RKO UNLOADING PALACE, CHI, PRODUCT

Chicago, July 18.—With the RKO Palace closed and not figured to open until Labor Day, the local RKO exchange is peddling part run product as its initial attempt at such sales since RKO was formed. Palace will be closed, in fact, for over two months which means a considerable backlog of first run availability during the summer months from RKO.

Palace closing means that only Babalan, Katz and a few out-of-town exhibitors, Essaness and Jones, Linnick & Schaefer, operating since ready run spots in the downtown sector.

RKO is selling only the 1938-39 first run availability, naturally, since the 1939-40 product is being reserved for the Palace's use, when it reopens in September.

William Powell Returns As 'Another Thin Man'

Hollywood, July 18.—William Powell returned to work after a year's absence from the screen due to illness. His comeback picture is "Another Thin Man" set in Metro, co-starring Myrna Loy, who recently returned from a vacation in Europe.

Flux Strobberg produces and W. S. Van Dyke directs.

Exchange Mgrs. Reconcile Price Boosts on Ground of '39-40 Quality

Although exhibitors have been crying for lower film costs, managers of exchange boards are this week claiming that new season deals for most part call for price boosts over last year. On such a basis, it is assumed that exhibitors will be better off than they are in the picture business and industry is running ahead of the corresponding period in 1938. The exhibitors' branch is getting deals are netting more than last year. Moreover, the home-offices apparently are tougher than ever and more deals are being rejected.

In territories where they've been exhibitors, they are being kept their houses open. On the other hand, they don't want to pay the necessary price for such product.

Many independents, however, are declaring they can't pay more and remain in business. They contend it's impossible for them to absorb any of the distributors' loop and foreign losses, but they don't explain how the producers can continue to turn out boxoffice pictures if the revenue isn't forthcoming. Their only solution is for stars and executives to cut down on salaries.

Hollywood, July 18.—

Film and radio agents will face stiff regulation of their business and possibility of a cut in 10% commissions now allowed, if the Artists Managers Guild fails to go along with the Screen Actors Guild licensing program. SAG tops have announced that unless an agreement on the licensing program is reached soon they will proceed to license agents without AMG approval and will consider the advisability of reducing agency fees.

A showdown on the proposed contract between the two groups is expected to occur after the return from New York of Kenneth Thomson, SAG executive secretary. If the AMG fails to come to terms, a license will be issued to agents who desire to cooperate with the actors, and SAG members will be directed to do business with any agent who does not hold an SAG license.

Present is over demand of the actors, that all existing contracts be revised to conform with standard set to be approved by the SAG. Agents claim this move would cause a loss to lose thousands of dollars they have invested in young players who are just beginning to pay their dues.

Revision would not apply to actors who have term contracts, but only to those who are on open contracts with agencies. These would be rewritten to conform with SAG terms, and the maximum term of contract would be limited to 12 months. Agreement has been reached on most other provisions of the contract.

The actors turned down request of SAG to negotiate negotiations on all phases of proposed contract, but agreed to give serious consideration to any reasonable changes for the agents. Committee headed by M. C. Levee, AMG prexy, is now drafting a new contract for submission to Thomson and Laurence W. Bellenson, SAG counsel.

Alexander Wilson, Jr., of Atlanta, has been assigned by National Labor Relations Board as special attorney to investigate the request of Screen Writers Guild to reopen hearing on complaint charging the major film companies with unfair labor practice. Attorney has conferred with Mendel S. Silberberg, producer's attorney who is conducting negotiations with the screenwriters, and Leonard S. Janitzky, attorney for the SWG, but forced it would be better to conform before he submitted his recommendation to the board in Washington.

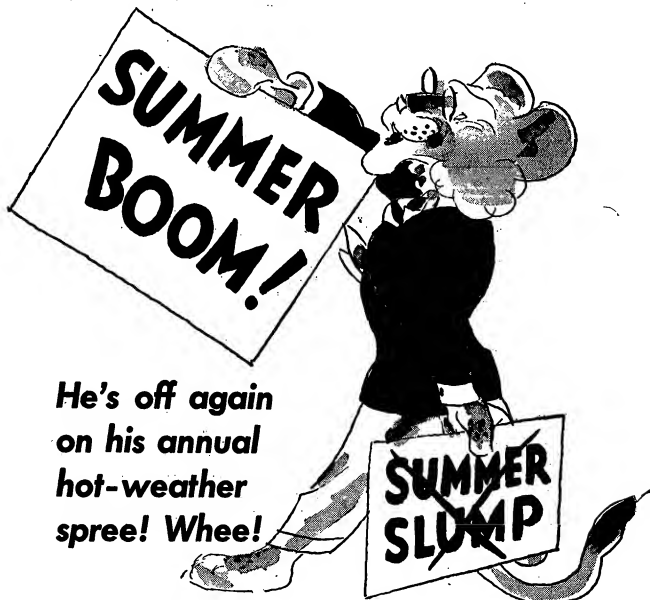
Hearing was adjourned when it appeared probable the two groups would be unable to agree on a basic agreement. The dispute in negotiations was reached when the producers demanded the withdrawal of the contract of not more than three and one-half years, right to work for distributor, and a clause in the immediate 80% Guild shop.

Metro is refusing to sign closed shop contracts with exhibitors. Guilds. Action was recommended by producer attorneys following decision of the board. The exhibitors' appeals, that employers could not require employees to join a labor organization, but they don't explain how they can do so, even if the company signed a closed shop agreement with exhibitors claiming jurisdiction over the workers.

Attorneys are reported to have advised exhibitors to sign a series of closed shop agreements until the state supreme court has an opportunity to decide. The union is to be turned down was the Screen Readers' Guild, which declared that the SAG agreement has been reached with the Readers calling for minimum of \$20 a week for readers, and \$35 for special readers, with apprentices getting \$35 second year. (Continued on page 10)

Some Exhibs Score CEA Confabs As Futile; Too Much Carousing Charged

ported under way, and refused to commit himself on whether his visit had anything to do with a proposed new setup in England to be headed by Robert Schless.



**He's off again
on his annual
hot-weather
spree! Whee!**

TO THE RESCUE!

July 21st. "ANDY HARDY GETS SPRING FEVER"

Eyes of the industry watch with amazement Los Angeles day-and-date engagement topping all previous Hardys; Portland equally sensational; Detroit biggest 3 days of this entire season; Denver where 2 days beat 3 days of "Pygmalion" and all other Big Ones! Lewis Stone, Mickey Rooney and all the folks in the Lucky Seventh Hardy Hit! Sure-fire for extended runs! Watch!

July 28th. National Release "GOODBYE MR. CHIPS"

The delight of the dog days! Keep extra time wide open!

Aug. 4th. "MIRACLES FOR SALE"

A sleeper! Watch for it! Robert Young and Florence Rice in thriller! Summer showmanship special!

Aug. 11th. ROBERT TAYLOR, HEDY LAMARR in "LADY OF THE TROPICS" (need we say more!)

Aug. 18th. "THESE GLAMOUR GIRLS"

Lew Ayres and a screenful of beauties, including Lana Turner, Anita Louise and others in a sure-fire box-office show!

—and then on August 25 comes the biggest sensation since "Snow White":
"THE WIZARD OF OZ"

Watch for further announcements about M-G-M's Technicolor Wonder Show playing hundreds of day-and-date engagements simultaneous with giant ad campaign!



**"Summer! When a feller needs
a friend! There's always**

THE FRIENDLY COMPANY!"



The big idea in this business
is to get in front and

PITCHING!

Nobody
does it as well as
WARNER BROS!

NOW!

DAUGHTERS COURAGEOUS

JOHN GARFIELD

CLAUDE RAINS

JEFFREY LYNN • FAY BAINTER • DONALD CRISP

MAY ROBSON • Frank McHugh • Dick Foran
and THE "FOUR DAUGHTERS"

PRISCILLA LANE

ROSEMARY LANE

LOLA LANE • GALE PAGE

Directed by MICHAEL CURTIZ

Original Screen Play by Julius J. and Philip G. Epstein • Suggested by a Play by
Dorothy Bennett and Irving White • Music by Max Steiner • A First National Picture

Jack L. Warner
In Charge of Production

Henry Blanke
Associate Producer

Hal B. Wallis
Executive Producer

NEXT!

CAGNEY *against* RAFTⁱⁿ

EACH DAWN I DIE

JANE BRYAN
GEORGE BANCROFT
Directed by
WILLIAM KEIGHLEY
A First National Picture

Screen Play by Norman Kelly Raine and Warren Duff • From the Novel by Jerome O'Donn

Jack L. Warner
In Charge of Production

David Lewis
Associate Producer

Hal B. Wallis
Executive Producer



"MIDNIGHT"

"UNION PACIFIC"

"INVITATION TO HAPPINESS"

Now "MAN ABOUT TOWN" with "MAGNIFICENT FRAUD"

"OUR LEADING CITIZEN" and "THE STAR MAKER" on the way

IT'S A PARAMOUNT SPRING ... A PARAMOUNT SUMMER ...

A PARAMOUNT YEAR!

P S

Paramount Star Maker—Tune in Thursday night, July 20, on NBC Red net work for the opening gun of the huge exploitation campaign on Paramount's "The Star Maker" Bing Crosby returns for one night, over 74 stations, to introduce his "Star Maker" hit tunes!

**In 22 key cities
"Second Fiddle" has
beaten the follow-
ing 20th Century-
Fox Pictures of this
season:**

KENTUCKY • MY LUCKY STAR

ALEXANDER GRAHAM BELL

SUEZ • SUBMARINE PATROL

ROSE OF WASHINGTON SQUARE

THE LITTLE PRINCESS

YOUNG MR. LINCOLN



**THE KEYSTONE
OF YOUR FUTURE**

CRANEY-SCALFELL

SILLY

In the light of the smart planning revealed by the National Association of Broadcasters in other directions, the Atlantic City convention impresarios marred an otherwise nice impression by adopting the silly measure of barring the press from a couple of mass meetings. The barring was made to seem even more boyish by the circumstance that the meetings in question were extremely tepid affairs. The measure seems responsible for this ostrich-like assumption that by hiding themselves from the press, the generous posterior of broadcasting becomes invisible, ought to brush up on their knowledge of how reporters invariably react to such a challenge.

Why bar the press from meetings attended by hundreds of delegates? What does it accomplish that is worth the encouragement to an unfriendly attitude by reporters? Surely nobody at N. A. B. is naive enough to think that anything of importance that might be said under such circumstances would be, or could be, 'secret'. It's as public as grand Central terminal to start with, so why the amateur press relations and the big league night hocus-pocus?

As for the physical absence of the press encouraging timid broadcasters to get up and speak more frankly, that's another joke. Timid broadcasters never speak under any encouragement, and those who have something to say and are good at it, frequently want the greatest, not the least, publicity for their remarks.

Broadcasters who themselves stand under constant threat of censorship make an awkward group-picture when they make a 'secret' of nothing in particular. Are they ashamed of something?

This is hick press relations.

O'KEEFE IN N. Y. FOR LIFEBOUOY SEPT. 19

Walter O'Keefe has been signed by Rutherford & Ryan to head up the new Tuesday night life buoy show (CBS) which will emanate from New York starting Sept. 19. No other talent has been set for the stanza.

On the matter of music it hadn't been decided whether it will be coming name dance band or a production combination with a free-lance maestro. O'Keefe recently completed a 19-week run for Ethel with Andre Kostelanetz.

D'ARTEGA'S 80 NBC STATIONS FOR JETTICK

Enna Jettick Shue has contracted for an 80-station hookup on the NBC net (WFR) network starting Aug. 20. It will be of D'Artega plus the remainder of the contract that the account had to the program which completed WABC, N. Y., for 19 weeks early this year.

Others were Jimmy Shells, Norcross quartet and Raymond Amesbury commentator, Marschall & Pratt is the agency.

Resigned or Fired?

Cleveland, July 18.—Although he was one of WTAM's top quartet announcers, Russell E. Weiss and the station parted last week in a terrific hub. Studio when quoted said he merely resigned and gave no details.

Who was who on staff for nine years, but not so pertinent to the fact I didn't resign—I was unfired. He indignantly said, but reasons are still a mystery.

Arthur Simon in Hospital
Arthur Simon, 60, of WPMN, Philly, entered a New York hospital last week for an operation.
He'll be out about a month.

SENIOR WHEELER THE ARBITER

Craney in Blast Against ASCAP—Latter Replies He Wants to Escape All Payments—Craney Two Years in Arrears—Frolich Gives Senator Insight Into What 'Per Program' Checking Might Mean

UNIQUE MEETING

Washington, July 18.—Conflicting reports have come out of the meeting last week in which Senator Burton K. Wheeler of Montana presided as an unofficial referee between Ed Craney, operator of KOTR, Butte, Mont., and president Gene Buck and Attorney Louis Frolich, representing the American Society of Composers, Authors and Publishers. The meeting took place in Wheeler's office here and became a verbal duel between the confining points of view of a rebellious broadcaster, now the leading spirit in one of the harassment maneuvers against ASCAP, and the spokesmen for the performing rights society.

According to one version Senator Wheeler, a lawyer, was inclined to feel that the legal position of ASCAP was strong and that of Craney, who is two years in arrears on ASCAP royalty payments, is otherwise. But according to another version the senator emerged from the session a confirmed advocate of the per-program method of compensation for music use. In the latter contention it is reported Wheeler would favor an end revival of the old government 'monopoly' action against ASCAP.

Craney was accompanied by Phil Lousky, lawyer for the National Association of Broadcasters to the meeting. Before the discussion got down to the current points of conflict, the two sides reviewed the whole Montana situation as it affects ASCAP. Craney argued that ASCAP's present licensing system was unfair in that it did not confine its commercial fees to programs using its catalogs. He also stated that he believed that the fee on network commercial programs should be paid at the source and that the same method should apply to the case of sponsored transmissions.

Attacked Craney
Frolich retorted that it looked to him as though Craney only objected to ASCAP. If network programs were cleared at the source and since news, sports and public events programs are not music, Craney certainly has no need of ASCAP. He told the story of ASCAP's litigation and legislative troubles in Montana Frolich and Buck charged that Craney and his local colleagues were using the Montana legislature for their selfish ends.

They rejoined that that wasn't so; they were merely trying to protect themselves from ASCAP's unfair and oppressive conditions. In replying to the senator's talk about not paying for something that he doesn't use Frolich pointed out that ASCAP favors the present blanket contract because it is the cheapest and most expedient for all concerned. The broadcasters insist on a per program contract they will get it but the cost is bound to prove almost prohibitive to the smaller Frolich. As things now stand the blanket contract gives them unlimited use of the ASCAP repertory goes away with all checking on program's part. With a per program agreement, ASCAP, said Frolich, would have to install an extensive checking service and the cost of maintaining a check of all stations would be prohibitive.

(Continued on page 28)

Important Radio-Music Decision

It is assumed by New York broadcasters that the National Association of Broadcasters will appeal the decision of Federal Judge Leibell in the case of RCA Victor against Paul Whiteman and WNEW, N. Y. Under the court's finding radio stations may not broadcast phonograph records without the permission of the manufacturer or both the manufacturer and the interpretive artist.

The NAB had intervened in the case on WNEW's side and was represented at the trial by Stuart Sprague. Latter lawyer went on a vacation last Friday (7), the day that Judge Leibell released his findings, and is not expected back until Aug. 15.

Detailed story on the findings is contained in the music section of this issue of VARIETY.

Independents to Hold Convention In Chicago; Prelims Up Aug. 4 in N. Y.

NEW MUTUAL LINKS

Nuan, Cluter, Draughton Signature With Fred Weber

With three outlets in the Kentucky-Tennessee area slated to join Sept. 24 Mutual will have a total of 121 stations carrying its programs. The newcomer trio are WLAP, Lexington, KYCBC, Louisville-New Albany, and WSIX, Tenn.

All three contracts were closed by Mutual's Mutual at the NAB convention last week, with Gilmore Nunn signing for WLAP, Clider for KYCBC and Jack Draughton for WSIX.

Philadelphia, July 18.—Platform and organization committee of the Independent Radio Network Affiliates have completed plans for an early fall convention of the group. The group will call on organizing committees meeting in programs using ASCAP music and to the group H. K. Carpenter, WHK, Cleveland; Arthur B. Church, KMGBC, Kansas City; and John A. Kennedy, WTMM, Milwaukee; John A. Kennedy, WCHS, Charleston, W. Va.; Paul Morency, WTIC, Hartford; John A. Shephard, 34, Yankee Network, and himself.

Committee at its New York meeting will prepare a preliminary draft of proposals to be presented to the radio convention which will probably be held in Chicago at the same time as the industry meeting which is tentatively set for early September to discuss the ASCAP situation. Rosenbaum declared the draft will be circulated to all 37 network affiliates before Sept. 1 so that they can be acted upon intelligently at the convention.

Rosenbaum also made a personal appeal to all affiliates submit opinions and suggestions concerning several items of paramount importance to the members—proper payment of copyright tax at the source, payment of copyright tax only on net earnings, and the elimination of "free rider" network spot announcements and elimination of network chain broker free announcements by network advertisers.

GULF RENEWS SCREEN ACTORS GUILD

Gulf returns the Screen Actors Guild show to its Sunday night spot on CBS Sept. 24. Deal is the same as last year's. Motion Picture Relief Fund will collect \$10,000 per broadcast. Series this time will run at least 26 weeks and a possible 30 weeks, while last season it did but 22.

Account will as usual pay extra for the orchestra headed by Oscar Bradley and the regular m.c., who is yet to be picked. Stars for the initial program won't be set for another few weeks. Young & Rubicam is the agency.

Stanley Twissler joins Gulf's summer show this Sunday (23) for the remainder of the 13-week cycle.

TONY STANFORD WILL HEAD LONDON BRANCH

Hollywood, July 18.—Tony Stanford, for the past five years producer for Walter Thompson, goes to London next month to head the agency's radio branch there and inject American methods into the European programs in Europe. He will produce the transcription material in London for Luxembourg and Normandy stations.

Stanford joined JWT in 1925, producing the first Lux show. He later switched to Rudy Vallee and Kellogg Circle, recently to the agency's writing and production of the agency's coast shows.

Agnes Moorehead Better
Agnes Moorehead, who was taken ill during a broadcast week-before-last, has left the hospital. It is again regularly on "This Day is Ours" and "Valiant Lady," besides making spot appearances on "Aunt Jenny."

Quaker Oats Brings In Riggs Sept. 4, 'Carters' Ovaltines Again Sept. 25

Chicago, July 18.—Several time rearranged by radio by Chicago agencies. 'Quaker Party,' with Tommy Riggs, will be broadcast on Tuesday, Sept. 4, which means the shifting of that show from Saturday to Monday night. 'Dick Tracy,' with Rutherford & Ryan agency which on Aug. 7 will put 'Dick Tracy' show in the Monday night slot for a four-week space.

Carters of Elm Street, five a week space. Ovaltines will be back on Sept. 25 at 11 a.m. central standard, through Blackett-Sample-Hummer.

Red Heart dogfood will repeat the Bob Decker dog chats on the NBC net starting Oct. 3 at 2:45 p.m. over a 30-station hook-up. Set agency, Hurst & McDonald.

PALMOLIVE POWDERS RETURN TO NBC BLUE

Palmolive may return to the NBC blue (W2) link after a four year's absence. Discussions so far have been limited to periods available and the number of stations that could be provided for a cross-country hookup.

Four Carolina Stations, In Regional Loop, Added To Mutual Circle Leg

Charlotte, N. C., July 18.—Four North Carolina stations have formed the Southern Broadcasting system. Each station will feed to all parties daily programs. Comprising the new radio network are stations WNCN, Salisbury; WSOB, Charlotte; WAIR, Winston-Salem, and WRAL, Raleigh.

The same four stations also comprise a new southern leg of the Mutual network and the same lines will be used for both arrangements.

RAYMOND PAIGE'S 99 END RUN ON AUG. 18

U. S. Rubber Co. folds its CBS show, '99 Men and a Girl,' starring Raymond Paige, Aug. 18, after only 26 weeks. Attempt was made to get the account to extend the campaign to January Day and when his failed Campbell-Ewald agency, the account, handed the cancellation notice to the network.

Tire manufacturer will likely be back on next spring.

Arrested—For \$62.52

Cincinnati, July 18.—Alpheus Triggs, WCPO announcer, was arrested Saturday (15) on a charge of embezzlement preferred by Paul Scherr, bookkeeper of the firm (Cincinnati) broadcasting Co., where Triggs formerly was engaged. Amount involved is \$62.52.

Triggs was pinched by local detectives after giving a pre-baseball game program.

Jim Harvey's Prize

Philadelphia, July 18.—Jim Harvey, of the KTW program department, is offering a new car for sale cheap.

Three weeks ago he bought a new Ford. First thing he did with it was to drive to the N. Y. Fair, where he took some photos of the flags flying over the Ford exhibit. When the Ford company offered prizes for pictures, Harvey submitted his. He won first prize—a new Ford, exactly like the one he had just bought.



This label is evidence that all departments of The Chicago Herald and Examiner are fully unionized in accordance with regulations of the American Federation of Labor.

SIXTH YEAR No. 12 Registered in U. S. Patent Office.

C****

SUNDAY

Chicago Herald

'75,000 MUSIC LOVERS

FUGITIVE L. S. U. PREXY GIVES UP IN ONTARIO

Dr. James M. Smith and Wife Surrender to Police at Beachville; Incommunicado

BROCKVILLE, Ont., July 2 (Sunday).—(A.P.)—Dr. James Monroe Smith, fugitive ex-president of Louisiana State University, and his wife surrendered to police here it was revealed early

his wife gave stable W. F. Saturday, the

a cell

Anti-Neutrality Bill Still War Provoking

WHAT WILL go up to the Senate is still Bloom anti-neutrality bill.

In its amended form, it is AMERICA A WAR-PROVOKING MEN and not a PEACE-SAFE

amendment of arms not an em at REAL measure.

HOUSE DEFIED BY ROOSEVELT

The Hour of Charm
35 GIRLS and ONE MAN
Phil Spitalny
and His
All Girl Orchestra

will continue his fight against the enactment of the anti-neutrality law.



DAY
 World Examiner

★★★★★
FINAL
 COMPLETE

LY 2-1939

In Six Sections—Section One—Ten Cents

JAM PARK AT CONCERT

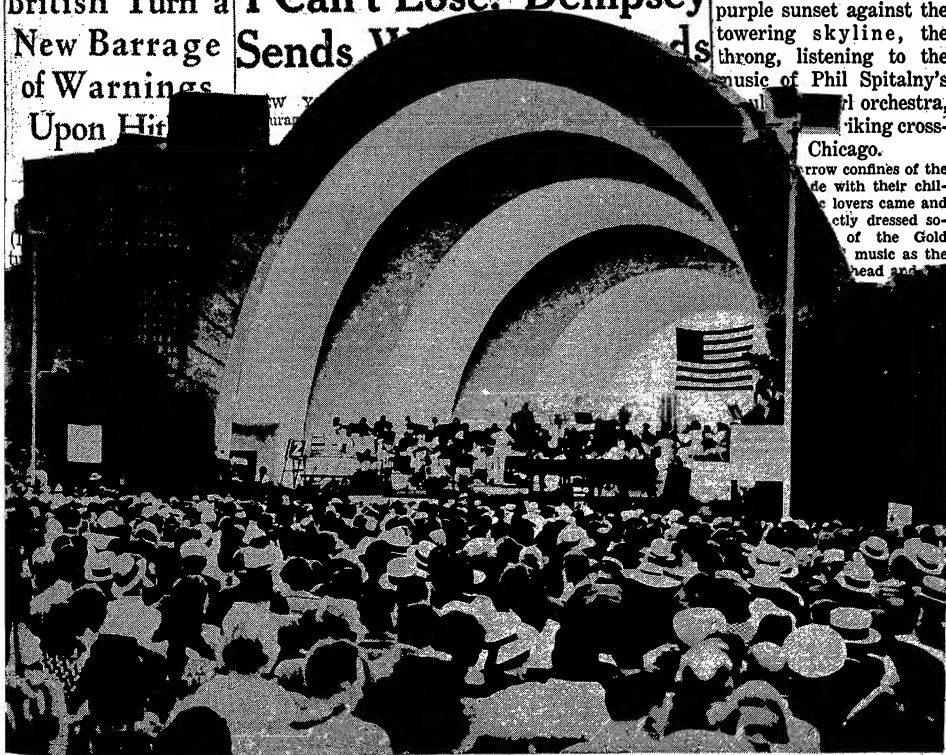
The Multitudes of Chicago converged last night on the lake front at the Grant Park band Shell in numbers that staggered police for the opening.

British Turn a New Barrage of Warnings Upon Hitler
 "I Can't Lose," Dempsey Sends Word

Backed by a pink and purple sunset against the towering skyline, the throng, listening to the music of Phil Spitalny's orchestra, striking cross-

Chicago.

narrow confines of the side with their children and lovers came and were dressed so of the Gold music as the head and



WAPI CHALLENGES FCC

ECHOES TO DENIAL OF LEASE DEAL

Birmingham Station Seeks Relief From Courts—Assests Commission Decision—Guarded Proper Procedure All the Way—Similar to KSFO, San Francisco

CITES WPG FINDINGS

Washington, July 18. Another court test of the Federal Communication Commission's upshot attitude on station leases was sought last week by three Alabama colleges now controlling WAPI, and the Voice of Alabama—prospective assignee. With the KSFO case—wherein CBS was halted by the Commission in its efforts to lease the San Francisco transmitter on a long-time basis—still pending in the District Court of Appeals, Holler is based on Commission refusal to entertain appellants' petition for rehearing after plea for a transfer of control had been turned down.

Court will be asked to determine whether Commission attitude on the request for rehearing and a new oral argument amounts in effect to depriving appellants of any hearing

Giveaway Winner

NBC's blue (WIZ) network-pushing contingent was rated as easily stealing the giveaway honors at the National Association of Broadcasters' convention in Atlantic City last week. The articles came in a steady stream during the first three days of the meet and included cartons of Old Gold cigarettes, bottles of Canada Dry water, blue fishnet hats for the women and 600 bottles of Alka-Seltzer, with each containing a card from Keith Higgins, newly appointed director of the blue link.

There was also a steady bombardment of telegrams and other messages from the same source.

upon said application and amounts to a denial of due process." Ticklish question of whether the Federal body has the right to dictate terms of a leasing agreement between two applicants, complain about price-tags and object to the return of control of the station to its original licensee at the expiration of the lease will be the main dish in both the WAPI and KSFO arguments.

Lease agreement, which would extend over a period of 15 years, contains "purely private or business phases" which are none of the FCC's business, appeal declared in effect. Legal opinion on this is swayed with particular interest by industry observers, in the light of a recent decision in which the Commission declared that a sales contract between two other applicants was "a matter of private concern" which did not require FCC consent or approval.

Alabama deal involves voluntary assignment of the Birmingham transmitter from Alabama Polytechnic Institute, University of Alabama and Alabama College to the Voice of Ala-

bama, Inc. Latter corporation is 45% controlled by CBS and would give the web a Birmingham outlet for a monthly rental of \$1,000 payable by Voice of Alabama over a 15-year period. Control of the station and responsibility—financial and other—would be vested in the assignee, but the universities would have the privilege of using its facilities at stated times.

Double-barreled appeal was filed by Duke M. Patrick, counsel for both parties, in similar petitions to the U. S. Court of Appeals in Washington. In entering its order of denial (May 16) Commission relied solely and entirely upon an issue not contained in the Notice of Hearing, not dealt with in the taking of evidence, not dealt with in the Report of the Examiner, and concerning which appellants were first advised in the decision and order itself. Patrick charged. Followed this assertion with 30 counts of error against the FCC.

Atlantic City Case

Fight to obtain a reversal in the WAPI case likely to bring up the recent successful horse-trade between the City of Atlantic City and the Greater New York Broadcasting Corp., in which the Commission winked at the taking over of the facilities, all physical assets and equipment of WFG, Atlantic City, for a consideration which the FCC termed "a matter of private concern" between the applicants.

The contract between the City of Atlantic City (WFG) and the Greater New York Broadcasting Corp. insofar as it deals with the purchase of the equipment of Station WFG is a matter of private concern between the City of Atlantic City and the Greater New York Broadcasting Corp., Commission said in its conclusions, "and does not require Commission consent or approval." Although the WFG decision held

Production Nightmare

San Francisco, July 18.

The Taming of the Shrew and no script!

That was the situation which faced members of the Ashland, (Ore.) Elizabethan Festival Caravan when they were scheduled to do a condensed version of the Shakespearean comedy from the radio studios at the Golden Gate International Exposition. NBC over whose blue web the program was to be released, made hasty arrangement expecting to fill the period with music from the Hollywood studios, but the amateur thespians, who had had the scripts earlier in the day but lost them weren't going to be done out of their air linings.

Taking the NBC producer's copy of the script, which he had brought over from San Francisco, eight members of the cast commandeered all available typewriters at the World's Fair and at 5:30 began typing 37 pages of dramatic dialogue, making three carbon copies of each page. Several pages were typed twice by mistake, one had to be retyped because the carbon paper had been reversed, and page 27 was not typed at all.

At 6:00 the program went on the air, with no dress rehearsal and with the sound effects man working from a script he had not seen before. When the missing page 27 was reached, the cast gibbered their lines from memory, much to the distracted producer's relief, and the broadcast signed off on the nose at 6:30.

that the Atlantic City-New York deal, in the view which the Commission takes of this case... does not involve a transfer of license, considerable comment over the Federal agency's willingness to put itself on record as finding the terms of the purchase a private matter concerning only the applicants. Numerous cases recalled where the FCC took an unusual interest in the financial aspects of station sales—regardless of the buyer's ability and willingness to pay the asked price.

Howell's Ready-to-Air

Robert Howell of station WJIS, New London, Conn., has established a Ready-to-Air service of mimeographed programs. Reports he has 15 stations so far.

MOTORS NOT HOOKING UP

Indications are that General Motors will coast along again this winter without network radio. Attempts to stir some interest in the medium have so far failed to get anywhere. About the only brand in the group considered a network possibility for the fall, providing business looks good, is Chevrolet.

With over \$5,000,000 appropriated by it for the N. Y. World's Fair GM stayed out of the network entirely this past season.

The SINGULAR MR. GODFREY

(You can make the same deal)

THERE'S a red-headed fellow in Washington named Godfrey. Of course, you've heard something of Arthur Godfrey but not all. There can't be an "all" with a fellow who knows Constantinople and Cairo as you know Manhattan and Chicago, who breeds his own horses, flies his own plane, who fries a chicken better than the cook on his Virginia farm, who trouped the one night stands with a banjo, sold cemetery lots and boardwalk gadgets.

Godfrey, in a word, is a salesman. Perhaps the best radio salesman in the business. He is the answer to a station manager's prayer. He's been with WJSV five years.

Godfrey sticks to the home town microphone—pipping to New York his shows for Barbasol, Crema, Carnation, Hecker's.

In 1938 he handled more than 5600 announcements in his WJSV morning Sun Dial. More than 75% of his accounts were renewals. Through May he is running 12% stronger than last year.

Last week Mr. Godfrey joined some smart, competent folks named Roosevelt, Clapper, Johnson, Brown, as columnist on the *Washington Daily News*.

"Top local radio star," says the *Washington Daily News* of the singular Mr. Godfrey.

A sweet combination—Godfrey, The Sun Dial, WJSV, Gulf Oil Corporation, for example, has been using The Sun Dial every day for 3 years.

Gulf and 56 other long-term 1939 clients will collect a bonus in October when WJSV begins operating its new transmitter on 50,000 watts.

You can make the same deal.

WJSV COLUMBIA'S STATION IN WASHINGTON, D. C.

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York Chicago • Detroit • St. Louis • Cincinnati • Charlotte, N. C. • Los Angeles • San Francisco



Palestine Radio Studio Quietly Moved In Middle of Night by W. K. Brasher

Jerusalem, July 1.
 Palestine's radio station moved suddenly in the middle of the night last week to new quarters. The move is in a quieter section of this trouble-beest town. Seven studios are now provided in place of the more than 20 formerly available. Whole thing is patterned after BBC's Broadcasting House.
 Work of completing the studios, like the actual moving of effects, was done quietly. Engineer-in-chief W. K. Brasher had his last job in Jerusalem. He has now gone back to London as secretary-general of the British Institute of Electrical Engineers.
 New studio occupancy property owned by the former Queen of Yugoslavia, who is one of the big landowners in Jerusalem.

BRIBE-TAKING STARTS CAIRO PROBE

Cairo, July 1.
 A Government inquiry headed by the Minister of Education is now proceeding here against the Egyptian State Broadcasting Service, the only radio network in Egypt. It's leased by the Government to Marconi for operation over an eight-year term.
 The inquiry was caused by an article published in an Arabic weekly and written by an Arabic cabaret singer declaring that the Director of the Arabic program section had accepted bribes and had not given out the expected contracts.
 Both the Arabic and European program staffs have been called before Government officials. Hearings have been secret.
 Marconi concession has still three years to go.

Silk Stocking Issue Packs Anti-Jap Punch

Mexico City, July 1.
 Mexican senators and senators are currently rebelling against the high cost of silk stockings. Radio stations have taken up the hue and cry as a popular issue.
 It serves, too, for some slurs against Japan whose fashion is very unpopular in this pro-labor republic.

**IN BALTIMORE
 IT'S
 WSYR**

INTERNATIONAL REPRESENTATIVES
 EDWARD REINER & CO.
 ON THE NBC RED NETWORK

WOODY HERMAN

**"THE BAND THAT
 PLAYS THE BLUES"**

FEATURING MARY ANN McCALL

N. Y. PARAMOUNT THEATRE NOW!

Management ROCKWELL-O'KEEFE GENERAL AMUSEMENT CORP.

SUES FOR INCOME TAX

Mexico City, July 18.
 Compania Internacional de Radio-difusores, S. A., operator of radio station XEAW, 100,000 watts, at Ensenada, just over border from Texas, is asking district court for a restraining order against the ministry of finance. Latter wishes to collect fines for station's alleged failure to settle income taxes on wages paid 36 American entertainers.
 Station declares it paid and that the ministry's bookkeeping isn't up to date.

Rutherford Loses Legal Point In Anzac Court

Sydney, June 27.
 Recorded lectures by Judge Rutherford and sponsored by the Rutherford Society of Brooklyn, N. Y., have been ruled as non-entertainment by a judge of the Supreme Court. When Rutherford was in Australia a year or so ago he was refused a visa by the government to hold a special meeting in City Hall. Following this ban, other city authorities elsewhere refused him to Rutherford and his followers. Permission was refused this month to Watchtower to broadcast a radio lecture.
 To overcome the ban thus imposed throughout New South Wales, Watchtower sent mobile units into the buses to stir the waters. Following complaints, police stepped in and brought a Watchtower representative before a local magistrate. A small fine was imposed, but case was taken to Supreme Court for a final ruling. Judge held that airings as presented by Rutherford's followers could not be classed as entertainment.
 Majority of commercial radio stations have declined to sell time to the Rutherford cult.

FRENCH RADIO RATIO 1 SET TO 8 PERSONS

Paris, July 10.
 France has one radio set to every eight persons, according to figures just published by the French Ministry of Posts and Telegraphs. This country's set ownership as of May 31 was found to be 5,077,238, an increase of 46,000 sets over May of last year.
 Set owners are required to declare their mechanism and pay the government an annual tax of 50 francs. Failure to declare brings an added penalty of 200 francs.

CBC Expands Its News Coverage Geographically

Winnipeg, July 18.
 Described as "designed to fill the specific geographical needs of the Prairie Canadian regions," a new and enlarged Canadian Press news service went into effect over the French and English networks of the Canadian Broadcasting Corp.
 The original plan of enlargement of service over the CBC was first made known by the chairman of the Board of Governors of the CBC, L. W. Brockington, K. C., at a time when he made a speech before the Radio Committee of the House of Commons in March.
 Four newscasts have been added to the daily schedule of the networks. They are 10.30 to 10.45 a. m. CST (to French network only); same also going to the midwest net; another one of a like nature to the Prairie and Pacific network and the fourth coming at 2.00 p. m. CST, this going to the British Columbia network only.
 This will not make any change in the nightly newscast at 8.00 p. m. CST, which goes to the entire nationwide network.

Lois Leprehan of agency relations department of CKAC, Montreal, marries Estelle Townsley, non-pro, Aug. 5.

J. B. Priestley Novel Written Directly For Radio Will Be Read, Not Acted

BBC'S HAIR-SLICING Idea That Government Controls Radio Distasteful to Ogilvie

London, July 11.
 British Broadcasting Corp's director-general, F. W. Ogilvie, had another shot at disproving the conviction held in many quarters that the organization is under Government domination. Trying to find reasons for what he called an "illusion," Ogilvie, speaker suggested it might be because of ignorance in the foreign and empire press of the Royal Charter system, which leaves any concern so licensed "almost entirely free in the conduct of its day-to-day affairs."

Admitted that BBC in certain branches maintained touch with government departments, but claimed this was because Corp only endeavored always to obtain the best advice.
 Point not touched by Ogilvie was that the U. K. monopolistic net is entirely dependent on the government for its finance. Some 86% of its income is from radio licenses issued to the public by the General Post Office, which, guided by the Treasury, determine what portion of that taxation shall be allotted to BBC. Thus in this way, it is noted, British radio is entirely at the mercy of the government in office.

He did not, and could not, deny direct government finger in television side, where the postmaster-general, guided by a government-appointed advisory committee, has the direct say.

Harry Sedgwick Clarifies What CBC Idea Means

Atlantic City, July 18.
 Harry Sedgwick, head of CPB, Toronto, while attending the NAB convention last week, stated that there appeared some misunderstanding in the States as to the part that the Canadian Broadcasting Co. will play in furnishing private-owned stations with hookup facilities. Sedgwick pointed out that the CBC had no intention of setting up a second network and that it would merely function as the sole go-between on commercial network programs.
 Under the previous setup ad agencies made the arrangement for facilities direct with the telephone company. Now the CBC will not only take care of the agency's order but assume the billing chores for the stations involved. It will also absorb the credit risk. Details will be handled by a committee composed of CBC executives and members of the Canadian Association of Broadcasters.

**570 KC WNCB
 RED B.B.C.
 WSYR**

**GO WITH YOUR CUSTOMERS ON
 THEIR VACATIONS—dozens of popular summer vacation spots look to
 WSYR for the tops in radio entertainment.**

London, July 11.
 J. B. Priestley is mixed up in a gag British Broadcasting Corp. aims to try out on the customers. Writer has been commissioned to write a novel for broadcasting, which will be first ever authored for the radio medium, and it will go over the air in 12 chapters from September. Yarn will be presented without effects but as straight reading, and Priestley will voice first and final episodes personally.
 Tale is to be called "The People Sing," and will be located in the English class, much as was same author's "Good Companions," which has been connected with much excitement, but no stage and screen, as also television, but this is his first deliberate incursion into radio.

RUSSIA FEEDS MUSIC TO ENGLAND

London, July 11.
 First hook-up ever planned between British Broadcasting Corp. and Soviet radio web occurs this month. Program of Russian folk music will be relayed from Moscow, and other broadcasts from same source are in the put out in the future. Unlike majority of pick-ups from European stations, which are effected by cable links, Russian broadcast will be picked up direct on the short waves and rediffused over the local network.

Salt Lake City

folks respond to the sparkling showmanship of the Popular Station.

KDYL

SAULT LAKE CITY

**SYRACUSE
 NEW YORK**

Whiteman vs. WNEW Analysis

CONTROL RIGHTS

Publishers Weigh Decision

UNCONCERNED

Counsel for RCA and for Performing Artists Differ in Interpretations on Whiteman vs. WNEW—Artist May Withhold Broadcast Privilege to His Recordings But May Not Set Up a Licensing System Without Manufacturer's Consent

VICTOR'S SLANT

The broadcasting industry is faced with the necessity of spending several millions of dollars a year more for music as the result of a finding handed down last week by Federal Judge Vincent L. Leibel in the action brought by RCA Victor against Paul Whiteman and WNEW, N. Y. The finding, which Judge Leibel said, for the first time, recognized that a phonograph record manufacturer has an interpretative right, a property right in their product and that they may either separately or jointly stop a radio station from broadcasting phonograph records without permission.

While in no legal implications Judge Leibel's conclusions of law in the case grants a wide victory to RCA, there is much that favors the latter. Under the decision the artist can control the broadcast use of his works by three devices:

- (1) By reserving for himself the broadcast rights in contracts he makes with his manufacturer.
- (2) By raising the charge that his income is being damaged by unfair competition on the part of the broadcasting station.
- (3) By joining with the manufacturer in licensing the broadcast use of his recordings.

Despite the obvious pains taken by Judge Leibel to make his rulings as precise as possible, the contending counsel, David Mackay, of RCA Victor, and Maurice Spieker, of the National Association of Performing Artists, differed Monday (17) over the significance of the finding. Spieker held that the ruling constituted a "big victory" for the NAPA, because Mackay's argument was not only upheld Victor's position on practically all fronts but in ultimate instance limited the NAPA from the phonograph record licensing picture.

Manufacturer's Right
Spieker's organization, said Mackay, has been trying to exclude the manufacturer from having a voice in determining whether his records may be broadcast, claiming only the artist has the right to do so. The decision holds that the artist has a right to the broadcast use of his records, but he cannot assert it without the consent of the manufacturer. It was the contention of Spieker, through the NAPA, that brought the original action against WNEW, seeking to have it enjoined from playing his recordings. Victor tried to get into the original case as an intervenor, but the court ruled that it would have to file an ancillary, or subordinate, complaint. When Whiteman's case came to trial, he was asked to leave to withdraw his complaint because of the issue of the artist's right in the position of a defendant. WNEW, which had also been asked to leave, declined the offer of no defense during the trial.

Involved in the Whiteman-Victor litigation were three contracts covering the making of phonographs. One of them was signed in 1931, the second in September, 1931, and the third in September, 1934. In the first two contracts

(Continued on page 32)

Counsel for the Music Publishers Protective Association and leading publishing firms declared themselves Monday (18) as ready to reserve comment on the outcome of the RCA Victor-Paul Whiteman case until they have studied the decree that Judge Vincent L. Leibel is slated to hand down within the next two days. The industry's lawyers also declined to comment on the statement issued by Victor over the past weekend in which it declared that it proposed to license its records for broadcast purposes and to split the fees derived therefrom among the recording artist, the copyright proprietor and the record manufacturer.

The publishing industry has in the past been strongly opposed to permitting any outside organization, including the National Association of Performing Artists, to act for it, either directly or indirectly, and collecting a fee on phonograph records from commercial users. While the publishing industry has been interested in asserting a control over records used in coin-operated machines, it has been loath to do anything about the broadcasting of phonograph records on the ground that the copyright already collects two fees from this source, a performance fee and a mechanical rights (transcription) fee.

ASCAP Board Makes First Move To Clarify Terms for Broadcasters Pact

800 Decca Shares Shift

Washington, July 18.—Transfer of 800 shares of Decca Records, Inc., common stock disclosed Friday (14) in the Securities & Exchange Commission's May report. Tickets were disposed of as a gift by George Lawrence Lloyd, Manhattan director of the corporation. Lloyd holds on to \$585 shares of the same class stock.

Board of directors of the American Society of Composers, Authors and Publishers, last week voted for the appointment of a special committee to work with Gene Buck and John G. Payne in devising a set of proposed terms for inclusion in a new licensing agreement with broadcasters. It is the first time that ASCAP board has directly involved itself in the matter of setting up a new National Association of Broadcasters.

The committee, which is to be appointed this week, will consist of two members from each of the two boards. The committee's initial task will be to study various suggestions for the new contract and to submit a report to the board. It will be submitted to the board as a whole at its next meeting in August. Board had previously kept itself aloof from getting into discussions with spokesmen on an agreement to replace the present one which expires Dec. 31, 1940, and would have continued to maintain this policy for a while longer had not Saul A. Bornstein, chairman of the board, and a board member, demanded that it get into the situation immediately and draw up its own line of procedure in meeting the broadcasters' demands.

Another topic discussed at last week's special board meeting was the Thorne Amendment committing the United States to membership in the Berna convention. The board took the view that it would be a mistake for this country to join the Berna pact before it has adopted the necessary amendments to the U. S. copyright law.

ASCAP SUES 7 N. Y. INNS AND TAVERNS

Gene Buck, as president of ASCAP, Winmark, Berlin, Peist, Crawford, Maudslow, Shapiro, Bernstein and Remick have filed seven actions in the N. Y. federal court against Warner Music Corp., owner of the Alpine Canyon, Foughkeepie, N. Y.; the Olympia Cafe and Restaurant, Inc., at 1045 1st street, N. Y.; Frank Garvey, operator of the Hoffman House, Chatham, N. Y.; Agnes McCarrin, operator of the New Emerald, Bronx, N. Y.; Brigado Theatre, Inc., operator of the coronation theatre at Broadway and 52d street, N. Y.; Bernard Flynn, operator of the Metropolitan, 110 Columbia, N. Y.; and the Ritz Tavern, 151 11th street, N. Y., claiming the unauthorized use of their songs for profit.

An injunction, damages and \$250 for each performance is asked.

Clint Noble, Ernie Taylor Form Booking Bureau

Cleveland, July 18.—Clint Noble and Ernie Taylor, formerly a bandmaster, have teamed to form a society orchestra booking bureau. Have eight bands playing at

Mastros now under the Noble-Taylor management are Joe Baidi, Johnny Cash, Johnnie Johnson, Albert Slamsy, Mendon Foy and Jack Gillette.

FROM A TROMBONE EXERCISE TO A HIT

Broadcasting restriction will be lifted Aug. 1 on "Moonlight Serenade" the theme tune of Glenn Miller, which has been in the public domain, which publishes, will start a drive to get the "Moonlight" radio use confined to Miller, and its use from a trombone exercise. Mitchell Seltzer, who filed the tune with a set of lyrics.

Sheet sales have reached about a third of that which it was provided by Miller's remotes. Recorded at the time Miller was in the Glen Island Casino, New York, the tune has become a Victor best seller, though Seltzer's books it is the history parallels that of "Deep Purple," which was a theme for some time before it became a hit.

Walter G. Samuels wrote the song for Roy Rogers at Republic. It was "Ridin' Down the Rainbow Trail" and the "Rollin' Hill" and "Ride 'Em Cowboys."

ASCAP's Copyright

Essay Winners For Burkan Memorial Prize

The five winning essays on copyright law, in a competition sponsored by ASCAP, were announced last week. The essays, written by students of law schools, were published in book form by the publication of the Copyright Law Review. The papers are of the 1938 crop in the contest, first of what will be an annual knowledge of the Burkan Memorial competition. Burkan was general counsel for ASCAP from its inception until his death in 1936.

ASCAP invites all law schools to participate in the contest each year. Forty schools submitted entries in 1938. Best in each school, as well as by the dean, is awarded the prize. Of these, a committee of five well-known copyright attorneys, selected by the American Bar Assn., picks the five best for publication.

Winners who are represented in the published symposium are: Walter L. Pforzheimer, Yale law school, who wrote on "Copyright Protection for the Performing Artist in his Interpretative Rendition"; Paul Gilin, Harvard, "Radio Infringement of Music Copyright"; Nathan Glantz, University of Oregon, "State Regulation of Copyright"; and Matt Henderson, University of Arkansas, "Music Copyright, Especially in the Field of the Shillman, University of Texas, "Protection of the Interpretative Rights of a Musical Artist." The prize is a \$100 Literary Property, or the Doctrine of Unfair Competition."

These papers, says Gilin's are based on usual and widely-used court decisions on copyright. The essays will turn up in the symposium, by announcing right off the bat that too much unresolvable stuff has been written on the subject. He turns mug and skips the black-robed boys in favor of old 'Judge' Brandeis, the dean of the law school. Quotes and references, in Law Library format, from Harvard Law Review format, in the files of this here rag—with plenty of a translation in the footnotes for members of the lay press, with less ingenious minds than his.

CLYDE MCCOY'S N.O. DATE

Chicago, July 18.—Following Street's death in New York the Clyde McCoy Orchestra at the Cedar Point ballroom at Cedar Point, Ohio, Saturday (22) for a week's stay. Then heads for New Orleans. Record label for a future release. Set through the Gus C. Edwards office here.

NEW OUTLET TEST

International Circulation Experiment Will Start in August

International Circulation Co. will start its distribution of sheet music among its dramatic, variety shop and similar outlets until the middle of August. It figures that the new outlets will be the best for introducing a new sideline. Project will be debuted with a distribution of 500 copies of "I Was Born, This" containing 24 best sellers. The billing and shipping will be handled separately by the company, which is a service unit of Music Dealers Service, Inc.

Court Reverses

'Old 97' Award

To D. G. George

Latest round in the 12-year-old litigation on the authorship of "The Week of the Old 97" has been won by the RCA Victor Circuit Court of Appeals in Philadelphia last week held that a lower tribunal had erred in holding that David G. George, a Virginian, had written the lament. The reversal was announced Monday.

Victor's version of the tune had sold 1,068,947 copies and in 1936 was awarded the annual \$55,285 plus interest, which altogether would amount to over \$80,000. The record was originally released in 1924, but George didn't present his claim to Victor until 1927. David Mackay argued that Victor owned the appeal.

George had claims also pending against United Artists and WNEW.

MONDAY LAYOFFS

Cleveland Will Try Them Out In Fall For Reaction

Cleveland, July 18.—Custom of giving bands one night off each week, preferably on Mondays which are dead, is to be adopted by majority of straight dance-and-variety spots here in the fall. Musician union is behind move, but it was voluntarily started by Ed Pentecost, owner of Southern Tavern, who told Leonard Benedict's crew to take Monday nights off for a rest at same time.

Proprietors of six other places intend to adopt custom, but are first watching Pentecost's experiment to see if the rug-cutters will take it with any squawks.

On the Upbeat

Jan Garber will play the North Carolina Tobacco Exposition and Festival's coronation ball in Wilson, N.C. July 20.

Pines, Pittsburgh, has picked up option of Les Shelly's band until August 4. He'll be followed for two-week engagements by Maxine Satalino and his KDKA, Pittsburgh, orchestra.

Baren Elliott and his WJAS, Pittsburgh, staff band checked into West View Park, Pitt., Monday (17) for tonight's act, replacing Fran Eichler outfit.

Herman Middleton's band back into Show Boat, Pittsburgh, at reopening of river night in new location at Duquesne and Way-Stanley street wharf. Forced out of old spot by city replacing project.

Dorothy Wenzel, Pittsburgh dancer who suffered recent leg injury, will join Bobby Day's band when she recovers.

Bill Marshall at Willow, Pittsburgh, plans no replacement for Howard Dulany, who went to Joe Reichman at Palmer House in Chi last week. Marshall will take over Dulany's spot himself.

Frankie Carle, composer of 'Sunrise Serenade,' quit his band at Seven Gables, Milford, Conn., to start as pianist for Horace Heidt. Carle formerly keyboarded for Mal Hallett before swinging out on own.

Ray West and orchestra working in 'Hollywood Cavalcade' at 20th-Fox.

Carl Lerch's crew follows Red Roberts' orch. Aug. 8 for a return engagement at the Hotel Schroeder, Milwaukee. Stay is indefinite.

Jean Walda's femme orch. at the Crescent hotel, Piquet-Bar, O., for the remainder of the summer.

Henry Blauth band opened Thursday (13) at the New Penn, Pittsburgh, for an indefinite engagement, succeeding Jimmy Bray.

Clair Billie's 'Rhythm in Swingline' act for rest of summer at Griffling at Buckwood Inn, Shawnee-on-Deleware, Pa.

Jack Mathias and Andy Gibson now arranging for Harry James orchestra.

Lon Reese orchestra signed with Red Wolf General Amusement for five years. Started him last week at Surf Beach Club, Va. Beach, Va. Bob Pope also now under RGA.

Henry Jerome orchestra, which started a date at 4 at Walds Time Square, N. Y., restaurant last week, calls his music 'Stepping Tonies.'

Joe Rissard's orchestra goes into the Williams, Saratoga Springs, N. Y., July 21 until Sept.

Little Jack Little brought his Bolero Rhythm into the Hotel Edison, N. Y., yesterday (Tuesday), replacing Stuff Smith.

Chuck Fester's band held over at the Del Mar club, near Los Angeles, until Sept. 15.

Bill Roberts staying four more weeks at the Florantine Gardens in Hollywood.

Ran Wilder continues at the Sir Francis Drake in San Francisco until Sept. 6, when his band will be followed by Carl Ravazza's outfit.

Bobby Sherwood increasing his band to 12 men. Jimmy Garland vocalizing with Martha Tilton.

John Gari and his all electric orchestra is recording a series of programs for Muzak, Inc.

Ernie Madrigal into Air Bon, Chicago, on July 20 for a day of the summer.

Joe Reichman due to hold on in the Empire Room of the Palmer House, Chicago, until the early fall. Tommy Dorsey is set to take over in October.

Ben Eaton at duckwood Inn, Shawnee-on-Deleware, Pa.

Jimmy Applegate's band in seventh consecutive summer season at Clyde's Buck Hill Forks, near Mountaishome, Pa.

Herbie Kaye's orchestra due July 15 at Baker hotel, Mineral Wells, at Health Festival. Nick Stuart to play July 14.

Billie Roy has taken over at Showboat, Dallas.

By Stein strumming 'em out at 25 Klub, Dallas, succeeding Cab Mahan.

Manhattan Vagabonds to Manhattan Club, Dallas.

Bill Barde contracted for Southwestern Fall Style Show, Dallas, Aug. 1, following Phil Harris.

French Gersoff's orchestra now at El Tiwoli, Dallas.

Herman Waldman's orchestra to travel exhibitors' dance July 20, Dallas.

Leonard Ketter's crew in Friday (14) at Lou, Boston's English Village, Dallas, as former mullers' band.

Art Kassel in at Fort Worth's big show S.C. (15).

Ray Mills orchestra has its option lifted one more by the Lowry hotel, St. Paul, and band goes into its 10th week with an indie stay now indicated. Originally came in on a two-week engagement.

Dee Peterson's orchestra follows Frankie Carle band into Seven Gables Inn, Milford, Conn., beginning July 22.

Teddy Powell Starting
New Teddy Powell orchestra, which has been in the mountain past two months, opened July 21 for seven weeks at Donahue's, Mountain View, N. Y., for six weeks with options. Band will have several mutual wires out of Donahue's.

Powell, heretofore a songwriter, has not as yet aligned his band with any booking office. Above dates were set direct. Band is handled by Michael Valton, director of Woody Herman.

Sponsored Vaude

(Continued from page 1)

manages the house, while Max Glass bats the five-piece orchestra. Broadcast of the Benay Venuta program over WOR-Mutual Monday night from the stage of the Paramount, Brooklyn, involves a novel angle. For that show the Paramount has granted a special license to the sponsor, American Beverage Co., to make 40 mezzanin-wide management figures it can more than make up by increased attendance for the rest of the house, scale at 50c.

Those receiving the Annie Oakley program are the Chatterbox agency or station, will be entitled to remain for the film after the broadcast is finished. Understood since signing of the Paramount-WOR deal, NBC is mulling a similar tieup with the Fox, New York.

Besides Miss Venuta, regulars on the program are the Chatterbox and Ernie Flo Rito's band. There had been no vaude at the Paramount for about two years.

Free Films and Acts Further Oppose B. O.s

Milwaukee, July 18. Wisconsin exhibs find themselves facing a competitive situation that is more acute than it has been in years—the free weekly films, commercially sponsored here and in dozens of smaller cities throughout the state. In addition, in some of the larger spots, such as Green Bay and Stevens Point, the commercial sponsor Col. Edward F. Munn's free variety acts in local parks. Opening week's show in each of these towns attracted more than 1,000 people.

Community film shows are making the rounds in other towns under the sponsorship of churches and organizations, in cooperation with the merchants, and shown in local halls with a full-length comedy and a newsreel. Admission is a dime with merchant tickets. Residents of the dairy stands advertise free outdoor talkers to attract customers. Hughes Dairy and a Beloit crowd "Shout Scene." Locally, sound pictures were shown at part of the Milwaukee Journal's free golf school at a local practice range. These films, featuring the country top pros and amateurs, complemented instruction given by the Wisconsin Public Golf Assn., which cooperated in making the clinics possible.

Two shorts, 20th-Fox's "The Goring" and "Brooks," and BKO's "Shooting for Fun," were part of the program, which drew some 3,000. Add to this, free films at amusement beaches, silent pictures in taverns, and weekly band concerts, and the exhibs is up against plenty.

Want Co-op Cinema

St. Louis, July 18. Business men of Shelbyville, Mo., pop. 704, are mulling plans to raise dough for cooperative picture theater.

The new Clark, Barry, Ill., will be opened Sept. 1. Russell Armstrong, owner.

Salt Lake's Old Mill Open After Music City Tiff

Salt Lake City, July 18. Having longed out difficulties with local musicians' union, Old Mill, a dance, jazz, and vaudeville, with Joaquin Gili's band. Latter comes from the Mayo hotel in Tulsa, Okla. Gili, 35, dancer, jazz, vaudeville, booked three other bands to follow Gili's aggregation. Combo includes Barney Wilde, Carl Ravazza and Bill Roberts.

Hofery is open six nights a week with \$1.10 admittance per couple.

15 Best Sheet Music Sellers

(Week ending July 15, 1959)

Surprise Serenade	Jewel Shapiro
'Wishing (Love Affair)'	Crawford
Stay away to the Stars	Shapiro
Moon Love	Famous
White Sails	Fest
I Didn't Care	Shapiro
Concert in the Park	Witmark
'Strange Enchantment' ('Man About Town')	Famous
'I Had My Way'	Paul-Pioneer
'Lady in Love With You' ('Some Like It Hot')	Paramount
Cinderella Stay in My Arms	Shapiro
And Blue American	Shapiro
And the Angels Sing	BVC
My Last Goodbye	Berlin

* Fimulical.

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) captured for the week from Monday through Sunday, July 13-19, 1959. Programs accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, 1 left, all others are pop.

TITLE	PUBLISHER	TOTAL
White Sails	Fest	49
I Poured My Heart into a Song	Shapiro	43
'Second Fiddle'	Berlin	43
'Lady in Love With You'	'Some Like It Hot'	39
'Wishing'	Famous	38
'Love Affair'	Crawford	34
'Moon Love'	Shapiro	34
'Is It Possible'	'Streets of Paris'	30
'A Good Man Is a Dream'	Harms	29
'To You'	Paramount	29
'This Is No Dream'	B	27
'All I Remember Is You'	Berlin	27
'Bar Bar Black!	Shapiro	26
'Cinderella Stay in My Arms'	Shapiro	25
'Don't Worry 'Bout Me'	'Cotton Club Revue'	25
'Blue Evening'	Miller	24
'Strange Enchantment'	'Man About Town'	21
'My Heart Has Wings'	'Dead Star'	21
'Ain't Cha Comin' Out'	Chappell	19
'I Didn't Care'	'Second Fiddle'	19
'Well All Right'	Leeds	19
'Especially for You'	'Streets of Paris'	19
'South American Way'	'Streets of Paris'	18
'You Taught Me to Love Again'	Soler	18
'You Don't Know How Much You Can Sing'	Shapiro	16
'Let's Make Memories Tonight'	'Streets of Paris'	15
'Man with the Handcuffs'	BVC	15
'Rumpelstiltskin'	Circle	14
'Concert in the Park'	Witmark	13
'I Can't Afford to Dream'	'Yokel Boy'	13
'If I Had My Way'	Paul-Pioneer	12
'On You Crazy Moon'	ABC	11
'Night Must Fall'	Marks	10
'I Got'	Tennay	10

Whitman in the matter of the batch of discs made under the 1954 contract is that the finding holds that he cannot license the broadcast use of these records without the consent or compliance of the Victor Co. The judge's findings on this score states that the agreement of September 8, 1954, did not divest RCA Victor of its right to restrict the use of the records to talking machines, nor did it give the defendant Whitman alone the right or power to license the use of the records for "broadcast purposes." Whitman can keep these records on the air, but he cannot authorize the NAFPA to license radio stations for their use.

Victor's new injunction against WNEW, Victor set up three different grounds. It contended (1) that it has use of copyright property right in its product, (2) that it was unfair competition for the station to broadcast Victor's product without permission and (3) that WNEW had wrongfully induced the manufacturer to New York City to breach an agreement which stipulated that the records could not be sold for broadcast purposes. All three grounds have been upheld by Judge Leibell.

No damages were granted, but Victor was allowed attorney fees and costs.

But where the rub comes in for

GEORGIA'S-GOT-A-MOON

F-L-A-S-H-I-N-G THE NEWS—on Coast-to-Coast

Lyric by MITCHELL PARISH Music by PETER DE ROSE and BERT SHEFTER

NEW CLEARED FOR ALL BROADCASTS IN The United States and Canada!

ROBBINS MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

Vaude Units Despite Lean 1938-39

While Mrs. Young is looking after her floating night club, her husband, Donald, is on the road as a salesman. He is on the schooner on Saturdays and Sundays as an assistant to his wife. They expect to continue until about Oct. 1, that is, if the promotion pays dividends.

Rushing AGVA Drive

(Continued from page 33)

Members failing to do so would be subject to suspension or fining.

Ditto Equity

Equity council was expected to vote against action for Equity and Equity yesterday. In the case of the council, it was believed that the members would act behind closed doors, so as to be able to send out instructions to the membership before a restraining order could be obtained.

Such instructions to the SAG, AFRA and Equity membership are likely to have a vital bearing on the battle, since the backbone of any performer union are the names of its members. Such actors as Eddie Cantor, Edgar Bergen, Harry Richmond, Sigmund Rucker and Rudy Vallee naturally carry the most weight in a vaude-nite organization. Under such a tactic, it would be possible to join AGVA or virtually be barred from show business—or at least from pictures, radio and legit, where the Four A's unions have closed shop contracts.

Thus, a suspension threat on Miss Tucker, as it is reported by the Four A's, would automatically force her out of the stage. It is to be noted that Tucker is not a member of the Imperial, N. Y., late in August. It would also appear that Tucker is said to have been in the works for radio and Hollywood. That would leave the singer with only vaude and vaudeettes.

AFA 'Surprised'

In moving so suddenly to revoke the AFA charter and set up a new union, the Four A's leaders apparently caught the AFA leaders by surprise. It had been hinted that an injunction would be sought to prevent revocation of the charter, but the action was taken too fast. Halprin was out of town for the weekend, while Ralph Whitehead, AFA executive secretary, and Miss Tucker, who was expected to be present, later said they had predicted it and stated that they refused to recognize or accept the Four A's action. They repeated their charge, which will form the basis for the injunction appeal, that the Four A's lacks the power to act in the case and that the whole procedure is a "malicious frameup." They added that they will continue to conduct their union as before.

Revocation of the charter was decided by the special Four A's board on Thursday (18), after a three-day hearing of charges against AFA. With AFA boycotting the hearing, numerous testimonies of alleged mismanagement of the union's affairs, misuse of charity funds, disregard for the interests of members, one-man rule, secret deals with vaudeurs and various other abuses. Board ruled AFA guilty of all but one charge. Apparently to forestall injunction, the parent union withheld revealing the decision until the charter had been revoked and a new union formed.

Castigation Patterned After AFRA
Constitution, patterned after that of AFRA, was drawn up and passed and copies were rushed out to affiliate union representatives in Chicago, Philadelphia, San Francisco and Philadelphia. It was announced that membership drives would be underway at once and all meetings would be held within a week. Eddie Cantor was named temporary president and Alex McKee temporary treasurer. Choice of an executive committee appeared in the air.

Temporary governing board, to serve until new officers and a new constitution could be elected from among the membership, was set up to handle AGVA's affairs through the cooperation of all the affiliates. It was composed of the president and executive secretary of each. They include Ralph Morgan and Kenneth Thomson, SAG; Bert Lytell (first vice-president) and Paul Dullest, Equity; Lytell and Ruth Richmond, AFRA; Eddie Cantor and Emily Holt, AFRA; Lawrence Tibbett and Leo Fischer, AGMA, and Dean Greenfield and Robert Guerin, Hebrew Actors Union. Charters were granted Monday to the Chicago, Los Angeles and San Francisco locals. All the board members dropped their own union's work to concentrate on the AGVA organizing.

Membership drive in New York began Friday night. Application blanks did not ask members to resign from AFA, but contained a clause designating AGVA as exclusive bargaining agent. Estimates of the number of applications varied yesterday, but it was believed they were in the neighborhood of nearly

1,000. Chief battleground between AFA and AGVA seems likely to be the World's Fair, where the new union already claims to have the Aquaduct and Little Old New York signed nearly 100%. It was at the Aquaduct that some of the major charges against AFA originated.

No Aquaduct Action

Although there were hints that AGVA would quickly move against Billy Rose for alleged abuses at the Aquaduct, such action is not likely for some time. Fact that Rose has a contract with AGVA might stymie the new union's action, as forced breach of that pact might be grounds for damage suit.

For the present, however, the crux of the whole situation appears to be AFA's injunction move. If a temporary stay is granted it may or may not bog down the new union campaign, depending on the actual wording of the writ. In any case, Four A's leaders insist they will not be in a hurry to push the proceedings if the case gets to court. They are convinced that the AFA was mismanaged and that revocation of the charter was the only possible solution in view of the Whitehead-Tucker attitude. So, regardless of the time it may take, they are determined to carry out their action and to push forward the new vaude-nite union setup.

It appears likely, therefore, that if a temporary injunction is granted, a hearing will not be held for about two weeks. Arguments for a permanent stay would be advanced at that hear-

ing, after which briefs might be submitted and judgment reserved until later. Besides the injunction, AFA will also seek a court order setting aside the charter revocation. On the other hand, there is some legal doubt whether a court would intervene in an internal labor union dispute.

In the meantime, the AGVA inroads on its membership is bound to hurt AFA. Not only will desiring members cease to pay dues, but many of those who remain are likely to default pending settlement of the case. Since the union has admittedly needed funds for some time, that will undoubtedly prove embarrassing. AGVA, on the other hand, presumably has the huge resources of its affiliates at its disposal.

Columbus Hoss Trade

Columbus, O., July 18.

Possibility of the much-delayed extension of Sunday morning liquor curfew seen here in an offer by city council to change the closing hours if niteries will agree to stop selling even 3.2 beer on Sabbath.

Public hearing has been set for Monday (24) on an initiative petition bearing more than 4,400 signatures asking for a vote at the Sept. 18 primary upon extension of the curfew from midnight and 1 a. m. to 1 a. m. and 2:30 a. m. depending upon the classification of liquor permit.

Night clubs and dine and dance spots are in favor of the change.

Art Wilson sold his pity, "Pardon Me, I'm Intruding to Peist for late summer publication.

Saranac Lake

By HARRY BENWAY

Anticipate that Kate Smith will visit here while vacationing at her Camp Sunshine at Lake Placid.

Jack Phillips telling the folks who are airing that they are taking and should go back to work.

Robert Dodds takes time out motoring from Lake Placid to this colony and wanting to know what kind of smokes are needed. His dad is the manager of the Falls, Lake Placid.

Hazel Ball, of Glens Falls, a victim of her distant relative of Ernest Ball.

Len Grotte, manager Loew's Prospect, Flushing, N. Y., always trying to do the best of everything for the colony's welfare. He's an ex-airer, Frances Fidler, sister of Bode, who is coining here, never misses a chance to entertain the gang. She's a working local night spot.

Teddy Stewart all hopped up over the fact that it will not be long before he can resume the home routine.

Among those at the Rogers who are taking those operations with success are Jack Edwards, Sam Putnam, Ann Comerford, Milton Weeks, and Jack Howard.

Dr. Ernest Adair, who was at the Rogers, may hang out his shingle here.

Myra Blake, who saw years and years of the best routine lately has been puking up and going in for a vocational sewing.

Roy Carman, Ross McTiernan, Ruth McTiernan, Francis Altman, Richard Morley, Alton Ross, ogling the women who are in.

Write to those who are ill.

TRIPLE COST OF SODA WATER AT 2 CLUBS

Cleveland, July 18.

Refusal of state liquor board to renew licenses of Ohio Villa and Mounds Clubs, after investigators testified they saw gambling devices in them, forced two nightmeasures to close their bars, but not their doors.

Both are demanding new hearings of Frank Smith, head of local enforcement bureau, accusing him of playing politics. In the meantime, they are getting around by dusting off the old prohibition-day slogan, B.Y.O.B., (Bring your own liquor). Although they have tripled the price of gingerale and soda water, Ohio Villa, which has the largest and coolest floor shows in this area, has noticed only a slight drop in attendance.

Shields' 1st Niteries

Radio singer Jimmy Shields went into the Glass Hat, N. Y., last night (Tuesday) on his first niteries date. Booking was a quick one, singer being signed Monday (17) and opening following night. Shields' new play played his first theatre date.

He goes back on the air mid-August once weekly with his Edna Jetlick program on NBC-R.

THANK YOU!
MR. FINN

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YOUR RETURN TO THE INTERNATIONAL CASINO BY POPULAR DEMAND HAS MADE ME THE HAPPIEST MAN IN NEWYORK TONIGHT. I HAVE ALWAYS CONSIDERED YOU THE BEST ENTERTAINER IN THE SHOW BUSINESS BUT WHEN WE HAVE TO TURN-AWAY 200 GUESTS THEN THERE IS NO DOUBT THAT MY JUDGMENT HAS BEEN BACKED BY THE PUBLIC. YOU ARE THE GRANDEST MAN IN THE NIGHT CLUB FIELD. MY kindest PERSONAL REGARDS AND I WILL ALWAYS ROOT FOR YOU=

ALEX FINN.

1200

SYMBOLS
DL-Overseas Letter
AL-Overseas Telegram
CL-Overseas Cable
NET-Cable Night Letter
See Subscribers

Alex Finn is managing director of The International Casino, New York City.

Milton Berle is under the management of The William Morris Agency.

PLaza 8-1890

Pepping Up New Pix

(Continued from page 1)

sent into turpentine camps in South America, but a relaxing customer army looked upon it only as an all-too-draw yarn. Warners set out to dispel the specter of Nazi spies, but those who buy tickets fail to display more than passing interest in the stuff.

Suit Pleasure-Seekers

When Burbank's staff revealed what even their rivals considered signs of daring by releasing a picture of a Nazi spy to the cameras, Metro and other majors began dusting off political yarns clutched for the shelves, then suddenly changed their course when lukewarm attitude of customers toward "Nazis" became apparent. Audiences, they've decided, may have grown up in last few years but they still go to the theatre in search of something to make 'em forget for an hour or so their own and the world's ills.

Revitalization of screen entertainment as means of putting big back on its financial feet is current objective of every producer, but how it is to be brought about is a problem for a cornucopia of brain trusters.

Now they're off on another track and this time it's with a united front. Because they have almost overnight awakened to the fact that more robust features may partially offset revenue worries, they've lashed out orders to the writing staff. Crockett is for more dramatic drama, faster moving action tales and heavier-on-the-love-angle romances. With revised instructions, however, they are also reminding scribblers Joe Brewster is still custodian of the purity seal.

Nor are thinking producers seeking ways and means of surmounting Breen's authority in their intensive efforts to "heat up" the celluloid. While they are determined to inject more sizzle into product, it must be done, they point out, without evasion of the code. They admit they are too well aware to contend with which censorial forces can be called into play to nip any attempt to overplay bounds laid down by Breen.

Paramount ceased to question Breen's iron-fist rule over moral matters when the picture started shooting of a can-can sequence in that company's "Zaza." Certain of the excesses were fighting it out with code censors, but their's was

a losing battle from the start. Why stir up censorship boards when you can't even get your picture to start, was nothing left for Par to do but nip what it believed to be highlight of picture, and substitute wily-washy imitation of the real thing.

Putting Out the Fire

In production of RKO's "Bachelor Mother," Metro-Berman was fazed made. When picture was submitted to Breen, latter quickly accepted his picture. Berman's finale. Berman retained the objectionable for the press preview, but even had the most hardened of critics taking in the lobby-huddle that ensued. It was a courageous but futile try to sex-up the vehicle.

Tag troubles seem to be haunting Miss Rogers because of RKO's forays into the more novel fields of picture making. Berman's "Bachelor Mother" Avenue Girl, which Gregory LaCava produced and directed, has been shot in a series of picture turns from a six-week vacation, when part of cast will be recalled to make up for Berman's absence. A tragic ending, attraction drew unusual adverse comment at several points, and Berman's attitude upon excess that while attitude of U. S. masses on what constitutes his picture may be understood for ramping, said changes are not so sweeping after all.

Redline movies, does not hold true in all parts of universe. In European countries, in Asia, the picture has been in state of constant, fans are demanding that a spade be called just that on the silver screen. For this reason, some now shooting two versions of some scenes, one for American consumption, and the other for European citizens prefer their entertainment with a little red meat.

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Karyl Norman, Who Once Meant Big B.O. in Clevel., Brought Back by Jabini

Cleveland, July 18.

Karyl Norman, who put Stan Jabini's Torch Club in the big-money class five years ago, was brought back by Jabini to preem his new Club Statler Tuesday (18) in site of old Irish Village. Former femme impersonator, who has discarded ways for Tux and straight burlesque singing, is toppling intimate revue consisting of three acts and femme orchestra lead by Sony Brooks, formerly vocalizing Gaylord Trio. Spot is the only new one to bloom in this patched section at a time when other nighties are cutting talent bills in half. Statler's Terrace Room, which eliminated floor revues in spring, also discontinued dance music last week, when Claude Haggard's crew left for Akron's Mayflower hotel.

Staging Memorial-Benefit For Eddie Healy in Prov.

Providence, July 18.

Plans are being made for a memorial benefit show in honor of the late Eddie Healy (and Cross), former vaudeville headliner, who was killed last month when fire razed the apartment house in which he lived.

Show will be staged in Elks Auditorium, July 31. Booking committee includes Doc Breed, of the Boston Keith booking office; Alan Cross, Healy's one-time vaudeville partner; Martin Tooley, assistant manager of Providence Majestic theatre; and Edward M. Fay, Providence theatre-owner.

Hooing Down Under

Chuck and Chuckles, colored dance team, are en route for their first vaude tour of Australia. They open at the Tivoli, Melbourne, August 14. Nat Nazario set the 12-week deal through the William Morris office.

Optimistic Bookers

(Continued from page 34)

other basis usually find the front door populated with gold-toothed salaried men.

Patern bill is a five-acter, with a line of as many as 10 girls, who are not required to dance so well. The acts are ones and twos, and only rarely a five or six-person flash act in the bigger show.

Hillbillies Popular

A Chicago occasionally masters out a 40-piece show, which can command six weeks or so time, but not on a week-to-week basis. After that short run, they fold like Chamberlain's umbrella.

Vaude's most common act in 1939, which nearly always operates as a unit and plays the 3d rate spots, is the hillbilly band. Usual makeup is six to eight men, plays towns ad lib and never hears of such a thing as a flat buy. There are July 20 of these operating and everytime one breaks up four or five new aggregations are formed. They are flexible enough to operate in beer stubs, dance halls and for a coin shover between grand-and-grunt spasms in the worst-idea.

Bookers all comment on the change of types and outlook of the present vaude crop, as compared to the old school. An act, once an object of worship by the performer, looked upon as something he'd built from ground up, is now just so much stuff to the Johnny-cometately. Show his to him, schooled as he is in the club and radio, is mostly a rank at soda-squir; salary, entered into as a thing before getting a regular job. Result is a low ebb showmanship in attitude or presentation.

Characteristically optimists, bookers look forward to bettering the situation in 1939-40. They admit the vaude biz is in a state of paralysis, with each percent taking turns doing an act impersonation of an iron lung.

The Wilby-Kinney time makes up one and one-half weeks of the southern tour, the best being the old-owned stands. Through the T. D. Kemp office, 41 units passed

through, starting September, 1938, and finishing mid-June. Small ones drew \$130 flat per day, or 40%. Stands were from one to four days, averaging two per. Thirder units, 28-32 people, were \$250-\$300 daily, or 50-50. Larger shows were found to average better than the small ones. Average mileage in this area is about \$20 a day, but some had to jump 1,000 miles, more or less.

Sherman's Route

Minneapolis, July 18. As a result of a promotional effort by Harry Sherman of New York, revealed by him here, 210 towns will play cheap units next season. Shows will comprise five acts and will play mostly one to two-night stands, for a total of 10 weeks for each unit.

Under the Sherman plan, flesh entertainment will be brought to the smallest town as well as to the larger ones. For example, the units will be booked into Scranton, Pa., and into Redwood Falls, Minn., the latter having a population of 3,000.

Sherman says he's selling the shows for from \$65 to \$100 a night, depending on the evenings they're booked, or \$400 for the week. The five "suit case" acts will consist of 10 people, all told, including a pianist who will provide the musical accompaniment. They can get by with orchestra or stage crew.

Shows have been booked in this territory by the Minnesota Amuse. Co. (Paramount Northwest circuit). They'll also play some independent houses. Only one house to a town will be booked, Sherman says.

Tom Diamond Broke

Thomas Diamond Prest, also known as Tom Diamond, theatrical performer, unemployed, filed a voluntary petition of bankruptcy in N. Y. federal court Thursday (19) listing no assets and liabilities of \$5,379.

Among his creditors: Swinburne & Dwyer, attorneys, 36 West 44th street, \$2,500 for professional services; Harry Diamond, Harry's wife, Frances Diamond Prest, \$2,500 on a separation agreement.

HILDEGARDE

Fox Theatre, Philadelphia: "Hildegard, from the air lines, won a big hand with her song and piano numbers and displayed a charmingly subdued variety of stage entertainment." PHILADELPHIA PUBLIC LEDGER

Opening Savoy-Plaza Hotel July 28

Per. Mrs. ANNA SOSENKO E. Rep.—JACK BERTELL

Recognized by all as the Leading Tailor to America

SIDNEY FISHER
76/77 Shaftesbury Avenue
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Best Coffee in England
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FULLY EQUIPPED
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NAN RAE
"The Inquiring Reporter"

Pictures, industry's heads will tell you, can be made far more punchy than they have been through application of better writing craftsmanship. Stronger sex stuff, offensive and within keeping of the purty coddler tenets, can be had with greater authoring skill, improved direction and more appropriate background music, they contend. New mark in action is possible with expenditure of more time and money on scenes and via wider application of uses of miniature and process shots. Hurricane earthshakes or fire sequences, which were colossal yesterday, must become super-colossal in tomorrow's pictures. The pairing for the new day, Darryl Zanuck has just completed expenditure of around \$100,000 in augmenting 20th-Fox's rain-making and wind equipment. Paramount has expended \$40,000 for hydraulic machinery for ship and building-rocker power systems capable of sending the average man's domicile reeling and tumbling. Other lots are following suit.

Second 50 years of motion pictures promise to give them strength they've never before possessed. Big-time have finally been through a b.o. slump, and they're digging in for another offensive such as lifted industry out of its infancy. They're as positive in their statements that sex-baying will be revived through their present drive to improve them, as are that the ponies will run again at Santa Anita come next Yuletide.

The VIRTUOSO of the HARMONICA

LARRY ADLER

Returning to America After BREAKING ALL HOUSE RECORDS at Tivoli Theatres in Melbourne and Sydney

Recommended in England by THE NEW YORK TIMES
17 Broadway Ave.
London, E.C.

Recommended in America by THE NEW YORK TIMES
1111 Ave. of the Stars
New York, N.Y.

Chicago Theatre, Chicago
Week July 21st

SAW ROBERTS, Western Rep.
EDDIE HOLSON, Eastern Rep.

Variety Bills

NEXT WEEK (July 21)
THIS WEEK (July 14)

Plays scheduled for the season are, besides the opener, 'There's Always Juliet,' 'The Second Man,' 'The Circle' and 'Springtime for Henry.'

Barrymore, \$11,000, All Alone in Chi Loop; 'Heaven' Very Nice \$8,000

Chicago, July 18.

Only one show remains in the loop currently following the fold-out of the money for after six weeks in the Harris. However, though out of the loop, the Civic has caught on in a big way. The revival of "Seventh Heaven," starring Francis Lederer and Margo. Originally in for a fortnight, the show will hold for a full week and close Saturday (22). Could say longer, but Lederer is due to go into the time for company.

"My Dear Children" remains at the top, still attracting close to 1000 week. It played a bit last season. Nothing in the offing. The fall return for the loop houses, and the town will have to rely on the Civic production to keep in legit action.

Estimates for Last Week
"My Dear Children," Civic (10th week) (\$1000; \$27.15). Lifted some to \$11,000 last week and encouraged to stick around for additional time.
"For the Money," Harris (1,000; \$27.15). Show folded Saturday (15). Had a good stay, but the gross never really got into the upper brackets. Word-of-mouth excellent; folded to go on opening week.

REVIVAL

"Seventh Heaven," Civic (2nd week; \$200; \$22.00). The show is likely and held to excellent \$6,000 last week. Will stick for an additional week, and could go more.

'CHILLUN' ENDS YEAR'S RUN ON COAST, 2K WK

Los Angeles, July 18.

Winding up solid year's run, first as Federal Theatre Project venture, and recently as legit revival, "Run Little Chillun," with all-grocery cast, folds at Mayan, (4th week) from couple of weeks at San Diego and Long Beach, entire run was in the Los Angeles area.

Frank Mursat, taken over by Bill Armit (night) (4th) with local Garment Workers' Union legit cast. Booked for 12 weeks, but no telling how long they will be played.

Baltimore receipts (24) with Helen Hayes in Ladies and Gentlemen after couple of weeks break-in at Curran, San Francisco.

Continued relationship of El Capitlan, with "Mikado in Swing" as commercial success. After a week of FTP surprises, was halted through the action of Alexander, the state director, to secure clearance from Government permitting outside production.

Estimate for Last Week
"Run Little Chillun," Mayan (1,492; \$11,000). Second week nothing but around \$2,000.

'Kiss Boys' OK \$4,600
In New Jersey Spot
Maplewood, N. J., July 18.
Frank McCoy and his company, under another splendid week at the Maplewood last week when "Kiss Boys" Goodbye" topped the \$4,600, topping "The Women of the Year."

Current attraction: Ethel Barrymore in "Whitlock."

Estimate for Last Week
"Kiss the Boys Goodbye," Maplewood (460; \$5,110). Second week of new season even stronger than first, doing \$4,600.

Beach Spot Strong

Brooklyn, July 18.

Continued strong biz at Leslie Carter's Brighton theatre near the Coney Islanders. Last night's production, "Ot Mice and Men," drew steady trade for matinee and evening performances.

"The Women," next "Prime Time."

Estimate for Last Week
"Ot Mice and Men," Brighton (1,400; \$1,000). This was second production at weekly opened house and snared strong \$5,000.

Eltich Good \$6,000

Denver, July 18.

With grosses at Elitch running over last year, and three additional last night, biz is plenty gratifying. Season holders are also making their reservations more regularly and window seats are also in demand.

Estimate for Last Week
"Michael and Mary" Elitch (1,252; \$5,000). Second week, the gross was \$1,000—\$200 over the same week last year. Current is "Payment Deferred."

L'ville Ducks Top-Price Seats; 'Roberta,' \$10,500

Louisville, July 18.

"Roberta" was the operaetta staged by the Shuberts for the first time of summer shows at Truog's Amphitheatre, drawing good houses for opening night Monday (16) and taking a big crowd. Biz built down slightly in the in-between performance, but prices set high, and held on. Gross on the stanza was approximately \$10,500.

Opening night of "Roberta's" a wood wind fell into the orchestra pit, striking Ed Otton, drummer, on the head, and knocking him unconscious. Accident occurred between acts, when set was being changed.

Estimate for Last Week
"Roberta," Truog's Amphitheatre (500; 35c to \$1.50) (2d week; Monday; 4th night; Saturday; 1st and closing) shows drew good houses, but, after a performance had few empty sections, bulk of his account was in the lower-middle-price sections. No shows noted on being of weather and returns holding up upper seats, closed on opening week at \$10,500.

Coin Minutums

(Continued from page 41)

For the screen rights under the proposed pact. From the picture end, the rights might be secured for one-third as much. In addition to the advance rights money, the picture back would finance production, costing as much or more, so that the investment would be around \$100 per show. Considering the percentage of stage failures, the total annual production loss would be negligible.

The profit would be that the picture back and minimum guarantee the same position as is the legit manager. In other words, instead of the legit manager, the picture back would be to exercise caution in backing plays which would not be reasonably sure of clearing. That would hardly be Broadway, in the opinion of shovmen who have reflected on the proposed pact.

Some opinion in legit circles is that the film end does not have as much prestige in reaching the merit of scripts and the possibilities both for stage and screen as does the average legit showman. The picture back may explain why picture people favor trying up Broadway. However, a well known source said that not a few plays are "made" in rehearsal, if not from the suggestion for rewriting from the stage producer. Such skill or intuition from the later is doubtless the explanation why certain managers have secured the majority of Broadway successes. Yet none can say a record without the picture back. The picture back, other showmen, on the chance their judgment may be wrong, or the picture back may be a matter of taste.

10% Film-Finance

Under the proposed pact, the 'indebted' picture back would be required to put up his own cash, but the percentage of his ownership in the picture back would be in relation with the backer. The minimum is 10%, but that is another matter. It is ironed out, the hurdle at present being the 'front coin' for the film rights.

Under the proposed pact, the picture back will pay the film artist 10% of the first \$5,000 grossed weekly—15% to \$10,000 grossed weekly over that level. Figure out that the backer would pay \$1,500 weekly on the first \$5,000 grossed weekly, the show make a run of it, the film rights money would run to fancy fig.

But there are deductions to be made in favor of the film end. Having the percentage of the profit which would in any event be 30%, and possibly 30% of the film rights, such deduction would be refunded to the backer by the artist. In addition, the backer's end of the stage play's profit could materially reduce the money actually invested.

The pact will not open for discussion among the managers generally, but the picture back will follow.

'Moon' Pale \$6,600 Teeing Off Memphis

Memphis, July 18.

The New Moon, opening operaetta for Reginald Hammerstein's first summer at the Memphis in the A. Theatre, did a surprisingly low gross. Last year's run was perfect weather. Gross was about the same. Last year's run for afternoon matinee, but the weather was less. Weekly net on five-week run was \$6,600.

Competition of all-star baseball game and night first place ball game at night. Last year's run was admitted free and drawing 13,000 fans. "The Moon" was "Moon's" draw.

"Roberta" opened last night (Monday) as second attraction.

LTC MAY GIVE THE LEGIT COMPETISH

Pittsburgh, July 18.

Nixon theatre here has been in competition next season for first time since old Alvin was converted to a legitimate theatre. Its understood newly-organized Legitimate Theatre Corp. is considering issuing this city in the fall, although neither definite has been lined up yet.

As much as no regular house is available, possibility looks that LTC would play its attractions at 3,000-seat Civic Mosque, though not at the concert hall, but hardly the most satisfactory spot for a theatrical attraction.

It's known that the LTC execs have been in communication with May Beagle, N.Y. manager, who places all of her attractions at the Mosque, with an eye to having her manager show the people concert subscription list. The LTC execs would be invaluable for such an enterprise.

The LTC execs would be beyond the talking stage. Three plays on LTC schedule—Le Gallienne's "Hedda Gabler," "Gold in the Sun" and "What a Life," have already played Pittsburgh at the Nixon.

Air Strouhat

(Continued from page 42)

At Aug. 16, will be "Arms and the Man" on Tuesday (25) and "Androcles and the Lion" on Friday (28).

Westport R.O. Peaks
Country playhouse at Westport, Conn., which had a mild opening week with Glenda Farrell and Nancy O'Brien in "Anna Christie," posted considerably last week with Ruth Gordon in "Here Today." Comedy about a Dorothy Parker-style water was a hit with Westport audience, and business built satisfactorily.

Westport Country Playhouse has performance drew praise, while Ethel Barrymore, King, and Ethel Merman were confirmed in supporting parts.

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The pact will not open for discussion among the managers generally, but the picture back will follow.

Bucks County's Added Mat.
New Hope, Pa., July 18.
Bucks County Playhouse here inaugurated a Saturday matinee this week in an endeavor to take care of the local audience. The play, "The Circle," was the first of the week, and was presented right along with will be continued.

"The Circle" show "Boy Meets Girl," with Florence McGee, the girl of "Children's Hour," who is a localite.

B'way Bouncing Out of Slump; Paris OK \$18,000, Yokel Boy Moderate \$13,500, 'Lincoln' 15G

Sherwood Back With 'Abe' Screen Script

Robert E. Sherwood, playwright, returned from Europe Monday (17) with the completed picture adaptation of his play, "Abe Lincoln in Illinois." Author did some work on the script while abroad and leaves for the Coast tomorrow (Thursday) to discuss the picture with RKO Radio executives.

Sherwood conferred with English playwrights and discussed proposed international agreement of dramatists in the U.S. and Great Britain. Maj. Gen. Jay Hayth, president of the Dramatists Club in London, expressed his interest in the play to complete concentration of the British with the war scene.

LADIES SMASH 28G IN FRISCO

San Francisco, July 18.
Helen Hayes and Herbert Marshall in the new play, "Ladies and Gentlemen," are doing a smash at the Civic.

Ben Hecht play, "Ladies and Gentlemen," are doing a smash at the Civic. Demand for tickets is so great that extra seats are being put up. The play is a smash.

"Ladies and Gentlemen," Curran (4th week; \$11,000). The play is a smash. Demand for tickets is so great that extra seats are being put up. The play is a smash.

Estimate for Last Week
"Ladies and Gentlemen," Curran (4th week; \$11,000). The play is a smash. Demand for tickets is so great that extra seats are being put up. The play is a smash.

'Tobacco Road,' Geary (1,550; \$1,850) (4th week; \$1,850). The play is a smash. Demand for tickets is so great that extra seats are being put up. The play is a smash.

'Cavalcade of the Golden West,' Curran (4th week; \$1,850) (4th week; \$1,850). The play is a smash. Demand for tickets is so great that extra seats are being put up. The play is a smash.

'The Women of the Year,' Curran (4th week; \$1,850) (4th week; \$1,850). The play is a smash. Demand for tickets is so great that extra seats are being put up. The play is a smash.

Beer Garden Atmosphere

Clicks for Cleave Smyth
Cleveland, July 18.

Turning city auditorium into a garden setting with dining table and chairs, Cleave Smyth's "The Women of the Year" is a smash.

Estimate for Last Week
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Broadway bounced back last week with "Ladies and Gentlemen" (17), which, after a slump of last week, but grosses did not reach the levels prior to the holiday week. "Abe Lincoln in Illinois" (17), which, after a slump of last week, but grosses did not reach the levels prior to the holiday week.

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Boston Daily's New Makeup
Boston Evening Herald announced yesterday (Tuesday) complete revision of its front page makeup, effective July 19. The new layout, called "newspaper," all local, domestic and foreign news, with some pictures, will be summarized by a "news" and "news" will be interpreted by injection of background staff. Inside of paper, which is in expanded form, news condensed on page one. Special "Newspaper" staff of five writers and a grammar man, led by Hamilton Throfield, formerly city editor.

He admittedly pitted-after news treatment by "Time" and "Newsweek," has been pulled by the city press for the first time. Transcript is the first sheet to execute it.

Reprint Problem Gets More So
Story reprint problem, solution for which is engaging efforts of a special committee of publishers and writers, made more complex by reprinting one of the top-right slicks in following some of the pulps. Ladies Home Journal carrying in its July issue reprint of a story by Maurier best-selling novel, "Rebecca."

While belief was expressed at general meeting of the special committee that the slicks would be taken into the hands of the publishers, it was not foreseen that one of the slicks itself would be an offender. "Rebecca" has been pointed out in newspapers and newspaper supplements boistered the slick magazine result of the Ladies Home Journal use of a reprint, slicks now published with exactly the same copyright. No publisher would claim that the slick magazine publishers will join campaign and, of course, attendance in the future if it elected.

"Brooks is the former husband of Alicia Patterson, daughter of the publisher of the N.Y. Daily News."

Scribner's Contest Called Off
As a result of an order issued by Federal Judge Vincent L. Leboin in N.Y. Random House's "The Magazine" short novel contest is declared off, and around 1,000 writers who remain unsatisfied without any of the five prizes of \$400 each are awarded.

Withdrawal of the court order resulted from suspension of Scribner's Magazine, with that that Magazine's magazine, and it was reported that not put up the \$25,000 it was to have contributed to the prize money.

Previously, it was reported a number of other periodicals had been asked to sub for Scribner's in the ownership of the N.Y. Daily News, Red Book Magazine, interested, and assigned a reader to glim the entries. Failing to find any suitable, Red Book turned down the proposition.

Hearst Signet—Not In East
Although Hearst's new newspaper management is firm in refusal to give in to demands of striking newspaper Guild, it is reported that the Evening American and Herald & Examiner, out now for seven months, have been managed by the Hearst Guild contract with the N.Y. American staff.

Pact first on the paper, represents as notable a Guild achievement in the East as the continued strike in the New York City Herald Tribune in the mid-West. Journal and American contract calls for pay increases exceeding 100 percent a year job security, severance pay and other benefits. Covers around 750 employees.

Rare angle to the unique contract termination of the Journal and American Guild members to demand their own's raises to Chicago Guildmen members in their strike against Hearst.

Adolph Ochs' Estate
Late Adolph S. Ochs, publisher of the N.Y. Times, who died April 6, left a net estate of \$12,211,421, according to transfer tax appraisal filed last week. Principal assets were in the form of stock in the N.Y. Times Co., valued at \$10,018,152.

Part of the estate constituted into a trust fund for benefit of his widow, Edie Wise Ochs, and daughter, Edie Ochs. He left a widow, Edie M. 1937, with all of the income now payable to Mrs. Sulezberg.

Mein Kampf Stopped
Continuing its efforts against alleged violation of its copyright on Adolf Hitler's book, "Mein Kampf," the Boston Herald Tribune has secured a temporary injunction against sale of 10c, abridged newspaper edition of the book. The Tribune is putting out the 10c edition as the Norm Publishing Co., Inc., Canton Publishing Service, Inc., Interborough News

Co., Sam C. Markus and Harry Action follows that against Stackpole Sons, enjoined from publishing reprinting of Hitler's book similar to that brought out by Houghton Mifflin.

Ray Huber's New Past
Ray A. Huber, publisher for Scripps-Howard of the World Telegram until a year ago, upped to the post of general business manager of the newspaper-owned by the late William C. Chandler, who goes on the newspaper chain's advisory board.

Publisher of the World-Telegram for seven years, Huber went into the management of the paper in 1935. When relinquishing that post to Mitt Aylesworth. Had previously served on other papers of the chain.

C. M. Duell's Firm
C. Halliwell Duell, who quit about a month ago as v.p. of William Morrow & Co., setting up his own book-publishing company. Has formed a new firm, C. M. Duell & Co., publishers in the Grand Central area. Staff now being gathered by Duell, and he expects to begin publishing "scrips." Expects to get out the first books under his own imprint early in 1940. Present plans call for a general list, containing both fiction and non-fiction.

Brooks In On Natchez?
Joseph Brooks reported buying in to Henry Brooks' Nutmeg, and to the agent of publisher of the weekly. Occasioned by another's congressional ambitions, another active publishing head giving Brooks time to devote to his projected campaign and, of course, attendance in the future if it elected.

"Brooks is the former husband of Alicia Patterson, daughter of the publisher of the N.Y. Daily News."

Melvin Parviz Daily
Melvin Parviz Daily, a man who was John Dillinger's nemesis, has announced that he will launch a new newspaper in his native state of South Carolina—at Florence. He says that publication will start about August 1.

J. A. Zeigler, formerly of the Florence (S.C.) Morning News, will be the editor.

Vie Ousted Boys' Scout
Victor C. Olmstead has purchased the property of the Boy Scouts of the Junaluska Journal, and the Graham County News from L. A. Zeigler. Olmstead enters the North Carolina scene from Washington.

Require Corp. Sole Again
Equire-Coronet, Inc., Delaware, changed its name back to Equire, Inc.

Notice of change filed at Albany by J. M. Ford & Reichman, Chicago.

LITERATI OBITS
Benjamin M. Hartsog, 74, mag contributor and former newspaperman, died Thursday (13) in Baltimore. An associate editor of the Philadelphia Jewish Exponent at the turn of the century, he later joined the staff of the N.Y. Times. He was American in his mag pieces he specialized in historical subjects. Sister, Mrs. Hartsog, 74, died last week.

Joseph E. Katschens, 78, former newspaper publisher and editor, died Thursday (13) in New York City. He was a member of the American Guild of Authors and Publishers. He was a member of the American Guild of Authors and Publishers. He was a member of the American Guild of Authors and Publishers.

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a number of papers in the east before joining the Court.

William J. Miles, 71, retired founder of the Leader (Wyo.) Evening Post, died Sunday (13) after a long illness. He was a member of the American Guild of Authors and Publishers.

James Weber Linn, 63, novelist and Chicago Tribune columnist, died Sunday (16) at his summer home in Lakeside, Mich. He was a member of the American Guild of Authors and Publishers.

Clara Lanza, 35, novelist and contributor to many papers, died Friday (14) in N. Y. after a long illness. She was a member of the American Guild of Authors and Publishers.

Robert W. Service, 71, founder and prez of the book-publishing firm of the same name, died Saturday (14) in N. Y. after a long illness. He was a member of the American Guild of Authors and Publishers.

Fred B. Marvin, 70, former editor of the old N. Y. Daily Commercial, died Saturday (14) in N. Y. after a long illness. He was a member of the American Guild of Authors and Publishers.

CHATTER
Maud Parthick back to China. Maud Collins Brown has gone abroad.

Pierre Lyautey, the French scribbler, has returned to Paris, and gets back next month.

Carl Crow back Monday (17) from Chicago. He is a member of the American Guild of Authors and Publishers.

Charles Saxby to the Bierias to polish off a new whedun.

Victor C. Olmstead, who has purchased the property of the Boy Scouts of the Junaluska Journal, and the Graham County News from L. A. Zeigler.

Olmstead enters the North Carolina scene from Washington.

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Broadway

Hazel Flynn due back from Hollywood Aug. 1.

Raymond, Klinecy-Willy division manager, in town.

Al Christie in town to Coast to E. Paramount.

John Cecil Holm is seriously ill in a Connecticut hospital.

Walter Connolly and Dorothy Runyon collaborating on film scenario.

Elmer Rice failed to return from Broadway clipper.

Harry W. Conn back to Hollywood; soon returns to open office.

John Lombard, producer of a boat-house around his speed craft.

Jay C. Mitchell stepped out of the picture and got his hair cut.

Dr. Leo Michel got himself a dose of poison ivy about last weekend.

Harry (MCA) Stein back to the Coast, but he's changing to N.Y. Fair.

Connie Preeman, Jess' wife, in Queens hospital as victim of flu infection.

Patricia Schaefer, of Paramount's legal department, left Saturday (15) for Havana.

Patricia C. Colla, International play broker, Yankee Clipper to New York on the Algea 18th.

E. Paul Phillips has moved his family to Hollywood.

Samuel Goldwyn is back to Broadway, continuing up over weekends.

Ruth Golden, daughter of Eddie Cohn, Monogram, is taking the big leap with Laurence Wylie.

Harry's hair has been shopped to London Friday by slow freight.

His owner said next Wednesday.

James C. Miller, Jr., in a "discontinuation" look like they're done.

Jackie's hair has been shopped to London Friday by slow freight.

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doing a costly facelift on his fashionable nose, retaining only the distinctive nose motif, Norman Bell, 40, was consulted. Latta gave him a \$100,000 estimate and Perona almost fainted.

Pittsburgh

By Hal Cohen

Oscar Levant in for a couple of days last week to see his mother.

Carl Winchell, who has been at their boyenome at Niagara Falls, Gen. Kelly back home for a brief rest, following "One for the Money" in C.R.

Dr. J. M. Schaefer's parents celebrated their 53rd wedding anniversary last week.

Viola Ammon is the new harpist with Les Shelley's band, his third in legs with the group.

Dick Barstow in town for a couple of weeks doing bowling lessons to young local hopefuls.

Mrs. Ray Wheeler, wife of State manager, coming around next night after major operation.

'Show Boat' at new location following month's shutdown.

Al Golden dramatic committee started this summer at a boys' camp.

Dancer Betty Nylander and her boys' camp.

Edward Gibbons has gone to Stockbridge to attend summer school at the Berkshire Playhouse.

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London

Betty Frankish, from 'Me and My Girl,' went her solicitor July 9.

Shirley and Joe Robert (Benetti) reminiscing at private luncheon.

Henry Sherek to Zurich to see Melba, which he wants to produce.

London, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st.

Jack Payne and Garcon Kiani in Paris for couple's days, then London to cover the shows.

Bill Saeli intends staying here six months, with Sam Smith having left him an office in British Lion Film building.

Herbert Varty, head of Republic Pictures, and Mrs. Varty, who is developing Gene Autry with him. Intends staying six months.

Tabarin revue at the London Casino to be the last of the summer season, only at the supper shows.

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Hollywood

Bitterly cold weather is not helping bit in any New Zealand. Few people are going there from Australia owing to the monsoon.

Jan Rubini is being held over by Hoyts for broadcast at Regent here, which he wants to produce.

London, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st.

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Paris

Basel Dean in from New York. Douglas Fairbanks, of Leland Hayward, in town.

Douglas Fairbanks and wife in from London.

Harold Smith, of the Will Hays, on business.

Opening of new Boulevard Cinema Le Francaise, with 1,500 seats, set for early September.

Rip to put on revue, 'L'Epoque En Paris' (Warped Europe), at Theatre Michel September 15.

Grace Moore, accompanied by husband, Dr. Valentin Parry, in from New York.

'Confessions of a Nazi Spy' opened immediately in Paris. The production, directed by the Apollon and Le Cesar.

Yakovlev, Russian picture director, arrested by Soviet police.

Many of whose pieces were written for the French, are being shown in Paris.

His wife, the actress, is dead. His killing machine, a picture, is being shown in Paris.

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Berlin

State office necessary for shutting theatre, open for brief period.

Torch-lit crowd of Berlin castles in the traditional costume.

Japanese Teiki Kiwa doing 'Madame Butterfly' at Deutsches Opernhaus.

the ole tom-cat of the keys!"

bob



zurke

and his DELTA RHYTHM BAND



Modern dance music in the best Dixieland tradition, arranged by Bud Livingston and styled by that ole tom-cat of the keys, Bob Zurke, who was selected by Paul Whiteman-as the all-American swing pianist!

Music that reminds you in every bar of the rhythms and melodies of the Swanee shore . . . strains reminiscent of Rampart Street . . . boogie-woogie . . . the songs of the bayous . . . darkness on the delta . . . the rich, deep voice of the river boat and the shuffle on the levee!

Watch For
VICTOR
RECORDS

"Southern Exposure"
"Hobson St. Blues"
"It's Me Again"
"I Die a Little"

Exclusive Management

**WILLIAM MORRIS
AGENCY INC.**

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BY EWING GALLOWAY, N. Y.

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Vol. 135 No. 7

NEW YORK, WEDNESDAY, JULY 26, 1939

56 PAGES

SHOW BUSINESS

'One Big Actors Union' Hastened

'One big union' for actors appears to be nearing reality as result of the threat of a wide-open theatrical labor war within the American Federation of Labor, due to the affluence this week of the American Federation of Actors people the International Alliance of Theatrical Stage Employees (stagehands). Member-unions of the Associated Actors and Artists of America are now in close cooperation with each other than ever before in their history. They have virtually combined their physical and financial resources to uphold the Four A's revocation of the AFA's charter and retain jurisdiction of performers in all fields of the show business.

One high official within the Four A's, who refused to be quoted for obvious reasons, yesterday (Tuesday) stated frankly that the actors appeared to be headed into a 'one union' combination which would embrace the screen, radio, legit, vaudeville, nitty and burlesque performers. He admitted that only such a united front could achieve victory in the event that the IATSE and other AFL unions attempted to gain jurisdiction of performers.

The idea of 'one big union' for actors has frequently been broached and also considered by the International Board of the Four A's. No final yes or no has ever eventuated, although a committee has been working for the past couple of months on a one-membership card idea. In the event that the AFL denies the Four A's right to revoke the AFA's charter, there is no doubt that the actor group will withdraw from that organization and set up as a separate union. Such a move would also tend to speed up the 'one big union' idea.

\$600,000 to \$1,000,000 of N.Y. Fair Corp. Coin Means Midway Must Get a Break

Estimates of the amount invested by the New York World's Fair management in the amusement area concessions vary from \$600,000 to \$1,000,000. Reported too, that it has had to advance additional coin to tide over some of the Fair Corporation's shows. That would explain why admission to the midway was dropped from 75 to 40¢ after 9:30 p.m., and the experiment of bargain tickets tried over the weekend. Expectation is that this method, if continued, will draw more people to the midway, with concessions due for some profit and the Fair getting its money back.

RITZ-CARLTON TO MOVE UPTOWN TO THE PIERRE

The Ritz-Carlton hotel, N. Y., will disappear from its present site at 40th and 41st streets, fronting Madison Square, and will be re-located at the Hotel Pierre at Fifth avenue and 60th street, according to a report. The Ritz-Carlton Hotel Co. is expected to be re-built on the interior, through the walls will be retained, and offices and additional space facing all three thoroughfares, supplanting. Signs is reported to have been contemplated for the hotel, but business conditions caused setting back of the plans.

Reorganization and change in both properties is made feasible by interlocking ground ownership interests, the Gerry and Guellet estates being the principal groups concerned.

BARBARKS INTO 4A S-AFA BATTLE

Bitter Fight Among AFL Member Unions Threatens New Move to Gain Jurisdiction of Actors—AFA Council Votes Affiliation Without Asking Membership's Okay

EAST-WEST FRONTS

A general labor war, involving all theatrical unionism, looms out of the spreading fight between the Associated Actors and Artists of America and the American Federation of Actors. Showdown fight between the actors and the stagehands' unions seems almost certain, with the other craft likely to be drawn in. President William A. Green of the American Federation of Labor, is already involved and the Congress of Industrial Organization is seeking to capitalize on the situation by expending its activities on the Coast. From present indications, the battle is likely to be the most far-reaching bitter and expensive in the history of theatrical labor.

Situation suddenly took a much more threatening turn over the weekend, when the International Alliance of Theatrical Stage Employees (stagehands) definitely endorsed the picture through its president, George E. Browne. Until then, the fight had been generally confined to Four A's ranks. However, Green had previously made an ineffectual effort to intervene on appeal from Ralph Whitehead, executive-secretary of the American Federation of Actors, whose charter was revoked by the Four A's.

Meanwhile, reports from the Broadway and West 42nd street IATSE local there is genuine (Continued on page 4)

O.J.F.-F&M MAY SCREEN 'HELLASPOPPIN' AS IS

'Hellaspoppin', the Olsen and Johnson vaudevisical, may be filmed in toto. The producer-stars, Sam Dembo, Jr., v.p. of Fanchon & Marco, agents for Olsen and Johnson, are talking making it in the east with a budget not to exceed \$150,000. It is produced on Broadway as it plays in the theatre without script changes or elimination of any of the crowd-pleasing bits. The business which now goes on during intermission would be incorporated in the film.

Film would be a unique experiment in that, with the exception of Olsen and Johnson, cast would have no starred or featured player headshots; no connected continuity; no romance and no exterior location scenes.

Sports Telecasts Hereafter With Special Eye to the Theatre B. O.

Talking Back

Philadelphia, July 25. Those new portable radios which baseball fans are insisting on taking to games are beginning to get annoying to the announcers.

Wise guys in the crowd talk back with some none-too-complimentary remarks aimed up to the broadcasting booth when the speller deviates in the slightest from what the fans think they've seen.

FOX'S MIDTOWN CONEY ISLE KAYOED

After going to considerable expense, William Fox has had to abandon plans to build a miniature Coney Island on the parking lot in back of the Roxy theatre, N. Y., 'Foundations for carousels, rides and concessionaire booths had been completed and most of the booths were in the finishing stage when the enterprise is said to have been halted by Rockefeller executives.

Legal pressure and threats of injunction is reported to have been brought against the new amusement center on the ground that it would cause property value of a hotel scheduled to be erected by the Rockefeller family on 6th avenue and 50th street to depreciate. In addition, complaint included intimation that Fox's playground would create a nuisance and presumably cheapen the entire Radio City architectural and cultural scheme.

All construction on the amusement center has been abandoned and private cars are again being parked after a month's hiatus. The rest of it, stores, bus station to the World's fair, entrances, etc., remains, having been completed for weeks.

New Studio Edict Limits 'B' Directors To \$500 Weekly Top

Hollywood, July 25. Newest economic stranglehold is to restrict the weekly wages of 'B' directors to \$500 or less. System is understood to be in effect at 20th-Fox, Paramount, RKO and Warners, with Metro planning a similar move.

Studio execs are worried over the 'B' situation, with high wages, short hours and costly material running the bills beyond the revenue point.

Col. John R. Kilpatrick, prez of Madison Square Garden, and Mike Jacobs, night promoter, are known to look upon future night telecasts with an eye to the theatre boxoffice. Insiders claim that the Garden people will withhold television rights hereafter until some practical solution for reproducing events in theatres throughout the country can be worked out. This, of course, would make possible a commercial deal for the television rights.

Failure of NBC to televise the recent Joe Louis-Tony Galento prize fight is ascribed to turndown by Mike Jacobs of the 20th Century Sporting Club. With the advance sales indicative of less than a sell-out and with the fight (nabe) near the Yankee Stadium, Y. Y., diverting television pictures of the fight at no increase in price, Jacobs, it is reported, felt that it would not help the gate any to permit the fight to be telecast.

Kilpatrick, speaking for himself and for Jacobs, stated: 'We will work closely with any organization which plans to develop television broadcasting on sound lines. Our sporting events are always available as a practical laboratory for experimentation, because the sooner practical commercial television arrives, the better for us.'

Not For Homes

Kilpatrick made it plain that he has a very definite theory on televising sports events. He states: 'The future of television is in the theatre and not in the home. I think television will be the biggest boon to the theatre that ever happened. I do not think theatre owners appreciate the new art and are ill-equipped to handle it.'

(Continued on page 33)

Singing Waiters Don't Want to Depend 100% On Throw-Money or Tips

Singing waiters, who have had an organization for several years, will apply for a union charter as an affiliate of the American Federation of Labor. Preferring to be known as 'entertaining waiters', there are 700 in New York and of that number 300 are in good standing, while in Brooklyn there are 1,000 chipping in. Numerous nondescript night restaurants, chiefly glorified bars, estimated there are 20,000 throughout the country and it is the aim to organize locals in popular cities.

Great percentage of singing waiters are former vaudevillians. The organization is set out to establish a minimum pay of \$10 weekly. It is noted that some standing at all as \$10 per week, or nothing at all, depending wholly on tips and throw money. The organization of the American Federation of Actors, whose charter was revoked by the Associated Actors and Artists of America, (Continued on page 34)

Paul Williams in N. Y. to Set U. S. Trial Date; Asking for November

Motions are returnable tomorrow (Thurs.) in the U. S. suit against the Griffith Amusement companies in the southwest, under which during the past week various defendants, including eight producer-distributors, asked for a bill of particulars and a more specific outline of the charges.

(Continued on page 22)

Aussie stalls pic financing.....	Page 12
Magyar anti-Semite law taking effect.....	Page 12
Nazi films figure in British censor showdown.....	Page 12
Phil Relman, Sam E. Morris sail.....	Page 12
More foreign headaches.....	Page 13
Oscar Deutsch's Par cinema deal.....	Page 13
John Otterson's wired music.....	Page 32
Roger Pryor to m.c. Good Gulf.....	Page 33
Television stuff.....	Page 33
Radio reviews: John Garfield, Rudy Vallee, Joe Frisco.....	Pages 35-37
Legitars want \$15,000 film coin proviso cut.....	Page 49

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ARRIVALS

Mr. and Mrs. Clifford C. Fischer, Victor Francen; J. Chcever Cowdin, Paul Paray, Henry Merkel, Leon G. Turrou, John F. Royal, John Lodcr, Micheline Cheirel (Mrs. Lodcr), Benoit-Leon Deutsch, Alice Marble.

Paul Paray, Henry Merckel, Leon G. Turrou, John F. Royal, John Loder, Micheline Cheirel (Mrs. Loder), Benoit-Leon Deutsch, Alice Marble.

making it impossible to file until Federal Judge Knox decides whether an investigation of the company's affairs is warranted.

Motions are returnable tomorrow (Thurs.) in the U. S. suit against the Griffith Amusement companies in the southwest, under which during the past week various defendants, including eight producer-distributors, asked for a bill of particulars and a more specific outline of the charges.

(Continued on page 22)

THE NEWS

Studios Unperturbed by Neely

The studios aren't giving the Neely bill or its production possibilities a thought. They have been assured that there's no chance of it going through Congress.

Studios aren't giving the synopsis idea much concern either.

In line with the "synopsis" idea which, if it ever goes through—and that's one of the modifications deemed likely—eastern distributors have already envisioned the modus operandi of handling non-blind selling. They will chiefly entail a series of screenings of all new product in the various exchange centres; have the prospect buyers (exhibits) see the films, and thenicker for their respective calibre theatres, locations, situations, etc.

Goldwyn-Capra-Hughes-Riskin Talk Formation of Prod.-Distrib Unit

A new producing-distributing organization is in the process of formation which will include Samuel Goldwyn, Frank Capra, Howard Hughes and Robert Riskin. Preliminary groundwork has been laid and the new enterprise, which is to have its own system of distribution, will get under way as soon as Goldwyn gets a decision from the U. S. District Court, Wilmington, Del., on his suit against United Artists Corp.

Goldwyn, on his arrival from the Coast on Monday (24) to attend the premiere of his picture, "They Shall Have Music," at the Biyoli, N. Y., refused to discuss his intentions in the event the courts rule against him. In film circles it is being predicted that he is making preparations to pull out of the U. A. organization. Goldwyn stated that the Capra-Hughes report is another story altogether. He preferred not to talk about the possibility he would leave the U. A. setup while his suit is being decided as he did not want to say anything now that might prejudice it.

Reports about Howard Hughes' return to film production have come in the past year. Hays organization records reveal that he has registered 30 titles and stories in the past months.

Regarding filming of the life of John D. Rockefeller, Sr., which Goldwyn has been discussing on the Coast, the Rockefeller interests advised Archie Mayo, Goldwyn director who conferred with them while east, that plans to proceed with a picture will have to wait until a new biography of the industrialist is completed by Prof. Alan Nevins of Columbia University.

Goldwyn will return to the Coast some time next week, accompanied by Fred Storm, his new publicity chief.

Goldwyn's Test Ideal

Arthur Toscanini is being sought by Samuel Goldwyn to direct "The Great Music Festival" next summer. Decca Taylor is pushing up other artists for the film.

Goldwyn's plan calls for a dramatic story to introduce the picture. Instrumentalists with Tosca handling accents of both, Taylor is also bringing up juve musicians for a 100-piece symphony.

PRODUCER GROOMING FOR GRAVES AT 20TH

Ralph Graves has been groomed temporarily on story assignments but with an associate producer berth in the making.

Graves was with the Westwood studio once before as a writer, shortly after he gave up acting.

Hogan Ties to Par

Paramount has handed James Hogan a new directorial contract for two years.

Next assignment is the Martha Raye comedy, "The Farmer's Daughter," rolling Aug. 21.

Fineman with Selznick

Bernie Fineman, until recently a producer at RKO, moved to Selznick-International as production aide to David O. Selznick.

Current job is to look for production material, some which he may produce for the 1939-40 schedule.

PART OF LOEW'S 3 1/2% BONDS CALLED IN

Loew's, Inc., is calling in part of its \$12,334,000 Sinking Fund debentures outstanding, drawing 3 1/2% interest and due in 1948. Company will redeem \$75,000 of the principal amount on Aug. 15 at the office of Dillon, Read & Co., N. Y. All these bonds will have matured serially on or before that date.

Wall street sources are still confident that Loew's, Inc., plans to call in the entire issue of Sinking Fund bonds as well as its issue of 136,722 shares of preferred stock outstanding and issue one new series of debentures in place of the two classes of securities. Bond houses claim Loew's would have no trouble floating a 10-year bond issue bearing no more than 3 1/2 percent which would save \$350,000 annually in interest on the preferred, in addition to interest saving on debentures.

Reports on redemption and conversion current in the street cannot be confirmed by any officials in Loew's. The feeling there is said to be that there wasn't any considerable amount to be saved, and that it would hardly pay to go through with any such move.

HAYWARD AGAIN TO REP SELZNICK EAST

Agency activities of Myron Selznick & Co., Inc., will be merged shortly with those of the Leland Hayward, Inc., organization and an interchange of representation between clients of both organizations once again resumed. Selznick is closing up his New York office and transferring all activities to the Hayward staff.

New deal worked out for servicing clients is similar to the arrangement that existed between the two organizations two years ago. Both Hayward and Selznick will continue to maintain separate organizations on the Coast, but will coordinate business matters affecting their accounts.

Daniels-Lyon Abroad

Babe Daniels and Ben Lyon are planning to travel to New York today (Tuesday) en route to London.

HOPEING HOW IT MAY WORK OUT

If Neely Comes, Then Complete Revolution in Film-Selling Is Not Far Behind—Trade Masterminding the What and How of Future Distrib-Exhibit Relations

MIGHT END DUALS

By ROY CHARTER

Speculation as to what the Neely bill would mean, if passed, is rife in all quarters of the film trade. In exhibition circles film men are cherishing a secret ambition to see it pass, while in others they are frightened over its possibilities. Many in both factions think Senator Neely's pet bill has a good chance to push through the house next winter, to become the law nationally as regards the sale of film.

Neely's bitterly-contested measure tries to block-book and tie his twin brother, blind selling, went through the Senate regardless of pressure applied, then it would end the "The vote was 46 to 23 in its favor. It's even money now to pass the House.

Impartial consideration of the Neely measure as a law would lead to the conclusion that it probably would hurt more, where relief might be justified, than aid more where benefits would be realized. The present system of distribution and exhibition. This, however, is open to debate.

Were block-booking in the discard, if a producer failed to turn out merchandise that deserved a market, then it would end in the scrap-heap, and no doubt so would the producer and others with him. It would not be carrying the keep. On the other hand, a favorable point about the Neely bill would be the immediate recognition and commensurate coin for the producer, director, artists and writer who did de-

signed distribution nooks, as well as the "Underpinning" of the Neely bill is regarded because it would serve as a yardstick by which to measure producers, based on the results attained by their pictures, when sold singly and strictly on their merits. The cost of production might be severely brought down in the many places where they should be brought down. There could be no alibis when pictures flop.

That would also be true of the distributor, however, since vigorous selling would have to figure for the maximum results in rentals. The difference, it is supposed, would be that the good pictures would bring in higher rentals, while the poor ones would get less than they ever now, though there is a chance that some of the lowerbracket or flat picture market now being delivered under block buys would come out just as well since, with a wide open market obtaining under Neely's law, real showmanship would again become a must.

Even with terrific sales pressure, competitive bidding and showmanship, there would still be a lot of "rental" would turn out as losers, against negative costs. This might be more notably true of the bad picture market now being delivered under block buys would come out just as well since, with a wide open market obtaining under Neely's law, real showmanship would again become a must.

Every Picture on Its

B. O. Merits Strictly Producers-distributors and exhibitors are shut out from a long line of accounts now, due to lack of sale strength comparable to others, are (Continued on page 12)

ERPI and Irving Trust's Financing Plan Curbs Talk of a Widespread Move for Legiters' Film Prod. East

Loach's Memo Stock

Washington, July 25. Financial state of Thomas P. Loach of New York, recent addition to the Monogram Picture Corp. directorate, was unveiled this week by the Securities & Exchange Commission.

Recruit board member holds 400 shares of Mono common plus 6,173 options for similar ticks.

Eastern Service Studios (N. Y.) scheme to interest Broadway legit producers to film outstanding hits, with financing guaranteed by Electrical Research Products, Inc. and the Irving Trust Co., has fallen through. Stumbling block is over disagreement on extent of financing proposed.

Starting off on the premise that they would jointly guarantee up to 80% of the production cost on a group of six to 12 A-budgeted pictures, proponents of the scheme are now unwilling to gamble on advancing more than 60%, and want the other 20% guaranteed by the producers themselves.

Although making a practice heretofore of financing up to 30% of a picture's cost in the form of credits which producers use by making films in East, Irving later now appears unwilling to risk more than 15% in the present proposition. The Irving Trust would like the other 45%.

The Group Theatre and other Broadway producers are definitely not interested on that basis, as they would have not only the problem of raising money but would have to wait a year or more to see daylight and recoup their investment, with the bankers getting first crack at the returns.

Conditions Unfavorable Considerable doubt of any wholesale sale of rights to eastern producers is expressed by film executives, technicians and unions. Many factors stand in the way, such as lack of up-to-date studio technicians, such as set builders, artists, cameramen, etc., and another is the high cost of financing and union labor.

Although distribution is not difficult to arrange, producers are reluctant to make pictures in New York. If they are made at the Eastern end, they are sent to L. I., with financing arranged through companies affiliated with the East. For instance, there are high fees for rental of equipment and studio use, charged weekly, say built on a cost-plus 10% basis, 1% a week.

(Continued on page 55)

U HAS 16 FILMS FOR 1939-40 COMPLETED

Universal is plotting to beat the gun when the new season starts Sept. 1 with 16 completed features at the post and plenty more at work in the ofing. Prexy Nate Blumberg states the studio production is farther ahead at this time of year than at any other period in its history.

Completed for the 1939-40 program are nine features and one serial. "The Phantom Creeps." The features are "The Underpinning," "Mutiny on the Blackhawk," "Tropic Fury," "Desperate Trails," "In Old Oklahoma," "Bad Company," "Hawaiian Nights," "Hero for a Day" and "London By Midnight."

Currently in work and scheduled for completion before Sept. 1 are "Rio," "Missing Evidence," "One Hour to Live," "Legion of Lost Furies," "Call a Messenger" and "Listen Kids." Sole straggler of the 1938-39 schedule is the Deanna Durbinarrer, "First Love," now well under way before the cameras. It is the last of the 40 features promised for the past season.

Universal will remake "Phantom of the Opera," starring Miss Durbin. On the 1940-41 program as company leader for the season. Budgeted around \$1,250,000.

TOWNE-BAKER, MORROS' RKO UNITS ROLLING

Swiss Family Robinson, rolling Sept. 1, will be the first production by Gene Towne and Graham Baker for RKO. "African Intrigue," slated as initiator, has been deferred to Oct. 1 so Tay Garnett can direct.

"The Flying Dutchman," first Boris Meyer production for RKO release, hopped off at General Service studio with Edward Sutherland directing. It stars Jean Laurrel and Oliver Hardy, with Jean Parker and Reginald Gardiner in the romantic spots.

Machaty Back at MG

Gustav Machaty, Hungarian director who made "Ecstasy" in Europe, was signed by Metro to pilot one-reelers.

Studio had Machaty under contract for one year but dropped him after his remake of "Within the Law."

Robinson's Next

Edward G. Robinson is to star in "Farmers" "The Life of Dr. Ehrlich," based on the life of the German scientist, as soon as the player returns "on his eastern vacation."

John Huston screenplay for early September production.

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INDEX	
Advance Production Chart	14
Box Office	45
Chatter	53
Dance Bands	40-42
15 Years Ago	44
Film Booking Chart	22
Film Reviews	40
Film Showmanship	8
Forum	55
Inside-Radio	50
Inside-Legit	51
Inside-Pictures	6
Legit	46
International Film News	12-13
International Show News	52
Legit-Literati	46
Music	40-42
Night Clubs	43-45
Obituary	54
Outdoors	55
Pictures	2-29
Radio	30-39
Radio-International	39
Vaudeville	43-45

Actor-Labor War Looms as AFA Seeks to Enlist IATSE Cooperation

(Continued from page 1)

Alarmed at CIO moves to invade the AFL craft union setup in Hollywood and is trying to recruit other federation affiliates to fight the attack. It is particularly seeking Screen Actors Guild help in the situation. According to Four A's, while in New York, that isn't necessarily a case of the IATSE playing ball with the Guild in Hollywood while threatening the whole Four A's throughout the country.

Explained that the stagehands' union's, Coast local frequently has been at odds with Brown's policies and has generally been friendly and cooperative with SAG. Under present circumstances, however, it is indicated that the Guild will certainly not make a move to protect the AFL setup in Hollywood as long as the federation continues to permit Green and Browne to interfere in Four A's jurisdiction and constitutional rights. It'll be time for the Guild to consider helping the AFL when the AFL gives assurances of observing the Four A's constitutional rights, the actor union heads say.

Although admitting he hadn't consulted his membership on the matter, Whitehead, chairman of the (22) applied to Browne for an IATSE charter for the AFA. At the same time, it was learned that Browne, for an independent charter from the AFL executive council. However, AFA is still seeking an injunction against the Four A's and is trying to have the charter-revocation act aside.

Whitehead, Browne "Ager" According to Whitehead, Green and Browne reached a "complete understanding" at a confab Saturday (22) attended by Green, Whitehead and Browne in New York at the time of the reported session, Green denied being present, explaining that he didn't know about it was what he'd "seen in the papers." Browne could not be reached for comment. Whitehead reported to have agreed to charter AFA under his sweeping constitutional powers. Whitehead subsequently indicated he had promised a place on the IATSE council.

Green conferred for two hours Sunday afternoon (23) with a Four A's delegation consisting of Frank Gilmore, president; Paul Dulzeli, Kenneth Thomson, chairman, and Laurence Belsenion. It was indicated that the session was far from satisfactory for the Four A's, but a statement, authorized by Green, was subsequently released by Gilmore. Another thing he conceded the "paramount authority" of the Four A's to control its internal affairs and to "hire and expel its branches." Also explained that Joseph Padway, general counsel for both the AFA and IATSE, was "not appearing for AFL in this matter," but was appearing only for "AFA." It concluded that AFL was not and is not authorized to speak for the AFL in this matter.

Green Belsenion, however, the AFL prez subsequently backtracked on his statement in an interview with reporters. Despite the admission of the Four A's "paramount authority," Green refused to admit or deny that AFA was still a member of the AFL. He said the matter would have to be taken up by the AFL executive council Aug. 7 in Atlantic City, existing in the AFL and council would first have to decide whether it has authority to act. However, it was pointed out that the council would undoubtedly have power to conduct an "independent investigation" and recommend action to the AFL annual convention in October.

Green agreed that Padway's connection with AFA would bar his participation in the AFL executive committee's consideration of the question, but added that the attorney's legal opinion and recommendation should be sought. AFL prez also refused to discuss the question of the IATSE's right to assume membership responsibility by chartering the AFA. It was the unanimous opinion of all those present at the interview that Green appeared distinctly friendly toward Whitehead's cause.

Asked how late weeks were advising J. W. Buzell, of the Los Angeles Central Labor Council, that he still recognizes AFA as part of AFL, jibed with his admission that the Four A's has "paramount authority" to discipline and expel its

branches. Green equivocated, but finally explained that the wire was not intended for publication. And, although reportedly denying the explanation of a possible constitutional tie between AFA and AFL, he failed to define the Whitehead-Tucker union's exact status.

With the matter slated for a complete thrashing out at a public executive council meeting Aug. 7, a delegation will be present to argue the Four A's case before the council, which will probably include Frank Gilmore, Kenneth Thomson, Paul Turner and Henry Jacobson, will simply demand that the executive council observe a hands-off policy on the ground that the Four A's has "paramount authority" over its internal affairs.

Laurence Belsenion, Four A's counsel, was seen Tuesday (23) for the Coast, with a stop-off in Chicago to powwow with Four A's representatives there. Kenneth Thomson goes to Washington today to confer with various labor leaders, apparently to learn their attitude toward the coming struggle. He'll remain a day or two.

Likely that the Four A's will level attacks against the IATSE and AFA which will be carried out through the newspaper and the radio. The newspapers' coverage and into the threatened. However, it is figured that the Four A's will defeat the Brown setup will defeat the Four A's in the executive council and will be able to learn their attitude toward the coming struggle. He'll remain a day or two.

It is in the executive council and will be able to learn their attitude toward the coming struggle. He'll remain a day or two.

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Studio Contracts

Hollywood, July 25.
Metro renewed Albert Mannheimer's writing pact.

Warner's handed new contract to Donald Crisp.

Walt Disney inked new writer contract at Metro.

Monogram took up John Trent's player option.

Warner's signed new scripter deal at Metro.

Harry Sherman signed Bill Pagan to write for Metro.

Arthur Kay inked a contract as orator for the actor at Paramount.

Warner's signed Bebe Anderson to Tim Holt in player pact.

Edwards renewed Louis Hayward's pact.

Universal lifted Frank Skinner's suspension.

Frank Waxman inked new contract at Metro.

Dick Folan inked four-picture contract at Warner's.

Metro renewed Elaine Ryan's writer ticket.

Hon. Massey signed new deal at Metro.

Producers Pictures signed Bobby Clark, cowboy novelist.

Four A's heads believe that recent developments have at last brought into the open the long suspected intentions of Whitehead.

AGVA Opens N. Y. Office

Meantime, the American Guild of Variety Artists, which the Four A's is charged to replace AFA, has opened temporary offices in W. 42d street, New York, for the purpose of soliciting office. Pending the selection of an executive secretary, Mrs. Florence Brown, president of SAG's eastern branch, will have charge of the office. Although the appointment of an executive secretary is a matter of urgency, no choice has been agreed upon as yet.

Mr. Dorothy Bryant, formerly executive secretary of Chorus Equity, has definitely declined the post and resigned. Bryant, member of the American Federation of Radio Artists national board, is not being mentioned as a possible choice. While, the AGVA membership drive has been long under way, it is estimated that about 1,500 applications already on file, of which nearly 1,000 are in New York.

Attorneys for the Four A's will today (Wednesday) file briefs with the New York State Justice, Edgar J. McGoldrick in the AFA's application for an injunction to halt the union organizing drive. Outside the AFA charter revocation. Case was heard last Friday (21), when McGoldrick refused to grant a temporary stay and reserved judgment pending examination of the merits of the case. His decision will not be handed down several days, or possibly a week or more.

Case heads upon interpretation of the issues in dispute. Four A's reps claim the State Labor Law bans the granting of an injunction in a labor dispute. AFA attorneys argue that the case does not involve a labor dispute, but is a matter of the right of the Four A's to organize between AFA and various management figures. Certain that if an injunction is granted, the union will be taken to a higher court.

Meanwhile, the various Four A's unions are quickly uniting into one compact group. Even Equity, which only last week had voted a loan to the new union, yesterday decided to advance \$10,000 to its own organization. A similar amount from Chorus Equity's. The left union's officials have been told to indicate they are open fight with the stagehands' union, the entire \$400,000 Equity reserve has been placed in the hands of the new union. A preliminary loan of \$10,000, the Actors union are also actively in

New RKO Board Elections Today (Wed.); \$1,500,000 Underwriting Set

'RIO' UNDER WAY AT U AFTER 2-YEAR PREP

Hollywood, July 25.
"Rio" finally got under way at Universal today, after two years of preparation. The picture, which is a story of a man who is bought as a star by Danielle Darrieux, is a starring role by the actress. The picture is being produced by the actress.

Sigrid Guade has the cast, with John Brahm directing.

U's 'Mikado' Revives GN's 'Girl Said No' Also With G. & S. Tunes

Philadelphia, July 25.
With the release of the "Mikado" by Universal, Grand National is making its own Gilbert and Sullivan film of two years ago into a comedy opposite Universal's.

The "Mikado" is getting quite a new date after being in the vaults for a long time. It is the "Girl Said No" which is an original plot and a straight American locale, but in includes almost a dozen G&S tunes, including "The Girl Said No," "The Mikado," "Three Little Maids," "Mikado's Song," "Flowers That Bloom in the Spring" and "Wandering Minstrel."

"Encore" G. & S. Indifferent
Encore performance idea was tried out last Wed., July 22, on "The Mikado" when the picture was shown at the RKO Palace, N. Y., with another feature. Songs that were sung to draw steady applause were to be played within a few minutes after applause was again off and on. This was done having several of bit tunes lined up and threaded in another projection.

Theatre audience was not especially familiar with "The Mikado" and the songs, and the idea was not proving a handicap. Thus the picture, which is a comedy, was being applauded but there were no repeat because only the big tunes were being played. The picture was being shown in the booth. Same idea probably would work out better with a film having more of a sentimental appeal to cinema audiences.

"Mikado" for 1939-40
On the schedule for general release this year, "The Mikado" has been listed for general release in future date as a 39-40 picture, although it has played a number of engagements throughout the country.

Universal originally had the picture set for general release on the schedule for 1939-40.

"Encore" on Bing's Latest?
At Wilkie of Paramount is mulling an "encore" on the new Bing Crosby picture, "The Star-Maker," with the possibility of certain hits being repeated, if there is sufficient public interest.

MacDonald-Eddy Back In Metro's 'Lover' Pic

Hollywood, July 25.
"Lover Come Back" to "Jeanette MacDonald's" picture under her new two-year contract with Metro. MacDonald-Eddy, Robert Z. Leonard will produce and direct as soon as Eddy has finished her current job, "Bambi." Mac's MacDonald's pact provides time off each year for a concert tour.

Setting Welles' Pic

Orson Welles' one-picture deal with RKO Radio is budgeted at \$1,500,000. The picture, which has been signed as yet for a feature of the Mercury Theatre, is a story of a man who is bought as a star by Danielle Darrieux, is a starring role by the actress. The picture is being produced by the actress.

Two Hollywood players signed for the cast are Vladimir Sokoloff and John Emery.

Election of a new board of directors of the reorganized RKO Radio has been set for today (Wed.). Meeting will be held at 10 o'clock, presided over by stockholders and creditors electing new slate of directors to guide future affairs. The new board will be headed by Schaefer, present head of the company's principal subsidiaries and a candidate for the post of president and will be selected a director. The board will be followed in the Paramount Pictures following the new board of directors immediately holding another meeting to elect new officers, will probably be followed in this case by the board, which will be re-elected. These are James G. Harbord and Lunsford P. Vandell. The other was Leo Spitz.

Other members to be elected will be: Richard C. Patterson, Jr., chairman; John C. Nash, Jr., president; Ned E. Depinet, Thomas P. Durell, Frederick L. Ehrman, L. Lawrence Schaefer, John L. Stuyvesant, RKO's new president, and W. G. Van Schmus. Federal Judge William Bondy in New York Thursday granted a restraining order against the request of Irving Trust Company's trustees, and allowed it to call a stock vote of the RKO board of directors in order to elect new members to the board. The board now consists of 12 members, of whom 10 will be re-elected. These are James G. Harbord and Lunsford P. Vandell. The other was Leo Spitz.

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Judith Anderson in Pix After 7-Year Furlough

Hollywood, July 25.
Judith Anderson returns to the screen off "Top Role in 'Rebecca' as Scholastic-International. She deserted films to resume her stage work seven years ago.

Carlson Also Has Script Wherein He May Perform

Hollywood, July 25.
Richard Carlson, who is conducting his play "Western Waters," for Metro. He'll probably play the part of a cowboy.

Edelman on WB '69th'

Hollywood, July 25.
John Edelman has been handed the associate producer job on "The 69th Annual Academy Awards," planning 69th at Warner's. Burbank studio is going ahead with its picture about "69th-Pix" has acquired the official right to film the autobiography of Father Duffy, chaplain of the regiment. Lamar Troth is scripting from the fighting priest's autobiography.

Garfield's 'Mankind'
Hollywood, July 25.
"For Benefit of Mankind" starring George to John Garfield at Warner.

Marcel Rapp scripting from Malvin Wald's original.

Inside Street Pictures

Although no official financial statement has been issued thus far, the corporate setup of the new Pathe Laboratories Co., operating subsidiary established by Pathe Film Corp. last February, is being given the once-over in Wall Street. And the way the Street sizes up the status as of Feb. 27, the ratio of current assets to current liabilities is uniformly favorable, being 4 to 1. Wall St. experts rank it down to show the former to be \$861,000 as compared with current liabilities estimated at \$234,000.

Among the liabilities of Pathe Labs is the common stock, placed at 11,020 shares outstanding, with about \$1,000,000 figured as the value of these shares, or approximately \$94.50 each.

Fixed assets on the other side of the company run up as follows: Cash on hand, \$220,000; notes receivable, \$86,000; accounts receivable, \$432,000; inventories, \$124,000; advances to outside producers, \$192,000; reserve against this amount is listed at around \$175,000, making \$17,000 carried on the books; land and building, including the labs at Mount Brook, N. J., and on West 45th street, listed at about \$290,000; the notes from RKO amounting approximately \$240,000 are carried at \$48,000; Monogram stock (65,668 shares) is listed at \$197,000; and other assets at \$57,000. While total assets are figured at around \$1,510,000, the current assets are listed at \$860,000 on this basis.

Among the liabilities are accounts payable, \$212,000; accruals, \$16,000; reserved for losses, \$6,000; reserved for contingencies, \$121,000, making current liabilities about \$234,000. First earnings statement is expected to cover the quarter ending May 27, but this may not be issued until early next month.

Announcement from 20th-Fox on the Coast that Cesar Romero in the future would be starred in "The Cisco Kid" series can be traced directly to John H. Harris, Pittsburgh exhibitor and head of the theatre circuit bearing his name. Following Romero's performance at the RKO Kid Parade, with Warner Baxter, Harris wrote to Darryl Zanuck and suggested that, since Baxter seemed to be growing out of the role, Romero looked to be like the best bet for his early career. Zanuck thanked Harris for his letter, told the Pittsburgh exhibitor he had originally planned to drop the Cisco series, but that he would reconsider his decision since a likelier candidate had been made up for the part.

Pittsburgh newspaperman at the "Young Mr. Lincoln" premiere in Springfield, Ill., passed along Harris' suggestion to Romero, who was there for the opening, and he was subsequently contacted with word that if he did get the assignment, which he wanted, he'd know where his thanks belonged.

Although the calling of outstanding bonds in the 6½% issue, for redemption July 31, removes all existing debentures in this interest-bearing classification, Paramount still has about \$125,000 worth of 3½% bonds outstanding. This 3½% issue obligates just the two preferred stocks and common currently represent the Par financial structure. About half of the \$26,000,000 worth of old 6½% bonds were wiped out by exchange for the 3½% bonds carrying the privilege of conversion into common stock. The remaining amount were handled mostly by loans at 3½% average interest.

Although a couple of years ago the Paramount campaign to convert the two preferred issues into common stock was progressing at a heady pace, there has been little or no conversion into common from the preferred stocks in the last six months or more.

May be news to many that there really is a Van Buren Press-Argus, of which Bob Burns has made so much capital. Any way, Arkansas weekly has finally recognized Burns, issuing a special souvenir edition dedicated to him and career.

Designed for tourists visiting the town, souvenir edition is given up almost wholly to Burns. Pictures the bazooka mestro at various angles, and with scenes of his early career in the picture business. Editorial matter goes fully into his career. Publisher is Hugh Park.

Although previously denied that Howard Hughes was last year contemplating bringing legal action against United Artists Corp. to recover alleged losses to Hughes through improper selling and accounting practices involving his six Cadco productions, and enrolling upwards of \$500,000, it is learned that the dispute is now being settled. Hughes insisted on and was granted the right to have his own accountants go over books and records of UA. Legal papers were forwarded last week from New York to Hughes and his Coast attorney, McCarthy, for signature.

Ben Washer, Sam Goldwyn's eastern publicist, wired newsmen in advance to meet the producer on his arrival at Grand Central Station, N.Y., on Monday (Feb. 27). Washer, who is reportedly hand-picked by the producer, refused to pose or answer questions. Fred Stern, new Goldwyn publicist on the Coast, sending a corps of UA stalks, arranged a second press conference later. The reporters expressed themselves in no uncertain terms on this procedure.

Passing the Lyric, London, a couple of days before flying to Rangoon to start his expedition into China to make his next picture, Armand Denis noted that the lead in "The Women" there had been played by Karen Parker, an old friend he had met in Hollywood. Denis, who had been there for her at the stage door. Next day at the Savoy Hotel Mr. and Mrs. Denis (Leila Roosevelt) received an invitation to tea with Mr. and Mrs. Mark Outer—discovered on arrival that Karen Peterson was Mrs. Outer.

New record for use of montage, more than 1,000 feet, is being established by Warners in the production of "The Roaring Twenties." Formerly, the major stock used in the outside of the picture was the stock of the current feature is a cavalcade of the prohibition era, with news events of worldwide interest, such as Lindbergh's flight, brushed off in pyramidal form with an effective montage, featuring the vocal end of the picture stars James Cagney as a jobless war veteran.

For the first time since the days of Jeff McCarthy, and Harry Richman, the major stock used in the outside of the picture is the stock of the public and exploitation. Russell Birdwell has been engaged to plug RKO's Nurse Edith Cavell, both in America and abroad. Birdwell recently handled the Hollywood premiere of Alexander's "Korda's 'Tom Fosters'."

Louise Dresser has written to Chicago to obtain permission to go through the papers and correspondence of the late Amy Leslie for a biography of the former drama critic.

Although the only stark contemporary of Amy Leslie, who died last week at the age of 80, yet alive, is Fay Templeton.

Papers to merge Columbia Pictures Corp. of California, Ltd., and Columbia Pictures Corp., Delaware, with Columbia Pictures Distributing Co., Inc., were filed at Albany.

Fortune magazine, in December 1932, treated with Metro from the production standpoint, handles Lewis's film, from the front office perspective (cast) in its August issue.

SABATH'S BLAST ON THEATRE REALTY COS.

Washington, July 25.

Numerous theatre reality companies were blasted last week when Representative Adolph J. Sabath, Democrat, of New York, introduced a bill which would get introduced into Congressional archives—sizing out from special committee created to investigate the machine-like operation of "bondholders' protective committees." Special group spent months trying to promote who financed theatre properties.

Numerous grudges were paid off in report which Sabath offered Speaker William Bankhead Thursday (20) and which could not be accepted after several colleagues pointed out that committee went out of existence Jan. 3. Document, which 178 pages pointed out what happened as a result of financial troubles of theatre reality out of the machine-like operation of Sabath in his own locality. Inignant lawmaker still hopes to get his hands accepted by the committee will be privileged for publication.

Office buildings and hotels were the example given by Sabath of the way the public's money was used but Sabath found much to scream about in the report. He pointed out that no particular recommendations were made for the general public. No particular recommendations were made for the general public. No particular recommendations were made for the general public.

Over several years, various Congressmen have yowled about loose handling of money put up for building construction by the general public and about the way bankruptcies have been handled in the courts. The SEC spent several months investigating reorganization of manufacturing companies, including Par, but never has tried to look into financial affairs of property owners. Legislation affecting both branches of the film industry (production and exhibition) probably will be drafted during the recess and pushed next year. The document to the next bankruptcy statutes.

Friedman's Surprise Newburgh, N. Y., Buy

Pending trial of his suit against Paramount and distributors, Harry Friedman, a Newburgh, N. Y., resident, has taken over the Academy of Music, Newburgh, opened by his wife, and has taken over the house that Par might have taken over itself but for the danger of a bankruptcy. Friedman is the trustee of the anti-trust action on file.

Suit, claiming the existence of a monopoly, is for \$225,000 damages and is expected to come up this fall. Examinations before the trial were held last spring. Friedman's action names Paramount; Netco Theatres, its upstate subsidiary; George Walsh and the Academy of Music, Newburgh, as defendants. Friedman, who has been in the business since 1925, has a five-story building, during the past week from the Broadway Real Estate Co., New York.

Friedman's deal purchasing the entire building of which the Academy of Music is a part, came as a surprise to the theatre in Newburgh. Par circles. While he has been in as operator of the Academy since 1925, he took title to the building, a five-story building, during the past week from the Broadway Real Estate Co., New York.

Bargain Admission Books May Be Revived for Pix

Exhibitors and circuits are reported to be mulling the idea again of reviving the bargain coupon books which were popular in the early days of the motion picture. The proposition point to the New York World's Fair, which has been reported to be the first of the season books of every type.

If the fair's bargain coupon books can be taken as any criterion, some in the trade are inclined to believe that the idea is not so far-fetched. The fair may have changed in the last few years; that maybe the potential of the fair as a business has developed a yen for facial bargains.

Lefty Steps Out of His Element And He Admits It Serves Him Right

By Joe Laurie, Jr.

New York, July 25.

Dear Vic: Received your letter and was sorry to hear that you're still counting up the despots and twigs who can't come in and claim a picture on the weather. Of course, 10 pictures keep people away from pictures and hot weather is a 10-day no exhibitor can beat. The producers they will give you a 10-day no exhibitor can beat. The producers they will give you a 10-day no exhibitor can beat. The producers they will give you a 10-day no exhibitor can beat.

It's been very hot here in New York too; in fact June and July are hot months, they're stoves. But I don't mind the heat, heat ain't bad unless you multiply it by liquor. Aggie and me have been drinking the Collins. They are very cool and refreshing going down, but they turn into liquid fire after they reach their destination. People say that if you stuff off, you'll feel cooler, but in these hot days people are liable to say anything.

Well, Aggie and me met a pal of mine called Squaky Wilson. Me and him went to school together. I ain't kept him company for a few years, then I started dipping my wooden shoes in resin boards but he kept right on until he ended up with a diploma that said he was a lawyer and it also acted as a license. He started to take over a contingent fee and when most of 'em failed to conting he got a bright idea and married a woman with plenty of dough and they have a swell home in Connecticut which is also in her name. Squaky invited for a weekend visit. Aggie didn't want to go at first but I bought her a couple dresses and said, "Come on Aggie let's see how the other half lives."

Well, you know a woman with clothes will not be a good girl. And if I say so myself, Aggie looked very good, she is wearing one of them new girdles that makes her look thinner than a vaudeville agent's black book. We got into one of them medium-hot trains and landed in Connecticut where Squaky met us at the station with a big car, that also had his wife's initials on it. He sure was glad to see us because he has always been a bit about those people like me. He said he was a lawyer, I said before he had a college education and he spoke very good English, so he figured there was no chance for him in that branch. Well, sir, we went to his home, a but he had a room and a bathroom and a kitchen and a wood look like a filing cabinet for Sears, Roebuck catalogs. A butler showed us up to our room and when Aggie took a look at it she whistled and started to tell her mother-in-law that she was a lawyer, I said she was a lawyer, I said she was a lawyer, I said she was a lawyer.

We washed up and had a tough time figuring out which towel to use because we must have had a different one for each of us. We had a bath on 'em. We finally went downstairs and Squaky introduced us to his squaw. She looked like an eagle that slept in a swamp. It's a good thing that her mirrors weren't broken, she once wanted to be a singer, I showed that he was interested in antiquities. Well, the dame gave us a look that would have drilled a safe, but she said she was very glad to do it. Aggie and me went to bed and I told her I was a lawyer, I told her I was a lawyer, I told her I was a lawyer, I told her I was a lawyer.

Squaky took us around to meet a lot of our guests who were playing bridge and tennis and a bunch were around the bar talking about the war, stock market and a Roosevelt and a Hoover. Aggie and me had a drink and to kind to get into the routine said we thought Roosevelt was a swell President. Well, they turned on us like a weak ankle, so I kinda got outta there by pulling a gag. Aggie and me went to bed and I told her I was a lawyer, I told her I was a lawyer, I told her I was a lawyer, I told her I was a lawyer.

We got home okay and our little room looked better than ever to us. Aggie said to me, "It only goes to prove that our pal Wil Rogers was right when he said everybody is ignorant on no different subject." We spent the rest of our week end with Charlie O'Connor, Tom McNamara and Jack Norworth, all troupsers and did we have laughs. Which only goes to prove that the fair was a right idea when we went to say, "kerob shouldn't try to talk and a talking act shouldn't try to do a double somersault!" SEZ

Your pal,

Lefty.

P. S.—Lucille Gleason sez, "A half breed is an Indian with one nostril."

SEE MORE PIX AT N. Y. FAIR employ this type of equipment and film. Although two men would have to be paid a total of \$28.44 a week, the cost of the equipment would be only a little more than \$2 per machine each week.

As a result of the wage scale negotiated with Local 308, projectionists union, by a film committee and executives of the N.Y. World's Fair, an increase of 30%-45% in number of picture being shown at the Fair was forecast for the next few weeks. Par agreed on is effective for this season and next year if the Fair is not expected. By the agreement, No. 308, part of the IATSE setup, obtains full jurisdiction in the matter of the picture work on the exposition grounds. Previously, it is understood that some of the members of the IATSE, who had been running projection equipment.

Par agreed on give operators of 35-millimeter projectors \$16.85 per day and a six-hour day, and two men essential to operate a machine. The scale for an operator serving not more than eight 16-mm. machines is \$12.28 daily with the six-hour day also prevailing. Biggest wrinkle to be ironed out, was on the 16-mm. equipment because the industry has developed a yen for facial bargains and companies at the Fair.

Facelifing Arizona Park to Create Age

Hollywood, July 25.

Tucson Mountain Park in Arizona is getting a face lift. A \$100,000 operation to make it look like it is in 1860 for the filming of "Arizona" by Wesley Ruggles closed a deal with the county Board of Supervisors for the purchase of sets and buildings which will be turned over to the county for the film.

Shooting starts next Sept. 1.

Summer Biz Bad, Pennys Exhibs Would Like to See Bingo Back

Philadelphia, July 25. With biz at such a low ebb that some form of hype is needed, exhibitors here have been holding subscription meetings in various parts of the city with a view to getting bingo and banks back. It is understood that a central committee has named members to canvass individual exhibitors in various parts of the city to get their opinions on the return of the games.

Should issue reaction be favorable—and it has been entirely so to date—each exhibitor will be asked to contribute a small sum and a top-notch attorney will be employed to make arrangements.

A legal test. Exhibitors have already been in touch with William A. Schader, former president of the city and he will probably be retained. Games were outlawed here a couple of years ago by the police. Tests were made in the county courts and the police were upheld, but the legality of the six has never been taken to the supreme court or argued by a top-notch attorney.

Exhibitors maintain that they are being discriminated against. Churches here continue to use exactly the same bingo that is illegal in the theatre, raffish are run at the ballpark, pin boards are plenty in evidence and public machines pay off—except for those infrequent periods when the police suddenly strike out against alleged sin.

Sundry reports—from divers key elites all over the city—point to the antagonism by exhibitors against authorities which bar bingo games in theatres. Exhibitors feel themselves to be similar games in churches, lodges, fraternal organizations and the like.

N. Y. Accord Fills Again

Attempt to lick the problem of giveaways in New York theatre by voluntary agreement has failed for the second time this year. Theatre owners who selected a trial area from 4th street to 72nd street on the west side, in which territory no house was to play bingo or screen, have called the experiment off. All theatres which joined in the trial period ban are now returning to the old cash policy.

Circuit heads are now convinced that only by a united simultaneous city-wide movement can giveaways be abolished and that it will not come about through their own efforts. The remedy, according to spokesmen of the large circuits, lies in the passage of an ordinance by the City Council. Exhibitors are convinced that many of the exhibitors in the metropolitan area want such a law passed. Probability is a bill will be prepared for consideration by the Council this fall.

Chesbrough Chain Split Up by Divorce

Columbus, July 25. Chesbrough chain of neighbourhood property operated in partnership by Ethel and Bill Chesbrough, split up by divorce as well as marital differences, ending in local court. Mrs. Chesbrough will continue to operate the Northern, Pythian, Grand, Alhambra, Hudson, Grand, Garden and Champion theatres in Co. Dayton, and the Mecca and Salem in Cincinnati. He will operate the Empress in Columbus and the Classic, Dayton. In a piece called to take the Virgil Jackson-Mark Mark chain and is now known as the Olenagay.

BLOW 'ER DOWN

Hollywood, July 25. Storm Over Indiana Republic budget picture, has been shelved. Importantly in favor of the musical, "Hit Parade of 1940," which is being prepared for mid-August shooting. "Hit" it budgeted at \$500,000 and "Storm" was spotted at \$750,000.

Miss Hopkins' 'Heaven'

Hollywood, July 25. Miriam Hopkins gets the starring spot in Warner's "All This and Heaven, Too," originally intended for Bette Davis. Studio decided to use Miss Davis in "West of Frisco." Both pictures roll late in fall.

WB NET PROFIT FOR 39 WEEKS, \$2,912,186

Net profit of \$2,912,186 is reported by Warner Bros. Pictures, Inc., for the first 39 weeks of the company's fiscal year, or a little more than \$300,000 under the net of \$3,282,765 reported for the corresponding period in 1938. Gross income totaled \$78,387,001 as against \$79,475,899 in the 39 weeks ending May 28, 1938. Company made a net credit of \$234,858 to earned surplus during the period.

Warner's actual net profit before amortization charges and write-offs for depreciation of properties and Federal income taxes amounted to \$27,376,686. Gross income totaled \$78,387,001 as against \$79,475,899 in the 39 weeks ending May 28, 1938. Company made a net credit of \$234,858 to earned surplus during the period.

Statement covered the manner in which the 6% convertible debentures were handled because \$8,247,706. Gross income totaled \$78,387,001 as against \$79,475,899 in the 39 weeks ending May 28, 1938. Company made a net credit of \$234,858 to earned surplus during the period.

Fight Over L. A. Dates Splits Cal. Racing Board

Hollywood, July 25. Fight for winter racing dates between Santa Anita and Hollywood Park resulted in a stalemate. The California Horse Racing Board, two members, Claude I. Parker and Arthur H. Bunker, resigned, leaving chairman Edward R. Young the sole survivor.

Since Santa Anita has been getting the preferred winter dates, and Hollywood Park has been taking the summer dates, the majority of the state equines are galloping on eastern tracks. Current argument is whether the date for the winter track can stable the winter horses in alternate years.

Keep Your Chains On

Hollywood, July 25. Three pictures in two months the state aroused for a picture on the Republic to help when he returns from his pa. out of England. Seaburg is due back Sept. 15 and must report for work in "Jubilo" at 20th-Fox Nov. 15.

NOVEMBER HANDLING OF NOVA NECESSARY

1939 Standards on Film Distributors Favor Giving New Blood a Chance to Inject Any Technique That's Different—Away From the Time-Honored Megging Standards

UP FROM THE RANKS

By BOB MOAK

Hollywood, July 25. New directorial talent today stands as picture industry's most pressing need.

Story material, heretofore the No. 1 worry on daily docket of studio bosses, has been relegated to second position with sudden awakening of film moguls to the fact that cut-throats are daily becoming more critical of the directorial contributions to screen fare. While the village is overrun with directors of all ages, too few of them apparently measure up to the increasingly discriminating megging standards demanded by present-day theatre-goers.

Producers freely admit that many come out of the ranks on potential pilots, equipped with the best in dialog and studded with a few things, have gone floppy in recent months; due principally to the weak guidance. Dozens of directors who have gone floppy are to be conjured with in bygone era years are unwanted because of their failure to maintain progress that has swept films since coming of sound. "That this situation is a cause for concern," says the average observer, "but the average observer might suspect is disclosed by a canvass of studio topographers. The average studio topographer is a pilot into two divisions. One carries lists on Grade A fellows who keep their aristry on level with the times. Other is made up of second-rate—right and true, but unable to inject into a feature anything not provided for in script. Last named group overflows the first by a ratio of 25 to 1."

The Search Goes On

With annual output of pictures constantly increasing, production chiefs no longer attempt to hide their alarm. They admit frankly they are at a loss to know where tomorrow's crop is coming from. They are even scanning writing, calling and casting agencies, but cleanings are slim regardless of the care used in the combing.

It was this dire shortage, however, that won Gerson Kanin the opportunity that zoomed him into Hollywood's current limelight. He had been hailed as being boosted about celluloid pants for nearly two years. He was the same fellow who, within an even briefer period, had hosted John Farrow and Vincent Sherman out of territory, and now Leslie Fenton, Ricardo Cortez and Norman Foster out of the picture groove. He was, in fact, Dmytryk, Jack Hively, George Amy, Harold Buchner and Terry Moore.

When George Halight deserted legit production to join Samuel Goldwyn, he brought his assistant, when Halight saw an opening at the Gower street plant, he went to the front for his help, and urged that he be given a chance to direct. Eventually Kanin was presented the picture, a B budget, "The Next Man in Command," which was, as film editor and advisor on camera angles and other sound side things, to return he gave RKO "A Man to Remember," which sold on A in a majority of markets. Next was "The Great Man Van," plus a slightly higher cash allotment, and results are significant. (Continued on page 10)

No Deductions Rule for the 2d Picture May Force Top-Bracket % Films into Solo Billing in Chi

Lloyd Nolan Quits Par

Hollywood, July 25. Lloyd Nolan, at Paramount for five years, has amicably settled his contract with the studio. He had objected to type of roles assigned in forthcoming pictures. Final choice was "Magnificent Fraud."

PRO TEM FILM SELLING AGAIN IN NOVA SCOTIA

St. John, N. B., July 25. The exhibitors and the Nova Scotia exhibitors are on contracting terms again—pro tem. Salesmen from the St. John exchanges have been authorized by the head offices in New York and Toronto to sell in Nova Scotia.

For about three months there was an impasse, the distributors refusing to contract top film supply to any exhibitor in Nova Scotia. This, because of the legislation passed at the spring session of the provincial assembly "regulating the operations of the exchanges in the provinces, at the request of some of the independent exhibitors. Placing the exchanges under the provincial control, with a view to a year supply fee, with expulsion from the province for violators of the new regulations. The basic demand of the independent was to get pictures simultaneously with the chain houses, Famous Players, Spence, Franklin and Herschberg.

The contracts—now being offered by the St. John exchanges contain a "protective clause." If the legislation is proclaimed by the provincial government, a contract is cancelled. The provision for this being embodied in the agreement. Although the regulations have been duly passed and royally assented to, they have not been proclaimed by the government. It is possible until such proclamation is made.

Fried in N. Y. on Pic

Buying for Par N.W.

In a product deals to cover the north-west to the east coast, and operating markets with Paramount officials, John J. Fried reached New York from St. Paul, Minn., where he makes headquarters as creator of the Minnesota Amus. Co. He will be the east coast a week.

A. H. Blank, his son, Ray, and Alphonse Branton, Par-Blank general manager, have been in N. Y. more than a week now discussing film buys for the 1939-40 season and huddling with the studio.

George Walsh, upstate N. Y. operator for Par, was in N. Y. Monday (24) to take that day on business. He will be back in New York with RKO, which pool with Par in Yonkers.

Judell Revises PDC

Hollywood, July 25. Ben N. Judell has organized Producers Distribution Corp. to handle production pictures. He has plans to release one picture per week, beginning Sept. 17 with "Wanted for Murder."

Harry Rathner, eastern representative of the production company, has been named as district for distributing corp.

Goodwins' New Deal

Hollywood, July 25. RKO handed a new director's contract to Les Goodwins for one year. Pilot was topped from the shorts to features a year ago.

Deductions for second features on a percentage deal are out, according to the decisions of distributors around the midwest, and a battle is in the offing as the exchange men prepare to adhere to this plan on 1939-1940 contracts. In the past, exchanges have permitted exhibitors to deduct the cost of the second picture when flickers were on a percentage engagement.

But exchanges are now convinced that they will eventually garner more coin from each run of the percentage pictures if the sharing flicker can run a little instead of being coupled with a bad No. 2 picture.

Exchange men have found that the weakie tied to the tail of the percentage picture is the top-bracket picture in the first place, and secondly, the added length of the additional picture is down to the exhibitor over to such an extent that the true gross potential of the percentage picture is not reached.

Though generally in favor of doubles, the exchange men are concerned that the top-bracket flickers is poor economics and false business technique, since the percentage picture is doing the work of the play for the weakie rather than the weakie enhancing the sharpie.

For this reason the distributors figure it would be better to do away with the percentage picture and the classification pictures and let the best pic run solo.

Still, exhibitors no longer willing to put any clauses in contracts prohibiting pictures from being double-billed, and indicate that the exhibitors are not willing to do away with the double bill for their top pictures is to require a certain deduction from the exhibitor for the coupled picture. In the past the exchanges have given exhibitors the right to deduct the "added attraction" as part of the added expense. But this looks to be a load on the exhibitor with the new selling season.

To the exchanges it means a return to single bills, at least for the sharing celluloids. Exhibitors, however, indicate that they mean to put up a fight against the removal of the deduction privileges, claiming that they cannot very well shift from doubles to single bills at the whim of an exchange. They feel that the public knows nothing about single bills, and that the customer a picture is a picture and that if they have been accustomed to getting the bills, they will demand a double show whether it is a top picture or an under picture. It is hoped that the east coast jury weighing that is already beginning to pop around this territory as studios and exhibitors work out the provisions for the 1939-1940 deals.

U. A. British Deal United Artists in England sized deals with both Gaumont-British and Odeon circuits to play "Four in a Bed" and "The Heights of the Mountains" in all theatres of both chains, even in situations where the exhibitor is in a position. DE is said to be one of the one in that both these circuits are expected to play in the clusive, run in their individual chains.

In Greater London, even where none of both circuits are right close to each other, the pictures will be shown in the same town, where one circuit controls the first-run and the other the second-run pictures will play in the regular order.

Northwest Selling OK

Milwaukee, July 25. New season selling in this territory ranges from good to excellent, according to local exchange managers. In the face of those reports, (Continued on page 10)

30c Top Vaudfilm in Minneapolis 4,000-Seater Looks N.G. at \$8,000

Minneapolis, July 25.—Adding 4,000 seats to the available supply, the renowned Minnesota theatre currently is bustling things wide open downtown. It's tough opposition all around, but the exhibitors are squawking the loudest, asserting that much of their theatre is being diverted downtown, with the worst still to come.

Minnesota's big nut, however, presages some red ink for the house if the gross is around the estimated \$4,000 the first week.

Aside from the huge opening days' Minnesota throngs, there's 'Goodbye, Mr. Chips' b.o. achievements to command attention. 'Is State fortnight yielded nearly \$20,000, an exceedingly substantial figure here for a straight film in these depression days. And in its third week at the Century, where it made its first impression of its first-run, it's still traveling at a fairly profitable pace.

Of the newcomers, 'Second Fiddle' and 'Naughty But Nice' are pace-setters. It looks especially good for the former at the State. But 'Naughty But Nice' is setting so well for the Orpheum "Tarzan" series.

Estimates for This Week
Aster (Par-Singer) (1,000; 25-35-40)—'Girl Meets Boy' (M-G). 'Drummond' (Par), dual first-run, 'Mickey and Me' (M-G). 'Hell's Kitchen' (WB), also dual first-run, 'Look Like Good' (M-G). Last week, 'Big Town Star' (U). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Rooney Topping
'Naughty But Nice' (1,000; 25-35-40)—'Chips' (M-G) (20th). Moved here about two weeks at State. Fair \$4,500 in prospect. Last week, 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

L.ville Opposish,
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OUTDOORS DENT B'LYN

Coney, Fair Hurt; 'Fury'-Desire's
Goes 'Naughty But Nice'

Brooklyn, July 25.—Balmey weather, a black locust tree's shade and the sight of the tide of drop of admish, all this helping to dent big down downtown.

Top coin this stanza will be garnered by Paramount, showing 'Naughty But Nice' and 'Missing Daughters' (M-G). Metro competitor is Metropolitan, with 'Captain Fury' and 'Stronger Than Desire'.

Estimates for This Week
Aster (3,215; 25-35-50)—'Bachelor Mother' (RKO) and 'Mr. Moto' (20th). Diving to so-so \$10,000. Last week, 'Five Came' (RKO) (20th). 'Night' (20th), mild \$15,000.

Box (4,088; 25-35-50)—'Hell's Kitchen' (WB) and 'Hotel Imperial' (Par). 'Colt' (M-G) and 'Curtain' (M-G), expecting \$15,000. Last week, 'Girls Go Par' (Col) and 'Mickey and Me' (M-G), light \$15,000.

Met (1,618; 25-35-50)—'Captain Fury' (M-G). Will pull in good \$15,000. Last week, 'Mist' (M-G) and 'Yankee Doodle' (M-G), \$15,000.

Paramount (4,242; 25-35-50)—'Naughty But Nice' (U) and 'Missing Daughters' (Col). Profitable \$17,000. Last week, 'Naughty But Nice' (U) and 'Missing Daughters' (Col), good \$15,000.

Rooney Topping
'Naughty But Nice' (1,000; 25-35-40)—'Chips' (M-G) (20th). Moved here about two weeks at State. Fair \$4,500 in prospect. Last week, 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

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'Ex-Champ' (U). In it's black with fair \$30,000. Last week, 'Man About Town' (Par). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Circle (Katz-DeLo) (2,600; 25-30-40)—'Second Fiddle' (20th) and 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Loew's (Loew's) (2,400; 25-30-40)—'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Maile (M-G) and 'Stronger Than Desire' (M-G). Top money of the week with \$10,000. Last week, 'Captain Fury' (M-G) and 'Parents Talk' (M-G). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

OK PIX PERKING
K.C., ROONEY
FINE 15G

Kansas City, July 25.—Despite heat and other summer diversions, the picture business is holding its own with good films the day after tomorrow. But not too much, and the usual outdoor sports are heavy competition, but biz was satisfactory all around.

Estimates for This Week
Equipe and Updown (Fox Mid-west) (20th) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Midland (Loew's) (3,512; 10-25-40)—'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Newman (Paramount) (1,800; 10-25-40)—'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

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Heat Halts Philly Upswing 'Mask' N'ice \$15,000, 'Come Out' Slow 5G

No Deductions

(Continued from page 7)

indies here profess to be in a non-buying mood, with percentage deals a 35% basis. The remainder of the picture business is holding its own with good films the day after tomorrow. But not too much, and the usual outdoor sports are heavy competition, but biz was satisfactory all around.

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Philly, July 25.

Aided by cooler weather, business was holding its own this week until another heat wave moved in yesterday (Monday). Grosses held in comparison to the poor levels they reached in some recent weeks. First-run shows are showing all the strength, while second-run shows in midtown are way off.

Initial run Thursday, incidentally, is back to normal this session, after a deluge last week in an endeavor to get out product which had begun to pile up behind holdovers.

In place of the six first-run titles of last week, there are only the usual four, with one of them a holdover.

'Chips' is the top title, with h.o. and, in its fourth week, still strong man. Pic was supposed to close last Tuesday (13), but was showing such results that the opening of 'Hardy Feisty' and 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

Estimates for This Week
Boyd (WB) (2,350; 32-42-51)—'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th). 'Naughty But Nice' (U), dual first-run, 'M-G' (M-G) (20th).

'Nazi Captive,' 'Mamlock' Figure in British Censorship Showdown

French M. P. Co. Reorg

Is, Ands, Buts on Neely

London, July 14. Censorship here is a lot to face its biggest test as outcome of action by London County Council over the picture 'Mamlock' by Metro Pictures was decided by British Board of Film Censors, chief of which is the politically minded Lord Torryell. The same body later okayed 'Confessions of a Nazi Spy' (WB), which was previously similar to the British outlook. 'Mamlock' was subsequently submitted to L.C.C. for its over-riding approval, but that was before 'Nazi Spy' came into the country, and L.C.C. only endorsed the Censor's View.

Now that 'Nazi Spy' is running at the Warner theatre, and is beginning to embark on a concurrent release at the Regency, the pressure is being put on L.C.C., as licensing authority for the whole metropolitan area. Its judgment on 'Mamlock' and permit its playing without a Censor certificate. Local authorities are permitted by law to make their own decisions as to what films may be presented in their areas, and for convenience sake normally accept the verdict of the trade-sponsored B.B.F.C., although its own body has no actual status. In recent years, tendency has been almost to give full legal status to the verdict of the fact most licensing authorities voluntarily bind themselves to accept its verdict.

This time, though, L.C.C. is kicking. The county council is Socialist-controlled, so obviously it is in direct sympathy with the Censor's barring of a picture either of 'Nazi Captive,' or 'Mamlock.' They threw down 'Mamlock' just the same, but only refused its playing in order to provoke political disorders—a belief proved wrong by the subsequent orderly release of 'Nazi Spy.' But they are equally unwilling to be dominated by a censor between whose front and back the picture is. 'Mamlock' is a tremendous quip, hence the situation now arising.

L.C.C. will have to decide whether it will let 'Mamlock' by, while there is also another quip, 'I Was a Communist When I Was Young' for an okay. Its licensing authority is therefore to take a gander at both 'Nazi Captive' and 'Mamlock' and decide a policy common to all three, because all express a common attack.

Meaning, that in the event they still hold back on 'Mamlock' and 'Nazi' they will also 'Nazi Spy' off the screen and bar it from any further playing in the London area. In plain English, the L.C.C. is saying to the Censor: 'If you want to back you up by observing regulations on all pictures, you must be consistent and either allow in all such as deal with any given subject, or bar the lot.'

Trade has been fretting a long time under what seems to be government influence behind activities of the B.B.F.C. Lord Torryell was formerly a diplomat, and it is freely admitted that many of the decisions he endorses are swayed by political motives, as instanced by the manner in which material at March of Time has been brutally treated and shorn of its incisive treatment of political subjects, the crazy barring of a three-minute picture of Hitler a few years back. Only thing that has kept him from reviving against an action by the U.S. Foreign Office, his own creation is fear that abolition of a trade controlled censorship would bring government intervention.

L.C.C. action will accordingly get support from the industry, though of a guarded nature, since picture business does not intend to be the buffer between the censor and the licensing authority and the censor. Obviously Warners and First National would have squandered their film were they pulled out, not because of its own merits, but because of a tactic of selling two outside bodies, and they would get support from every other distributor.

Situation may work itself out, as L.C.C. may okay both 'Mamlock' and 'Nazi' in the same way, as has permitted unfractured pictures to be shown in the past. There's a chance, too, of a tactic of selling two outside bodies, and they would get support from every other distributor.

REISMAN, MORRIS SALE FOR RKO, WB S.A. SALES

Phil Reisman, foreign head of RKO Radio Pictures, sails for South America Friday (28) to launch two sales conventions in the Latin American territory. First sales gathering will be held in Rio de Janeiro, Aug. 18, with Bruno Chell presiding and the second in Buenos Aires, Aug. 31, with Nat Liebeskind, South American manager in charge. Sales forces from 10 Brazilian offices will gather in Rio to discuss plans, while Liebeskind will bring in the Chilean organization headed by George Kollman, for the B. meet.

Sam E. Morris, Warner foreign chief, is also sailing for Rio Friday week-end to discuss plans with Liebeskind, also scheduling WB sales conventions in Rio and B.A.

Liebeskind leaves N.Y. on Aug. 4.

AUSIE STAYS PIC IN DIRECT

Sydney, July 14.

Home producers are irked at the slow pace of the New South Wales government in granting promised finance to assist production plans. They claim that too much red-tape has to be surmounted in order to create a favorable impression with outside knowledge of the production game amounts to nothing.

When U. S. distributors declined to enter the local production field on a number of occasions, the result was bitter huddles between the government and MPDA, Premier Stevens expressed his own opinion that the U. S. was prepared to grant financial assistance to home producers of repute. The distributors were highly disappointed at getting out of the quota mess so easily, and the producers, while expecting the Government to be more generous in their applications, but have not okayed finance for the majors who have been anxious to make a start on genuine lines.

Minor producers, with dreams of expansion on taxpayers' coin, rushed to their applications, but the Government thought it a regular production schedule, Government officials, however, expect the Government to be more generous in their applications, but have not okayed finance for the majors who have been anxious to make a start on genuine lines.

Sir Ben Fuller has lodged an application for monetary assistance to produce 'Seven Little Australians,' the most popular picture ever written in these parts. Sir Ben has Arthur Collins, with years of Hollywood experience, all set to direct the pic and is prepared to sink a pile of his own cash into this one. National also is said to be waiting to ahead with production on promised Government backing.

Aussie Show Must Own Pic, Give Snub to H'wood

Hollywood, July 25.

American film producers have a battle on their hands to maintain their supremacy down under, and it is from the U. S. that the managing director of the Australian film industry has come to get the message.

Aussie industrialists, declared, are bent on producing their own picture in opposition to American and British product.

Mr. Fitzpatrick's conclusion sounds reasonable, like a well-balanced actuality. Fact remains, U. S. films are most popular in Aussie, as in almost every portion of the globe.

Strike Shuts Theatres

Mexico City, July 25.

Strike to close theatres. A new contract has closed most of the cinemas in Sonora, northwestern U.S. border region state.

Federal Judge William Bondy has set July 27 as a date for hearing the confirmation of the plan of reorganization of French Motion Picture Company, which filed a voluntary petition in N. Y. on Feb. 19, 1938, listing liabilities of \$2,571. It is in force under the plan.

The plan proposes to pay all salary claims which total \$885; and \$136 to the U. S. government and N. Y. City, for the B. meet.

General unsecured creditors will receive 15% in cash in full settlement of their claims. The balance will be borrowed from Albert Lieberman of Philadelphia for this.

France Indicates Poor-Pics Rash; Dubs Increasing

Paris, July 17.

French production this season is way below par and considerably under last season's level of activity. The weakness in production is beginning to show up in cinemas of Paris, too, with double features, with both pictures sometimes being U. S. films that have been dubbed, on a big increase.

Theatricals which formerly played at least one French-made film on double bills, now are going for two American, either dubbed or retitled. This is done despite the fact that the release of original versions is restricted to a maximum of 15 theatres in the country.

Outside of a few pictures belonging to the sordid cycle, which for a time created interest here, there have been virtually no films of great interest shown to the trade here. 'Le Duc Nord' looms up as the most promising, but it looks like slim pickings for American firms hoping to make coin by this policy at this time could be crucial.

One thing the distributors fear is the loss of investment of \$100,000 or more in production budgets without contracts on a yearly basis to advance as the industry against such large-scale planning. In many cases producers now have to stand as a guarantee of playing time and rental return.

Typical of the product situation for American films in France is the picture, which recently played 'Vous Seule Que l'Amie.' This was followed by 'Le Franciscain' may look for this theatre.

Strange part about present difficulties in getting sufficiently strong product is that more cinemas cannot be opened by the industry, as erecting a new house opposite the Paramount, to be known as 'Le Franciscain' may look for this theatre.

Maygar Anti-Semitic Law Filing Effect;

No Film Production

Beverly, July 18.

Jewish members of the orchestra of state, subsidized opera and National Theatre have been dismissed in consequence of the new anti-Semitic law.

Although detailed instruction for execution of the law has not been issued yet, time limit is set for reducing quota of Jews in theatrical companies to 6% has not yet expired, management was instructed to anticipate this and put rigid restriction into effect at once.

The theatre, dismissed are eminent artists and several who have been awarded life membership in the National Theatre. They continue to receive their pensions.

Despite various promises of credit and other support, so far nothing has been done to get the stigma machine of local film production in motion again. Hungarian studios are looking for a big boom in the entertainment to be at a deadlock.

A group of screen writers, planning production on a cooperative basis after the manner of the Artists, has so far, failed to get going.

(Continued from page 3)

also through having theatres, would stand to benefit most, their larger competitors. The exhibitor wouldn't care what the brand of the picture is, so long as the picture is good. By the same token the account would naturally be as willing to buy a picture for a picture program that is worth that much, as one from Metro that is worth the same to him. The thing is in the end it is what the pictures cost their makers.

A question the film buyer must decide is whether open bidding might not keep the prices too high on the big picture, while the same bidding on the poorer ones may not be held low enough for him to come out as he does now by sampling an operator. Another thing the theatre planner must consider is whether he might be forced to bid his own against a competitor than he wants, even on average or low-quality film, because both have to play regularly or be left high and dry. Some exhibitors are vitally concerned with these angles.

If successful with his pet status, Neely would be responsible for creating a condition where no competitor would be strong in the product. This very ground is said to have been seriously taken into consideration by one operator last year which was pondering a surprise move by voluntarily doubling the price of the picture, rather than fight Neely or more directly, subvert the trade practice code. Such consideration was based on the feeling that an analogy to the product being sold, plus confidence in the studio, might mean even greater rental return than an enjoyed under the old plan.

Presumption in that case is believed to have been that the top bracket picture would bring more open bidding, and the picture in the next bracket, which must be delivered at a lower percentage, could be sold at a higher price, thus the strength of their value. With a company where the top-bracket picture is the only one pinned on negotiations and the 'B' product has slipped, also, consideration of such policy at this time could be crucial.

One thing the distributors fear is the loss of investment of \$100,000 or more in production budgets without contracts on a yearly basis to advance as the industry against such large-scale planning. In many cases producers now have to stand as a guarantee of playing time and rental return.

Incentive for Some Real Showmanship

The Neely bill could mean many things, apart from how definitely it would place the burden of merchandise value on the manufacturer. It would take the selling of the film away from swivel chairs and force the distributor to give the greatest effort in the direction of showmanship. In every picture sold entirely, in every picture with open bidding on all film, the exhibitor would want to get on the job would be the sufferer.

The average film salesman, out in the field, who now goes around to see exhibitors trying to get to extend a playdate, pick up some picture that has been available to him for some time, and then, in series, by some reissues, etc., would then really come into his own. He would be selling the picture on the extent of his endurance and ability.

Neely would also provide a field day for publicity and advertising men who had anything in them. Their numbers would naturally increase, and no doubt, in the change zone, the distributors would have to maintain men to push each film. The theatre bidding against each other on all product, also would have more use for advertising and publicity men.

The theatre manager and the exhibitor would have to get out of his hole to try to buy a picture, a showman, wringing from the assorted collection of pictures he is buying the utmost at the highest price. In many cases the bidding might become so intense that where a picture is made at a high price, the factor of showmanship would become so important. The exhibitor would have to bid against the man on the job viewing all the pictures and be enough of a showman to judge

what each is worth to him. Those that are chair-warmer, especially in the case of a picture, by picking up a film as it comes along on yearly buys, using routine ads and a little bit of trust, to get the word, would quickly be in the picture. This would also be true of the film exploiter and others who deliver, just the same as in the past.

The field for independent producers would be opened wide, and with an open market prevailing, financing of such pictures would be done to be greatly eased. Meritorious foreign-made film would also stand to benefit by getting into playdates which are now pre-empted for them by poorer Hollywood product that had been bought and has to be exhibited.

That Neely might be the solution to the elimination of double bills and a revival of valuable stage shows in other forms, is also possible. The very probability that major producers will turn out fewer pictures in Hollywood would tend to discourage doubling.

Under the Neely bill, all producers would have to furnish synopsis of plots, and the elimination of the bill's wording also screen the finished product of each of the various exchange centers maintained.

Hardships of Screenings Visualized in Some Spots

Screenings are seen as necessary because if the pictures did not live up to the synopsis furnished, there is no possibility. The very probability that major producers will turn out fewer pictures in Hollywood would tend to discourage doubling.

The average number of branch pictures is 32, because of the distances to some territories, the more scattered territories, additional branches very probably would be needed. The average number of branch pictures is 32, because of the distances to some territories, the more scattered territories, additional branches very probably would be needed.

Position of the chain theatre controlled by distributors, as well as the position of the independently owned theatre, would be entirely changed under the Neely measure, if passed. A producer who has his own picture, and is forced to bid high against independents in order to play his own film, unless supported legal rights to sell to whom you please would be in-voiced. There again the question must arise as to whether it would do what he couldn't get through at a chain house, though willing to pay a high price for the picture of such a major company also possible. The producer might not understand such a policy, but the manager in which he has invested.

A distributor with its own theatres, however, would be able to pick up any indie slice, in cases where the theatres are controlled 100%, the money would be in his own pockets anyway. Where partnerships exist, however, another problem arises.

If Paramount, Metro, RKO, Warner Bros. and 20th-Fox, which control the vast majority of the U. S. anti-trust suit, then the whole field would become wide open.

The indie chain, under Neely's proposals, would be in a position where each theatre, in each situation, would have to bid against the other, it is presumed. Practice of sitting on rental in one house, and taking it out in another, would be that isn't doing so, as frequently called a chain boys for a flock of theatres. In one time, would no doubt be out.

Circuits which also are in the habit of buying the utmost at the highest stipulated sum to cover the number of theatres involved and then itself bidding against the other, in the houses are to stand would also no doubt have to drop that habit.

It is hard to tell what will come of the trade possibilities, if Neely comes.

VARIETY **Service!**

**First box-office check
on CAGNEY and RAFT
in 'EACH DAWN I DIE'!**

See Broadway Grosses page 9.

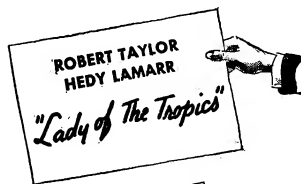
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With this release Warner Bros. wind up their 1938-39 schedule. From beginning ("Four Daughters") to end VARIETY has consistently provided COMPREHENSIVE COVERAGE of this company's remarkable accomplishments throughout the entire season.





"SORRY
FOLKS,
YOU'LL
HAVE
TO
WAIT!"



HEAT WAVE! HIT WAVE!

Millions of dollars worth of entertainment for your hot-weather screen! That's M-G-M's policy again this summer! It's the policy that has endeared Leo the Lion to his exhibitor customers year after year. While "ANDY HARDY GETS SPRING FEVER" is packing them in (Biggest Hardy Hit of All!) announce an M-G-M Summer Festival of Hits to your customers because there's only one outfit that's got a HIT WAVE to match the HEAT WAVE!

THE FRIENDLY COMPANY

Advance Production Chart

(Continued from page 18)

Carole Lombard, Cary Grant, Kay Francis, Charles Coburn, Helen Vinson, Katharine Alexander, John Hays, Nella Walker.

RKO Pix Now in Production

"TINOCCHIO" (1939-40 release), child's folk tale, produced by Walt Disney from story by the author; feature-length Technicolor cartoon.

"THE HUNCHBACK OF NOTRE DAME" (1939-40 release), drama; produced by Pedro S. Berman, directed by Charles H. Ebbel, Jr.; cast: Victor Hugo, played by Joseph August, Cast: Charles Laughton, Maureen O'Hara, Sir Cedric Hardwicke, Thomas Mitchell, Walter Hampden, Harry Davenport, William B. Davidson, John Gilbert, Felix B. Leber, Katherine Alexander, Minna Gombell, Alan Marshall, George Zucco, Arthur Hohl, Rod La Rocque, Spencer Charters, George Toole, Curt Bois, Kathryn Adams, Dorothy Lovett.

"ALLEGHANY FRONTIER" (1939-40 release), historical drama, produced by P. J. Wolfson; directed by William Wyler; cast: P. J. Wolfson, from the novel by Neil Swanson; photographed by Nick Mouskos. Cast: John Wayne, Cate Blanchett, George E. Stone, George E. Stone, Donlevy, Robert Barrat, Chilly Wells, John F. Hamilton, Miron Olsen, Eddie Quilian, George Sanders, Ina Wolfe, Wallis Clark, Monte Montague.

Republic

	Number Promised	Number Completed	New to Be Shooting	Now in Rehearsal	New to Be Released
Total

Pictures in the cutting rooms or awaiting release:

"SMUGGLER'S CARGO", formerly titled **"MOB FURY"**, meller; produced by Harry Grey; directed by William Wyler; cast: Paul Belton and Michael Jacoby; photographed by Jack Martin; cast: Barry McGuire, Michelle Hudson, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"NEW FRONTIER", formerly titled **"RAIDERS OF THE WESTLAND"**, meller; produced by William Wyler; cast: William Wyler, George Sherman; original screen play by Betty Burbridge and Luc Ward; photographed by Raymond H. Smith; cast: William Wyler, Raymond H. Smith, Phyllis Lytle, Sammy Kimmie, Eddie Waller, Dave O'Brien, Slim Whitaker, Bill Nestell, Bud McClure, Bob Burns, Frankie Marvin, Leroy Mason.

"COLORADO SUNSET", western with songs; produced by William Becke and Harry Grey; directed by William Wyler; cast: Paul Belton and Jack Natteford; screen play by Stanley Roberts and Betty Burbridge; photographed by William Wyler; cast: William Wyler, Michael Jacoby, Michelle Hudson, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"IN OLD MONTREY", western with songs; produced by Armand Scheraga; directed by Joe Kane; original screen play by Gerald Gargathy; photographed by Ernie Miller; cast: Gene Autry, Smiley Burnette, June Marbury, George E. Stone, Sally Egan, Robert H. Hargrett, John Hays, Jonathan Hale, William Hall, the Hoosier Hot Rod.

Republic Pix Now in Production

"DICK TRACY'S G-Men" (1939-40 release), 15-chapter serial; produced by Robert Becke; co-directed by William Wyler and Jack English; original screen play by Philip Shmigel; directed by William Wyler; cast: Ralph Byrd, Irving Pichel, Ted Pearson, George Douglas, Walter Miller.

"WALL STREET", meller; produced by William Wyler; cast: William Wyler, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"FLIGHT AT MIDNIGHT" (1939-40 release), meller; produced by Armand Scheraga; directed by Joe Kane; original screen play by Gerald Gargathy; original by Hugh King and Daniel Moore; photographed by Ernie Miller; cast: Phil Regan, Roscoe Turner, Lane Parker, Robert Armstrong, Noah Berry, Jr., Martin Briggs, Harry Hayden, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

20th Century-Fox

	Number Promised	Number Completed	New to Be Shooting	Now in Rehearsal	New to Be Released
Total

Pictures in the cutting rooms or awaiting release:

"WHITE LADY OF THE ORIENT", formerly titled **"GEL FROM BROOKLYN"**, formerly titled **"THE EARLY LIGHT"** (for 1939-39 release); produced by Edward Kaufman; directed by Gregory Ratoff; original by Gene Kelly; photographed by Ralph Morgan; cast: Gene Kelly, Baxter, Alice Faye, Charles Winninger, Keye Luke, Arthur Treacher, Willie Fox, Doris Lloyd, Leonard Sogno.

"STANLEY AND LIVINGSTON" (1939-40 release); produced by Kenneth Macgowan; directed by Henry King; no writing credits released; photographed by George B. Seaton; cast: Spencer Tracy, Richard Greene, Nancy Kelly, Walter Brennan, Charles Coburn, Henry Hull, Sir Cedric Hardwicke, Henry Travers, Mason Davidson.

"ELSA MAXWELL'S NOTES FOR WOMEN" (1939-40 release); produced by Raymond Griffith; directed by Gregory Ratoff; screen play by Kathryn Kaloupek and Doreen B. Kaitman; photographed by Ralph Morgan; cast: Elsa Maxwell, Linda Stirling, George E. Stone, George Barr, John Tracy, Robert Homans.

"CHICKEN WAGON FAMILY" (1939-40 release), family comedy; produced by Sol M. Wurtzel; directed by Herbert L. Leeds; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"STOP, LOOK AND LOVE", formerly titled **"HARMONY AT HOME"** (1939-40 release), family comedy; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Lucien Andrieu; cast: Jean Rogers, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"THE ESCAPE", formerly titled **"EAST SIDE, WEST SIDE"** (1939-40 release); produced by Sol M. Wurtzel; directed by Herbert L. Leeds; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"QUICK MILLIONS", formerly titled **"JONES FAMILY AT GRAND CANYON"** (1939-40 release), family comedy; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Lucien Andrieu; cast: Jean Rogers, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"CHARLIE CHAN AT TREASURE ISLAND" (1939-40 release), mystery drama; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Virgil Miller; cast: Sidney Toler, Sen Yung, Robert Romero, Pauline Moore, John Carradine, Sally Blane, Charles Hallan.

"HEAVEN WITH A BARBED-WIRE FENCE" (1939-40 release), comedy-drama; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"HOLLYWOOD", comedy; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Virgil Miller; cast: Sidney Toler, Sen Yung, Robert Romero, Pauline Moore, John Carradine, Sally Blane, Charles Hallan.

"THE ADVENTURES OF SHERLOCK HOLMES" (1939-40 release), mystery; produced by Gene Markay; directed by Alfred Werker; based on play by William Gillette with permission of the executors of the late Sir Arthur Conan Doyle; cast: John Barrymore, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"FRONTIER MARSHALL" (1939-40 release), historical western; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"DREAMS ALONG THE HIGHWAY" (1939-40 release), comedy; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"TIN HATS" (1939-40 release), comedy; produced by Sol M. Wurtzel; directed by Otto Brower; no writing credits released; photographed by Howard Croninger; cast: Amanda Dudley, Kane Richmond, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"HERE I AM A STRANGER" (1939-40 release), drama; produced by Harry Joe Brown; directed by Roy Del Ruth; no writing credits released; photographed by Leo Shulberg; cast: Charles Laughton, Maureen O'Hara, Sir Cedric Hardwicke, Thomas Mitchell, Walter Hampden, Harry Davenport, William B. Davidson, John Gilbert, Felix B. Leber, Katherine Alexander, Minna Gombell, Alan Marshall, George Zucco, Arthur Hohl, Rod La Rocque, Spencer Charters, George Toole, Curt Bois, Kathryn Adams, Dorothy Lovett.

"CITY IN DARKNESS" (1939-40 release), meller; produced by John Stone; cast: John Stone, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

"THE REAL GARY COOPER" (1939-40 release), meller; produced by Virgil Miller; cast: Virgil Miller, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

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Arrest Exhibs For Last Fall's 'Snow' Showings

Montreal, July 25.

Theatre operators who admitted children to showings of "Snow White" last fall are being prosecuted for violating the courts on charges of having violated the provincial by-law, which prohibits children from admittance to picture houses. There are now 132 cases before the local courts.

Defense of the exhibs is that statements attributed to Premier Duplessis are false and that the special character of the Walt Disney classic the provincial authorities had overlooked the regulations in the case of "Snow White."

At the time Premier Duplessis was quoted in favor of showing the film to minors there also were definite indications that the provincial statute would be modified so as to permit children over 12 to go to the pix. Since then, however, the Premier has been obliged to drop all plans for modification of the law regarding minors due to pressure from religious and welfare organizations. Exhibs claimed that they had paid over \$100,000 for the film because of the widely circulated newspaper reports that children would be allowed to see the picture.

When no official confirmation from the province, the legislature was forthcoming, the city police proceeded to the courts against those houses which had not had the picture cleared in consideration of the fact that exhibs had not had the picture cleared. At the time Premier Duplessis was quoted in favor of showing the film to minors there also were definite indications that the provincial statute would be modified so as to permit children over 12 to go to the pix. Since then, however, the Premier has been obliged to drop all plans for modification of the law regarding minors due to pressure from religious and welfare organizations.

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United Artists

	Number Promised	Number Completed	New to Be Shooting	Now in Rehearsal	New to Be Released
Samuel Goldwyn.....
Schickel.....
Water Wanger.....
Reich.....
Edward Small.....
Total.....

Pictures in the cutting room or awaiting release:

"THE HOUSEKEEPER'S DAUGHTER" (1939-40 release), comedy-drama; produced and directed by Hal Roach; screen play by Richard James and Guy Cabanne; original screen play by Michael L. Simmons; photographed by Albert E. Smith; cast: Richard Arden, Alice Devine, Constance Moore, Noah Beery, Jr., John Barrymore, George E. Stone, Ralph Morgan, Arthur Hohl, George Barr, John Tracy, Robert Homans.

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Palace and Park, B'way, Bldg. New Marquess; It's a Legal Must Now

Two new marquees for Broadway houses, the Palace and Paramount, follow the city of New York's decision that the city authorities to bring all marquees down to nine feet, with resultant effect on all theatres and, in virtually every instance, to demolish the city's old marquees and replace them with new ones. The new marquees will be along the Broadway frontage of the Palace and Paramount, head of the Par. maintenance and engineering department. It will include a new type of lighting that has never been used before. Work begins in about 10 days.

All N.Y. houses, including the smaller places such as the Rialto and Globe, are being ordered to reduce their nine feet with their marquees, having removed all lettering that extended more than one foot above the marquee line. The new marquees will be along the Broadway frontage of the Palace and Paramount, head of the Par. maintenance and engineering department. It will include a new type of lighting that has never been used before. Work begins in about 10 days.

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(Continued on page 24)

13 TIMES A YEAR

Every smart showman knows today that NEWS ON THE SCREEN is saleable to more people in more places than ever before.

The demand for NEWS ON THE SCREEN is today as strong at the corner crossroad as in the big city. And people will pay to SEE that news—but they are no longer content with disconnected newsreel flashes. They demand that the news be made clear and understandable, that it be presented in complete, sense-making form.

Exhibitors are finding that THE MARCH OF TIME is the only screen feature that fills this growing demand. They are finding:

- that THE MARCH OF TIME builds more concentrated interest than any other screen series
 - that month after month THE MARCH OF TIME has been consistently a "top-quality" product
 - that with each new release its prestige grows—
 - or audiences get "THE MARCH OF TIME habit"—
 - a habit they will pay to satisfy... not just once but
- 13 times a year!

NEWS ON THE SCREEN
 NEWS AT THE SEA
 NEWS AT THE WHEEL
 NEWS IN THE AIR
 U.S. FIRE FIGHTERS
 INSIDE THE MAGINOT LINE
 UNCLE SAM
 THE GOOD NIGHTS
 STATE OF THE NATION
 THE REFUGEE
 TODAY AND TOMORROW
 YOUNG AMERICA
 JAPAN—
 MASTER OF THE ORIENT
 BACKGROUND
 FOR WAR
 DIXIE U.S.A.
 WAR, PEACE
 PROPAGANDA
 THE MOVIES
 MARCH ON
 METROPOLIS
 —1939—



THE MARCH OF TIME

PRODUCED BY THE EDITORS OF TIME



Slowthowers' 4 Daughters Help Run New Houses

Rev. in Var.—Reviewed in Variety Key to Type Abbreviation R. T.—Running Time
M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; Mu—Musical

Wichita, Kas., July 25.
Mr. and Mrs. R. T. Slowtowhere, owners of the Southern here, opened the Sandra there the Sunday, 24th, whose program broadcast via KPT.

The Slowtowhere's four daughters will assist in the operation of the new house. The Misses Ann and Vivian will be cashiers, Jeanette and Betty others.

Williams Adding
Oklahoma City, July 25.
K. Lee Williams will build a new theatre at the corner of E. K. Parker in charge of construction. He will take over the Amnu, Fort Smith, and the new house is ready for run, then close the Amnu for complete remodeling.

Rappold's Newsie
Columbus, July 25.
Work is scheduled to start on a new 600-seat theatre on the south-side corner of Georgetown and John Rappold, operators of the Innis.

New Ones in Texas
Dallas, July 25.
Plans for two new houses at Hamilton and 10th streets, a 1,000-seat Hamilton house to seat 500 on one floor, open in mid-September. Herold St. Vincent, owner of the 1,000-seat The Dooley, Purcell, will be owned by State Senator J. C. Nance of the 10th district. Will occupy what is now a store building, and will seat 400 on one floor.

Shulman's 600-Seater
Windsor, Conn., July 25.
Attorney Joseph L. Shulman, president of the Georgetown Theatre Co. of Hartford, is constructing a 600-seat house here, to include stores and a restaurant, and ready for operation the latter part of summer.

New Reading, Pa., Houses
Reading, Pa., July 25.
Two new theatres are being here, one at Mt. Penn, east end of Reading, owned by the Reading and Vincent, under prospecting by the Reading and Vincent. Same firm now erecting a new theatre in West Reading, opposite end of the city. Reading and Vincent house will vote in the only theatre there.

Philadelphia, Pa.
Philadelphia, Pa., July 25.
Reported prospective lessee of 2,300-seat Capitol on Penn. street, this city, of the Atlantic Hotel, after Walter S. Finch threw up lease after long litigation with unions over wage issues.

N. Y. State Clearances
Indefinitely Postponed
Due to inability to get the parties together at this time, an indefinite postponement of meetings to consider clearance complaints from upstate N. Y. independents has been taken. A huddle was to have been held at Albany last week, but one of the principals involved were out of town or couldn't shift other business.

H. M. Riceley, director of exhibitor relations for RKO; St. Fabian; head of the Atlantic Hotel, after Walter S. Finch threw up lease after long litigation with unions over wage issues.

Brower Guides Joneses
Hollywood, July 25.
Otto Brower directs the destinies of the Jones Family in its next epic, "The Little Theatre" at 20th-Fox.

Picture goes before the cameras, and the Joneses are being arranged and Jod Pop in top roles.

PRACY'S 'CONSCIENCE'
Hollywood, July 25.
Alvin Meyers, Lowell Brodax and Wells Root are scripting Metro's "Pracy's Conscience" starring Spencer Tracy.

No Drought at Paramount!

**"Midnight"... "Union Pacific"
"Invitation to Happiness"
and "Man About Town"...
All Golden Spring and
Summer Showers at the
nation's box offices!**

AND NOW...

Hollywood Reporter's Rambling Reporter reports:

"Paramount's 'THE STAR MAKER' had a sensational preview at the Pomona with little Linda Ware, the Rogers discovery, grabbing most of the individual praise . . . managers of the two houses where Paramount's 'THE CAT AND THE CANARY' has been sneaked are saying that it's the best thriller they've seen . . ."

P S !
Paramount mash . . . 

"BEAU GESTE" previewed at exhibitors' trade showings from coast to coast has them all raving...theatre operators and customers alike!

Chant of Tobacco Auctioneer Also Good News for the B. O.s

Atlanta, July 25.
With watermelon and peach over

money jingling in his jeans, Georgia John Q. Farmer this week begins to reap an even greater golden harvest as bumper crop of flue-cured tobacco moves to market. Today (Tuesday) the now familiar chant of the tobacco auctioneer was heard in 38 counties throughout the state. The value of this year is estimated at 98,800,000 lbs.—6,000,000 pounds more than last year, when Georgia farmers got \$18,818,763.95 for 32,533,931 pounds of leaf they produced. Average price in 1938 was 20.34c per lb., which, if approximated this year, would put close to \$20,000,000 into pockets of growers from sale of crop.

Prosperity, or 'good times' as it is called down here, stems from the welfare of the rural population. When they have money, they spend it and pay their bills—and amusement biz becomes generally good. By the same token, when crops are bad or commodity prices low, it isn't long before boxoffices take the rap.

Tobacco, first grown in Georgia for commercial sale in 1917, has taken rank next to cotton as state's most valuable money crop. Auction sessions that started today will continue five days per week until latter part of August. Celebrations, with carneys providing amusements, marked the opening of the auctions in practically all of the key spots where warehouses are located, and money was being spent freely.

Oklahoma Looks Up
Oklahoma City, July 25

Better farm conditions, a more economically operated state government than for many years in the past, and a hope of better business nationally are combining to bring the favorable outlook for fall and winter b.o. grosses in Oklahoma.

After seven weeks of so-so figures at the boxoffice local business has shown signs of pickup and exhibitors are looking forward to good fall business. The same holds good generally for the entire state.

D. H. N. 1

Koy Rogers Rolls High Budgeteer at Republic

1000

Hollywood, July 25.
'Wall Street Cowboy' first of the

higher budget sagebrushers for Roy

Rogers, is rolling at Republic. Western star's future films will use up around \$70,000 each.

Rogers recently returned from eight weeks of personal appearances in the southeast.

Ray Corrigan Personalizing
Charlotte, N. C., July 25

Ray Corrigan—"Tucson" of the
Three Mesquiteers' horse operas—

This makes the fifth western play-

to take advantage of a picture reputation here in the textile towns where they pack a theatre to see a

mustang film player. Others just ahead of Corrigan have been Smith Ballew, Ken Maynard, Bob Baker

Herscher Gilbert's WB

Song Suit Settled in L.A.

Hollywood, July 25.
Out-of-court settlement was made
by Warners in the \$50,000. damage

sult brought by songwriters Louis Herscher and Robert Gilbert, charging suppression of their song, 'Gar-

Plaintiff named Warners, Harms, Music Publishers Holding Corp., Al

Dublin, Johnny Mercer, Harry Warren and Jean Herbert in Federal court suit asserting their tune was

suppressed in favor of number by same title written by Dubin, Mer-
son and Warner, and used in Mar-

acter, and warren, and used in war-
ners' 'Garden of the Moon.'

20TH-FOX'S H.O. REVAMP
New home office quarters for 20th-Fox production and story de-

Departments will be set up ready for occupancy around Sept. 1, in the quarters occupied by the publicity

department. Latter now has its own building adjoining the old space. Private offices for Joe Moskowitz, Joe

Schenck and Darryl Zanuck, whenever latter two come east for conferences, will also be arranged.

Story department under Franklyn Underwood is now quartered at Radio City.

Radio City.

Commonwealth Takes Over All 4 Houses in One Town; Theatre Moves

Kansas City, July 25.—Commonwealth Amusement Corp. of Kansas City has taken over supervision of all four theatres in the city of Kansas. Formerly two of the houses belonged to the Griffith-Dickinson chain which now has houses in Oklahoma, Missouri, Kansas and Nebraska.

Lawrence houses will operate as a unit under the parent K.M.C. company although the theatre managers of the Commonwealth circuit. Actual operation of the houses is controlled by corporation of 35 Lawrence businessmen which leases them, but books through Commonwealth. More than 40 houses in Missouri, Kansas, Iowa and Arkansas are controlled by Commonwealth. C. C. Schultz, interested in the local Republic exchange franchise, is owner of Commonwealth.

Expected that changes similar to those in Lawrence will soon be made in about six other cities where Griffith-Dickinson and Commonwealth are both entered in the situation. Likely that three towns will be taken over by Griffith-Dickinson with Commonwealth gaining complete control in three others. Forthcoming changes are likely to involve straight sale of theatres rather than the affiliated corporation such as now exists in Lawrence.

The site of Kansas University and is located about 40 miles west of here.

Shea Acquires Two More

Canton, O., July 25.—Shea Theatre Corp., operators of the Revue, Dover, and the Nugent and State there under terms of an agreement whereby they secure a lease that has six years to run from next Sept. 1. Shea purchased the lease and equipment from Roxco Spidell and Chester Huprich, later to remain as manager of the two houses. In accord with the Spidell-Huprich schedule, the Nugent has been closed for the summer.

The Grand, only dark house here, will be reopened in early fall. House for several years maintained a burlesque policy and last winter housed repertoire for 16 weeks. Policy for the new season is still in definite.

The Empress, Whitehouse, operated by F. J. Sipher, closed for remainder of summer. Recently remodeled Olanthy Theatre, Columbus, formerly the Piccadilly, reopened under banner of Virgil A. Jackson and John Murphy, who also operate the Uptown, Goodale and Wilmar theatres.

Hendricks to Texas

Lincoln, July 25.—Alvin Hendricks, formerly manager of Variety, resigned and went to Texas. Will be replaced (1) by Harold Hellerich, Hellerich's leaving the Lincoln Theatre Corp. to go to the opposit resulted in Harvey moving from assistant at Nebraska to top spot at Lincoln.

J. Klein, Shelby, Neb., has closed the Sun for the summer. He recently sold his Muse, Osceola, Neb., to J. B. Logan here.

Mrs. Leola Schuler, Humboldt, Neb., sold half interest in her Humboldt to Oscar Hanson, former RKO salesman. Together they bought the Plaza, Humboldt, from D. Frank and closed it indefinitely.

Clayton Olson, former RKO salesman in Omaha, also with Universal, has been shipped to Des Moines for RKO.

"Mechanics lien was slapped on Lincoln Theatres Corp. (J. H. Cooper's Co. here), Western & Southern Life, as operator and owner of the Nebraska, for \$6,155.67, plus 5% from April 5. Contractor, W. J. Asenmacher Co., claims alterations contract was for \$21,400, of which all but 15% was to be paid upon completion of job. Rest was to come in within 30 days. Asenmacher re-did the old Orpheum, which opened early this year as the Nebraska.

W. N. Youngclaus has sold the Grand, Havana, Neb., to Dick Leisinger, who also has the Ansley, in Ansley, Neb. Youngclaus has the Empress and Island, in Grand Island.

Ralph Rips in Albany

Albany, N. Y., July 25.—Ralph Rips, brother of Herman Rips, transferred by Metro from the Albany to Jersey territory as salesman, is new assistant booker at local branch. Shifted from the Midwest to replace Ralph Landsman.

Clary's New House

San Antonio, July 25.—A. L. Clary signed 10-year lease on a building which will be remodeled into theatre at Alice, Tex., seating 400.

Long-Griffith which owns the Rita and Queen, Victoria, Tex., are building another house there. Work started on July 15; will seat 1,200.

The Rivoli, San Benito, Tex., will

be completely air-conditioned and remodeled according to E. F. Brady, manager.

New film house, to be built at Bracketville, Texas, will seat 950. Rex, Alice, Texas, to be enlarged to seat 800.

Screen Ad Back

Spartanburg, S. C., July 25.—Screen advertising, crupper for several months by four local Wilby-Kinney houses, has been resumed. Taxes imposed on such advertising was major factor in cancellation. Andy Hutchinson, formerly Lenoir, N. C. city manager for Wilby-Kinney, transferred to Anderson, S. C., in same capacity. Formerly managed State and Strand here. C. E. Stone, former State manager, is now at Wilton, N. C., as Carolina head.

Acquires Two in Cleve

Pittsburgh, July 25.—Ben Cohen, of Pittsburgh, has purchased Savoy and Superior theatres in Cleveland from River Kaplan, transferring effective first of month. Kaplan will continue to buy and book product for two spots, at the same time retaining ownership of Crook-Cleveland. John Finnegan, assistant to Bob Leller of Paramount in Bradock, Hazelwood, both houses owned by M. N. Shapiro and Archie Fineman. Nathan Rosen, city exhibitor for many years, has moved to Gaines, Fla., and will make his permanent home there on account of ill health. He's been there now for

about four months. Rosen, however, is retaining his interest with Harry Helwig in the New Granada here.

Bill Twigg has resigned as assistant booker at RKO exchange here, returning to Cleveland, where he was a former film man. Twigg is now at Strand, in nearby Zelionople, Pa., operated for six years by Penova Theatre Co. and only recently taken over by Alpine circuit, just been disposed of to William Thomas, who runs one house in Lowellville, O., and is also in the restaurant business in New Castle, Pa. House now closed for renovations, reopens in

Frank Firestock, New Cumberland, Pa. exhibitor, plans new theatre here.

Directors of MPTO of Western Pennsylvania have set Oct. 23-24 for annual convention here. Group's yearly summer con roast at exhibitor Dr. C. L. Herman's farm in Canoe, Pa., will be held Aug. 6.

Plans are being made by Local No. 171, IATSE, for big celebration in September marking 30th anniversary of union's organization in Pittsburgh. It was one of first in country.

Just an Anxious Fan

Patron wanted to see Mr. Chips, currently at the Music Box, so badly that he tried to break into the house. He was in so much of a hurry that he would not wait his turn in the line. However, Ron Kelly, house manager, informed the customer that his ship "his" ship would not have to fall in line. He retaliated with a sock on Kelly's jaw, that sagged the manager, and then rushed past the door and down the aisle. Kelly followed, grabbed him and threw him out, to the cheers of the waiting line.

John Von Herberg, Jr., new assist-

ant booker to LeRoy Johnson, general manager of Jensen-Von Herberg theatres here.

Robertsons Add 2

Columbus, July 25.—Mr. and Mrs. John Robertson, owners of the houses in Bainbridge and Osborn, have signed leases for two additional ones. After Aug. 1 they will operate the Linda, Shawnee, and the Delwyn, New Stratfield. The Linda, to be renamed the Shawnee, was operated by Elias Hatem; the Delwyn by Chris Davy.

Belair Reopening

Winnetka, Ill., July 25.—Belair, independent, closed for remodeling, reopens Aug. 18. A. J. Belair, proprietor, recently obtained injunction against picketing by projectionist local. Chancellor ruled there as no strike in progress since discharged projectionists had accepted other jobs.

Grove in New House

Charlotte, N. C., July 25.—The Dilworth, Charlotte's newest, opened July 15, seating 526. Glenn Grove, formerly assistant of the Carolina, made manager of the new theatre, and D. Ned Sifton, former doorman and chief usher at Carolina, promoter to succeed Grove.

Shubert Remodels

Newark, July 18.—Shubert being remodelled and renamed the Adams. It was last operated on a vandulim policy with name "Adams" by Eddie Sherman; now a Paramount affiliate.

Atlanta's Variety Club

Atlanta, July 25.—Atlanta Variety Club, Tent No. 21, formally dedicated its quarters in Henry Grady hotel last week. Charter presentation is scheduled to take

place Sept. 14, to be featured by gala ball. There are 145 charter members.

First drink across club's bar on occasion of formal opening of quarters was auctioned off and knocked down to highest bidder for \$175.

Officers are William E. Jenkins, chief Barker; Harry Balance and Charles E. Kessnich, assistant chief barkeepers; E. E. Whitaker, property man; R. E. Wilby, dough guy; John T. Ezell, W. A. Finner, Harold F. Wilkes, R. L. McCoy, Walter Anderson and Paul Wilson, directors.

Philly's Film Pioneers

Philadelphia, July 25.—Organization of a branch of the "25-Year Club," which Jack Cohn of Columbia has started in New York, is expected to take place here. Among local film pioneers eligible by reason of a quarter of a century or more in the film business are Pop Korson, Ben Amsterdam, Al Boyd, Abe Sableky, Lou Sableky, Frank Buhler, Earle Sweigert and Mike Lesay.

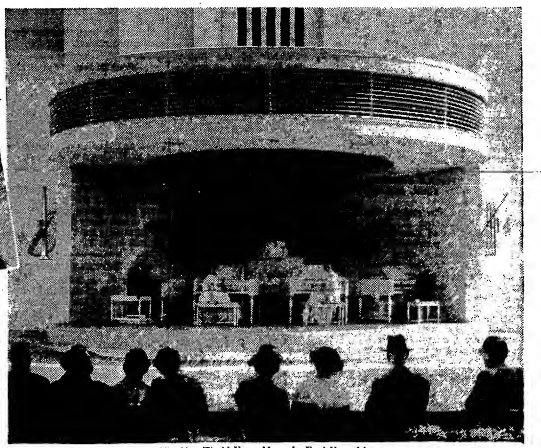
Lownes to Syracuse

Buttala, July 25.—Syracuse Strand resumes operation Sept. 1. Vic Lownes, former manager of Victoria here, will be in charge.

Jubilee, Cohen & Schwartz's Black Rock, nab, burglarized of candy stock and cash on hand last week. Howard McPherson has been public as banker, William Altsch, former assistant booker at Paramount, replacing him. Leo Murphy has joined Rips sales covering Syracuse and Rochester.

Jack Wydzalek, operator of the Artistic, closed his summer, and derwent an appendectomy. Syracuse promoter for Republic at Syracuse, slated to manager of Buffalo branch office.

FERDIE GROFE—eminent composer, arranger, spent months in creating new arrangements for the four Hammond Novachord and the one Hammond Organ which constitute his New World Ensemble



The New World Ensemble at the Ford Exposition

For the Fair's most interesting

MUSICAL PROGRAMS

Hear Grofe's New World Ensemble at the Ford Exposition

● More comment, interest and enthusiasm than has greeted any musical instrument! That's what the Hammond Novachord has aroused in the few short months since it was introduced. You will scarcely believe your own ears when you hear this amazing instrument produce sounds so similar to the violin, harpsichord,

flute, cornet, cello, Hawaiian steel guitar, French horn, ... and many others! With four Novachords to work with, and a Hammond Organ, Ferdie Grofe has extended himself in creating arrangements and effects which are guaranteed to be one of the high points of interest at the New York World's Fair.

Don't miss it. You've never heard anything like the New World Ensemble ... and the enthusiastic crowds at the Ford Exposition give abundant evidence of their enjoyment.

Mr. Grofe's Ensemble plays daily, except Monday, from 2:00 P. M. to 5:00 P. M., and from 7 till 10.

Outside New York

Hammond Instrument Co., 2917 N. Western Avenue, Chicago

Please tell me where I can see and hear the Novachord.

Name.....

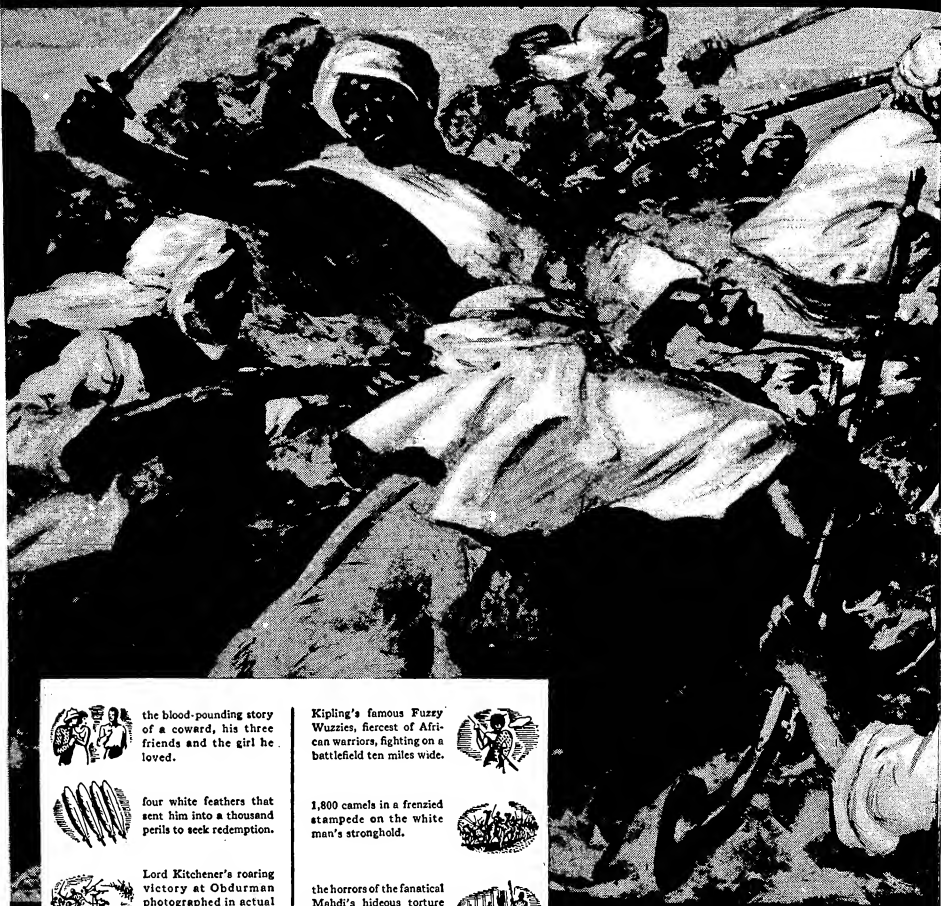
City.....

State.....

See and hear the Novachord at
HAMMOND ORGAN STUDIOS

50 W. 57th Street - Telephone Circle 6-2290

7,200 SECONDS OF BREATHLESS ENTERTAINMENT



the blood-pounding story of a coward, his three friends and the girl he loved.



four white feathers that sent him into a thousand perils to seek redemption.



Lord Kitchener's roaring victory at Omdurman photographed in actual locations with flaming realism.



8,000 savage Dervishes filmed for the first time with every detail of their cruel warfare.

Kipling's famous Fuzzy Wuzzies, fiercest African warriors, fighting on a battlefield ten miles wide.



1,800 camels in a frenzied stampede on the white man's stronghold.



the horrors of the fanatical Mahdi's hideous torture chambers never before revealed.



4,000 natives pulling flat-boats up the treacherous cataracts of the Nile.



actual locations of the remote interiors of the Egyptian Sudan where the camera could only penetrate by plane.

Alexander Korda

FOUR

EVERYTHING REAL! EVERYTHING TAKEN IN ACTUAL LOCALES! SIGHT AFTER SIGHT THAT THRILL-HUNGRY AUDIENCES HAVE NEVER SEEN BEFORE!

PACKED WITH FLESH-AND-BLOOD EXCITEMENT!



da presents

FEATHERS

IN TECHNICOLOR... Directed by ZOLTAN KORDA

with RALPH RICHARDSON • C. AUBREY SMITH • JOHN CLEMENTS • JUNE DUPREZ

Adapted by R. C. SHERRIFF from the Novel by A. E. MASON Associate Producer IRVING ASHER

Released thru UNITED ARTISTS

ASCAP LOCAL ISSUE

MINI-RUB NOW SPOT-MINDED

Bristol-Myers is planning an extensive spot campaign for Mini-Rub with newscasts as the major program item. During the past season the account included Mini-Rub among the three products plugged on the Fred Allen show.

Young & Rubicam is the agency.

Auspitz Joins Erwin With Cudahy Account; Adolph Lee in Hosp.

Chicago, July 25. Most of the Cudahy Packing account has moved into the Erwin-Wasey agency under the eye of account executive Irving Auspitz, who has moved into the E-W outfit as v.p. here. Auspitz has resigned as president of the Auspitz & Lee agency which remains entirely in the hands of Adolph Lee.

Despite the resignation of Auspitz, the A. & L. agency will retain that corporate name due to its long usage in the business.

E-W has all of the food products of Cudahy; the Old Dutch portion of the account remains with the Roche, Williams & Connaghan agency locally. Old Dutch is on the ether with the network ride of "Bachelor's Children" program.

Adolph Lee is seriously ill in Michael Reese hospital here. Was operated on last week.

'INFO PLEASE' ON WAX FOR PACIFIC REPEAT

Canada Dry's "Information Please" program will henceforth broadcast on recordings on the west coast. The show will be disked off the line and aired at a later hour the same day (Tuesday).

NBC's broadcast reaches the Coast at 4:30 in the afternoon and the account figures that the show's pulling power is that area is badly handicapped by lack of an evening audience.

Oshkosh Overalls on 10 Stations in Late Summer

Milwaukee, July 25. Oshkosh Overall Co. starting in late summer will use a varying schedule of spots on about 10 stations. Last season the schedule consisted of five weekly quarter-hour periods, but program length is undetermined as yet for the coming schedule.

Handled by Mettler, radio director of Rutrauff & Ryan.

'CALLING ALL POETS'

Alka-Seltzer's Prize Lure for Verse-Makers in Ft. Wayne

Ft. Wayne, July 25. Alka-Seltzer is sponsoring over WOW here a "Calling All Poets" series with Oliver B. Capelle Alka-Seltzer's sales promotion head, acting as "poetry professor" and Frank Carlton Nelson, Indiana bard as judge. Best serious and best comedy poem wins cash.

Performing singers, Jeanne Ruth and Lilian Lane, complete program.

GEORGE HAIN PROMOTED

Stout Falls, S. D., July 25. George Hain has been promoted to job as assistant manager of stations KSOO and KELO by general chief, Stephen Henkin.

Hain has been associated with the stations, which are NBC affiliates, for several years as commercial manager and his new appointment will find him handling sales as well as assisting Henkin in policy and general operation.

SELF-REGULATION IS AN ART

The action of the Atlantic City convention of the National Association of Broadcasters in ratifying a code and embarking on the seas of self-regulation gives historic significance to the recommendations made Nov. 14, 1938, by David Sarnoff, president of RCA and board chairman of NBC. In a series of public utterances in the last year or two Sarnoff has consistently opposed the Government drift to censorship and, with equal force, has insisted upon the ability of the radio industry to govern itself.

It was while testifying before the Federal Communications Commission last fall that Sarnoff said:

"The fate of broadcasting in other nations and the attacks on democracy throughout the world clearly indicate the necessity for finding a democratic solution for the problems of the American system of broadcasting—a solution which on the one hand will enable us fully to meet the social obligations of radio, and on the other, will protect our traditional freedoms."

"I would therefore like to take this opportunity to advocate to the broadcasting industry that it establish a voluntary system of self-regulation in its field of public service, and that it take the necessary steps to make that self-regulation effective."

"My recommendation is that the experience of the different groups within the industry should now be combined and correlated. An industry code should emerge that advances beyond all previous attempts. Such a code should be an act of voluntary self-regulation on the part of the entire broadcasting industry in the United States."

"In writing this code, the industry should gather the views of broadcasters, of groups representative of public opinion, and of this Commission. After the code is formulated the public should be made thoroughly familiar with it. All broadcasting networks and stations should be invited and encouraged to adopt it. The code should be subject to periodic review by the industry, and kept up to date. It should be administered by a suitable agency representative of the entire industry."

It may still be too soon to gauge the full reaction to the N. A. B. code, but that the industry—therefore notoriously unable to act on anything—could adopt no more pious ambiguities and deal, within six months of Sarnoff's urging, bespeaks a good start. It is of a parcel with the stiff resistance represented by the courageous opposition to the code by the F. C. C. to impose specific "rules" and "guides" to what may or may not be broadcast to foreign countries by the shortwave divisions of the American broadcasting units.

This 'censorship' thing is no mere play on words or theoretical hair-splitting over prin-

ciples. The fury of office-holders at the 'impudence' of private interests in challenging the attempted usurpation of authority is in itself proof that the broadcasters have rightly suspected intentions to gradually go way beyond anything the present law sanctions and, perhaps with laudable motivations, to curtail domestic freedom of action on the plea that it's part of the fight against foreign autocrats.

While there have been sins of good taste in radio they have been remarkably few. The industry flutters like an aspen leaf in the breeze of any adverse public reaction. The radio industry is, in fact, far more sensitive and responsive to public opinion than are many elected representatives of the people. The recent agitation of clubwomen—part of it exaggerated, some of it foolish, a lot of it parrot-talk—has brought about prompt acceptance of the valid points of criticism. In the coming months the kid programs will be confined to new and distinctly tough requirements. The case of General Miller 'Jack Armstrong', as recently reported in VARIETY, is a notable example of radio accepting public opinion.

Radio does outlaw practices that become objectionable, it does self-regulate once the need is clear, it does admit the majority's will as paramount. This willingness and ability to recognize 'the people' is in the turn of the story why the people, in the mass, hold for radio an intimate affection practically without parallel anywhere else. So long as radio is realistic and flexible enough to stay attuned to public sentiment, and so long as the majority of listeners feel as they obviously do, most of the blasts-against-the-industry-by-frustrated-seekers or other malcontents will fall on sterner ground.

Sooner or later a new basic Federal radio law will have to be written. The Hatch bill that attempts to divorce WPA and politics may well be the spiritual godfather of a distant bit of now-unenforced legislation to lessen the present overwhelming domination of political wire-pulling as a prerequisite to getting on the air, staying on the air, or improving the conditions of tenure.

For, whatever may be said against the Washington radio smelly past or present, it has been and is a condition created by lawmakers and law-interpreters quite as much as any private entrepreneurs seeking valuable franchises to use the air. 'And this is fairly clear: The responsive to public opinion and they have been reasonably consistent in observing their own rules, a claim that the F. C. C. itself could perhaps not make in its own behalf.

Self-regulation is an art requiring skill, deftness and perspective. The radio industry has demonstrated a freedom of air along these lines not always evident in the past.

Sarnoff's leadership has been important.

NBC Cooperates in a Gen'l Community Effort to Sell N. Y. Fair to Country

Some mystery surrounds the details of the commercial program series which is being launched today (Wednesday) in behalf of the New York World's Fair over the NBC red (WEAF) link. What is described as a group of Fair bondholders' has underwritten Floyd Gibbons for a series of sales talks on the radio. It's for five quarter-hours a week over a period of nine weeks. The move is the first in an intense campaign to hyp up attendance, which the Fair heads admit, has fallen far under the estimated figures.

It is reported that about the only

factors acting on the series are Gibbons and the stations. Indications that the network itself wasn't in the money and that NBC wasn't given last week when Mutual, hearing about the deal, wanted to know why the money and that NBC wasn't cashing in on the series.

Gibbons did a similar group of programs in connection with the Chicago World's Fair but under the banner of the Palmer House, Chi-hostelry. He and a staff of four assistants will be housed on the ground

of the N. Y. Fair, whence the daily broadcasts will originate.

Lord & Thomas is the agency on the series.

REED KENNEDY AT KDKA

Pittsburgh, July 25. Reed Kennedy is back at KDKA, Pittsburgh, for the summer. His Sunday afternoon spot and also sings on Maurice Spitzberg's beer program. Before becoming a network baritone, Kennedy got his radio spurs at KDKA.

Fred Saviers of KDKA has joined Westinghouse in Baltimore.

GOOD POLITICS TO RAP 'CITY SLICKER'

Washington Hears Dept. of Justice Will Renew Prosecution Suit of ASCAP Dormant Since 1935—Behind-the-Scenes Activity Intensifies

PRESSURE

Washington, July 25. Behind the scenes here at Washington, and with conduits back to 'home' states in the south and far west, there is going on at the present time a renewed burst of activity in the long campaign to deprive music of its performing rights in public places as now embodied in the American Society of Composers Authors and Publishers. The latter is being audaciously built up in the minds of members of Congress as the villain incarnate of all monopoly. Some of the politicians from rural or sparsely settled areas are to display the political possibilities of attacking ASCAP as 'city slickers from New York'. The case of the town rights in terms the public—rather than the trade—would understand is one of all monopoly. Some of the politicians from rural or sparsely settled areas are to display the political possibilities of attacking ASCAP as 'city slickers from New York'. The case of the town rights in terms the public—rather than the trade—would understand is one of all monopoly. Some of the politicians from rural or sparsely settled areas are to display the political possibilities of attacking ASCAP as 'city slickers from New York'. The case of the town rights in terms the public—rather than the trade—would understand is one of all monopoly.

At the moment there is small likelihood that any congressman would take on, in this kind of weather, the technical detail and thankless labor of basic copyright revision. Although lacking such willingness to pass the law, the radio broadcasting industry many legislators are nevertheless friendly. ASCAP has as many enemies, and on as many fronts, as the prime minister of Great Britain.

Meantime renewed Federal prosecution of ASCAP looks more probable than passage by Congress of any bill modifying the copyright law. Forgotten suit initiated back in 1935 is being dusted off for presentation to the U. S. District Court in New York during the Fall term.

Introduction of a bill by Senator Burton K. Wheeler, co of the copyright pool and the broadcasters alike, renews the long-ward provisions of the present statute, doesn't mean much. Congress will come before the Supreme Court as it can be legislation. But before the law-makers return, the Justice Department is already on the move to revive the attack which was suspended for taking of stipulation (possibly) a few days after trial began.

The situation here is as follows: The battle with nonexclusive contract renewals still in progress, is secretly egging on both the D. J. and Congress.

2. Pressure has been exerted to force Attorney General Murphy to move soon to break up the alleged "monopoly" of ASCAP.

3. The so-called 'compromise bill' bringing the copyright laws up to date in the 1930s of several legal. Dealers. But the such organizations should be curbed, the former Alabama Senator voiced ideas in the Senate. The latter, however, catching the eye of Attorney

(Continued on page 55)

RADIO REORGANIZATION, RED MUSIC UNITS, AND THE NEW COMPANY

Involved Corporation Realignments—A Distant Eye On Future Use of Wires for Television Service—Competitor to Muzak

A merger of five major radio equivalent, wire radio and nation companies with a new \$1,000,000 parent corporation, Radio Wire Television Corp. of America, has been formed. John E. Otterson, former head of Electrical Research Products, Inc., and Paramount Pictures, becomes head of the company. He has been largely inactive since leaving Paramount except for a new venture into the foreign pictures distributing field.

A desire to expand Wholesale Radio Service Co., Inc. which operates in 23 key cities, is ostensibly the main purpose back of the new setup. However, Otterson's initial statement after being named, president pointed out the current technological trend towards ultimate distribution of entertainment by wire, particularly in the case of television. He said that the company's operations now are confined to key spots along the Atlantic seaboard, probably would be extended to a nation-wide basis.

New corporation takes in the former holdings of Wire Broadcasting, Inc., whose principal subsidiaries are "Telegrams, Inc., of New York; Telemedia, Inc. of N.Y.; Wire Programs, Inc. of Delaware; Wire-Art, Inc. of Pennsylvania; Wire Broadcasting, Inc. of Pennsylvania; Tele-Vision-Music, Inc. of Washington, D. C.; Wholesale Radio Service Transformer Corp. of America, a manufacturing unit devoted to full line of radio and wire products; Tele-Capital Corp., a financing unit, and the Syndrak Corp., a company having patent rights in the motion picture projection, sound and lighting.

In addition to patents obtained, the new company is licensed by Electrical Research Products, Inc., under the name of Western Electric and Bell Telephone & Telegraph Co. Actual coin for the new setup, besides that furnished by active money-making units taken over, was reported to have come from Otterson personally and his associates. Besides of Otterson's influence in the pioneering days of ERPI, his presence at the head of the new corporation has added significance although he long since severed his connection with ERPI.

R. West, president of Wire Broadcasting, and A. W. Platten, head of Wholesale Radio, are vice-presidents of Radio Wire Television Corp. Certification of incorporation was filed, July 20, at Wilmington, Del. West is a former film man, having been sales promotion manager of ERPI, reporting to Charles Bunn, at the time the latter was top man with the Western Electric subsidiary.

USE ERPI Equipment
Originally West started a network of wired radio and music, using ERPI equipment. This was taken over by Muzak. Subsequently, West set up a rival company known as "wiregrams, Inc." which had units as "breakers." This encountered difficulty with the musician's union and from this developed the new "Wiregrams, Inc." with "Telegrams and Telemedia," as more or less subsidiary units.

Wire Broadcasting has developed a new arrangement for use in "wired and wire" systems whereby by networks could dial in for music or special events. Company states it is a contract with World Broadcasting for use of its extensive broadcast music library.

Wholesale Radio which has retail outlets engaged in merchandising (Continued on page 53)

WIRE'S New Location.

Indianapolis, July 25. WIRE, NBC outlet in Indianapolis will move to new headquarters at Claypool Hotel. The station will occupy the ninth floor of the hotel, and spend extensively in remodeling. Hotel will get publicity in call letters as part of deal. Entire hotel will be wired for music service during the numerous conventions that make hotel their headquarters.

KJR's Grand Coulee Discs

Recorded by B. Bradley

Seattle, July 25.

The writer and producer of gram that acquaints the people of the state with the industries of the state, are moving to Grand Coulee, Wash., the first of August to do a series of broadcasts from Grand Coulee Dam.

A crew of five will spend a month recording every phase of the huge government project in the most ambitious series of programs yet undertaken by local radio. Roland Bradley will be in charge.

President, Roosevelt and Secretary of the Interior, Harold L. Ickes, have been asked to make recordings for use in series.

Bob Sylvester On Dixie Web From Charlotte

Bob Sylvester orchestra has been signed by the Lancer Corp., southern manufacturers of casting needles, for a band show starting Sept. 28 and using the entire CBS Dixie network. It'll be half hour show twice a week, on Tuesday and its Sunday, 10:30 p.m., originating from WBT, Charlotte, N.C., and its affiliate, the "Radio Stranger for Rex Kemp."

Sponsor is planning to spread to National net after the initial 13 stations if the show is successful on the southern hookup.

Business Men's Glee Club Part of KMox Program

St. Louis, July 25. A unique choral group composed of 125 voices of business and industrial firms representing 75 St. Louis firms and believed to be the largest organization of its kind in the country has been given into a 15 minute weekly sustaining spot over KMox by Jerry Hoekstra, director of the station's Public Affairs Dept. and himself a former broadcaster. The chorters appear on "The Forward Road" program which is designed to establish a better understanding of the contribution of business to the community through interviews.

Program is scripted by Lynn C. Masten, head of the FCC Traveling Corp. for St. Louis, Inc., which has sponsored it since June, 1938. James C. Doucette, former vice-director of AK-Sar-Ben, Nebraska State civic organization, directs the warblers.

'Amer. School of Air' Moved by CBS Into Choice Eastern Zone Time

By switching its 'American School of the Air' from a matinee spot to a 7:30 p.m. Eastern time slot, Oct. 9, Columbia has not only enlarged itself in a time problem but pruned no little protest from related stations. Latter, particularly those located in the eastern time zone, are complaining that the new schedule for the program, something they consider a must from both the listener interest and FCC franchise holding angles, falls within one of the most remunerative commercial periods of the day. It's time that few important stations fail to sell. CBS officials realize that something must be done about the time problem as it affects stations outside of the eastern zone and the network will likely recommend that the

Liggett-Rexall's Encore

Liggett-Rexall semi-annual transcription series will repeat its entire program for the New York releases (quarter hours) over 200 stations. It's first time in eight years the series has been repeated with the exception of announcer Basil Rudoy, who has always been the Rexall man.

Repeating this time are Graham McNamee, as emcee, Dave Rubinoff with 30 men, Arthur Boran, the mimic, and Andy Clark, Walter Craig of Street & Finney, is directing. World is recording.

WAYNE KING TO CASHMERE

Wayne King will do a weekly half-hour series for Colgate-Palmolive-Peet beginning Sept. 1, replacing Cashmere Bouquet show. It'll be his first commercial since leaving radio after a year of seven consecutive years. Buddy Clark will be vocalist. King's stand will be as Cashmere and CBS and will be paired in an hour with the same sponsor's 'Gang Busters' and 'Katie's Kitchen' with Benton & Bowles is the agency.

King, who tonight (Wednesday) will appear on an engagement at the Roosevelt hotel, N.Y., will open in September at the Drake hotel, Chicago, after an extended fighting trip. Guy Lombardo replaced him on the Lady Esther series.

WMCA Seeks to Include Pair as Co-Defendants In \$500K Insurance Suit

Application will be made to the U.S. supreme court by WMCA (Wednesday) by the Knickerbocker Broadcasting Co., Inc., operator of radio station WABC, to include co-defendants Morris H. Siegel and Sam M. Siegel, doing business as the Polaris Insurance Co., and Donald Bedine, as the Policyholders' Aid and Adjustment Bureau, in the theft action against it brought by Metropolitan Life Insurance Co., in which the latter seeks \$500,000 damages.

An affidavit of Donald Flamm, president of the WMCA, states that under a broadcasting agreement the two parties he seeks to bring in had agreed to indemnify the station against any libel action. Suit claims that broadcasts-intimated unfair tactics by the plaintiff in securing policy and advised listeners to purchase of certain types of insurance.

Jack Garrison, announcer at WJR, Detroit, is trying to melt off 25 pounds in order to get into the U.S. Army Reserve Corps.

Doobie Back on KOMO

Seattle, July 25. Capt. Doobie's 'Ship of Joy' has returned to KOMO under sponsorship of the Portland Flouring Co. for four days through Fridays at 8:30 a.m. Programs fed to KGH, Spokane.

Doobie has cast of ten. They look Alaska trip with him on recent goodwill tour. He will continue his radio quest, presenting to dialers one new 'discovery' each day. Grand prize for winning contest will be trip to San Francisco fair.

ASCAP-N.A.B. Meet in Late August

Spokesmen for the American Society of Composers, Authors and Publishers do not expect to be ready for any contract discussions with the National Association of Broadcasters before the end of August. So John G. Paine, ASCAP general manager, advised Neville Miller, N.A.B. president, last week when the latter asked that the committee from the two factions get together Aug. 1.

With his letter to Paine, Miller asked a copy of the resolutions passed by the N.A.B.'s recent convention in which the N.A.B. committee was authorized to continue its negotiations for a new ASCAP contract. The committee of two writers and two publishers designated to work with Paine on the new contract. Negotiations has yet to be named and it is figured at ASCAP that it will take several weeks before this committee can complete the proposed agreement which ASCAP will base its negotiations.

Meanwhile Buck and Paine are developing a program for the committee's guidance. Paine wrote Miller that he felt that substantial progress has been made in this direction but it would be impossible for two groups to get together before the final week in August.

Inside Staff—Radio

During Horace Hird's absence in the hospital (emergency appendectomy), Arlene Francis is pinch-hitting as m.c. of the bandoneon Monday night series for Tums. Meantime the 'Answers from Dancers' formula (stastings) from the Billmore hotel, New York, Saturday was not carried due to the fact that the bandoneon was not working with an open mike on an ad lib basis, but thought it more discreet to not employ the formula with a substitute. Hird's 'Answers from Dancers' has been a standby with the Dancers in Chicago, and latterly at the Billmore. The 'Wheel of Fortune' idea which has been pending for the Tums commercial is still uncertain.

Not reviewing the Monday night program for Tums until Hird's return.

William Weisman, v.p. and counsel of WMCA, N. Y., flew to Chicago Sunday night (23) to be on hand Monday to testify before a Federal Grand Jury listening to testimony dug up by the Federal Bureau of Investigation which has been looking into an alleged monopoly of news of horse racing news by the American Newspaper Publishers Association. Among published most of the current racing form sheets, and at one time set up a ticker system for quick results in New York bars, which the police cracked down.

Harold Jains originally figured in the case because of the nightly racing results WMCA broadcasts, and he was supposed to attend the sitting, but Weisman went in his place and took the stand. Hird, however, but at one time were dickering for Annenberg's service. Jains handled those negotiations which never went through and he was to relate the whys and wherefores at the U.S. District Court in Chicago.

John W. Milford has resigned as publicity director of the lamp department of the Elmer E. Elmer Co., a Chicago firm. He had been in relations staff of N. W. Ayer & Son agency in New York. Milford has been with GE since 1928, during which time he handled press relations and public relations in the Elmer E. Elmer Co. He was also in promotion and publicity of GE's 'New American' demonstration home building program.

William B. Ricketts, of Chicago, will join the plans-merchandising department of N. W. Ayer & Son agency at Philadelphia next Monday (24) as a research specialist. Ricketts is at present manager of the market research division of Booz, Fry, Allen and Hamilton, Chicago, Ill. He is also the author of several published studies on the measurement of radio and publication advertising effectiveness and a past pres. of the N. Y. Research Council.

WTMJ, Milwaukee NBC-Red outlet here, may now be used by Blue Broadcasting Co. to advertise its new radio network. A Blue advertiser must pay the station to a Red Network—went on demand. Though the Blue Network has an hour program and the Red client only a 15-minute one. In such cases, if the Red program falls at beginning or end of the Blue hour, the latter sponsor may utilize the Red program. WTMJ is the 45-minute rate, if he so desires, it was said.

Radio Events, Inc., of New York, had its attorneys file an infringement and injunction suit against the Clef Co. of Chicago, National Tea Co. and WROK, Rockford, Ill., last week, alleging the audience participation dance 'Musico' infringings on the Radio Events copyright 'Title-O'. Clef Co. produces 'Musico' and National Tea sponsors it over WROK.

Mann, Brown & Cox of Chicago for Clef Co. and Montague & Casper of New York for Radio Events.

Lord & Thomas agency's complete and usually clear-cut vindication of the Manton Co. against the sponsor of a radio program, very happy. Albert D. Lasker emerged from his ordeal without difficulty. Agency has suffered a bad press on this matter from the start and was hamstrung by its sponsor under the legal circumstances, to say nothing until now in its own behalf.

Metropolitan Life has answered the complaint of a stockholder, who sued the company for not spending funds for sponsoring of a radio program. Metropolitan states its business and standing has been attacked over the radio by so-called insurance counselors and the company had to reply in kind. Industrial insurance is due to get a once-over by the national economic committee in Washington starting Aug. 16.

'The Human Adventure' series which Columbia Broadcasting launched last night (Tuesday) 8-9 p.m. represents an experiment between the network and the University of Chicago in an effort to dramatize educational material. Up to now, the series has been handled by the University of Chicago. Brewster Morgan is directing and Doug Coulter is supervising for CBS.

Fred Waring's orchestra does its west coast repeat at 11 p.m. and NBC airs the last 10 minutes (after the Essie flashes) in New York and other eastern spots as an experiment. Waring bunch is now in the air-cooled Vandenberg Hotel, N.Y., and is directing their audiences on both shows an added quarter hour entertainment.

Edie Latimer has made a cash settlement with Al Raymond of the 'A' vaude act of Raymond and Caverly, who claimed Latimer, teamed with Don Costello, produced the Raymond and Caverly routine over CBS 'Gay Around New York.' Latimer had played some club dates with Raymond around New York.

Page Crosley, daughter of Powell Crosley, of Cincinnati, was quietly divorced last week from Robert Jennings, radio director of the Kaxter agency, Chicago.

Interest of Harry C. Butcher, local v.p. of CBS, in the network was wiped out during May through sale of 200 shares of Chas. A. stock.

Follow-Up Comment

John Garfield miked from Hollywood following a fairly punctuated dramatization (from NBC's Chicago series) of the last days of information from a Dead End kid in the hands of a gangster. Garfield later acted in skit on "Inside Story" program. Film player sounded in his praise of Paris (latter encouraged him to become an actor). However, Garfield was too fast to tempo and read too obviously, for one of his professions. Unusual to see such a frequent broadcaster playing Garfield rendered rather well. De Paris, a frequent broadcaster, sounded in character, sound and precise of speech, patient, kindly.

Rudy Vallee (Standard Brands) radio stuck closely last Thursday (20) to its latest formula, light, hokey and trivial. After going to a lot of pains to book Lawrence Oliver, star of No Time for Comedy and "Weathering Heights," for the occasion, the show's producers equipped him with George Karman's "Silent Alarm." Suggesting talented Oliver were such members of program's staff as Walter Vallee, Lou Holtz and John Spargo. The mood and pace of the show were properly paced and all that the boys lacked to make the latter game complete was a few well-timed wisecracks.

Absence of Bob Hope made little noticeable during Jerry Colonna's interview. Colonna and Vallee exchanged a few but the temporary refugee from the Peppermint Stange scored best with his semi-burlesque of a bourbon baritone tackling a heman ballad. His medium for this vocal night was a melody of "Road songs."

Also on tap was the inevitable interview with an author celeb in which might be the lighter side of the fellow's nature must prevail. The subject in this instance was J. P. Marquand, whose current best seller is "Wickford Point." Among the things brought up during the Q. and A. interview was that Marquand used to be an advertising copy writer, that his hobby is caring for sick fish, that he doesn't fancy critics and that, and that silly is the surprise expressed when a Journeyman of mag series writes a serious novel.

Arthur Hale had an off night with his reading of the news bulletins over WGBH-Mutual last Thursday. 120 Announcer didn't make any outright boners, such as using the wrong word, but still struck one of those times when he couldn't entirely unlimber his tongue. During the short session he fluffed at least half a dozen times once having to come to a full stop to get his syllables unwedged.

Hillbillies 'Convention'

Charlotte, N. C., July 25. And now the hillbilly population is having "conventions." Hillbilly day at Mirror Lake, near Salisbury, on Sunday, drew entertainers from four states.

Approximately 50 hillbilly organizations from Virginia, Tennessee and two Carolinas were on hand to put on the program for the day, including such groups as the Grand Ole Opry with Roy Acuff and the Smoky Mountain boys, Happy Gadd and his Yodeling Rangers, and Roy Hall and his Blue Ridge entertainers.

America's PIONEER RADIO STATION

Radio station WWJ was not only the first station in America but it has maintained its position as the first station in listener interest in Detroit since it was established... a fact proven by every survey that has ever been made.

Owned and Operated by
The Detroit News Co.

National Representatives
Geo. F. Hollingbery Co.
New York, Chicago, San Francisco, Atlanta

Job Enthusiasm

Nancy Turner, who has a femme program over WMCA, New York, last week aired her diana from the summer fashion show held at the Astor hotel, N. Y., by Warner Bros. corset manufacturing concern.

According to the spier, she never knew an announcer to take as much interest in his work and never saw engineers take so long to pack up their equipment after the broadcast.

FARM AND HOME HOUR FOR CANADA

Winnipeg, July 25. Canadian Broadcasting Corp. is to shortly take a leaf from the book of NBC and will introduce (in August) a program patterned very closely after the National Farm and Home Hour. This new show, which will go to the western network of the CBC will be directed by Sheila Matney, who recently joined the CBC after spending several years as director of CKUA, the University of Alberta station at Edmonton.

Will include latest market reports and broadcasts from various provincial and national experimental farms. Other features will fit the particular requirements of the farm-hill in the western wheat belt. One of the main items will be last-minute weather reports.

Here and There

Bob Wilbur, program manager of WSUN, St. Petersburg, Fla., municipal station, has taken a leave of absence for the summer to serve as substitute announcer at WGV, Schenectady.

Charles Anderson new assistant program director at KOA, Denver, and Ronces Stockton made production manager.

Marion Schivetti is director of women affairs at KSO-KRNT, Des Moines, where Gwen McClear on 13-weeks leave of absence.

Russell Walker, Jr., former station manager of WKBC, Springfield, Ill., has joined the sales staff of WQXR, New York.

Ralph Knox has joined WOWO Ft. Wayne, as announcer, coming here from WSMK, Dayton. Paul Miller, engineer, is now coming from WTAQ, Quincy, Ill.

Rumster Musical Bureau, Inc., has been chartered at Albany to manufacture and deal in recordings and to conduct a broadcasting business in New York. Directors are: Morris Honig, Sidney Advocate, and Pearl Moses.

Ed Lally, program director of KMD, Worth, a. is this summer conducting the pit orchestra in a local theatre for a touring Bowes unit.

Marle Sicilian, Florida Virginia Entertainer, has been spotted three weeks weekly by WHKC, Columbus.

E. S. Bercevic starting a new "Talk and Back Talk" news commentary quarter hour, on WINS next Sunday (30) at 7:30 p.m.

North American Accident Insurance Co., through Franklin Brooks agency, New York, has renewed its sponsorship of Bob Anderson's newscasts, "A Reporter Speaks" twice weekly over KPO, San Francisco, effective July 18.

Albers Bros. Milling Co., Seattle (breakfast cereals), through Erwin Wasey agency, has renewed for a year its weekly half-hour musical program, "Good Morning Tonic," with Gypsy Ormoy, orchestra and soloists, over the Coast NBC-Red web including KPO, San Francisco; KFI, Los Angeles; KMGH, Spokane; KOMO, Seattle; KGW, Portland. Program has been aired continuously since Oct., 1946.

Winter Thematics Co., Ltd., agents for Delivered Cottage Cheese have made a deal with IBC for Friday mornings on Radio Normandy.

C. W. Ogelsby on Leave Philadelphia, July 25.

C. Warwick Ogelsby, who last month married Betty Fuller, daughter of the pre of Curtis Publishing, took a leave of absence last week until October from his job as zaber at WHAT here. Ogelsby's brother, Porter, was prez and c.m. of WHAT until it was sold by the Public Ledger to Bonwit-Teller recently. Porter is an exec of the Ledger.

• Radio Daffodils •

Dallas—Elmer Wheeler, president of Tested Selling Institute, New York City, on WFAA to show how use of proper words in everyday discussions can get speaker what he wants without stepping on anyone's bunions.

New Orleans—Ozenier, Inc., which produces machines for purifying the air in fish markets, etc., landed a local distributor through six spot announcements last week over WNCZ.

Syracuse—Plug for Nick Stemmler, WSWR sports announcer, in the local dailies commemorating his 650th broadcast struck a slightly sour note when it recalled Stemmler's discomfiture while airing a wire report of a game being played in Montreal. The telegraph operator in that instance became so excited that he began sending his report in French, and to meet the situation Stemmler kept one batter hitting a dozen foul balls until the operator returned to normal.

Boston—One of the questions submitted to Fred Cole for possible use in the "Name Three" (Dunhill) quiz show over WBZ: Name three best ways to keep a cat from crawling under the bed? The suggested answers: "Cut off legs of the bed-cut off cat's legs-sleep on the floor."

Bangtail Acc't

Saratoga Association's radio promotion for horse racing season, July 31-September 2, at the Spa, includes dramatized announcements, ranging from 26 to 52, on WGR, Buffalo; WFBL and WSWR, Syracuse; WHRC, Elmira; and WJLB, Binghamton. Also, WDRB, Hartford, and WNEB, Springfield, Vt. Also two to three-minute plugs daily and quarter-hour programs over WOKU and WABY, Albany.

McTigue to Washington

Rochester, N. Y., July 25. Harry McTigue, baseball radio spier for General Mills here for last three years, shifted to Washington to work with Walter Johnson in broadcasting games of Washington Senators.

Garnett Marks comes from New York City to broadcast Red Wing games over WSAV.

Production? Where can you get that around here? *WMT, of course!



It's very doubtful if such a conversation would ever occur in a broadcast of Toby's Cornutess News over WMT (of which the above is an actual photograph). But, the conversation we've heard to Toby Tolliver and Susie Sharp, editor and star reporter, respectively, of this mythical newspaper in mythical "Cornutess, U.S.A." is the real McCoy. Cornutess News is a WMT production, fed to four other stations.

Local following? Yes. 11,938 WMT listeners recently asked for a printed copy of the Cornutess News—a thing of absolutely no intrinsic value. Thousands more listeners to the other stations asked for copies.

That mail puts speaks louds. But read this excerpt from a letter from the agency:

"I feel that you would be interested to know that we are highly pleased with the manner in which the staff of your station and Mr. and Mrs. Neil Schaffner (Toby and Susie) are handling the production of Toby's Cornutess News. Because you are feeding this to four other stations daily, WMT carries the entire burden of responsibility in the matter of program production.

"It goes without saying that both our client and ourselves are appreciative of the fine cooperation you are giving us in originating this broadcast."

Cornutess News is just one of the popular programs produced by WMT. Our production facilities help to give WMT its intensely local audience among the 747,569 radio homes in Eastern Iowa, Western Illinois and Southwestern Wisconsin.

WMT is economical, too. Some 15 minute rates figures as low as 3 cents per thousand radio families.

You want more information? Drop us a line or call your nearest Katz Agency Office.

WMT
Cedar Rapids-Waterloo • 600 Kilowatts
NBC Blue-MBS • 5000 Watts L.S. • 1000 Watts Night
Represented by THE KATZ AGENCY
63,000 Square Miles of the RICHEST PART of the MIDWEST

Warns of Growing Censorship

Sir Hildebrand Harnsworth, managing director of the continental Daily Mail, published in Paris, while here last week, warned of a new and more stringent control and censorship of press and radio which is threatening and may become an accomplished fact even in free countries sooner than expected. Sir Hildebrand, nephew of the prominent British newspaper publishers, (late) Lord Northcliffe and Lord Rothermere, attacked proposed shackling of press and air and said that in case of war radio broadcasting of news would be not only for strict government censorship but also from hostile countries who would try to blanket the air with static so as to kill propaganda broadcasts.

The publisher stated that government control of the press is gradually making itself felt everywhere and that there is a growing demand for a gag on the press in England. Every year legislation is submitted in the British House of Commons proposing more stringent control of newspapers.

Danger of press control at the present time, according to Sir Hildebrand, is that with Europe at boiling point there will be no more brand, is that if it is imposed. Attempted control of air and print, in Sir Hildebrand's view, is gravest menace to freedom currently in democratic countries.

LUX IN AUSTRALIA FORGETS 'GARRICK' TAG

Sydney, June 29.

Lever Brothers has abandoned the show producer billing 'David Garrick' in connection with its Australian version of the Lux radio theatre. It was probably the first time an Australian radio program used a non de klocycle. Official name 'David Garrick' had previously been used by Levers in the States prior to the more recent branding in of film director Cecil B. DeMille to take the boys—but not actually directed—as the show's producer from Hollywood.

The world now may know that the producer of the Lux Radio theatre here is Harry Death. He used to be a speller at 2 GB, Sydney.

★
TO COVER
GREAT BRITAIN
You MUST Use
★ RADIO
NORMANDY
Full Particulars of Air Time and Talent from
INTERNATIONAL
BROADCASTING COMPANY
LIMITED
37 Portland Place
London, W.1.

MADE PROGRESS
Radio Station Representatives
NEW YORK • CHICAGO • BOSTON • SAN FRANCISCO
Radio Station Representatives
IN BALTIMORE
ITS
NATIONAL REPRESENTATIVES
EDWARD PETER & CO.
OWN THE NBC RED NETWORK

Watrous 50 Kw. Starting; W. S. Paley Joins Salute

Winnipeg, July 25.

Canadian Broadcasting Corp. launches its new 50,000 watt tower at Watrous, Sask., next Saturday night. The new station is being built on the site of the old station, which was destroyed by fire. The new station is being built on the site of the old station, which was destroyed by fire. The new station is being built on the site of the old station, which was destroyed by fire.

Stated for speech-making on the inaugural ball are Leonard W. Brown, chairman of the station, who will speak from London, England, where he and the general manager, Clarence Murray, are visiting. Also to speak will be William S. Paley, president of Columbia; Hon. D. H. Howe, federal minister of Transport, and the premiers of the three western provinces, Bracken for Manitoba, Patterson for Saskatchewan and Aberhart for Alberta.

New station has been given letters of call by CBC explaining the 'K' as standing for Kelsey, first white man to speak the prairies and Governor of the Hudson's Bay post. Station will sound off at 8 p. m., CST., with inaugural, in one form or another going until 10:30 CST.

Station will act principally as a relay point for CBC feeds, with local programs being confined to announcements and platters, there being no studios of any size at Watrous and no announcers available. Sir Hildebrand termed most ideal by American and Canadian engineers. Special direction antenna has been installed so as not to interfere with KFYR. By mark, as CBK is on 540 kc., the American on 550 kc.

CJRC's Baseball

Winnipeg, July 25.

For the first time in several years listeners are to hear baseball broadcasts. Station CJRC in this city is exercising its contract agreement with local ball officials by broadcasting pickup of Northern League games. Has had agreement for several years, but failed to make use of it, explanation being that games weren't worth bothering with from a broadcast sense.

Rusty Young takes the mike for the play-by-play descriptions.

Mexican Radio City?

Mexico City, July 25.

Nebulous project here may result in half a dozen radio stations in the national capital merging their studio facilities to create a centralized set-up to become a sort of Radio City in a New York.

More clarification due by August.

James' Long Vacash

William G. James, Federal controller for the American Broadcasting Commission, is visiting New York until mid-August. There goes on to England and later to Russia.

His taking one of those generous downer leaves of absence—12 months. Due back in Sydney in January.

Slater Has Part of CJRC

Winnipeg, July 25.

Station CJRC, Winnipeg, will change Canadian sales reps effective after Sept. 1. Currently being represented in Canada by the Joseph Hersey McGillivray office of New York this station will move over to the Jack Slater (Dominion Broadcasting Co.) office on that date.

It will continue to be represented in the U.S. by the McGillivray offices in New York, Chicago, and San Francisco.

In Australia

Henry Mallison to play 'Arrow-smith' for Lux Radio Theatre.

Jack Davey, formerly announced on Macquarie Theatre, has now formed own advertising and production agency.

Prize given locally for recitation and programs put out by WGBX located at Treasure Island, San Francisco.

Constance Worth (Joy Howarth) will be the featured actress for a commercial following her return from Hollywood on vacation visit.

Kraft Walker (Cesce) sponsoring half-hour show scheduled for Sabbath evenings commencing this month over Macquarie network. Phillip Mygatt, in charge of radio end of Thompson, setting talent layout to include Bert Howells' Band and Dorothy Foster from last year's Sholl Show returns to Australia.

Wrigleys, another U. S. firm using radio here, has 'Dad and Dave' in time weekly on 15 minutes' blocks. Kelloggs is using 'Howling W.'s.

Petitioners recently stated that applicants seeking positions with Australian Broadcasting Commission should be given an examination. Say that nobody should be appointed simply because of social standing.

George Robey, Stanley Holloway and Mills Brown, already booked by Frank Neil for Tivoli chain, expected to do some airings during show seasons in Australia.

QUE, Sydney, by arrangement with Greater Union Theatres, has several special broadcasts of Peter Dawson, British baritone.

Jan Rubini has had his contract extended by Independent. OI. Broadcast goes out from Regent, Sydney, Sundays at 9:30 p. m. by arrangement with Hoyts.

Since E. J. Tall moved back as chairman, Williamson-Tall, formerly Australian Broadcasting, New Zealand Theatre, fewer legit players now permitted to do broadcasts for commercials.

Marjorie Lawrence set a deal with Australian Broadcasting Commission for permission to air a certain number of concerts in Melbourne and Sydney. Singer has just returned to her native land after clicking in U. S.

FRENCH SHORWAVE SYSTEM LAUNCHED

Paris, July 18.

Accepting the challenge of totalitarian countries with their multi-lingual radio broadcasts, France has inaugurated a new radio service in six languages. Although not comparing with the 19-language broadcasts of the Italian stations, programs are now radiocast in the principal languages. They are English, German, Italian, Spanish, Serbo-Croat, Arab, in addition to French. The programs are broadcast nightly between 8:30 and 9:45 and between 10:45 and 11:00 p. m.

Each language group broadcast simultaneously over two or more stations, making it difficult for non-friendly nations to jam the programs by emitting interference waves. German, Italian and Spanish programs are sent simultaneously over five stations.

The broadcasts are—English: Lille, Paris 37, Radio Cite and Radio Normandie. German: Paris PTT, Bordeaux PTT, Radio Strasbourg, Bordeaux-Lafayette, Limoges, Bordeaux-Sud-Ouest and Radio Agen. Italian: Eiffel Tower, Nice PTT, Grenoble, Lyons PTT, Marseille. Serbo-Croat: Lyon PTT, Radio Lyons. Arab: Paris-Mondial and Marseille PTT.

Each language group broadcast simultaneously over two or more stations, making it difficult for non-friendly nations to jam the programs by emitting interference waves. German, Italian and Spanish programs are sent simultaneously over five stations.

CKAC Man Leads Trailer Show Into Far Country

Montreal, July 25.

Jean Lalonde, of station CKAC, is taking a variety show into the wilds of Quebec in trailers.

Will hit the north coast as far as the Lake St. John district.

Linna agency has renewed its Sunday time for Cookin' Cooking Fat on Radio Normandy for a further year.

Missouri Congressman Would Have FCC Legally Prevented From Ruling Program Content of Shortwave

Washington, July 25.

Law prohibiting restrictions as to the nature of programs sent by international stations may be passed against the FCC if the regulation stipulating short-wave plants must promote international goodwill and reflect culture is not changed. Measure giving DX-ers the protection they begged at recent hearings is now before the House Interstate Commerce Committee.

Although it is possible the Commission will modify the objectionable requirement, Rep. John Cochran, Missouri Democrat, desires to leave such an important rule in the hands of Congress. Hence his bill providing that Rule 42.03 shall not apply after the date of the passage of this act and no penalty shall be imposed or privilege denied on account of any violation of such regulations regardless of when incurred.

Besides seeking to insure short-wave against any ex post facto censorship, Cochran seeks to put a stop on any similar regulations in the future. Under his proposal, the Commission could not issue any rule which had the effect of limiting broadcasts to certain subjects or reflect the culture of the United States, nor promote international goodwill, understanding, or cooperation.

Decision on keeping or modifying the attacked policy is not expected for several weeks. As soon as the hearing wound up last week, the matter was the matter will drag along until fall. Most of the members need a vacation spots and the important will be tackled, according to present plans, until after Labor Day.

British Radio Sets On View with Yaude Show A La Hollywood Bowl

London, July 18.

Reproduction in miniature of the Hollywood Bowl is to be a feature of this year's big Radiolympia show, which will be held at the A.S.N. Annual event is thrown at Olympia, and is radio's biggest exposition offering entertainment as well as a complete one-over of the new models.

Jack Swinburne, who will be the variety producer, has devised an auditorium of 3,000 seats, served by a huge revolving stand 90 ft. in dimensions, and in make-up it will follow the lines of the Bowl. Design was partly influenced by the fact many of the programs will not only be picked up by British Broadcasting Corp. for radio transmissions but also for telecasting, and that, supposedly for the first time in its history, shows will be planned for simultaneous presentation to a paying audience and to home listeners and viewers well. Expo will go from Aug. 23 to Sept. 2.

BOMBAY, INDIA, CITES BETTER FISCAL TREND

Bombay, July 1.

Fiscal report for the period of January-March, inclusive, reveals a better trend in the financial position. This is partly due to the organization of the All-India Radio in cooperation with the Postal Department and campaign against piracy of sets and non-payment of fees. Customs collection of ₹17,17,000 (about \$1,717,000) and license fees ₹7,00,000 for the quarter (rough translation into American dollars) which is much better than the first quarter of 1938.

News broadcasts are now being centralized in India coming from the capital, Delhi, and being fed to regional stations. British stations the contents of the new programs with increasing care.

New Zealand government has refused to consider allowing control of radio to slip away from its grasp. Overtures had been made previously for indie handling certain stations, but order was quickly tabled.

Although some industry observers claim that the proposed rule is one-sided that the Commission will stand pat or make only the smallest concessions. Looks as if the vote of the alternative rule suggested by the NAB—that the international operators will be required to renew an international service with a log—will be turned down by a 2-1 vote, either 5 to 1 or 4 to 1. Some possibility that in the public interest, convenience, and necessity will be substituted for the culture, goodwill requirements, but even such a compromise looks remote and is tempting to force international plans to render a unique type of service, but some limitations are to be expected that DX-ers will not be satisfied to serve merely as echoes for transmitters covering U.S. audiences.

First
IN
CANADA'S
RICHEST
MARKET

The majority of people in Greater Montreal—English and French—tune regularly to CFRC for their entertainment. It has become a 20 year habit. Your broadcast advertising will reach a different market of over 1,000,000 people. CFRC can build sales for you.

Owned and Operated by
CANADIAN MARCONI
COMPANY
Representatives:
CANADA U.S.A.
All Canada Radio Facilities, West & Canada
SHEATH ANTENNA

CFRC
dominates a
BI-LINGUAL
AUDIENCE
of over
1,000,000

Network Plugs, 8 A.M. to 1 A.M.

(29) when they open an indefinite engagement at New Penn, Pittsburgh roadhouse. Henry Blauth closes

RAVING RECORDS

More Suits for Royalty Checkups Due Against American Record Co.

Indications were given last week that the American Record Co. will soon be subjected to a supplementary barrage of suits for back royalty payments. At the request of numerous publishers Harry Fox, agent and division of the mechanical rights division of the Music Publishers Protective Association, sent out forms, which when signed by the pubs, will give him authority to file actions for the recovery of monies due on allegedly falsified statements made by the phonograph record manufacturing company before it was taken over by the Columbia Broadcasting Co.

Suits, based on an audit by the MPPA of the ARC's books, have already been filed by the Max yester group of publishing firms. Later actions claim damages of \$150,000. Other pubs, after examining the audit reports, have asked Fox to sue in their behalf. Hence last week's mailing out of the required forms of authorization.

All the Beer They Can Drink Plus Jive for 50c, Jitterbug Joint Pined

Philadelphia, July 25. A jitterbug joint, United Citizens of America, which served kids who'd be there they could drink for 50c, was raided Saturday (22) night. Of 50 boys and girls in the place, 21 were arrested. They were all released, while operator Carl G. Steffenson, two employees were jailed.

Aside from the angle of selling beer to minors, the spot was entirely unlicensed, state agents said. It had no license to collect for the city and took 50c "donated" by each patron at the door. "Donors" got their beer free.

Fantastic scheme by the U. C. A. to rehabilitate Philly's youth by being bigger and better jitterbug and beer sessions was revealed as a result of the raid. Program of Steffenson and his aides, police said, was to rent a large mid-city ballroom for the parties. Negotiations were already in progress for one spot.

U. C. A. head, who operates a garage, had also asked city council to provide new quarters for him on the ground he is promoting the well-known. He hoped, it was learned, to obtain exclusive use of Philly's 22,000-capacity Conventions hall for his Saturday night shindigs and was prepared to ask the city's officers for free acts.

United Citizens is an outgrowth of the Sissies Club, founded by Steffenson in the present headquarters, and a mobile storage room. It sold only soft drink. Steffenson has recently been soliciting funds from large corporations for his "youth work."

Gray Gordon's Stunt

Gray Gordon is instituting a 'story behind the song' idea in a tune band pickup from the Westchester Country Club, New York. It's going to give the inside info on a tune when it was written, etc. Listeners will be asked to request particular histories.

On some cases the writer of song itself will do a short p.a. on the program.

Larry Schlums' Promotion Larry Schlums has been appointed manager of the district office in New York City, which is directly operated by the American Society of Composers, Authors and Publishers. Schlums had been with the road crew headed by Dick Lyons for two years.

Vic Young's 'Travels'

Hollywood, July 25. Victor Young, Pop composer and conductor, has been signed to score and conduct 'Gulliver's Travels.' Max Fleischer's full-length cartoon which will distribute. Young leaves in three weeks for Fleischer's Miami studio.

BBC'S BAND GAG PASSES OUT QUICKLY

London, July 18. British Broadcasting Corp. attempt to gag the bandleaders by handing out weekly lists of 'must' songs titles did within a few short weeks, and has been thrown into the discard. Plan was to stiffen excessive plugging, which is anathema to an organization like the BBC which hates any thought of anybody getting free publicity on the air, and it was hoped to get cooperation from the music trade without any coercion.

Principal band leaders didn't see it that way, though, and evened out the list. Plan was to stiffen excessive plugging, which is anathema to an organization like the BBC which hates any thought of anybody getting free publicity on the air, and it was hoped to get cooperation from the music trade without any coercion.

RED NORVO AGAIN REORGANIZING BAND

Red Norvo orchestra broke up a second time, year after bowing out of Murray's, Tuckahoe, N. Y., Saturday night (22). Band was replaced at the spot by Van Alexander's orchestra. Music Corporation of America, which handles Norvo, says the leader will reorganize and be ready for one-night dates within the next couple weeks. New outfit will be average in size—12 or 13 men.

Second bust is based on the same reason as the initialer, band had such a heavy payroll, could not make any money. It's reported to have cost Norvo \$250 weekly to stay at Murray's because of the many wives he got.

Leibel Decision Will Affect Future Royalty Payments on Coin Machines

Gray Gordon's Stunt

Music publishing industry in New York feels that the decision handed down by Federal Judge Leibel in the case of RCA vs. Victor, Inc., signed by Paul Whitman and WNEW, N. Y., last week has greatly strengthened its own campaign to collect its own royalties on phonograph records used in coin-operated machines. With the court holding that both the manufacturer and the interpreting artist have a property right in the recorded work, the publishers are of the opinion that an important loophole has been plugged and that the manufacturers no longer have any claim against the manufacturer's demand for such special royalty. In the past when the pub has been unable to get the manufacturer to yield to the payment of a special royalty on coin-machine discs the judge has not been able to do anything of the kind.

POPULAR PUBS NOT PLEASED

As ASCAP Widens Its Radio Checks Toward an Eventual 100,000 Program Audits Annually, the Standard Catalogs Derive Most Benefits

1938 CONTRAST

Popular publisher-members of the American Society of Composers, Authors and Publishers are beginning to wonder whether they as a class aren't taking it on the chin in the matter of royalty shares as the organization increases the scope of its quarterly checks on air performances. Many of these pop pubs feel that the only group benefiting from such checking expansion are the standard publishers with their massive catalogs of special in public domains.

ASCAP's bookkeeping department has geared itself to examine eventually 25,000 radio programs per quarter, or a total of 100,000 programs a year. The check for the current quarter ending Sept. 30 covers around 23,000 programs and it is figured that the projected quota will be reached by the end of this year.

Inverse Ratio As the number of air performances in the royalty catalogs increase the value per point in the quarterly payoff naturally decreases. Popular pubs who had expected the widening checking with their massive catalogs of special in public domains. ASCAP's bookkeeping department has geared itself to examine eventually 25,000 radio programs per quarter, or a total of 100,000 programs a year. The check for the current quarter ending Sept. 30 covers around 23,000 programs and it is figured that the projected quota will be reached by the end of this year.

Following is a comparison of how publishers fared on payoff values for two quarters.

2ND QUARTER 1938
Amount distributed to publishers: \$16,600.

Number of programs analyzed: 14,728.
Per performance point credit: 17c.
Per availability point credit: \$1.6c.
Per seniority point credit: 16c.

1ST QUARTER 1939
Amount distributed to publishers: \$23,261.

Number of programs analyzed: 20,769.
Per performance point credit: 11.3c.
Per availability point credit: \$1.7c.
Per seniority point credit: 16c.

The pubs believe that this contrast in the offering Judge Leibel's finding has granted it in the instance of broadcasting and all that is necessary to make the same control apply to the other side of the coin—coin machines is a test suit on the issue.

'Distinctive' As the pubs see it, the recognition of property rights which the manufacturer has in the recorded work has won can be of little avail to them unless the copyright owner gets the same right under the special arrangements. The pubs contend that what gives an artist distinction when it comes to interpretation in his special arrangement of the work. Since under the copyright law the right to make special arrangements is held exclusively by the copyright owner, the artist's distinctive interpretation cannot prevail nor is worth anything if he is prevented

Criminal and Civil Actions Beset John Santangelo of Derby, Conn., Wholesaler of Bootleg Songsheets

Swing a Misdemeanor

Washburn, Wis. July 25. Mayor Hans J. Thompson has prohibited anyone from singing, whistling, humming or playing swing music during the city's homecoming celebration, Aug. 4-6.

Object is to throw emphasis back upon the dances of yesterday—reels, square dances and waltzes.

CITY TAXON COIN MACHINE ATTACKED

Montreal, July 25.

New test of legality of taxation on automatic music machines this fall is foreboded in statement of prominent Hull attorney that he would take recent judgment of Hull Courts to appeal in the Superior Court. Judge Bedard of Hull (Quebec) last week ruled that music machines can be taxed by the city on the same basis as peanut and chewing gum vending machines and issued summonses for 25 shopkeepers who have automatic music machines on their premises.

The Recorder gave a dictionary definition for the music machines, which listed them as "automatic distributors." He added that since music is a commodity, in the sense that it satisfies a need, it can be sold by the machine supplying this commodity can be called "automatic vendors."

Lands' Music Co.

Branching out from their radio activities, Lands' Trio, in association with Eddie Lambert, have formed Artists Music Corp., Carl, composed of brothers Jack, Carl, and Dan, who were network broadcasters for years, have been rather inactive of late with exception of some recording.

Lambert, resigned from San Francisco to join the new firm. He's also interested in Time Broadband, local transcription company.

Arthur Lane writing the musical score. The Life of Victor Herbert at Paramount.

The WBO Broadcasting Co. and Clin, Inc., are also joined in violating RCA's rights in records manufactured by the latter, and in records for broadcasting purposes unless sanctioned by RCA. The latter is suing WBO for making radio use of such records and from competing unfairly with White when it comes to interpretation in his special arrangement of the work. Since under the copyright law the right to make special arrangements is held exclusively by the copyright owner, the artist's distinctive interpretation cannot prevail nor is worth anything if he is prevented

John Santangelo, who is rated in publishing circles as the country's largest wholesale distributor of bootleg songsheets, faces arraignment today (Wednesday) in the Newark, N. J. federal court. He has already been freed in \$5,000 bail by the federal district court in New Haven, Conn.

Aside from the criminal charges, Santangelo is enmeshed in civil suits filed against him in Hartford, Conn., by such firms as Chappell & Co., Harms, Inc., and Remick Music Corp. As a result of these suits eight of Santangelo's bank accounts have been attached. Also his home in Derby.

He alleged to have operated three bootleg songsheet printing plants in New Jersey, another in Sullivan County, N. Y., and a third in Connecticut. Arthur Hoffman, who conducted the investigation for the publishers which led to Santangelo's arrests, estimates that these plants turned out 250,000 32-page songbooks a month.

Also Nats Philips Fletcher

Montreal, July 25.

A kingdom of the unauthorized songsheet industry faces an indictment by a Federal grand jury here in August, U. S. District Attorney Edward Kallik said last week. Morcan Society who has been arrested and sentenced to prison previously on similar charges, was nabbed this time by Federal agents for Federal Alcohol Tax Unit stopped and searched a car in South Philly for illegal RCA cables. The agents, they found 100 bootleg songsheets. Through the driver of the car the agents traced the sheets to a small South Jersey printing plant and through the printer they located Fischer. Kallik said he would seek the indictments next month on charges of violating the copyright laws. Four other persons whom Kallik said were 'small fry' will also be indicted at that time.

International Meet Of Performance Groups Looms for Bucharest

International Federation of Performing Rights advised the American Society of Composers, Authors and Publishers that various members of the group were anxious to hold a congress last week in Bucharest, Rumania. It was suggested that RCA, if it wanted to know how ASCAP 46, about fixing a date in Bucharest, Rumania, to hold a congress of the group, such meeting would be okay.

In the event a convention is called ASCAP will elect its Paris rep, Hugo Bryk, to do the representing. The federation last spring dropped RCA, through direct or indirect use of the group, when the outlook in Europe's affairs became ominous.

M.P.P.A. Adds 3 Pubs

Three firms were elected to membership in the Music Publishers Protective Association last week in New York. They were Melrose Music Co., Leeds Music, Inc., and Melody Lane, Inc., of Hollywood (Abie Frank).

Harry Dutch in New York.

Lyn Hunt, conductor of a recorded juke program on a Batavia, Dutch East Indies, radio station is in New York for a six-month sojourn to gather a library of 2,000 recordings to take back with him. As well as m.c'ing the platter program again in the Netherlands, the Club and editor of its magazine, He's also attending law school there.

Ralph Frier and Burton Lane wrote 'I Never Thought I'd Fall in Love' and 'I'm a Rebel in Republic's Flight at Midnight.'

Night Club Reviews

INT'L CASINO, N. Y.

Milton Berle, Honey Family (6), Lillian Carmel, Herman Hyde (2), Thelma Lee, Paul Renner (5), Flash & Sunda, Allen Roth's orch. (16), Ranny Kewes, chine (18), Shouster (8), male chorus (12), stepped off by George Lane; dances, Teddy Adolph, Al White; songs, Al Hoffman, Al Goodhart, Menny Kurtz, Lionel Rand and Jan Grant.

Milton Berle, replacing Harry Richman, is evidently giving the luxurious International Casino a.b.o. as well as an entertainment ying. Friday nights are usually nothing special during the summer, but at this catching (21) it appeared as though plenty every table in the spot was filled by the most appreciative of showgirls every seen and heard this side of an opening night. It was a personal triumph for Berle and a cash register smash for the Alex Finn management.

Berle co-starred with Richman at the reopening of this spot last May. Then Richman took the place of headliner and the results were not altogether happy. Now Richman is out and Berle is back—and apparently so are the customers.

As for the rest of the show, the body of the opening revue has been retained, with only a few replacements among the specialty acts. For instance, the Honey Family (6) of acrobats have been replaced by The Jansleys; Lillian Carmel, singer, is in Virginia Verrill's spot, while Herman Hyde, aided by Thelma Lee, is evidently substituting his comedy for such personalities as Bill Brady and George Tappan. In toto, it's a wholly satisfying layout; dressed up very well by the George Lane production numbers, a good-looking line, a swell array of showgirls and fine costuming.

All three new acts are okay, the Honey, Miss Carmel and Hyde-Lee each clicking with the customers. Miss Carmel, however, makes the mistake of sticking to old time

when the injection of a new song would mean so much more. The Honey's are a mixed sextet of acrobats, fairly young, nice-looking and employing some sock catches and a few simple songs. Hyde-Lee combo depends mainly on sight comedy via his breakaway bass viol, etc. They're Hyde standards.

But Berle is practically the entire show, but apparently didn't seem to wear out his welcome and had to be replaced by a new act. The material is a mixture of the old with the new, perfectly handled and timed, and never letting down. He's an old hand at pacing a show and that's taken for granted by now, but his whims in several individual spots in the show comprise a corking display of showmanship.

The revue's production routines are the same, including the Caribbean Rhapsody flash with the Flash and Sunda vocalists which closes the first half. Dances pair heat it up considerably, but they're not as hot as a similar act at the Cotton Club, who hit Broadway first. The American Swan, Chaperone finale, also remains and it's still plenty cozy.

Allen Roth plays the show and shares some of the dance chores with the male chorus. The show is good. Weeks also doing nicely with a singing bit early in the revue. **CHO**

EMPIRE ROOM, CHI.
(PALMER HOUSE)

Chicago, July 21. Joe Reichman orch. T. Opi. Four Gordons, Bob Rips, Oxford Boys (2), Staples & Cherry, Abbott Girls, Phil Dooley orch.

Not much of a show for the Empire Room currently, with a couple of standard vaude turns embedded in a generally lethargic production. Show is quiet and without pace, lacking any real reason for entertainment. Difficulty appears to be in the arrangement of the acts, with apparently good turns failing to stir up a continuity of interest.

Best entertainment item on the bill is Joe Reichman personally, a singer and pianist. He has a lesson in audience handling and the triumph of mind over matter. Not a handsome fellow, and as jittery as a cat on a hot stove. Reichman nevertheless makes the customers neatly and makes 'em love it. When leading the orchestra to dancing, he is all over the place, jumping up from the piano to kibitz with the dancers, anking over the various sections of the band, jumping back to the keyboard to plink out the piano motif and generally keeping in action. It's great technique that must win him a lot for Reichman and influence customers for the Palmer House.

Band itself loses out some sweet music as it fits in niftily with the class atmosphere of this discreet room. Selections are wisely chosen and are delivered in an easy and smooth manner.

Headlining on the floor is an Indian baritone labelled T. Opi and he sings 'Pale Moon' dressed in a Meriel Abbott conception of aborigine

costume. He is backed by the Abbott line, always a pleasure to watch because they can dance and they look young and clean, with bright, fresh costumes. In this show, however, leave someone else to be desired.

Also in the Indian series is the Gordons' foursome with their 'Adagio' act. Girl-tossing is still in vogue, though naturally curtailed due to the restrictions of the floor. Berle is a one-handed catch by one of the three ladies.

There's more singing on the show from a mixed twosome billed as Staples & Cherry, youngish couple, with quiet and pleasant delivery. A stellar for the show. Bob Rips score the click of the show with their impressions of bands. Using only a guitar for rhythm, and their mouths and hands for the rest, these three ladies come together with popular entertainment. Work smartly and combine good material with clever salesmanship and excellent appearance.

Bob Rips is standard with his juggling, doing best with his balancing of a ball on his head and mouth.

Clean-cut appearance has always been an asset for Rips. The Phil Dooley group and it has become a valuable item in this room. Using only a guitar for rhythm, and their mouths and hands for the rest, these three ladies come together with popular entertainment. Work smartly and combine good material with clever salesmanship and excellent appearance.

GLASS HAT, N. Y.
(BELMONT-PLAZA HOTEL)

Ernie Holst orch., 4 Squires, Rose Perfect, Martin Wilkins, Jimmy Shields.

This is a pretty tired aggregation of acts, not up to the hotel standard. The Glass Hat of the Belmont-Plaza is a good room, air-conditioned and well situated, but how it's been hounded, winter or summer. Seems there's not a policy, also no personnel or elan to the room. It lacks the king of Hill's management such as obtains at the New Yorker, with its ice shows, name bands, etc.

Here it's a case of budgetitis seemingly. It's a necessity, of course, considering the geography of the room, half of which is a huge bar, the other half the eatery. Waiters are colored and they have been doubling as the Belmont Balladeers, doing standard darky harmonies; at this catching they just did their watering.

Ernie Holst, the regular El Morocco (N.Y.) maestro, is okay for the hootology, but it ends there. Acts are apparently bought on a quantity bargain basis. Jimmy Shields, a well-known radio band leader, is all over the place, jumping up from the piano to kibitz with the dancers, anking over the various sections of the band, jumping back to the keyboard to plink out the piano motif and generally keeping in action. It's great technique that must win him a lot for Reichman and influence customers for the Palmer House.

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NEW ACTS

LYNN, VANTA AND ROYCE
Comedy Adagio
A Minor
Strand, N. Y.

Two men in tails and blonde in a flowing creation of chiffon have perfected a tight, fast, sensational and worldwide-playable turn. First they prove their case as serious acrobats. Their lifts, tumbles and catches are good enough to put them over straight. Then for the final minutes the turn imperceptibly drifts into the kind of comedy which is extremely funny and all of it done with an air of class and ease that means the act could be booked even into high-class nightclubs and hotels.

Girl antics and high Parisian coiffure and an ultra department. The men wear white gloves. The best of the hokey touches is that it remains restrained and is not overdone. Whole routine bespeaks great weeks of rehearsing.

THREE RHYTHM KINGS
Dancing
Paramount, N. Y.

So-so male combo played only the number (19) at this Times Square showcase with Bob Hope and Woody Herman's band, but they were placed thereafter by Lane and Ward. Trio aren't bad on the mechanics of hoofing, but their routines are merely the usual, without any distinguishing touches to set them off. Offered two numbers when caught. Both were about the same tempo and both consisted of various steps done slowly and gradually speeded up to lead well the standard form of dance.

Act is passable enough for average niterary engagements and filler vaudeville turns, but isn't ready for class places on the pit rostrum.

Prime reason for the Par cancellation was the fact they required a fuller area to work in, too confined on the pit rostrum.

NAN RAE AND CO. (2)
Dancing
Simplex and Dancing
12 Min.; One
Chicago, Cal.

Hokum comedy turn by a couple of fellows that is surefire, in practically every theatre, and for the family trade probably a howl.

Femme inquiring reporter asks for femme from audience to come up for interview, with the plant coming to stage as middle-class housewife. Questions get low down funny answers, with the questioner running into a spiel about her 10 children and her husband. Perfect for the family mob, with cracks about the dame's sink, etc.

Miss Rae goes into a tune at the finale, using 'Alexander's Ragtime Band' for the music, with the partner repeating it in a comedy delivery in a sort of double-talk, pig-Latin that garters laughs and then winds up with a comedy dance that includes a little split that reveals pink bloomers.

Gold.

GLORIA BLAKE
Songs
10 Min.
Fox, Philadelphia

A Seventeen-year-old femme has recently been undergoing a heavy billy campaign as a new 'singing find' and, from a vocal standpoint at least, is certainly that. She is touted as possibly 'another Deanna Durbin'. On that angle the answer is again yes, but only vocally. Fact is, as far as pipes go Miss Blake can deal a few spades. Her voice is in the high, open register, excellent for the semi-classics on theatre dates. Clicks strong with 'Tzigane' and 'Ciri Biri Bim' here. She has an excellent range, nice, clear tone and shows great ease in giving out. Salesmanship, however, will have to be considerably developed if Miss Blake aspires to attaining more popularity than a diva. She's at present just a 17-year-old girl with a voice and a great innocence of the wiles of the stage. However, the audience here seems willing to accept her as that and she gets plenty of jolts music. She could well add an additional tune to the three she now does and take her encores with out any loss of popularity. Her voice is okay so much for that.

Quite on looks, but more could be done with clothes and hair's Herb.

Ray Eldridge, whose band's at the Arcadia Ballroom, N. Y., got a National String Club trophy Saturday night (22) for his trumpeting.

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SECOND RETURN ENGAGEMENT
RADIO CITY MUSIC HALL, NEW YORK
(Weeks July 13th and 20th)

NORMA GALLO

July 21, Toledo City Opera Co., Toledo, as "Azzur" in "Desert Song."
July 21, St. Louis Municipal Opera Co., as "Kathleen" in "Song of the Flame."

ALDEGARE

Third Return Engagement

FRIDAY, JULY 28

Savoy Plaza Hotel

Per. Mgr.—ANNA SOSENKO
Ex. Rep.—JACK BERTELL

Recognized by all as the Leading
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SIDNEY H. PIERMONT
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LITTLE EVA, L. A.

Los Angeles, July 19.
Nan Blackstone, Ditty (Snapper) Rogers, Buddy Ruge Trio, Carol Parsons, Peggy Page, Betty Delage, Dick Haymes orch. (7).

This spot has had more tenants than a circus lot. It also has a couple of very good ones. The first was Negge and Ted Mitchell, a brace of

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NEW YORK
Here's a hot weather tip from
ADEN
EXPERIENCED TROPIC TRAVELERS keep comfortable with tall, iced glasses of Johnnie Walker and Soda. Try it as a summer drink. There's no finer whiskey than Scotch, and Johnnie Walker is Scotch at its smooth, mellow best.
It's Sensible to Stick with
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BLENDED SCOTCH WHISKY
CANADA DRY GINGER ALE, INC., NEW YORK, N. Y., SOLE IMPORTERS
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Red Label 8 years old
Black Label 12 years old
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'Mikado' to Close N. Y. Fair Date Though Equity Grants Some Cuts

Noise of closing has been pooled for 'Mikado' at the Hall of Music, N. Y. World's Fair, management declaring that it gives some relief by Equity in the matter of salary requirements it is useless to continue the show. Principal part appears to be over the minimum pay to the chorists, who have been getting \$15 weekly, scale calling for \$46 plus time and one-half for Sundays.

Figures on the grosses and operating net were furnished Equity's Fair committee, with the request that should the scale be modified that it be made retroactive. When a special council meeting last week did not consider the Equity application, the show management assumed that it was ignored, although the session was held weekly, and the American Federation of Actors situation.

Yesterday (Tues.) Equity made a partial concession, allowing a seven day pay for \$50 to the chorus, provided they receive back pay and contracts which were withheld are filed with the association. According to Parade also got a grant and may play seven days with additional one-sixth pay, instead of for the half for Sunday, provided there be not more than four shows daily and the company remain in the city.

Committee seemed inclined to question some of the figures concerning the colored chorus. Gilbert and Sullivan show, but Michael Todd and Marty Fornik, who are operating 'Mikado', claim that the statement tendered is correct and if there be any mistake it is on the Equity side. Know that some of the councilors favor the management because of the difference in pay drawn in comparison with other Fair shows, especially the Aquadace.

\$80,000 in Red

Last week 'Mikado' grossed around \$17,000, which is claimed to be little better than an even show. Originally the gross figured to break even was around \$15,000, but it was explained that was because management contends that there would be little chance to earn back a material portion of the show's red, placed around \$80,000, even if a concession be granted for the Fair. It is required that road books, which in the fall might be successful. First stage shows at the Fair is told was the Shakespearean ballet at Merrie England, which concession, in total, is said to be \$100,000 in the operating red. Withdrawal of the show was hardly chargeable to Equity, but it required a double tap for admission— at the concession and theatre entrances, in addition to the ticket to enter the Fair. Globe theatre there sometimes had but three and four people out front for the Bard's stuff. It now has a unil show, made up of doubles for film stars. Latter day now recently returned from England.

Beth Kinsey Tent

Rep Folds; Biz NG

Wooster, O., July 25.

The Beth Kinsey Kennedy Ko, tent repertory show, folded definitively at Greenville, O., as result of an attachment against the show by J. H. Snedeker, who was engaged at the start of the season here in May to present his dramatic troupe as a unit at a fixed figure. Company had been playing to poor business in recent weeks.

Since the Snedeker unit left the show, Frank Miller, manager, and Beth Kinsey had in the direction of the players themselves. Local officials permitted the members of the company to give a one-night performance on Sunday night getting the troupe a few dollars to get out of town.

Hearing on the attachment suit is scheduled to be heard at Greenville. Miller has made no announcement as to future plan for the 40-year-old repertory company. For the past year has confined its itinerary to the same Ohio towns.

Nitery Acts for 'Follies'

Hollywood, July 25.

Cully Richards, m.c., and Joe Plotz, comic, at Slapsy Maxie's nitery, go east to appear in the Shuberts 'Follies of 1939'.

Eddie Jackson and Al Stone replace.

No. 2 Tent Co.

Lincoln, July 25.

Chick Boyes Players, ten-dramatics, will spawn another troupe here Aug. 1, while the company, located in suburban West Lincoln, will take to the picnic-circuit, which will run well into November.

For a short time, with his tour, it appeared the stand alone would be short and one company would be sufficient for all assignments.

Name Cast Ups

'Bride' B. in

St. L. Opening

St. Louis, July 25.

With an excellent cast of warblers being presented in a single piece recently, Friedrich Smetana's comic opera, 'The Bartered Bride,' which attracted 70,000 to seven performances here two years ago, returned to the Municipal Theatre, Assn. A. P. Franco playhouse in Fox Street, for one week last night (Monday). Ideal weather, plus heavy bally and upping of advertising bucks, led to the opening-night gross of approximately \$3,000.

Three Mel Opera warblers, Muriel Dickson, Myron Taylor and George Rasely, the first two making season hours in malice, have been heavily. Rasely was a particular click in the role of the Slutting Vasekha, a part he played in 1937 with much acclaim. Annamary Dickey, recent winner of a Met contract in national-wide competition, returned to click in the organization where she got her start several years ago. Eugene Lowenthal, who scored last year in several pieces here, repeated as Kecal, the marriage broker.

Others who went over in supporting roles are Joseph Jones, Jane Rogers, Arthur Kent, Dorothy Johnson, Frederick Person and Al Downing.

New routines cooked up for chorus by Ballet Master Theodor Adolphus won plenty of main floor. Three former Ballet Russes principals, Valya Valentinoff, Nina Stroganova and Vladimir Dukoudsky appeared in solo to click.

Although one performance of 'Fire-Bird' was washed off the boards, the latter ended a seven-night engagement Sunday (23) with a take of approximately \$40,000, excellent, the best during outdoor season for a one-week stand.

Three attendance records were broken on consecutive nights. Last presentation drew 10,000, an all-time high here for a single performance, many customers bolted away by cops after temporary benches were filled, and standing and squaring room on the stage. The side of the amphitheatre were peddled at 50c a head.

Future Plays

'Cinderella Street,' dramatization of the novel based upon New York's contemporary East Side by Chavel Faver, will appear at the Municipal theatre of the Artel players. Shredded by the Mercury, New York, Artel's new home.

'Way Do You Lie, Cherief,' European musical success with book and lyrics by Hans Kruger, and Siegfried Fisch and Leonard K. Meyer, due to unveil at the Adelphi Theatre, New York, the new American-European Artel Players. The producers, who have composed of leading professionals from the German, Austrian and Czech theatre.

'The Farm of Three Echoes,' a drama with a South African setting by Noel Langley, in which Ethel Barrymore will appear as the eccentric, will be produced next fall by Victor Paganne-Intendents. Following its premier at the Mercury theatre, Princeton, N. J., Oct. 21, a mass of five weeks will include several cities where it will appear on the Theatre Guild's subscription list.

Walton Butterfield, film and radio writer, has completed a new play, 'Circus Rapture.' Samuel French is handling his previous one-sister, 'Broadway Yoke!.'

Joan D'Arcy has completed 'Crawling Dug,' drama about filth healing, with a French locale. Anne Nichols has written 'Abbie vs. Rosie,' a sequel to 'Abbie's Irish Rose.'

Peg Piles, daughter of Augustus Pitus, of the United Booking Office, has collaborated with Don MacArthur on a comedy, 'Any Minute Now.'

Ruth McKenney (Bauntin) and Lella Rose have written 'My Sister Ellen,' from Miss McKenney's book of the same name.

Rosset Laverty's 'The First Legend' has been translated into the French by Jean Silvain.

Phil Dunne and Charles Sherman have collaborated on a new one, 'A Thousand Times No.'

Katharine Roberts has completed 'Women Are the Strangest Things.'

Albert Coates, the noted symphony conductor, has written the score for 'Gainsborough,' with a libretto by C. Reginald Grundy.

John W. Russell, Jr., co-operator of the Country playhouse, Westport, Conn., and son of the Theatre Guild's general manager, has written 'Hangman Gives the Garlands.'

John Sittler has completed a play, 'My Lady and I.'

Frank Tuttle, who did a bit of writing before becoming a film director, has completed 'Merry Ha Ha.'

Richard Matheson has finished 'Mistaken R.' Joe Laurie, Jr., is working on an adaptation of his 'Lety' column from 'The New Yorker' magazine. It was previously mentioned as a collaboration with Kenyon Nicholson. John Golden is interested in it and when.

Principal Strawhat Bills

'Andrus Newman' (new) 'Jessie Royce Landis, Fay Wray'—Lakewood theatre, Skowhegan, Me.

'Can't Eat Goldfish' (new) (Ruth Chatterton)—Theatre-by-the-Sea, Mass.

'It Shouldn't Happen to a Dog' (new)—Long Beach (L. I.) theatre.

'Not for Children' (new)—Stony Creek (Conn.) theatre.

'Ghost Town' (new)—Bass Rocks theatre, Gloucester, Mass.

'Ducks and Drakes' (new)—Coach House theatre, Oconomowoc, Wis.

'We'll Take the Highroad' (new)—Barter theatre, Abington, Va. (opens July 27).

'Whitecaps' (Ethel Barrymore)—Sparta theatre, Saratoga Springs, N. Y.

'College Widow' (Sally Ellis)—Mohawk drama festival, Schenectady, N. Y.

'Lyle Christopher Bean' (June Walker)—Ridgeway theatre, White Plains, N. Y.

'May Fever' (Alicia Skowhorne)—Plymouth playhouse, Milford, Conn.

'Easy Virtue' (Jane Cowie)—Country playhouse, Westport, Conn.

'Brief Moment' (Madge Evans)—Theatre, New York, N. Y.

'Seventh Heaven' (Charles Farrell)—Maplewood (N. J.) theatre.

'Tonight or Never' (Helen Gahan)—Spring Lake (N. J.) playhouse.

'Barleque' (Clifton Webb, Libby Holman)—South Shore players, Cohasset, Mass.

'Springtime for Henry' (Edward Everett Horton)—Cape playhouse, Dennis, Mass.

'The Circle' (Florence Reed)—Berkshire playhouse, Stockbridge, Mass.

'The Swan' (Elissa Landi)—Deerettes theatre, Harrison, Me.

'Brief Moment' (Madge Evans)—Theatre, New York, N. Y.

'They Knew What They Wanted' (Richard Bennett)—Bucks County playhouse, New Hope, Pa.

'Spring Meeting' (Gladys Cooper, Philip Merivale)—Newport (R. I.) casino.

'Petitot Fever' (Dennis King)—Oleyn (M. A.) playhouse.

'Singing and Gossip' (new)—Theatre, New York, N. Y.

'Elizabeth Sleeps Out' (Sally O'Neill)—Green Gables playhouse, Drums, Pa.

NEXT WEEK

'Karabash' (new)—Kennecottplay (Me.) playhouse (opens Aug. 1).

'The Boy Tree' (new)—Red Barn theatre, Locust Valley, L. I.

'Lady Baltimore' (new)—Barter theatre, Abington, Va. (opens Aug. 1).

'Charlotte C' (new) (Eugene Levontovitch)—Mohawk drama festival, Schenectady, N. Y. (opens Aug. 1).

'Weaver Child' (new)—Coach House theatre, Oconomowoc, Wis. (opens Aug. 1).

'Seventh Heaven' (Charles Farrell)—Brighton theatre, Brighton Beach, N. Y. (opens Aug. 1).

'Whitecaps' (Ethel Barrymore)—Chapel playhouse, Great Neck, L. I.

'Ghosts' (Nazimova)—Westchester playhouse, Mt. Kisco, N. Y.

'Springtime for Henry' (Edward Everett Horton)—Sparta theatre, Saratoga Springs, N. Y. (opens Aug. 1).

'Tonight or Never' (Kitty Carlisle)—Ridgeway theatre, White Plains, N. Y.

'Spring Meeting' (Gladys Cooper, Philip Merivale)—Players theatre, Ridgefield, Conn.

'Gentlemen Prefer Blondes' (Marion Waring)—New England playhouse, Ridgefield, Conn.

'Susan and God' (Viola Henning)—South Shore players, Cohasset, Mass.

'Our Town' (Thornton Wilder, Marjorie Scott)—Cape playhouse, Dennis, Mass.

'The Petrified Forest' (John Baul)—Berkshire playhouse, Stockbridge, Mass.

'The Circle' (Grace George)—Theatre (M. E.) playhouse.

'Tovarich' (Elissa Landi)—Theatre-by-the-Sea, Matamoras, R. I.

'The Green Goddess' (Sally O'Neill)—Green Gables playhouse, Drums, Pa.

Conn. Barns on 40-Mile Front All Battling for Summer B. and All OK

New Haven, July 25.

Southern Connecticut is now denuded of barns, with five of them operating on a 40-mile battlefront extending from Milford to Storrs. In this quintette, starting tepidly, with exception of Milford Green in 'Wise Child,' which broke its record's early season record, but has now swung into happier grosses and outlook for a generally successful season all around is fairly rosy.

Clinton Players theatre had fair weeks with Douglas Montgomery in 'High Tor,' followed by 'Mice and Men.' Spot hit a slump with musical 'Invited to Tell of 'Gentle People,' then stood 'em up with Madge Evans in 'Biography' and Ezra Stone in 'What a Little Current.' 'Primrose Path' is getting a heavy play.

Milford had a pitiful opening week with 'You Can't Take It With You,' but has since picked up with 'The Night of the Living Dead' and 'The Night of the Living Dead' last week.

Stony Creek got off to fair weeks with Douglas Montgomery in 'High Tor,' followed by 'Mice and Men.' Spot hit a slump with musical 'Invited to Tell of 'Gentle People,' then stood 'em up with Madge Evans in 'Biography' and Ezra Stone in 'What a Little Current.'

Guildford's Chapel Playhouse premed with a good week of 'Stage Struck' and 'The Nervous Wreck' and came back strong with 'Elissa Landi in 'Tovarich.' Biggest week in three seasons.

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see me now - you don't. Clinton's proposed musical 'you don't' of 'Count Your Blessings' which has been shelved. Spot has pencilled another embryo tagged 'Three in a Row' for the Clinton Players. Bringing in Zasu Pitts and Sam Jaffe, both in new plays, and is currently touring out Ellen Schwaninger in 'Not for Children.' Guildford switched Esther Ralston from 'Let the Music Run,' a new one to a revival of 'Trial of Mary Dugan,' spot is mulling a return date of Charles Farrell in a break in late August.

Winter Plans

Cambridge, Mass., July 25. Straw Hat Theatre, playing revival at Brattle Hall, has been clicking with 40c. top, and management is now stables wintering in a new location, beginning Sept. 15. Although tryouts have been declared for the Harvard, help pay for the winter spell. Robert Warfield will say on as director, and John C. Hansen, pa. for the Straw Hat, will assume title of executive director here.

Incidentally, John Mason Brown, here for his annual summer teaching at the Harvard, help pay for the winter spell. Robert Warfield will say on as director, and John C. Hansen, pa. for the Straw Hat, will assume title of executive director here.

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(Continued on page 80)

London Agents Spurring Protest Despite European 'Situation': 'Mice' OK \$66,000, 'Corn' N.G. 3/2G

London, July 18. There is no lack of activity today. Legit is in a limping state. Big surprise is how quite a few of them manage to make some money. Biggest hindrance is still the European situation, with one on a million people of both sexes hooked up in some form of military duties, with a similar number for the rest of the world in some form of frontier entertainment, confining itself to the radio, which, unfortunately, clash with theatre hours. Same situation is also responsible for keeping out of England more than a half million European and American visitors.

But with all the depression, it is surprising how the show must go on, with most producers reading themselves for the worst. Peculiar thing about next fall's line-up seems to be that a good many ventures are being made by agents. The biggest is Henry Sherck, who, while not forsaking the 1916 bit, is going in for extensive show producing. Seemingly the success of 'Idiot's Delight' has whetted his appetite, while the pro's have been told the Brudey has been sold.

There's line-up comprises 'No Time for Comedy', 'The Philadelphia Story', with Katharine Hepburn, Clifford Odette, 'Rocket to the Moon', 'The Good Forest', and 'The American actor Robert Morley. For all these ventures Sherck is forming a production company, 'The American Theatre', with Charles Jullien, former vaudeville manager, to run, and to return to show business as a director of a corporation, with Tom Arnold another director.

O'Brien, Linnet & Dunfee, an Albany concern of London, are also busy in with 'Spotted Deek', 'The Ten Travers', 'The American Drayton and Robertson Hare'; also a new play, 'Saloon Bar', for Gordon Harker and Brighton Rock, which they'll do in conjunction with Gillette and Henry Miller. Another one in 'White Steed', starring Wendy Hillier, which is being sold.

Posterior agency is also venturing in. Held with the production of 'The Daniels and Ben Lyon'; while Charles Tucker and Montague Lyons also have there. Another one in 'White Steed', which is to star Naughton Wayne, and will open in the circuit prior to its West End showing.

Jack Buchanan still has two musicals on the way. 'The American and Archie Mestral', a musical version of 'J. Wedekind's 'Lulu' series and 'Divorce of Christabel'.

Walter Hackett, who hasn't managed this year, could be in for one by him, and will star his wife, Patricia Lorne, as a musical which likely to be in association with Jack Buchanan.

'The Tenent' has three, the most important being 'Daphne Du Maurier's best seller, 'Rebecca', in which John Gielgud will be starred. But prior to that Gielgud will appear in the revival of 'The Importance of Being Earnest'. 'Les Parents Terribles', the French comedy, completes the trio. Lee Ephraim has 'Spring Moon', a musical which will bring back Bobby Hooch, although his co-star, Leslie Simon, is a dud. 'The Importance of Being Earnest' is the last of the best importance are Noel Coward's 'The Importance of Being Earnest', which goes to the theatre, and 'The Importance of Being Earnest', which is headed by the author-actor. Another important event is 'Jupiter Brown', A. J. C. Brown's play, which Alec Rice is sponsoring. 'The Importance of Being Earnest' may be enacted in the circuit this year.

There is a 'Shadow and Substance', which Cedric Hardwicke is bringing from America, and in which he will play his own role. Also 'The Importance of Being Earnest', which was never been done in the circuit, and Leslie Henson in a farce—no musical show, which is being produced when he returns from his tour in September. 'The Importance of Being Earnest' is the last of the best importance are Noel Coward's 'The Importance of Being Earnest', which goes to the theatre, and 'The Importance of Being Earnest', which is headed by the author-actor. Another important event is 'Jupiter Brown', A. J. C. Brown's play, which Alec Rice is sponsoring. 'The Importance of Being Earnest' may be enacted in the circuit this year.

After the Dance, St. James' (4th week). Never got well and not likely to duplicate Terence Rattigan's previous effort, 'The Importance of Being Earnest'. Is attracting fair white shirt audience, but top-shellers not interested. Averaging 1,000. Without figures being breaking even. Will be a loss for a while, but may attract to two-for-one spot.

'The Crows', Wyndham's (2d week). Got mixed intake, which is reacting on, intake. Last week barely broke \$5,000. At good time, but just getting by. Not likely to succeed.

with approaching holiday season.

'Black and Blue', Hippodrome (15th week). Dropped 100,000, but still showing good returns, even at that stage still viable.

'Band Wagon', Palladium (2d week). In for indefinite run, to be pulled if grosses fall below \$10,000. Bettered \$20,000 in its first week, but is plenty gray for sponsor Jack Hytton, who is in an guarantee and percentage. Good for two weeks, to be followed.

'Corn Is Green', Duchess (40th week). Has made plenty of money for author-actor Evelyn Williams, and is still cashing in even at \$4,000, but is getting a little better.

'Dear Octopus', Queen's (41st week). Another one of the money makers, although dropped, is still \$4,000 to \$6,500 on departure of John Gielgud from the theatre, and is making good and good for some time, as getting out figure is not far above \$5,000.

'Design for Living', Savoy (23rd week). Under Coward show ever stopped to cut-rate, with customers dropping in more, at \$6,000, than it grossed at full prices during its Haymarket run.

'The Little White Bear', Little Theatre (10th week). Author has made reputation with this type of entertainment, although dropped, is still making good.

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Bomb-Proof

— Mexico City, July 18. Novelty, in the form of ultra-modern, trend-of-the-times theatre, is the opening in Jalapa, Jalisco, of 'Yera Cruz', a play of Mexico's only suburban play theatre, 'The Cine Victoria'. It's 30 feet below street level and is advertised as being 'safe and sound.'

Noel Coward Woes Scribes in London: Once His Pet Peeve

London, July 17. Noel Coward has eased up on his antagonism to newspapermen, the book of his life, he explained his prejudice against the journalists, saying they were anything but encouraging in the time he started his career.

Last week Coward actually assembled the press boys and made a 'personal appearance' in order to tell them he intends to present himself as a new play, 'The Phoenix Theatre, Oct. 16. Prior to that he will take them or a provincial tour, opening in Birmingham Sept. 18. The plays will be presented at the Phoenix on alternate nights, 'Sweet Sorrows' and 'The Phoenix Theatre. One is a comedy titled 'Sweet Sorrows', and the other a drama called 'The Phoenix Theatre.'

Asked by one of the press men about his change of attitude toward the scribes, he said it was the result of their kind assistance to him with his charitable work in connection with the Actors' Orphanage, of which he is president.

ICE SHOW FROM S. A. HAS B. O. IN AUSSIE

Melbourne, July 5. Tom Arnold's Switzerland Ice Show looks like doing a season of good business in Australia. The Majesty's, at the Casino, Phil Taylor, Eddie Marcell, Elsie Heathcote, McClintock, Diana Grafton, Rita Brannan, Russell & Marconi, Hal Scott and Reimund Grubbs, moved in from South Africa and opened at \$15.00 top.

It is to be noted that the title, Australian-New Zealand Theatres, has now been removed from all advertising covering legit attractions. The show which has switched back to Williamson-Tait's management, with E. J. Tait as chairman of directors. 'The World's Greatest W-F. Show' is playing short repeat runs in the W-F. Show will later hit the road.

Current London Plays (With Dates When Opened)

'Me and My Girl', Victoria Palace (2d week).

'Dear Octopus', Queen's—Sept. 14.

'The Corn Is Green', Duchess—Sept. 20.

'Under Your Hat', Palace—Nov. 24.

'Design for Living', Savoy—Jan. 29.

'Tony Draws a Horse', Comedy—Jan. 29.

'Black and Blue', Hippodrome—Mar. 29.

'Gale Revue', Ambassadors—Mar. 29.

'The Man in Half Moon Street', New—March 29.

'The Women', Lyric (10th week).

'The Gentle People', Strand (1st week).

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Vaudeville's Svenska Haven, They Go For Acrobatic Acts and U.S. Jazz

'Devil' Debuts Mildly

London, July 25. Dorothy Sayers' 'Devil to Pay', originally produced at Canterbury Festival, is now appearing in a sermon in its debut at His Majesty's Thursday night (8.15). It is positively replete.

Commercially, it might have a short run due to its novelty.

GERMANY, ITALY STILL IN TROUBLE FESTIVAL

Paris, July 18. Fifteen nations have already announced their intention of participating in the International Cinema Festival at Venice, Sept. 1, according to George Prade, director-general of the Festival.

The nations participating will be the United States, Great Britain, Belgium, Holland, Spain, Poland, Czechoslovakia, Roumania, Egypt, Russia, Norway and Sweden, and two South American countries, Argentina and Brazil. Invitations sent to Italy and Germany have not yet been answered.

The festival was to be considered an 'instrument of war' against Italian tourism, and the Venice Biennial in August. He added that in view of the fact that the United States and Great Britain had announced that they would not go to Venice this year, that it would have been stupid to let such a high class by and perhaps let some one else profit by the strained relations between the Italian and American theatres. We lost the chance to profit on Salzburg. We didn't want it to occur a second time.

The main dramatic theme here is so little used in comparison to earlier times. The variety, the turn-of-the-century hall—at least it will house performances by some of the gymnasts, and the circus, and the outcasts of Stockholm has only about 100 trained trapezists from the circus, and the gymnasts frequently they have to take a number from acting schools, or let the acrobats, and the circus, and the gymnasts, take a very large percentage—work themselves upward through the exercises.

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LONDON COUNCIL MIXES HOTEL'S FILM LICENSE

London, July 25. Savoy Hotel's request for a permit to play films was nixed by London Council Licensing committee. There is no appeal to any higher authority, so except for occasional licenses which LCC inordinance might allow for special occasions, the hotel is locked.

Great play was made of the fact that granting a license would be a precedent which would entitle other hotels, taverns and nightclubs to horn in on film exhibition, which would have hurt theatres, particularly the many in the central business district, and the Council licensing committee. Arthur Moss, of Associated British, who played the opposing side, established that previous newswire shows Savoy had been presented under conditions far short of those imposed by the LCC on the regular theatres.

E. J. Tait Resumes As Chairman of ANZI

Sydney, July 25. E. J. Tait has resumed as chairman of the board of Australian and New Zealand Theatres, Ltd. S. J. Crick and George Deane have resigned and Frank Tait has taken over the reins. A firm will open 'Under Your Hat', London success, Aug. 12 in Melbourne. The Sydney, E. J. Tait, Canadian, will have the Jack Hulbert part; Marjorie Gordon will do the main language role, and Paul Holland, Eileen Murphy and Paul Vernon will also be in the cast.

For Marking Time. Hollywood, July 25. Paramount is planning to send men from Mexico and South America to Europe investing any more money in Spanish language pictures. 'Tio Guizar, singing star, has been dropped from the Par contract list, and a similar report is being given to Latin-American pictures he made.

Rattvik, Sweden, July 15. The answer to the query, 'Where did all the old vaudevillians go?' is 'Sweden'. They are, in fact, actually the same as in the U. S.—high prices of tickets and competition from the screen TV, and the first drawback some of the houses have instituted certain days each week when students and others can get tickets at low prices for good seats. The revival seems to have resulted from the fact that the vaudeville theatre, which as you know is very much a thing of the past, is the cinema, which is still going strong. The vaudeville theatre, which as you know is very much a thing of the past, is the cinema, which is still going strong.

The regular theatre here has hit a slump the past few years, though during the season just over there seemed signs of a revival. The reasons for the slump are many, but the same as in the U. S.—high prices of tickets and competition from the screen TV, and the first drawback some of the houses have instituted certain days each week when students and others can get tickets at low prices for good seats. The revival seems to have resulted from the fact that the vaudeville theatre, which as you know is very much a thing of the past, is the cinema, which is still going strong. The vaudeville theatre, which as you know is very much a thing of the past, is the cinema, which is still going strong.

One result of this is that the number of legit acts have dwindled, and the variety, the turn-of-the-century hall—at least it will house performances by some of the gymnasts, and the circus, and the outcasts of Stockholm has only about 100 trained trapezists from the circus, and the gymnasts frequently they have to take a number from acting schools, or let the acrobats, and the circus, and the gymnasts, take a very large percentage—work themselves upward through the exercises.

The main dramatic theme here is so little used in comparison to earlier times. The variety, the turn-of-the-century hall—at least it will house performances by some of the gymnasts, and the circus, and the outcasts of Stockholm has only about 100 trained trapezists from the circus, and the gymnasts frequently they have to take a number from acting schools, or let the acrobats, and the circus, and the gymnasts, take a very large percentage—work themselves upward through the exercises.

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"Over The Rainbow"

"Still The Bluebird
Sings"

"An Apple For The
Teacher"

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